



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council
From: Jerry Haddix, City Administrator
Date: April 2, 2024
Subject: 2024 Ohio Basic Code Ordinance

Annually, the City adopts the Ohio Basic Code. Attached is an ordinance adopting the Ohio Basic Code as the code of ordinances for the City, as well as a summary of the contents. We can provide additional information if you have any questions on this.

Let me know if you have any questions or need additional information.

ORDINANCE NO. 2024-09

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2024 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF the City of South Lebanon, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

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 LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF the City of South Lebanon, OHIO:

- Section 1.** American Legal Publishing's Ohio Basic Code, 2024 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2024 Edition.
- Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2024 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality 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, 2024 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, 2024 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 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.
 - (11) Any legislation specifically superseding the provision of the Ohio Basic Code.

Section 4. 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 Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

Section 5. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

Date
Passed: _____

Attest:

Mayor Linda S. Burke

Approved as to form:
ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

Clerk of the Legislative Authority
Petrina D. Williams, Director of Finance

By: _____
Date: _____

Exhibit A

the City of South Lebanon OHIO BASIC CODE, 2024 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 4th day of April, 2024, there was enacted by the Legislative Authority of the Municipality of the City of South Lebanon, Ohio, an ordinance entitled “An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2024 Edition, as the Code of Ordinances for the Municipality of the City of South Lebanon, 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.

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

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>
31.001	Executive power; where vested

Mayor

- 31.015 Term of Mayor; power and duties
- 31.016 General duties of the Mayor
- 31.017 Communications to the Legislative Authority
- 31.018 Protest against excess of expenditures
- 31.019 Supervision of conduct of officers
- 31.020 Annual report to the Legislative Authority
- 31.021 Mayor to file charges against delinquent officers
- 31.022 Vacancies in office of Mayor
- 31.023 Disposition of fines and other monies

Clerk

- 31.040 Election, term, qualifications of the Clerk
- 31.041 Powers and duties of Clerk
- 31.042 Books and accounts; merger of offices
- 31.043 Seal of Clerk
- 31.044 Combined offices of Clerk and Treasurer; Fiscal Officer

Treasurer

- 31.060 Election, term, qualifications of the Treasurer
- 31.061 Accounts of Treasurer
- 31.062 Powers and duties
- 31.063 Quarterly account; annual report
- 31.064 Receipt and disbursement of funds
- 31.065 Duty of delivering money and property
- 31.066 Liability for loss of public funds

Street Commissioner

- 31.080 Qualifications
- 31.081 General duties
- 31.082 Assistants

Other Officials

- 31.100 Legal counsel
- 31.101 Administrator
- 31.102 Board of Trustees of Public Affairs
- 31.103 Fire Engineer, Engineer and Superintendent of Markets

Chapter 32: Legislative Authority

Section

General Provisions

- 32.001 Members of the Legislative Authority; election; terms of office
- 32.002 President Pro Tempore; employees
- 32.003 Vacancy when President Pro Tempore becomes Mayor
- 32.004 Qualifications of members of the Legislative Authority
- 32.005 Compensation and bonds of municipal officers and employees
- 32.006 Vacancy
- 32.007 Judge of election and qualification of members; quorum and special meetings
- 32.008 Rules; journal; expulsion of members
- 32.009 Meetings
- 32.010 General powers
- 32.011 Failure to take oath or give bond
- 32.012 Notice when new bond required
- 32.013 Care, supervision and management of public institutions

Contracts, Bids and Proceedings

- 32.025 Contracts by the Legislative Authority or Administrator

- 32.026 Bids and proceedings
- 32.027 Alterations or modifications of contract
- 32.028 Contract restrictions
- 32.029 Award to lowest responsive and the City of South Lebanon responsible bidder

Ordinances and Resolutions

- 32.040 Ordinances and resolutions as evidence
- 32.041 Passage procedure
- 32.042 Style of ordinances
- 32.043 Subject and amendment of ordinances and resolutions
- 32.044 Authentication and recording of ordinances and resolutions
- 32.045 Publication of ordinances and resolutions; proof of publication and circulation
- 32.046 Notice for proposed amendments to the municipal Charter
- 32.047 Times of publication required
- 32.048 Publication and certification of ordinances in book form
- 32.049 Adoption of technical ordinances and codes
- 32.050 Certificate of Clerk as to publication
- 32.051 Effect of not making publication
- 32.052 Ordinances providing for appropriations or street improvements; emergency ordinances

Initiative and Referendum

- 32.070 Initiative petitions
- 32.071 Referendum petitions
- 32.072 More than one ordinance required; application of subchapter
- 32.073 Presentation of petitions
- 32.074 Copy of proposed ordinance or measure to be filed with Clerk
- 32.075 Words to be printed in red
- 32.076 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.077 Itemized statement by petition circulator
- 32.078 Prohibited practices relative to petitions
- 32.079 Accepting premiums for signing
- 32.080 Threats in securing signatures
- 32.081 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
- 33.28 Release of prisoner committed for contempt
- 33.29 Judgment final
- 33.30 Alternative remedy

Chapter 34: Police Department

Section

- 34.01 Marshal and Police Chief synonymous
- 34.02 Appointment of Marshal
- 34.03 Deputy marshals and police officers
- 34.04 Auxiliary police units
- 34.05 Offenses affecting employment of law enforcement officers; probationary period; final appointment
- 34.06 Removal proceedings; suspension; appeals
- 34.07 General powers
- 34.08 Powers and duties of Marshal
- 34.09 Disposition of fines and penalties
- 34.10 Property recovered by police
- 34.11 Disposition to claimant
- 34.12 Sale of unclaimed property; disposition of proceeds
- 34.13 Expenses of storage and sale; notice
- 34.14 Contracts for police protection; nonresident service without contract
- 34.15 Peace officer administering oaths; acknowledging complaints, summonses, affidavits and returns of court orders

Chapter 35: Fire Department

Section

General Provisions

- 35.01 Municipal fire regulations; fire department
- 35.02 Fire Chief; Fire Prevention Officer; employment of firefighters; criminal records check for firefighters
- 35.03 Schooling of officers and firefighters of fire department
- 35.04 Legislative Authority may purchase engines and equipment
- 35.05 Buildings for department
- 35.06 Records
- 35.07 Maximum consecutive hours for firefighters on duty
- 35.08 Investigation of cause of fire
- 35.09 Right to examine buildings, premises, and vehicles
- 35.10 Burning buildings for firefighting instruction or research
- 35.11 Impersonating fire safety inspector
- 35.12 Standards for equipment
- 35.13 Persons entitled to be known as firefighters
- 35.14 Firefighting and emergency services agreements
- 35.15 Regulation of construction in fire limits

Volunteer Firefighters' Dependents Fund Board

- 35.30 Definitions
- 35.31 Establishment
- 35.32 Membership; vacancies
- 35.33 Election and term of members
- 35.34 Organization; rules and regulations; roster
- 35.35 Compensation and expenses of Board; legal advisor

Chapter 36: Civil Actions Against the Municipality

Section

- 36.01 Definitions
- 36.02 Nonliability of municipality; exceptions
- 36.03 Defenses and immunities
- 36.04 Limitation of actions
- 36.05 Damages
- 36.06 Satisfaction of judgments
- 36.07 Defending and indemnifying employees
- 36.08 Liability insurance
- 36.09 Certain actions unaffected
- 36.10 Certain charges against municipal officers filed with Probate Judge; proceedings

TITLE V: PUBLIC WORKS

[Reserved]

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
- 70.12 Removal of vehicles after accidents

Traffic-Control Devices

- 70.30 Obeying traffic-control devices
- 70.31 Signal lights
- 70.32 Signals over reversible lanes
- 70.33 Ambiguous or non-working traffic signals
- 70.34 Pedestrian-control signals
- 70.35 Unauthorized signs and signals prohibited
- 70.36 Alteration, defacement, or removal prohibited
- 70.37 Unauthorized possession or sale of devices
- 70.38 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

- 71.20 Prohibited acts
- 71.21 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license
- 71.22 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.23 Employment of a minor to operate a taxicab prohibited
- 71.24 Restriction against owner lending vehicle for use of another
- 71.25 Suspension of driver's licenses; license suspended by court of record
- 71.26 Display of license
- 71.27 Prohibition against false statements
- 71.28 Driving under suspension or in violation of license restriction
- 71.29 Operating motor vehicle or motorcycle without valid license
- 71.30 Driving under OVI suspension

- 71.31 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension
- 71.32 Failure to reinstate license

Commercial Driver's Licenses

- 71.45 Definitions
- 71.46 Use of actual gross weight in lieu of rating
- 71.47 Prohibited acts
- 71.48 Prerequisites to operation of commercial motor vehicle
- 71.49 Physical qualification to operate commercial motor vehicles
- 71.50 Criminal offenses
- 71.51 Application of federal regulations
- 71.52 Employment of drivers of commercial vehicles

- 71.99 Penalty

Chapter 72: Traffic Rules

Section

General Provisions

- 72.001 Lanes of travel upon roadways
- 72.002 Driving through safety zone
- 72.003 Vehicles traveling in opposite directions
- 72.004 Rules governing overtaking and passing of vehicles
- 72.005 Permission to overtake and pass on the right
- 72.006 Driving to left of center line
- 72.007 Prohibition against driving upon left side of roadway
- 72.008 Hazardous zones
- 72.009 One-way highways and rotary traffic islands
- 72.010 Rules for driving in marked lanes
- 72.011 Space between moving vehicles
- 72.012 Divided roadways
- 72.013 Rules for turns at intersections
- 72.014 U-turns and turning in roadway prohibited
- 72.015 Starting and backing vehicles
- 72.016 Turn and stop signals
- 72.017 Hand and arm signals

Right-of-Way

- 72.030 Right-of-way at intersections
- 72.031 Right-of-way when turning left
- 72.032 Right-of-way at through highways; stop signs; yield signs
- 72.033 Stop at sidewalk area; stop signs on private roads and driveways
- 72.034 Right-of-way on public highway
- 72.035 Pedestrian on sidewalk has right-of-way
- 72.036 Right-of-way of public safety vehicles
- 72.037 Funeral procession has right-of-way
- 72.038 Pedestrians yield right-of-way to public safety vehicle
- 72.039 Pedestrian on crosswalk has right-of-way
- 72.040 Right-of-way yielded to blind person
- 72.041 Right-of-way yielded by pedestrian

Pedestrians

- 72.055 Pedestrian movement in crosswalks
- 72.056 Pedestrian walking along highway
- 72.057 Prohibition against soliciting rides; riding on outside of vehicle
- 72.058 Pedestrian on bridge or railroad crossing
- 72.059 Persons operating motorized wheelchairs
- 72.060 Intoxicated or drugged pedestrian hazard on highway
- 72.061 Operation of electric personal assistive mobility devices
- 72.062 Operation of personal delivery device on sidewalks and crosswalks
- 72.063 Low-speed micromobility devices

Grade Crossings

- 72.075 Stop signs at grade crossings
- 72.076 Driving vehicle across railroad grade crossing
- 72.077 Vehicles required to stop at grade crossings
- 72.078 Slow-moving vehicles or equipment crossing railroad tracks

School Buses

- 72.090 Regulations concerning school buses
- 72.091 Violation of regulations; report; investigation; citation; warning
- 72.092 Restrictions on the operation of school buses
- 72.093 School bus inspection
- 72.094 School bus not used for school purposes
- 72.095 Licensing by Department of Public Safety
- 72.096 Registration and identification of school buses
- 72.097 School bus marking
- 72.098 Flashing light signal lamps
- 72.099 Occupant restraining device for operator

Prohibitions

- 72.115 Obstruction and interference affecting view and control of driver
- 72.116 Occupying travel trailer, fifth wheel vehicle, or manufactured or mobile home while in motion
- 72.117 Driving upon closed highway prohibited
- 72.118 Driving upon sidewalk area or paths exclusively for bicycles
- 72.119 Obstructing passage of other vehicles
- 72.120 Following an emergency or public vehicle prohibited; approaching stationary public safety vehicle and certain other vehicles with caution
- 72.121 Driving over unprotected fire hose
- 72.122 Placing injurious material on highway or depositing litter from motor vehicle
- 72.123 Transporting child not in child-restraint system prohibited
- 72.124 Occupant restraining devices
- 72.125 Use of engine brakes prohibited
- 72.126 Operating motor vehicle while wearing earphones or earplugs
- 72.127 Chauffeured limousines and livery services
- 72.128 Operating traction engine upon improved highway
- 72.129 Cracking exhaust noises; peeling out
- 72.130 Shortcutting across private property
- 72.131 Texting while driving prohibited
- 72.132 Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited

Chapter 73: Motor Vehicle Crimes

Section

General Provisions

- 73.01 Driving under the influence of alcohol or drugs
- 73.02 Implied consent
- 73.03 Physical control of vehicle while under the influence
- 73.04 Driving commercial vehicle with impaired alertness or ability; use of drugs
- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control
- 73.08 Immobilizing or disabling device violation
- 73.09 Street racing defined; prohibited on public highways
- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Speed regulations on bridges
- 73.14 Presenting false name or information to officer
- 73.15 Prohibition against resisting officer
- 73.16 Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles

Stopping After Accident

- 73.30 Failure to stop after accident
- 73.31 Stopping after accident on other than public roads or highways
- 73.32 Accident involving damage to realty
- 73.33 Failure to report accident

Chapter 74: Equipment and Loads

Section

Equipment

- 74.01 Unsafe vehicles, prohibition against operation
- 74.02 Bumpers on motor vehicles
- 74.03 Lighted lights required
- 74.04 Headlights
- 74.05 Tail lights and illumination of rear license plate
- 74.06 Red reflectors required
- 74.07 Safety lighting of commercial vehicles
- 74.08 Stoplight regulations
- 74.09 Obscured lights on vehicles
- 74.10 Red light or flag required
- 74.11 Lights on parked vehicles
- 74.12 Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles
- 74.13 Spotlight and auxiliary driving lights
- 74.14 Cowl, fender, and back-up lights
- 74.15 Two lights displayed
- 74.16 Headlights required
- 74.17 Lights of less intensity
- 74.18 Number of lights permitted; red and flashing lights
- 74.19 Standards for lights on snow removal equipment and oversize vehicles
- 74.20 Flashing lights permitted for certain types of vehicles
- 74.21 Lights and sign on transportation for preschool children
- 74.22 Focus and aim of headlights
- 74.23 Brake equipment; specifications
- 74.24 Brake fluid
- 74.25 Minimum standards for brakes and components
- 74.26 Horns, sirens, and warning devices
- 74.27 Mufflers; excessive smoke or gas
- 74.28 Rearview mirrors
- 74.29 Windshields and wipers
- 74.30 Solid tire requirements
- 74.31 Requirements for safety glass in motor vehicles; use of tinted glass or reflectorized material
- 74.32 Directional signals
- 74.33 Installation and sale of seat safety belts required; definition
- 74.34 Requirements for extra signal equipment
- 74.35 Display of warning devices on disabled vehicles
- 74.36 Requirements for vehicles transporting explosives
- 74.37 Studded tires; seasonal use permitted
- 74.38 Safety inspection decals for buses
- 74.39 Air bags

Loads

- 74.50 Permit required to exceed load limits
- 74.51 Limitation of load extension on left side of vehicle
- 74.52 All loads shall be properly secured
- 74.53 Towing requirements; exception to size and weight restrictions
- 74.54 Weighing of vehicle; removal of excess load
- 74.55 Operation of vehicle exceeding weight limits prohibited
- 74.56 Load limits
- 74.57 Maximum width, height, and length
- 74.58 Statement of gross vehicle weight
- 74.59 Wheel protectors required on heavy commercial vehicles

- 74.60 Liability for damages; prosecution; application of monies
- 74.61 Weight exceptions for certain 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 Electric bicycles
- 75.04 Rules for bicycles, motorcycles, and snowmobiles
- 75.05 Prohibition against attaching bicycles and sleds to vehicles
- 75.06 Riding bicycles; motorcycles abreast
- 75.07 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 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; nuisance, dangerous or vicious dogs; hearings
- 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 Dogs may be killed for certain acts

Offenses Relating to Animals

- 90.20 Abandoning animals
- 90.21 Injuring animals
- 90.22 Poisoning animals

- 90.23 Cruelty to animals; cruelty to companion animals
- 90.24 Animal fights
- 90.25 Trapshooting
- 90.26 Loud dog
- 90.27 Dog tags
- 90.28 Nuisance, dangerous and vicious dog defined; transfer of ownership certificate; form stating dog's prior behavior
- 90.29 Failure to register dog or dog kennel
- 90.30 Hindering the capture of unregistered dog
- 90.31 Unlawful tag
- 90.32 Assistance dogs with blind, deaf, or hearing impaired person, or person with a mobility impairment, or trainer
- 90.33 Retail sale and transportation of dogs
- 90.34 Coloring rabbits or baby poultry; regulation of sale and display
- 90.35 Jacklighting prohibited
- 90.36 Restrictions on dog ownership for certain convicted felons
- 90.37 Sexual conduct with an animal

- 90.99 Penalty

Chapter 91: Fireworks, Explosives, Fire Prevention

Section

Fireworks and Explosives

- 91.01 Definitions
- 91.02 Possession, sale, and use of fireworks
- 91.03 Permit to use fireworks
- 91.04 Manufacturing or wholesale sale without a license; prohibitions
- 91.05 Purchasers to comply with law; unauthorized purchases
- 91.06 Exhibition without a license; prohibitions
- 91.07 Unauthorized transportation or shipping
- 91.08 Application of subchapter
- 91.09 Arrest of offender; seizure and forfeiture of fireworks; distribution of fines
- 91.10 Safety requirements for fireworks showroom structures
- 91.11 Storage of explosives
- 91.12 Blasting permit

Fire Prevention

- 91.30 Removal of flammable materials or obstructions
- 91.31 Protective appliances
- 91.32 Compliance with order
- 91.33 Waste receptacles
- 91.34 Hotel to have fire warning device producing visible signal
- 91.35 Fire suppression systems
- 91.36 Violations of State Fire Code prohibited
- 91.37 Posting arson notices in hotels, motels and other places
- 91.38 Negligent burning
- 91.39 Spreading alarm of unfriendly fire
- 91.40 Unvented heaters

Open Burning

- 91.55 Definitions
- 91.56 Relations to other prohibitions
- 91.57 Open burning in restricted areas
- 91.58 Permission and notice to open burn

- 91.99 Penalty

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

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

Weeds and Litter on Private Property

- 93.40 Keeping down weeds
- 93.41 Notice to owner to cut noxious weeds, remove litter; service
- 93.42 Fees for service and return
- 93.43 Procedure when owner fails to comply with notice
- 93.44 Written return to County Auditor; amount as a lien upon property

Unclean Habitations

- 93.60 Permitting unclean habitations

- 93.61 When habitations are deemed unsanitary
- 93.62 Order for abatement or vacation of premises
- 93.63 Enforcement of vacation order by Fire Chief or Police Chief
- 93.64 Enforcement through court proceedings

- 93.99 Penalty

Chapter 94: Streets and Sidewalks

Section

General Provisions

- 94.01 Conditions precedent to improving streets
- 94.02 Opening permit required
- 94.03 Application and cash deposit
- 94.04 Restoration of pavement
- 94.05 Barriers around excavations
- 94.06 Warning lights
- 94.07 Sidewalk construction by the municipality
- 94.08 Unloading on street or sidewalk
- 94.09 Street or sidewalk obstruction
- 94.10 Materials on street or sidewalk
- 94.11 Duty to keep sidewalks in repair and clean of ice and snow
- 94.12 Ramped curbing for persons with disabilities
- 94.13 Flagpole along right-of-way
- 94.14 Altering or injuring marker or monument

Construction and Repair

- 94.25 Construction and repair may be required
- 94.26 Resolution of necessity
- 94.27 Notice to construct or repair
- 94.28 Assessments of costs against owner
- 94.29 Proceedings may include different owners
- 94.30 Making and levying assessments

Changes in Streets

- 94.40 Change of name, vacating or narrowing streets by petition
- 94.41 Change of name, vacating or narrowing streets without petition
- 94.42 Notice; exception
- 94.43 Publication of notice
- 94.44 Effect of order of vacation
- 94.45 Effect on public utility easements

- 94.99 Penalty

Chapter 95: Unclaimed and Abandoned Vehicles

Section

- 95.01 Impounding motor vehicle on private property; requirements
- 95.02 Impounding motor vehicle on public property; notice; disposition
- 95.03 Disposition of vehicle ordered into storage
- 95.04 Disposition of abandoned junk motor vehicles
- 95.05 Abandonment of junk motor vehicle prohibited
- 95.06 Junk motor vehicle; order to cover or remove; notice; exceptions

Chapter 96: Watercraft

Section

- 96.01 Definitions; applicability
- 96.02 Failure to comply with law enforcement order; fleeing
- 96.03 Duty upon approach of law enforcement vessel
- 96.04 Flashing lights prohibited; exceptions
- 96.05 Siren prohibited; exceptions
- 96.06 Regulations for operation of powercraft of more than ten horsepower
- 96.07 Restrictions on child operators; duty of supervisory adult

- 96.08 Reckless operation; maintaining sufficient control; wakes restricted
- 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 | 110.01 Licenses required to engage in certain businesses; exceptions |
| | 110.02 Application for license |
| | 110.03 Issuance of license |
| | 110.04 Date and duration of license |
| | 110.05 License not transferable |
| | 110.06 License certificate to be displayed |
| | 110.07 Revocation or suspension |
| | 110.08 Appeal and review |
| | 110.99 General penalty for Title XI |

Chapter 111: Taxicabs

Section

- 111.01 Definitions
- 111.02 Certificate of public convenience and necessity required
- 111.03 Application for certificate
- 111.04 Issuance of certificate
- 111.05 Liability insurance required
- 111.06 License fees
- 111.07 Transfer of certificates and licenses
- 111.08 Suspension and revocation of certificates
- 111.09 Taxicab driver's license
- 111.10 Application for driver's license
- 111.11 Examination of applicant; motor vehicle operator's permit required
- 111.12 Police investigation of applicant; traffic and police record
- 111.13 Consideration of application
- 111.14 Issuance of license; duration; annual fee
- 111.15 Display of license
- 111.16 Suspension and revocation of license
- 111.17 Failure to comply with federal, state and municipal laws
- 111.18 Vehicle equipment and maintenance
- 111.19 Designation of taxicabs
- 111.20 Taximeter and display of rates required
- 111.21 Number of passengers allowed
- 111.22 Articles left in vehicles
- 111.23 Vehicles from other municipalities
- 111.24 Receipts
- 111.25 Refusal of passenger to pay legal fare
- 111.26 Solicitation, acceptance and discharge of passengers
- 111.27 Open stands; use
- 111.28 Taxicab service
- 111.29 Manifests
- 111.30 Records and reports of holders
- 111.31 Police department; duty to enforce chapter
- 111.32 Disposition of vehicle license fees

Chapter 112: Peddlers, Itinerant Merchants, and Solicitors

Section

- 112.01 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of identification
- 112.09 Municipal policy on soliciting
- 112.10 Notice regulating soliciting
- 112.11 Duty of solicitors
- 112.12 Uninvited soliciting prohibited
- 112.13 Time limit on soliciting

Chapter 113: Commercial Amusements

Section

- 113.01 Bowling; billiards and pool
- 113.02 Circuses, carnivals, shows and other such entertainment
- 113.03 Deposit required
- 113.04 License fee for public entertainment or exhibition
- 113.05 License fee may be waived for civic interest

Chapter 114: Tattooing and Body Piercing Services

Section

- 114.01 Definitions
- 114.02 Prohibitions
- 114.03 Application for license; fees; issuance

- 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
 - 130.21 Self defense: limitations on duty to retreat prior to using force

 - 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
- 131.24 Injury to property by hunters
- 131.25 Evidence of intent to commit theft of rented property; evidence of lack of capacity to consent
- 131.26 Forgery of identification cards
- 131.27 Criminal simulation
- 131.28 Personating an officer
- 131.29 Trademark counterfeiting
- 131.30 Diminishing or interfering with forfeitable property
- 131.31 Recording credit card, telephone or Social Security numbers
- 131.32 Prosecutions for theft of utilities
- 131.33 Motion picture piracy
- 131.34 Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism.
- 131.35 Desecration

Chapter 132: Offenses Against Public Peace

Section

- 132.01 Riot
- 132.02 Failure to disperse
- 132.03 Justifiable use of force to suppress riot
- 132.04 Disorderly conduct
- 132.05 Disturbing a lawful meeting
- 132.06 Misconduct at an emergency
- 132.07 Telecommunications harassment
- 132.08 Inducing panic
- 132.09 Making false alarms
- 132.10 Inciting to violence
- 132.11 Unlawful display of law enforcement emblem
- 132.12 Impersonating a peace officer
- 132.13 Safety of crowds attending live entertainment performances
- 132.14 Misconduct involving a public transportation system
- 132.15 Impeding public passage of an emergency service responder

Chapter 133: Sex Offenses

Section

- 133.01 Definitions
- 133.02 Unlawful sexual conduct with a minor
- 133.03 Sexual imposition
- 133.04 Public indecency
- 133.05 Voyeurism
- 133.06 Polygraph examinations for victims: restrictions on use
- 133.07 Procuring; engagement in sexual activity for hire
- 133.08 Soliciting; loitering to engage in
- 133.09 Prostitution
- 133.10 Disseminating matter harmful to juveniles
- 133.11 Displaying matter harmful to juveniles
- 133.12 Deception to obtain matter harmful to juveniles
- 133.13 Rules of evidence
- 133.14 Declaratory judgment
- 133.15 Injunction; abatement of nuisance
- 133.16 Unlawful operation of viewing booths depicting sexual conduct
- 133.17 Juveniles on the premises of adult entertainment establishments prohibited
- 133.18 Sexually oriented businesses; illegal operation and activity
- 133.19 Unlawful advertising of massage
- 133.20 Nonconsensual dissemination of private sexual images

- 133.99 Sentencing for sexually oriented offenses; sexual predators; registration

Chapter 134: Gambling Offenses

Section

- 134.01 Definitions
- 134.02 Prohibitions against gambling; exception
- 134.03 Operating a gambling house

- 134.04 Public gaming
- 134.05 Cheating
- 134.06 Regulations concerning operation of licensed bingo game
- 134.07 Records to be kept
- 134.08 Requirements for bingo game operators
- 134.09 Bingo games for amusement only
- 134.10 Prohibitions where instant bingo game is conducted
- 134.11 Raffle drawings
- 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
- 134.15 Electronic instant bingo; prohibited conduct

Chapter 135: Offenses Against Persons

Section

- 135.01 Definitions
- 135.02 Negligent homicide
- 135.03 Vehicular homicide; vehicular manslaughter; vehicular assault
- 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 Unlawful collection of bodily substances
- 135.09 Coercion
- 135.10 Bigamy
- 135.11 Unlawful abortion; failure to perform viability testing; abortion trafficking
- 135.12 Misrepresentation relating to provision of child care
- 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 a person with a functional impairment
- 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, other tobacco products, or alternative nicotine 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 other specified governmental facilities
- 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

Chapter 137: Weapons Control

Section

- 137.01 Definitions
- 137.02 Carrying concealed weapons
- 137.03 Using weapons while intoxicated
- 137.04 Improperly handling firearms in a motor vehicle
- 137.05 Possessing criminal tools
- 137.06 Failure to secure dangerous ordnance
- 137.07 Unlawful transactions in weapons
- 137.08 Underage purchase of firearm or handgun
- 137.09 Pointing and discharging firearms and other weapons
- 137.10 License or permit to possess dangerous ordnance
- 137.11 Possession of an object indistinguishable from a firearm in a school safety zone
- 137.12 Possession of deadly weapon while under detention
- 137.13 Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession
- 137.14 Defaced firearms

Chapter 138: Drug Offenses

Section

- 138.01 Definitions
- 138.02 Trafficking in controlled substances; gift of marijuana
- 138.03 Drug possession offenses
- 138.04 Possessing drug abuse instruments
- 138.05 Permitting drug abuse
- 138.06 Illegal cultivation of marijuana
- 138.07 Abusing harmful intoxicants
- 138.08 Illegal dispensing of drug samples
- 138.09 Federal prosecution bar to municipal prosecution
- 138.10 Nitrous oxide: improper dispensing or distribution; possession in a motor vehicle
- 138.11 Laboratory report required
- 138.12 Counterfeit controlled substances
- 138.13 Use, possession, or sale of drug paraphernalia
- 138.14 Controlled substance or prescription labels
- 138.15 Possession, sale and disposal of hypodermics
- 138.16 Controlled substance schedules
- 138.17 Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates
- 138.18 Sale of pseudoephedrine
- 138.19 Sale of pure caffeine product
- 138.20 Sale of dextromethorphan

TITLE XV: LAND USAGE

Chapter 150: General Provisions

Section

Parks and Recreation

- 150.01 Recreation Board
- 150.02 Board of Park Trustees

Planning and Zoning

- 150.15 Planning Commission
- 150.16 Board of Zoning Appeals

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

Signed:

Mayor Linda S. Burke

Clerk of the Legislative Authority
Petrina D. Williams, Director of Finance

CERTIFICATION OF CODIFIED ORDINANCES

We, Linda S. Burke, Mayor, and Petrina D. Williams, Clerk of the Legislative Authority, of the Municipality of South Lebanon, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Municipality, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Municipality of South Lebanon, Ohio.

Mayor Linda S. Burke

Clerk of the Legislative Authority
Petrina D. Williams, Director of Finance



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council

CC: Tina Williams, Director of Finance

From: Jerry Haddix, City Administrator

Date: April 2, 2024

Subject: Oeder & Sons M-M-M Waterline Easement

We have been working to extend a water main down Mason-Morrow-Millgrove Road west to the Lebanon Bike Trail and provide water to the River Creek Lofts. Last year, the Council approved easements with the City of Lebanon and the Kings Local School District for waterline easements along Mason-Morrow-Millgrove Road. This easement will be the final piece to allow for the waterline construction to move forward.

This needs to be adopted as an emergency in order to be able to record the easement ASAP.

If you have any questions or need additional information, please contact me.

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2024-13**

A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND THE DIRECTOR OF FINANCE TO EXECUTE AN EASEMENT AGREEMENT FOR A PERPETUAL WATERLINE EASEMENT ON THE PROPERTY OWNED BY OEDER & SONS GARAGE INC. NECESSARY FOR THE CONSTRUCTION OF A WATER LINE, AND DECLARING AN EMERGENCY

WHEREAS, providing utilities, including the provision of safe, drinking water, is one the functions of local municipal government; and,

WHEREAS, in order to extend public water service along Mason-Morrow-Millgrove Road west of Sutton Drive to serve additional areas of the City, certain easements are necessary to allow for the construction of a water main along this area; and,

WHEREAS, Oeder & Sons Garage Inc., being a property owner along the proposed water main location, has agreed to grant the City a perpetual Water Line Easement as per the terms in the attached Easement Agreement; and,

WHEREAS, immediate action is required for the City to acquire the said public water line easement to maintain the construction schedule for the project, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council approves and authorizes the Mayor and Director of Finance to execute the Easement Agreement with Oeder & Sons Garage Inc., a copy of which is attached hereto.

Section 2. Authorizing the Director of Finance to pay the recordation costs to record the Easement Agreement in the Warren County Recorder's Office.

Section 3. The recitals contained in the Whereas clauses set forth above are incorporated by reference herein.

Section 4. All formal actions of City Council regarding this Resolution were adopted in an open meeting of City Council in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution is hereby declared to be an emergency measure in accordance with Section 731.30 of the Ohio Revised Code for the immediate preservation of the public peace, health, safety, and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.

Resolution No. 2024-13
Page 2

Adopted this ____ day of _____, 2024.

Linda S. Burke, Mayor

Attest: _____
Petrina D. Williams, Director of Finance/Clerk

Rules Suspended:	_____ (if applicable)
First Reading:	_____
Second Reading:	_____
Vote:	____ Yeas ____ Nays
Effective Date:	_____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

EASEMENT AND AGREEMENT

(Water Line and Appurtenances)

Oeder & Sons Garage, Inc., an Ohio Corporation with an address of 1000 W. Mason-Morrow-Millgrove Road, Lebanon, Ohio 45036 ("Grantor"), for Forty One Thousand Nine Hundred Eighty and 00/100 (\$41,980.00) Dollars and other good and valuable consideration recited herein paid by the **CITY OF SOUTH LEBANON, an Ohio municipal corporation**, acting by and through its duly elected **City Council**, an Ohio political subdivision operating under Title 7, et. seq. of the Ohio Revised Code, with an address of **10 High Street, South Lebanon, Ohio 45065** ("Grantee"), the receipt and sufficiency of which are hereby stipulated, does hereby grant to Grantee, its successors and assigns forever, an easement in, on, over, under, across and through the real property particularly described in Exhibit "A" and illustrated in Exhibit "B" (the "Easement Area"), both of which are attached hereto and incorporated by reference herein, for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating an underground water utility line and related apparatus and appurtenances thereto (the "Improvements"), for the public purpose and necessity of extending an underground water line.

The said permanent easement shall be subject to the following:

1. Grantee at its sole cost shall be entitled to survey, construct, use, operate, inspect, maintain and keep in repair thereon, replace and remove, the water utility line, apparatus and appurtenances within the Easement Area, including without limitation the activities customarily associated therewith and the right to remove or abate any obstructions or items that may endanger the safety of or interfere with Grantee's rights herein. The said Improvements shall be constructed or reconstructed in accordance with Project construction plans and specifications, a copy of which will be maintained on file in the Office of the South Lebanon City Administrator and available to Grantor at all times. Grantee shall, at its expense, promptly return the surface of the Easement Area to its former condition as nearly as is reasonably practicable subject to the rights in this Easement. Once Grantee commences construction of the Improvements, it shall diligently and expeditiously complete such construction. During construction of the Improvements, Grantee shall keep the worksite in neat, clean and orderly condition, and remove from Grantor's property any equipment or vehicles required for construction purposes when such equipment or vehicles are no longer being used for the same.

2. After Grantee's approval and acceptance of the said Improvements, Grantee agrees that upon subsequent entry by Grantee for the purpose of construction, installation, reconstruction, replacement, removal, repair, maintenance and operation of the Improvements, it will at Grantee's expense promptly restore the surface of Grantor's property within the Easement Area to its former condition as nearly as is reasonably practicable. Grantor understands and agrees that restoration of Grantor's property within the Easement Area shall not include repair or replacement of any structures, improvements, fixtures, or other tangible items in the Easement Area.

3. The perpetual easement rights granted herein are "non-exclusive". Grantor retains the right to use Grantor's property for all purposes which do not in any manner impair Grantee's use or interfere with the construction, operation, maintenance, repair, removal, replacement or reconstruction of the Improvements or access thereto. Grantor shall not cause or allow any permanent or temporary building, structure, facility, or other improvement to be constructed in or upon the Easement Area, except utility service lines, paved parking, driveways, landscaping and sidewalks. If Grantor makes permanent or temporary improvements in or upon the Easement Area, other than those stated above, then Grantor shall assume full responsibility for any damage or destruction of such improvements by Grantee, and Grantee, its employees, agents, representatives and contractors, shall not be liable for any damage or destruction of such improvements during the good faith exercise of the rights granted herein. Any permanent or temporary improvements are subject to Grantee's approval.

4. Grantor hereby covenants with Grantee to be the true and lawful owner of the above-described real property and lawfully seized of the same in fee simple and having good, right, and full power to grant this Easement and will not convey or transfer fee simple ownership of the described real property prior to this instrument being recorded, and any subsequent transfers shall be subject to Grantee's rights established herein. Grantor further covenants and warrants to Grantee that this Easement is not subordinate to any mortgages.

5. Upon completion of all improvements of the subject property, the Grantee will permit the Grantor three (3) complimentary connections to the Grantee's water and sanitary sewer system for the Grantor's properties along Mason-Morrow-Millgrove Road with Parcel#'s 12-07-100-027, 12-07-200-009, and 12-07-200-010. The Grantee shall also allow access to the City water service to the Grantor's property at 1000 W. Mason-Morrow-Millgrove Road, Lebanon, Ohio 45036, as well as a single connection to the Grantee's sanitary sewer system, whether within or outside the corporate limits of South Lebanon. User fees to be in accordance with City ordinances pertaining to water and sanitary sewer service.


6. Any reference in this instrument to Grantee shall also include its agents, contractors, employees, officials and insurers. All terms and conditions contained herein shall inure to the benefit of and be binding upon the parties and their respective successors and assigns. This Agreement contains the entire agreement between the parties and supersedes all prior written or oral agreements between the parties. No representations, promises, understandings, agreements, or otherwise, not herein contained shall be of any force or effect. No modifications or amendment of any provisions of this Agreement shall be effective unless made by a written instrument executed by all parties. This Agreement shall be construed in accordance with, and the

legal relations between the parties shall be governed by, the laws of the State of Ohio as applicable to contracts executed and partially or fully performed in the State of Ohio. The parties further stipulate that the venue for any litigation arising out of this Agreement shall exclusively be the Warren County Court of Common Pleas, and do further knowingly waive any right to initiate or remove any such litigation to any other county, state or federal court.

GRANTOR

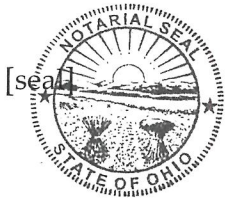
Oeder & Sons Garage, Inc., an Ohio Corporation, the Grantor herein, has caused its name to be affixed hereto by David Oeder, whose title is President, on the date stated below, pursuant to the authority granted to him to act on the limited liability company's behalf by resolution or consent action.

OEDER & SONS GARAGE, INC.

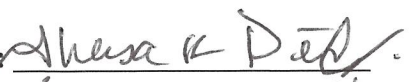
SIGNATURE: 
NAME: David Oeder
TITLE: President
DATE: 4-2-24

STATE OF OHIO, COUNTY OF Warren, ss.

BE IT REMEMBERED, that on the 2nd day of April, 2024, before me, the subscriber, a Notary Public, in and for said County and State, personally appeared an individual known or proven to me to be David Oeder, whose title is President of Oeder + Sons Garage Inc., whose name is subscribed hereto, and who acknowledged the signing and execution of said instrument is his free and voluntary act and deed.



Theresa K Dickey
Notary Public, State of Ohio
My Commission Expires:
March 01, 2026

Notary Public: 
My Commission Expires: March 1st, 2026

GRANTEE:

IN EXECUTION WHEREOF, the City of South Lebanon, Ohio, acting through its City Council, has caused this instrument to be executed by Linda S. Burke, its Mayor, and Petrina D. Williams, its Director of Finance, on the date stated below, pursuant to Resolution Number 2024-_____ dated _____.

CITY OF SOUTH LEBANON, OHIO

SIGNATURE: _____

SIGNATURE: _____

NAME: Linda S. Burke

NAME: Petrina D. Williams

TITLE: Mayor

TITLE: Director of Finance

DATE: _____

DATE: _____

STATE OF OHIO, COUNTY OF WARREN, ss.

BE IT REMEMBERED, on this _____ day of _____, 2024, before me, the subscriber, a Notary Public in and for said state, personally came an individual or individuals known or proven to be **Linda S. Burke, Mayor** and **Petrina D. Williams, Director of Finance**, of the City of South Lebanon, Ohio, and pursuant to the authority granted to them to act on its behalf pursuant to Resolution Number 2024-_____, dated _____, and while acting in their official capacity, did acknowledge the signing thereof to be their voluntary act and deed.

Notary Public: _____

My Commission Expires: _____

[SEAL]

THIS PREPARED AND APPROVED AS TO FORM BY:

ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

SIGNATURE: _____

NAME: Andrew P. Meier

TITLE: Law Director

DATE: _____

DESCRIPTION FOR: WATER MAIN EASEMENT

**LOCATION: Mason-Morrow-Millgrove Road
20,433 Square Feet**

Situate in Section 7, Town 4, Range 3, Symmes Purchase, Village of South Lebanon, Union Township, Warren County, Ohio and being part of a 16.4608 acre tract of land as conveyed to Oeder & Sons Garage, Inc. by deed recorded in Official Record 4647, Page 933 (all records of the Warren County, Ohio Recorder's Office) and also being a water main easement, varying in width, more particularly described as follows:

Beginning at a point in the west line of grantor herein, and east line of a 7.240 acre tract of land as conveyed to Oeder & Sons Garage, Inc. by deed recorded in Official Record 490, Page 154, lying North 74°05'04" East, 1911.17 feet and South 06°11'04" West, 50.65 feet from the intersection of the centerline of Mason-Morrow-Millgrove Road (County Road No. 38) with the northeast right-of-way line of the Lebanon Countryside Trail (former Penn-Central Railroad);

Thence from said point of beginning, North 82°58'10" East, 108.31 feet to the existing south right-of-way line of said Mason-Morrow-Millgrove Road, a public right-of-way 60 feet in width;

Thence along south right-of-way lines of said Mason-Morrow-Millgrove Road, South 86°03'36" East, 337.04 feet and South 84°37'59" East, 388.23 feet;

Thence, South 78°58'40" East, 139.00 feet to the east line of grantor herein and west line of Sutton Drive (R/W Varies) as shown and dedicated on plat recorded in Plat Book 94, Page 88;

Thence, along grantors east line, along the west line of said Sutton Drive and along the west line of a 6.2801 tract of land as conveyed to Lebanon Mason Residential, LLC by deed recorded in Document Number 2016-033236, South 06°19'04" West, 20.07 feet;

Thence, the following five (5) courses and distances:

- 1.) North 78°58'40" West, 140.08 feet;
- 2.) North 84°38'27" West, 308.78 feet;
- 3.) North 87°37'54" West, 99.72 feet;
- 4.) North 85°12'26" West, 313.06 feet;

5.) South 82°58'10" West, 111.02 feet to the west line of grantor herein and east line of aforesaid Oeder & Sons Garage, Inc. 7.240 acre tract;

Thence, along the west line of the grantor and east line of said 7.240 acre tract, North 06°11'04" East, 20.54 feet to the point of beginning.

Containing 20,433 square feet.

The above-described easement being for the purpose of construction, operation, maintenance, repair and/or replacement of the water main and its appurtenances contained therein.

Subject to all legal highways, easements and restrictions of record.

Bearings based on the US State Plane NAD 83 (Ohio South Zone 3402).

Being the result of an Easement Plat dated the 19th of August, 2021, prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S., Ohio Registration No. 7929.

Prepared by: McGill Smith Punshon, Inc.

Date: 19 AUG 2021

MSP No.: 06308.19

06308193-LEG-EAS-PAR1207200010

DESCRIPTION FOR: 20' WATER MAIN EASEMENT

**LOCATION: Mason-Morrow-Millgrove Road
18,075 Square Feet**

Situate in Section 7, Town 4, Range 3, Symmes Purchase, Village of South Lebanon, Union Township, Warren County, Ohio and being part of a 7.240 acre tract of land as conveyed to Oeder & Sons Garage, Inc. by deed recorded in Official Record 490, Page 154 (all records of the Warren County, Ohio Recorder's Office) and also being a water main easement, 20.00 feet in width, more particularly described as follows:

Beginning at a point in the west line of grantor herein, and east line of a 25.3705 acre tract of land as conveyed to the City of Lebanon, Ohio by deed recorded in Official Record 240, Page 497, lying North 74°05'04" East, 985.00 feet and South 15°54'56" East, 40.00 feet from the intersection of the centerline of Mason-Morrow-Millgrove Road (County Road No. 38) with the northeast right-of-way line of the Lebanon Countryside Trail (former Penn-Central Railroad);

Thence, with a line parallel to and 40.00 feet south of said centerline, as measured perpendicular thereto, North 74°05'04" East, 862.79 feet;

Thence, North 82°58'10" East, 44.87 feet to the east line of grantor herein and west line of a 16.4608 acre tract of land as conveyed to Oeder & Sons Garage, Inc. by deed recorded in Official Record 4647, Page 933;

Thence, along the east line of the grantor and west line of said 16.4608 acre tract, South 06°11'04" West, 20.54 feet;

Thence, South 82°58'10" West, 38.62 feet;

Thence, with a line parallel to and 60.00 feet south of aforesaid centerline, as measured perpendicular thereto, South 74°05'04" West, 861.24 feet to the west line of grantor herein and east line of aforesaid City of Lebanon, Ohio;

Thence, along the west line of the grantor and east line of said City of Lebanon, Ohio, North 15°54'56" West, 20.00 feet to the point of beginning.

Containing 18,075 square feet.

The above-described easement being for the purpose of construction, operation, maintenance, repair and/or replacement of the water main and its appurtenances contained therein.

Subject to all legal highways, easements and restrictions of record.

Bearings based on the US State Plane NAD 83 (Ohio South Zone 3402).

Being the result of an Easement Plat dated the 19th of August, 2021, prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S., Ohio Registration No. 7929.

Prepared by: McGill Smith Punshon, Inc.

Date: 19 AUG 2021

MSP No.: 06308.19

06308193-LEG-EAS-18075sf

DESCRIPTION FOR: **20' WATER MAIN EASEMENT**

LOCATION: **Mason-Morrow-Millgrove Road**
10,115 Square Feet

Situate in Section 7, Town 4, Range 3, Symmes Purchase, Village of South Lebanon, Union Township, Warren County, Ohio and being part of a 4.303 acre tract of land as conveyed to Oeder & Sons Garage, Inc. by deed recorded in Document Number 2019-004890 (all records of the Warren County, Ohio Recorder's Office) and also being a water main easement, 20.00 feet in width, more particularly described as follows:

Beginning at a point in the west line of grantor herein, and east line of a 3.000 acre tract of land as conveyed to the Village of South Lebanon, Ohio by deed recorded in Document Number 2019-004891, lying North 74°05'04" East, 419.24 feet and South 15°54'56" East, 40.00 feet from the intersection of the centerline of Mason-Morrow-Millgrove Road (County Road No. 38) with the northeast right-of-way line of the Lebanon Countryside Trail (former Penn-Central Railroad);

Thence from said point of beginning, with a line parallel to and 40.00 feet south of said centerline, as measured perpendicular thereto, North 74°05'04" East, 505.76 feet to grantors east line and west line of a 13.045 acre tract of land as conveyed to Kings Local School District by deed recorded in Document Number 2019-011703;

Thence, along grantors east line and west line of said Kings Local School District, South 15°54'56" East, 20.00 feet;

Thence, with a line parallel to and 60.00 feet south of said centerline, as measured perpendicular thereto, South 74°05'04" West, 505.76 feet to the west line of grantor and east line of aforesaid Village of South Lebanon, Ohio;

Thence, along grantors west line and east line of said Village of South Lebanon, Ohio, North 15°54'56" West, 20.00 feet to the point of beginning.

Containing 10,115 square feet.

The above-described easement being for the purpose of construction, operation, maintenance, repair and/or replacement of the water main and its appurtenances contained therein.

Subject to all legal highways, easements and restrictions of record.

Bearings based on the US State Plane NAD 83 (Ohio South Zone 3402).

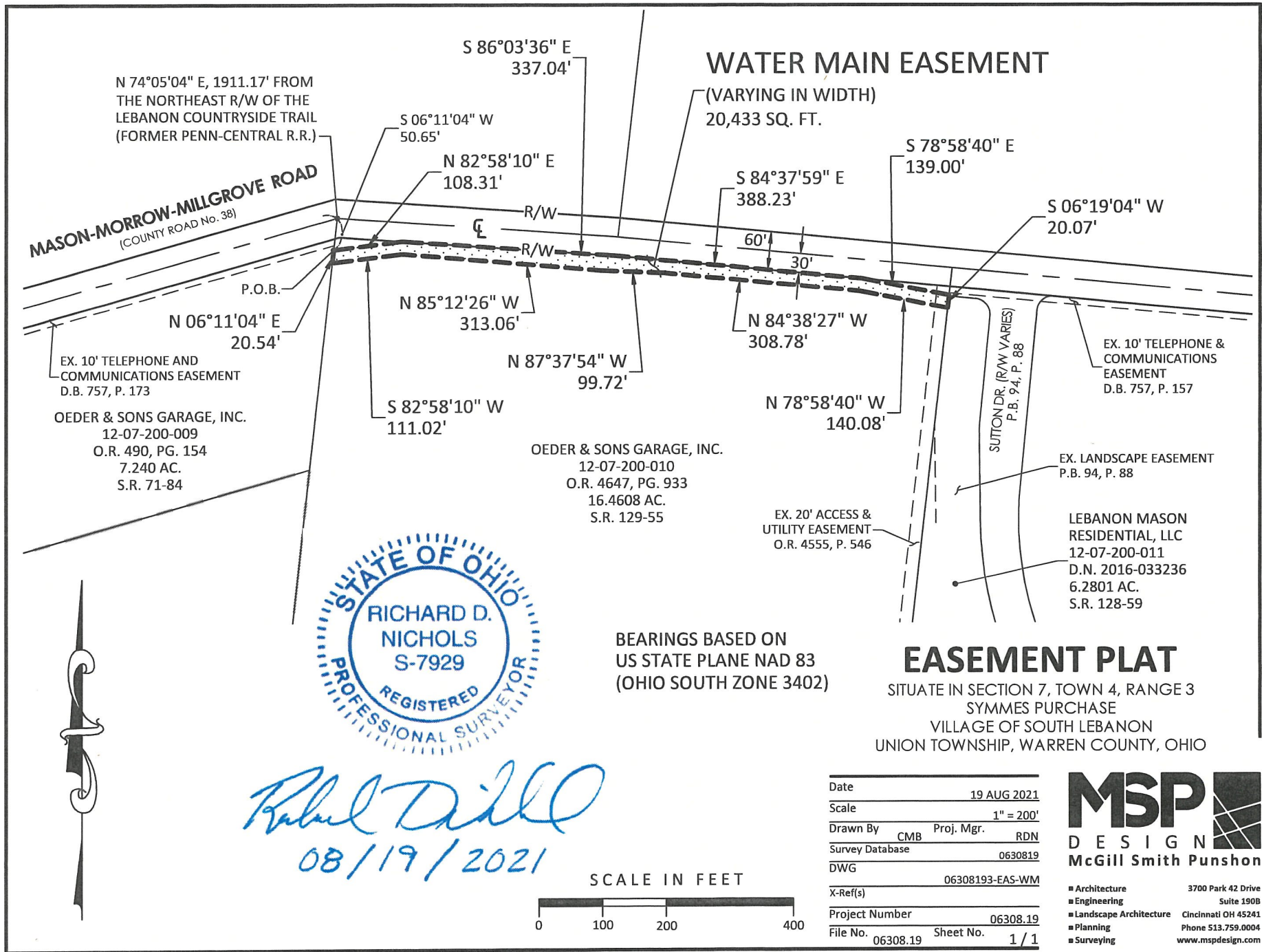
Being the result of an Easement Plat dated the 19th of August, 2021, prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S., Ohio Registration No. 7929.

Prepared by: McGill Smith Punshon, Inc.

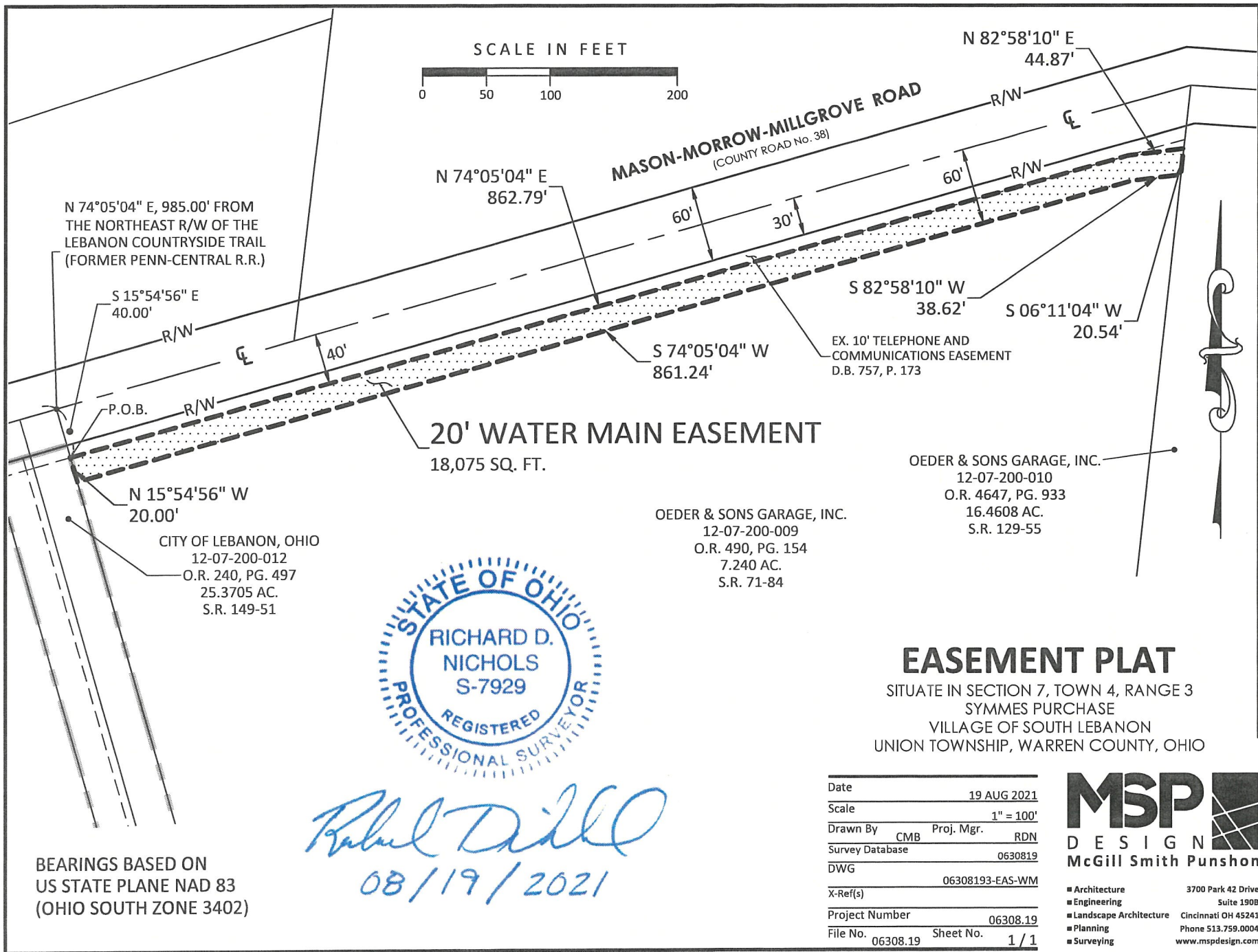
Date: 19 AUG 2021

MSP No.: 06308.19

06308193-LEG-EAS-10115sf



SCALE IN FEET



N 74°05'04" E, 985.00' FROM THE NORTHEAST R/W OF THE LEBANON COUNTRYSIDE TRAIL (FORMER PENN-CENTRAL R.R.)

S 15°54'56" E 40.00'

N 74°05'04" E 862.79'

S 74°05'04" W 861.24'

N 82°58'10" E 44.87'

S 82°58'10" W 38.62'

S 06°11'04" W 20.54'

P.O.B.

20' WATER MAIN EASEMENT
18,075 SQ. FT.

EX. 10' TELEPHONE AND COMMUNICATIONS EASEMENT D.B. 757, P. 173

N 15°54'56" W 20.00'

CITY OF LEBANON, OHIO
12-07-200-012
O.R. 240, PG. 497
25.3705 AC.
S.R. 149-51

OEDER & SONS GARAGE, INC.
12-07-200-009
O.R. 490, PG. 154
7.240 AC.
S.R. 71-84

OEDER & SONS GARAGE, INC.
12-07-200-010
O.R. 4647, PG. 933
16.4608 AC.
S.R. 129-55



Richard D. Nichols
08/19/2021

BEARINGS BASED ON
US STATE PLANE NAD 83
(OHIO SOUTH ZONE 3402)

EASEMENT PLAT

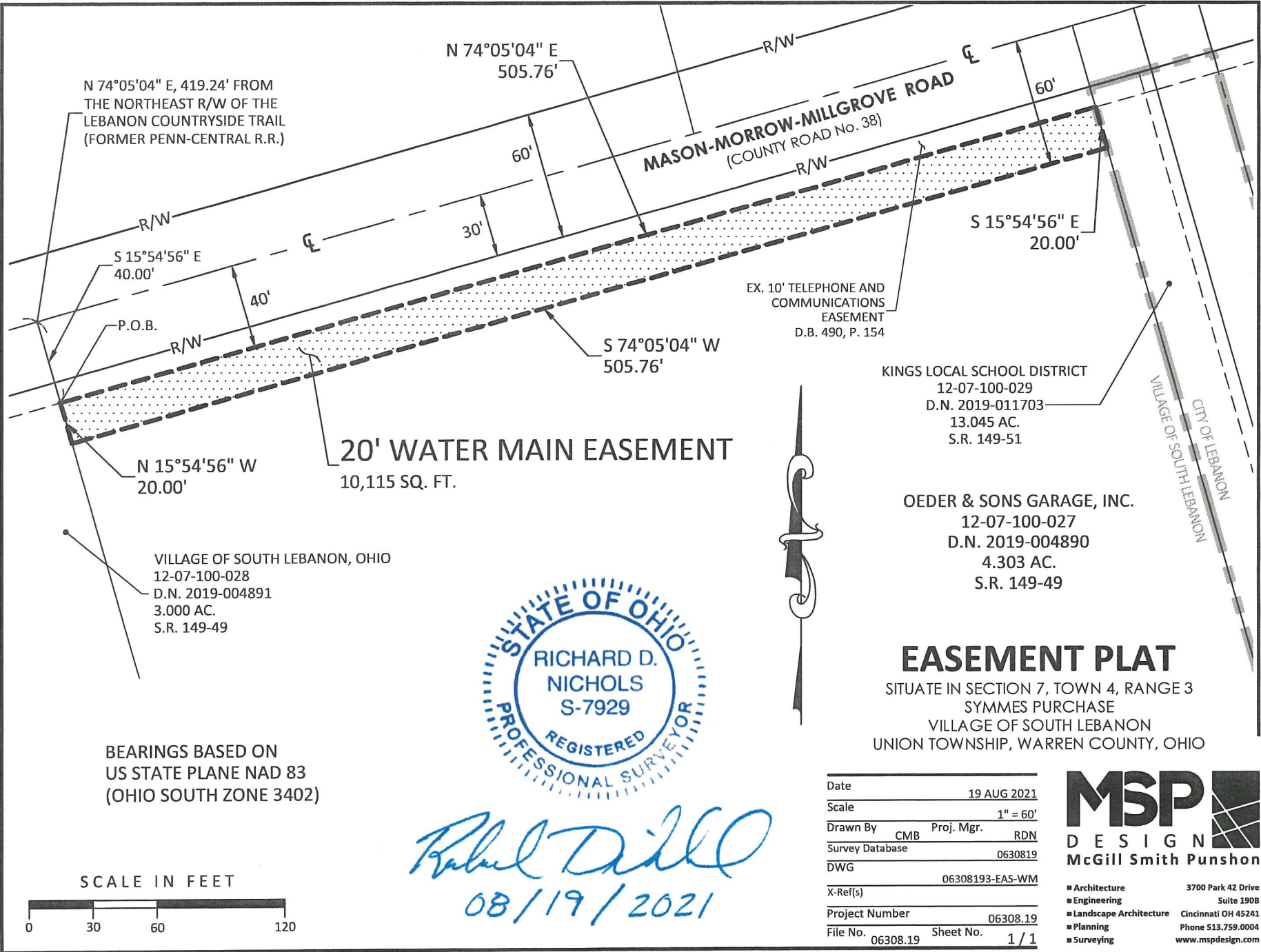
SITUATE IN SECTION 7, TOWN 4, RANGE 3
SYMMES PURCHASE
VILLAGE OF SOUTH LEBANON
UNION TOWNSHIP, WARREN COUNTY, OHIO

Date	19 AUG 2021
Scale	1" = 100'
Drawn By	CMB
Proj. Mgr.	RDN
Survey Database	0630819
DWG	06308193-EAS-WM
X-Ref(s)	
Project Number	06308.19
File No.	06308.19
Sheet No.	1 / 1



- Architecture
- Engineering
- Landscape Architecture
- Planning
- Surveying

3700 Park 42 Drive
Suite 190B
Cincinnati OH 45241
Phone 513.759.0004
www.mspsdesign.com



N 74°05'04" E, 419.24' FROM
THE NORTHEAST R/W OF THE
LEBANON COUNTRYSIDE TRAIL
(FORMER PENN-CENTRAL R.R.)

N 74°05'04" E
505.76'

MASON-MORROW-MILLGROVE ROAD
(COUNTY ROAD No. 38)

S 15°54'56" E
20.00'

S 15°54'56" E
40.00'

S 74°05'04" W
505.76'

EX. 10' TELEPHONE AND
COMMUNICATIONS
EASEMENT
D.B. 490, P. 154

KINGS LOCAL SCHOOL DISTRICT
12-07-100-029
D.N. 2019-011703
13.045 AC.
S.R. 149-51

OEDER & SONS GARAGE, INC.
12-07-100-027
D.N. 2019-004890
4.303 AC.
S.R. 149-49

N 15°54'56" W
20.00'

20' WATER MAIN EASEMENT
10,115 SQ. FT.

VILLAGE OF SOUTH LEBANON, OHIO
12-07-100-028
D.N. 2019-004891
3.000 AC.
S.R. 149-49



BEARINGS BASED ON
US STATE PLANE NAD 83
(OHIO SOUTH ZONE 3402)

SCALE IN FEET



Richard D. Nichols
08/19/2021

EASEMENT PLAT

SITUATE IN SECTION 7, TOWN 4, RANGE 3
SYMMES PURCHASE
VILLAGE OF SOUTH LEBANON
UNION TOWNSHIP, WARREN COUNTY, OHIO

Date	19 AUG 2021
Scale	1" = 60'
Drawn By	CMB
Proj. Mgr.	RDN
Survey Database	0630819
DWG	06308193-EAS-WM
X-Ref(s)	
Project Number	06308.19
File No.	06308.19
Sheet No.	1 / 1



■ Architecture 3700 Park 42 Drive
 ■ Engineering Suite 190B
 ■ Landscape Architecture Cincinnati OH 45241
 ■ Planning Phone 513.759.0004
 ■ Surveying www.mspsdesign.com