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**126th General Assembly**

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**Am. Sub. H. B. No. 23**

**Representatives Reidelbach, Wolpert, Wagner, Flowers, McGregor, Faber,  
Hood, Calvert, Taylor, Seitz, Raga, Schaffer, Fessler, White, Combs,  
Brinkman, Allen, Webster, Barrett, Hartnett, DeGeeter, Gilb, Brown,  
Otterman, Collier, Aslanides, Latta, Buehrer, Distel, C. Evans, Hagan, Hoops,  
Law, Miller, Perry, Schneider, Seaver, Setzer, Strahorn, Williams  
Senators Schuring, Prentiss, Zurz, Roberts, Fedor, Hottinger, Austria,  
Jacobson, Harris, Amstutz, Cates, Clancy, Dann, Gardner, Goodman,  
Kearney, Miller, R., Niehaus, Schuler, Wachtmann, Grendell**

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**A B I L L**

To amend sections 303.02, 309.09, 503.29, 504.04, 1  
504.15, 519.02, 1901.182, 1901.31, 1907.012, 2  
1907.20, 2151.022, 2152.02, 2505.08, 2506.01, 3  
2506.02, 2506.03, 2506.04, 2907.01, and 4301.25, 4  
to amend, for the purpose of adopting a new 5  
section number as indicated in parentheses, 6  
section 503.29 (503.53), to enact new sections 7  
503.51 and 503.52 and sections 2506.05, 2506.06, 8  
2506.07, 2506.08, 2907.38, and 2907.39, and to 9  
repeal sections 503.51, 503.52, 503.53, 503.54, 10  
503.55, 503.56, 503.57, 503.58, 503.59, 503.65, 11  
and 503.99 of the Revised Code to grant townships 12  
full authority to exercise all powers of local 13  
self-government regarding the operation of adult 14  
entertainment establishments and to adopt by 15  
resolution and enforce within their limits any 16  
local police, sanitary, and similar regulations 17

regarding the operation of adult entertainment 18  
establishments that are not in conflict with 19  
general laws; to require the prosecuting attorney, 20  
upon the request of any township that has adopted 21  
any resolution of that nature and on behalf of the 22  
township, to prosecute and defend on behalf of the 23  
township in the trial and argument of any 24  
challenge to the validity of the resolution or to 25  
prosecute and defend on behalf of the township 26  
actions for injunction or nuisance abatement 27  
regarding violations of the resolution; to create 28  
an expedited appeal from orders, adjudications, or 29  
decisions denying an application for, or 30  
suspending or revoking, a license or permit to 31  
locate or operate such an establishment; to create 32  
an expedited appeal in any case in which a court 33  
determines there is a threat of restraint of 34  
protected expression; and to create the offenses 35  
of permitting unlawful operation of viewing booths 36  
depicting sexual conduct, permitting a juvenile on 37  
the premises of an adult entertainment 38  
establishment, and use by a juvenile of false 39  
information to enter an adult entertainment 40  
establishment. 41

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 303.02, 309.09, 503.29, 504.04, 42  
504.15, 519.02, 1901.182, 1901.31, 1907.012, 1907.20, 2151.022, 43  
2152.02, 2505.08, 2506.01, 2506.02, 2506.03, 2506.04, 2907.01, and 44  
4301.25 be amended, section 503.29 (503.53) be amended for the 45  
purpose of adopting a new section number as indicated in 46

parentheses, and new sections 503.51 and 503.52 and sections 47  
2506.05, 2506.06, 2506.07, 2506.08, 2907.38, and 2907.39 of the 48  
Revised Code be enacted to read as follows: 49

**Sec. 303.02.** (A) Except as otherwise provided in this 50  
section, in the interest of the public health and safety, the 51  
board of county commissioners may regulate by resolution, in 52  
accordance with a comprehensive plan, the location, height, bulk, 53  
number of stories, and size of buildings and other structures, 54  
including tents, cabins, and trailer coaches, percentages of lot 55  
areas that may be occupied, set back building lines, sizes of 56  
yards, courts, and other open spaces, the density of population, 57  
the uses of buildings and other structures, including tents, 58  
cabins, and trailer coaches, and the uses of land for trade, 59  
industry, residence, recreation, or other purposes in the 60  
unincorporated territory of the county. Except as otherwise 61  
provided in this section, in the interest of the public 62  
convenience, comfort, prosperity, or general welfare, the board, 63  
by resolution, in accordance with a comprehensive plan, may 64  
regulate the location of, set back lines for, and the uses of 65  
buildings and other structures, including tents, cabins, and 66  
trailer coaches, and the uses of land for trade, industry, 67  
residence, recreation, or other purposes in the unincorporated 68  
territory of the county, and may establish reasonable landscaping 69  
standards and architectural standards excluding exterior building 70  
materials in the unincorporated territory of the county. Except as 71  
otherwise provided in this section, in the interest of the public 72  
convenience, comfort, prosperity, or general welfare, the board 73  
may regulate by resolution, in accordance with a comprehensive 74  
plan, for nonresidential property only, the height, bulk, number 75  
of stories, and size of buildings and other structures, including 76  
tents, cabins, and trailer coaches, percentages of lot areas that 77

may be occupied, sizes of yards, courts, and other open spaces, 78  
and the density of population in the unincorporated territory of 79  
the county. For all these purposes, the board may divide all or 80  
any part of the unincorporated territory of the county into 81  
districts or zones of such number, shape, and area as the board 82  
determines. All such regulations shall be uniform for each class 83  
or kind of building or other structure or use throughout any 84  
district or zone, but the regulations in one district or zone may 85  
differ from those in other districts or zones. 86

For any activities permitted and regulated under Chapter 87  
1513. or 1514. of the Revised Code and any related processing 88  
activities, the board of county commissioners may regulate under 89  
the authority conferred by this section only in the interest of 90  
public health or safety. 91

(B) A board of county commissioners that pursuant to this 92  
chapter regulates adult entertainment establishments, as defined 93  
in section 2907.39 of the Revised Code, may modify its 94  
administrative zoning procedures with regard to adult 95  
entertainment establishments as the board determines necessary to 96  
ensure that the procedures comply with all applicable 97  
constitutional requirements. 98

**Sec. 309.09.** (A) The prosecuting attorney shall be the legal 99  
adviser of the board of county commissioners, board of elections, 100  
and all other county officers and boards, including all 101  
tax-supported public libraries, and any of them may require 102  
written opinions or instructions from the prosecuting attorney in 103  
matters connected with their official duties. The prosecuting 104  
attorney shall prosecute and defend all suits and actions which 105  
any such officer or board directs or to which it is a party, and 106  
no county officer may employ any other counsel or attorney at the 107  
expense of the county, except as provided in section 305.14 of the 108

Revised Code. 109

(B)(1) The prosecuting attorney shall be the legal adviser 110  
for all township officers, boards, and commissions, unless, 111  
subject to division (B)(2) of this section, the township has 112  
adopted a limited home rule government pursuant to Chapter 504. of 113  
the Revised Code and has not entered into a contract to have the 114  
prosecuting attorney serve as the township law director, in which 115  
case, subject to division (B)(2) of this section, the township law 116  
director, whether serving full-time or part-time, shall be the 117  
legal adviser for all township officers, boards, and commissions. 118  
When the board of township trustees finds it advisable or 119  
necessary to have additional legal counsel, it may employ an 120  
attorney other than the township law director or the prosecuting 121  
attorney of the county, either for a particular matter or on an 122  
annual basis, to represent the township and its officers, boards, 123  
and commissions in their official capacities and to advise them on 124  
legal matters. No such legal counsel may be employed, except on 125  
the order of the board of township trustees, duly entered upon its 126  
journal, in which the compensation to be paid for the legal 127  
services shall be fixed. The compensation shall be paid from the 128  
township fund. 129

Nothing in this division confers any of the powers or duties 130  
of a prosecuting attorney under section 309.08 of the Revised Code 131  
upon a township law director. 132

(2)(a) If any township in the county served by the 133  
prosecuting attorney has adopted any resolution regarding the 134  
operation of adult entertainment establishments pursuant to the 135  
authority that is granted under section 503.52 of the Revised Code 136  
or if a resolution of that nature has been adopted under section 137  
503.53 of the Revised Code in a township in the county served by 138  
the prosecuting attorney, all of the following apply: 139

(i) Upon the request of a township in the county that has 140

adopted, or in which has been adopted, a resolution of that nature 141  
that is made pursuant to division (E)(1)(c) of section 503.52 of 142  
the Revised Code, the prosecuting attorney shall prosecute and 143  
defend on behalf of the township in the trial and argument in any 144  
court or tribunal of any challenge to the validity of the 145  
resolution. If the challenge to the validity of the resolution is 146  
before a federal court, the prosecuting attorney may request the 147  
attorney general to assist the prosecuting attorney in prosecuting 148  
and defending the challenge and, upon the prosecuting attorney's 149  
making of such a request, the attorney general shall assist the 150  
prosecuting attorney in performing that service if the resolution 151  
was drafted in accordance with legal guidance provided by the 152  
attorney general as described in division (B)(2) of section 503.52 153  
of the Revised Code. The attorney general shall provide this 154  
assistance without charge to the township for which the service is 155  
performed. If a township adopts a resolution without the legal 156  
guidance of the attorney general, the attorney general is not 157  
required to provide assistance as described in this division to a 158  
prosecuting attorney. 159

(ii) Upon the request of a township in the county that has 160  
adopted, or in which has been adopted, a resolution of that nature 161  
that is made pursuant to division (E)(1)(a) of section 503.52 of 162  
the Revised Code, the prosecuting attorney shall prosecute and 163  
defend on behalf of the township a civil action to enjoin the 164  
violation of the resolution in question. 165

(iii) Upon the request of a township in the county that has 166  
adopted, or in which has been adopted, a resolution of that nature 167  
that is made pursuant to division (E)(1)(b) of section 503.52 of 168  
the Revised Code, the prosecuting attorney shall prosecute and 169  
defend on behalf of the township a civil action under Chapter 170  
3767. of the Revised Code to abate as a nuisance the place in the 171  
unincorporated area of the township at which the resolution is 172

being or has been violated. Proceeds from the sale of personal 173  
property or contents seized pursuant to the action shall be 174  
applied and deposited in accordance with division (E)(1)(b) of 175  
section 503.52 of the Revised Code. 176

(b) The provisions of division (B)(2)(a) of this section 177  
apply regarding all townships, including townships that have 178  
adopted a limited home rule government pursuant to Chapter 504. of 179  
the Revised Code, and regardless of whether a township that has so 180  
adopted a limited home rule government has entered into a contract 181  
with the prosecuting attorney as described in division (B) of 182  
section 504.15 of the Revised Code or has appointed a law director 183  
as described in division (A) of that section. 184

The prosecuting attorney shall prosecute and defend in the 185  
actions and proceedings described in division (B)(2)(a) of this 186  
section without charge to the township for which the services are 187  
performed. 188

(C) Whenever the board of county commissioners employs an 189  
attorney other than the prosecuting attorney of the county, 190  
without the authorization of the court of common pleas as provided 191  
in section 305.14 of the Revised Code, either for a particular 192  
matter or on an annual basis, to represent the board in its 193  
official capacity and to advise it on legal matters, the board 194  
shall enter upon its journal an order of the board in which the 195  
compensation to be paid for the legal services shall be fixed. The 196  
compensation shall be paid from the county general fund. The total 197  
compensation paid, in any year, by the board for legal services 198  
under this division shall not exceed the total annual compensation 199  
of the prosecuting attorney for that county. 200

(D) The prosecuting attorney and the board of county 201  
commissioners jointly may contract with a board of park 202  
commissioners under section 1545.07 of the Revised Code for the 203

prosecuting attorney to provide legal services to the park 204  
district the board of park commissioners operates. 205

(E) The prosecuting attorney may be, in the prosecuting 206  
attorney's discretion and with the approval of the board of county 207  
commissioners, the legal adviser of a joint fire district created 208  
under section 505.371 of the Revised Code at no cost to the 209  
district or may be the legal adviser to the district under a 210  
contract that the prosecuting attorney and the district enter 211  
into, and that the board of county commissioner approves, to 212  
authorize the prosecuting attorney to provide legal services to 213  
the district. 214

(F) The prosecuting attorney may be, in the prosecuting 215  
attorney's discretion and with the approval of the board of county 216  
commissioners, the legal adviser of a joint ambulance district 217  
created under section 505.71 of the Revised Code at no cost to the 218  
district or may be the legal adviser to the district under a 219  
contract that the prosecuting attorney and the district enter 220  
into, and that the board of county commissioners approves, to 221  
authorize the prosecuting attorney to provide legal services to 222  
the district. 223

(G) The prosecuting attorney may be, in the prosecuting 224  
attorney's discretion and with the approval of the board of county 225  
commissioners, the legal adviser of a joint emergency medical 226  
services district created under section 307.052 of the Revised 227  
Code at no cost to the district or may be the legal adviser to the 228  
district under a contract that the prosecuting attorney and the 229  
district enter into, and that the board of county commissioners 230  
approves, to authorize the prosecuting attorney to provide legal 231  
services to the district. 232

(H) The prosecuting attorney may be, in the prosecuting 233  
attorney's discretion and with the approval of the board of county 234



commissioners, the legal adviser of a fire and ambulance district 235  
created under section 505.375 of the Revised Code at no cost to 236  
the district or may be the legal adviser to the district under a 237  
contract that the prosecuting attorney and the district enter 238  
into, and that the board of county commissioners approves, to 239  
authorize the prosecuting attorney to provide legal services to 240  
the district. 241

(I) All money received pursuant to a contract entered into 242  
under division (D), (E), (F), (G), or (H) of this section shall be 243  
deposited into the prosecuting attorney's legal services fund, 244  
which shall be established in the county treasury of each county 245  
in which such a contract exists. Moneys in that fund may be 246  
appropriated only to the prosecuting attorney for the purpose of 247  
providing legal services to a park district, joint fire district, 248  
joint ambulance district, joint emergency medical services 249  
district, or a fire and ambulance district, as applicable, under a 250  
contract entered into under the applicable division. 251

Sec. 503.51. As used in sections 503.51 to 503.53 of the 252  
Revised Code, "adult arcade," "adult bookstore," "adult novelty 253  
store," "adult video store," "adult cabaret," "adult entertainment 254  
establishment," "adult motion picture theater," "adult theater," 255  
"distinguished or characterized by their emphasis upon," "nude or 256  
seminude model studio," "nudity," "nude," "state of nudity," 257  
"regularly features," "regularly shown," "seminude," "state of 258  
seminudity," "sexual encounter establishment," "specified 259  
anatomical areas," and "specified sexual activity" have the same 260  
meanings as in section 2907.39 of the Revised Code. 261

Sec. 503.52. (A) Townships have authority to exercise all 262  
powers of local self-government regarding the operation of adult 263  
entertainment establishments within their limits and to adopt and 264

enforce within their limits any local police, sanitary, and 265  
similar regulations regarding the operation of adult entertainment 266  
establishments that are not in conflict with general laws. The 267  
regulations may include, but are not limited to, antinudity 268  
restrictions, limitations on hours of operation, interior 269  
configuration requirements, and requirements that adult 270  
entertainment establishments and their employees obtain licenses 271  
or permits to operate as or to be employed by an adult 272  
entertainment establishment. The authority granted under this 273  
division shall be exercised by the adoption of resolutions and may 274  
include the adoption of resolutions that create one or more 275  
criminal offenses and impose criminal penalties related to the 276  
operation of adult entertainment establishments or may provide for 277  
civil sanction for violations of regulations established under the 278  
resolutions. Townships have the same rights, powers, and duties 279  
pursuant to the authority granted under this division as municipal 280  
corporations have under Section 3, Article XVIII, Ohio 281  
Constitution relative to their authority to exercise powers of 282  
local self-government and to adopt and enforce within their limits 283  
local police, sanitary, and similar regulations, except to the 284  
extent that the rights, powers, and duties that the municipal 285  
corporations have by their nature clearly are inapplicable to 286  
townships and to the exercise by townships of their authority 287  
granted under this division. No regulation adopted under authority 288  
of this division shall be in conflict with any provision in 289  
Chapter 4303. of the Revised Code, or with any rule adopted by the 290  
division of liquor control pursuant to that chapter, that 291  
regulates establishments that hold a liquor permit. 292

(B)(1) The authority of a township granted under division (A) 293  
of this section applies to all townships. If a township has 294  
adopted a limited home rule government pursuant to Chapter 504. of 295  
the Revised Code, the authority granted under division (A) of this 296

section is in addition to the powers and authority granted to the township under Chapter 504. of the Revised Code. 297  
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(2) Upon the request of any township, the attorney general shall provide legal guidance and assistance to the township in developing, formulating, and drafting a resolution regarding the operation of adult entertainment establishments of a type described in division (A) of this section. The attorney general shall provide this service without charge to the township for which the service is performed. 299  
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(C) In case of conflict between any resolution enacted by a board of township trustees under the authority granted under division (A) of this section and a municipal ordinance or resolution, the ordinance or resolution enacted by the municipal corporation prevails. In case of conflict between any resolution enacted by a board of township trustees under the authority granted under division (A) of this section and a county resolution, the resolution enacted by the board of township trustees prevails. 306  
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(D) All proceeds from criminal and civil sanctions for violation of a regulation established by a township under a resolution adopted under division (A) of this section that are paid to the township shall be applied initially to the payment of costs incurred in the prosecution and enforcement of the resolution, including, but not limited to, court costs, reasonable attorney's fees, and other litigation expenses incurred by the county or township. 315  
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(E)(1)(a) When it appears that a resolution adopted under division (A) of this section or section 503.53 of the Revised Code is being or is about to be violated, the township in which the violation is taking place may request the prosecuting attorney of the county in which the township is located to prosecute and 323  
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defend on behalf of the township a civil action to enjoin the 328  
violation. If the township does not request the prosecuting 329  
attorney to prosecute and defend an action to enjoin the 330  
violation, the legal counsel of that township, if other than the 331  
prosecuting attorney, may prosecute and defend a civil action to 332  
enjoin the violation. 333

(b) A township may request the prosecuting attorney of the 334  
county in which the township is located to prosecute and defend on 335  
behalf of the township a civil action under Chapter 3767. of the 336  
Revised Code to abate as a nuisance any place in the 337  
unincorporated area of the township at which a resolution adopted 338  
under division (A) of this section or section 503.53 of the 339  
Revised Code is being or has been violated. If the township does 340  
not request the prosecuting attorney to prosecute and defend an 341  
action under that chapter, the legal counsel of the township, if 342  
other than the prosecuting attorney, may prosecute and defend an 343  
action under that chapter for that purpose. All proceeds from the 344  
sale of personal property or contents seized pursuant to the 345  
action shall be applied initially to the payment of costs incurred 346  
in the prosecution of the action and the costs associated with the 347  
abatement and sale ordered under division (A) of section 3767.06 348  
of the Revised Code, including, but not limited to, court costs, 349  
reasonable attorney's fees, and other litigation expenses incurred 350  
by the county or township. Any proceeds remaining after that 351  
initial application shall be deposited into the township treasury 352  
and credited to the general fund. 353

(c) If a township has adopted one or more resolutions 354  
regarding the operation of adult entertainment establishments 355  
pursuant to the authority that is granted under division (A) of 356  
this section or if a township resolution of that nature has been 357  
adopted under section 503.53 of the Revised Code and the validity 358  
of the resolution is challenged, the township may request the 359

prosecuting attorney of the county in which the township is 360  
located to prosecute and defend on behalf of the township in the 361  
trial and argument in any court or tribunal of the challenge to 362  
the validity of the resolution. 363

(2) Division (E)(1) of this section applies regarding all 364  
townships, including townships that have adopted a limited home 365  
rule government pursuant to Chapter 504. of the Revised Code and 366  
regardless of whether a township that has so adopted a limited 367  
home rule government has entered into a contract with the 368  
prosecuting attorney as described in division (B) of section 369  
504.15 of the Revised Code or has appointed a law director as 370  
described in division (A) of that section. 371

Upon the request of any township in the county served by the 372  
prosecuting attorney made pursuant to division (E)(1)(a), (b), or 373  
(c) of this section, the prosecuting attorney shall prosecute and 374  
defend in the action or proceeding as requested, as specified in 375  
division (B)(2) of section 309.09 of the Revised Code, without 376  
charge to the township for which the service is performed. 377

If a prosecuting attorney is prosecuting and defending a 378  
challenge to the validity of a resolution of a township pursuant 379  
to a request made pursuant to division (E)(1)(c) of this section 380  
and if the challenge is before a federal court, the prosecuting 381  
attorney may request the attorney general to assist the 382  
prosecuting attorney in prosecuting and defending the challenge, 383  
and, upon the prosecuting attorney's making of such a request, the 384  
attorney general shall assist the prosecuting attorney in 385  
performing that service if the resolution was drafted in 386  
accordance with legal guidance provided by the attorney general as 387  
described in division (B)(2) of this section. The attorney general 388  
shall provide this assistance without charge to the township for 389  
which the service is performed. If a township adopts a resolution 390  
without the legal guidance of the attorney general, the attorney 391

general is not being required to provide assistance as described 392  
in this division to a prosecuting attorney. 393

**Sec. 503-29 503.53.** (A) Resolutions of the type described in 394  
division ~~(B)~~(A) of section ~~503.65~~ 503.52 of the Revised Code may 395  
be proposed by initiative petition by the electors of a township 396  
and adopted by election by these electors, under the same 397  
circumstances, in the same manner, and subject to the same 398  
penalties as provided in sections 731.28 to 731.40 and ~~section~~ 399  
731.99 of the Revised Code for ordinances and other measures of 400  
municipal corporations, insofar as those sections are applicable 401  
to townships, except as follows: 402

~~(A)~~(1) The board of township trustees shall perform the 403  
duties imposed on the legislative authority of the municipal 404  
corporation under those sections. 405

~~(B)~~(2) Initiative petitions shall be filed with the township 406  
fiscal officer, who shall perform the duties imposed under those 407  
sections upon the city auditor or village clerk. 408

~~(C)~~(3) Initiative petitions shall contain the signatures of 409  
electors of the township equal in number to at least ten per cent 410  
of the total vote cast in the township for the office of governor 411  
at the most recent general election for that office. 412

~~(D)~~(4) Each signer of an initiative petition shall be an 413  
elector of the township in which the election on the proposed 414  
resolution is to be held. 415

(B) A resolution proposed under division (A) of this section 416  
may provide for the following: 417

(1) Modification of the administrative procedures, including 418  
administrative zoning procedures, of the township as those 419  
procedures apply to adult entertainment establishments to ensure 420  
that constitutional requirements are met; 421

(2) Criminal and civil sanctions for adult entertainment 422  
establishments that violate regulations established by the 423  
resolution. 424

**Sec. 504.04.** (A) A township that adopts a limited home rule 425  
government may do all of the following by resolution, provided 426  
that any of these resolutions, other than a resolution to supply 427  
water or sewer services in accordance with sections 504.18 to 428  
504.20 of the Revised Code, may be enforced only by the imposition 429  
of civil fines as authorized in this chapter: 430

(1) Exercise all powers of local self-government within the 431  
unincorporated area of the township, other than powers that are in 432  
conflict with general laws, except that the township shall comply 433  
with the requirements and prohibitions of this chapter, and shall 434  
enact no taxes other than those authorized by general law, and 435  
except that no resolution adopted pursuant to this chapter shall 436  
encroach upon the powers, duties, and privileges of elected 437  
township officers or change, alter, combine, eliminate, or 438  
otherwise modify the form or structure of the township government 439  
unless the change is required or permitted by this chapter; 440

(2) Adopt and enforce within the unincorporated area of the 441  
township local police, sanitary, and other similar regulations 442  
that are not in conflict with general laws or otherwise prohibited 443  
by division (B) of this section; 444

(3) Supply water and sewer services to users within the 445  
unincorporated area of the township in accordance with sections 446  
504.18 to 504.20 of the Revised Code; 447

(4) Adopt and enforce within the unincorporated area of the 448  
township any resolution of a type described in section 503.52 of 449  
the Revised Code. 450

(B) No resolution adopted pursuant to this chapter shall do 451

any of the following:	452
(1) Create a criminal offense or impose criminal penalties,	453
except as authorized by division (A) of this section <u>or by section</u>	454
<u>503.52 of the Revised Code;</u>	455
(2) Impose civil fines other than as authorized by this	456
chapter;	457
(3) Establish or revise subdivision regulations, road	458
construction standards, urban sediment rules, or storm water and	459
drainage regulations, except as provided in section 504.21 of the	460
Revised Code;	461
(4) Establish or revise building standards, building codes,	462
and other standard codes except as provided in section 504.13 of	463
the Revised Code;	464
(5) Increase, decrease, or otherwise alter the powers or	465
duties of a township under any other chapter of the Revised Code	466
pertaining to agriculture or the conservation or development of	467
natural resources;	468
(6) Establish regulations affecting hunting, trapping,	469
fishing, or the possession, use, or sale of firearms;	470
(7) Establish or revise water or sewer regulations, except in	471
accordance with section 504.18, 504.19, or 504.21 of the Revised	472
Code.	473
Nothing in this chapter shall be construed as affecting the	474
powers of counties with regard to the subjects listed in divisions	475
(B)(3) to (5) of this section.	476
(C) Under a limited home rule government, all officers shall	477
have the qualifications, and be nominated, elected, or appointed,	478
as provided in Chapter 505. of the Revised Code, except that the	479
board of township trustees shall appoint a full-time or part-time	480
law director pursuant to section 504.15 of the Revised Code, and	481



except that a five-member board of township trustees approved for 482  
the township before September 26, 2003, shall continue to serve as 483  
the legislative authority with successive members serving for 484  
four-year terms of office until a termination of a limited home 485  
rule government under section 504.03 of the Revised Code. 486

(D) In case of conflict between resolutions enacted by a 487  
board of township trustees and municipal ordinances or 488  
resolutions, the ordinance or resolution enacted by the municipal 489  
corporation prevails. In case of conflict between resolutions 490  
enacted by a board of township trustees and any county resolution, 491  
the resolution enacted by the board of township trustees prevails. 492

**Sec. 504.15.** (A) Unless the board of township trustees acts 493  
as authorized by division (B) of this section, in each township 494  
that adopts the limited self-government form of township 495  
government, the board of township trustees shall appoint a 496  
full-time or part-time township law director, who shall be an 497  
attorney licensed to practice law in this state. The board of 498  
township trustees shall set the salary of the township law 499  
director. The township law director shall be the legal advisor to 500  
the board of township trustees, the township administrator, and 501  
all other township officers, and any of them may require written 502  
opinions or instructions from the township law director in matters 503  
connected with their official duties. The Subject to division (E) 504  
of section 503.52 of the Revised Code, the township law director 505  
shall prosecute and defend all suits and actions that any such 506  
officer or board directs or to which an officer or board is a 507  
party, and the township law director shall prosecute any violation 508  
of a township resolution, as provided in this chapter. The 509  
township law director shall review all resolutions as to form 510  
prior to their introduction by a township trustee. Additional 511  
legal counsel may be employed as provided in division (B) of 512

section 309.09 of the Revised Code. 513

(B) The board of township trustees may enter into a contract 514  
with the prosecuting attorney of the county to have the 515  
prosecuting attorney serve as the township law director, with the 516  
consent of the board of county commissioners. 517

(C) Nothing in this section confers any of the powers or 518  
duties of a prosecuting attorney under section 309.08 of the 519  
Revised Code upon a township law director. 520

(D) Nothing in this section limits or affects the operation 521  
of division (E) of section 503.52 of the Revised Code. 522

**Sec. 519.02.** (A) Except as otherwise provided in this 523  
section, in the interest of the public health and safety, the 524  
board of township trustees may regulate by resolution, in 525  
accordance with a comprehensive plan, the location, height, bulk, 526  
number of stories, and size of buildings and other structures, 527  
including tents, cabins, and trailer coaches, percentages of lot 528  
areas that may be occupied, set back building lines, sizes of 529  
yards, courts, and other open spaces, the density of population, 530  
the uses of buildings and other structures, including tents, 531  
cabins, and trailer coaches, and the uses of land for trade, 532  
industry, residence, recreation, or other purposes in the 533  
unincorporated territory of the township. Except as otherwise 534  
provided in this section, in the interest of the public 535  
convenience, comfort, prosperity, or general welfare, the board by 536  
resolution, in accordance with a comprehensive plan, may regulate 537  
the location of, set back lines for, and the uses of buildings and 538  
other structures, including tents, cabins, and trailer coaches, 539  
and the uses of land for trade, industry, residence, recreation, 540  
or other purposes in the unincorporated territory of the township, 541  
and may establish reasonable landscaping standards and 542  
architectural standards excluding exterior building materials in 543

the unincorporated territory of the township. Except as otherwise 544  
provided in this section, in the interest of the public 545  
convenience, comfort, prosperity, or general welfare, the board 546  
may regulate by resolution, in accordance with a comprehensive 547  
plan, for nonresidential property only, the height, bulk, number 548  
of stories, and size of buildings and other structures, including 549  
tents, cabins, and trailer coaches, percentages of lot areas that 550  
may be occupied, sizes of yards, courts, and other open spaces, 551  
and the density of population in the unincorporated territory of 552  
the township. For all these purposes, the board may divide all or 553  
any part of the unincorporated territory of the township into 554  
districts or zones of such number, shape, and area as the board 555  
determines. All such regulations shall be uniform for each class 556  
or kind of building or other structure or use throughout any 557  
district or zone, but the regulations in one district or zone may 558  
differ from those in other districts or zones. 559

For any activities permitted and regulated under Chapter 560  
1513. or 1514. of the Revised Code and any related processing 561  
activities, the board of township trustees may regulate under the 562  
authority conferred by this section only in the interest of public 563  
health or safety. 564

(B) A board of township trustees that pursuant to this 565  
chapter regulates adult entertainment establishments, as defined 566  
in section 2907.39 of the Revised Code, may modify its 567  
administrative zoning procedures with regard to adult 568  
entertainment establishments as the board determines necessary to 569  
ensure that the procedures comply with all applicable 570  
constitutional requirements. 571

**Sec. 1901.182.** In addition to other jurisdiction granted a 572  
municipal court in the Revised Code, a municipal court has 573  
jurisdiction over violations of township resolutions adopted 574

pursuant to section 503.52 or 503.53 or Chapter 504. of the 575  
Revised Code. For procedural purposes, a case in which a person is 576  
charged with a violation of a township resolution shall be treated 577  
as a civil case, except as otherwise provided in the Revised Code 578  
and except that a violation of a township resolution that is 579  
adopted pursuant to section 503.52 or 503.53 of the Revised Code 580  
and that creates a criminal offense or imposes criminal penalties 581  
shall be treated as a criminal case. 582

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 583  
court shall be selected, be compensated, give bond, and have 584  
powers and duties as follows: 585

(A) There shall be a clerk of the court who is appointed or 586  
elected as follows: 587

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 588  
Toledo, Hamilton county, Portage county, and Wayne county 589  
municipal courts, if the population of the territory equals or 590  
exceeds one hundred thousand at the regular municipal election 591  
immediately preceding the expiration of the term of the present 592  
clerk, the clerk shall be nominated and elected by the qualified 593  
electors of the territory in the manner that is provided for the 594  
nomination and election of judges in section 1901.07 of the 595  
Revised Code. 596

The clerk so elected shall hold office for a term of six 597  
years, which term shall commence on the first day of January 598  
following the clerk's election and continue until the clerk's 599  
successor is elected and qualified. 600

(b) In the Hamilton county municipal court, the clerk of 601  
courts of Hamilton county shall be the clerk of the municipal 602  
court and may appoint an assistant clerk who shall receive the 603  
compensation, payable out of the treasury of Hamilton county in 604  
semimonthly installments, that the board of county commissioners 605

prescribes. The clerk of courts of Hamilton county, acting as the  
clerk of the Hamilton county municipal court and assuming the  
duties of that office, shall receive compensation at one-fourth  
the rate that is prescribed for the clerks of courts of common  
pleas as determined in accordance with the population of the  
county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of Hamilton county, as provided in  
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts,  
the clerks of courts of Portage county and Wayne county shall be  
the clerks, respectively, of the Portage county and Wayne county  
municipal courts and may appoint a chief deputy clerk for each  
branch that is established pursuant to section 1901.311 of the  
Revised Code and assistant clerks as the judges of the municipal  
court determine are necessary, all of whom shall receive the  
compensation that the legislative authority prescribes. The clerks  
of courts of Portage county and Wayne county, acting as the clerks  
of the Portage county and Wayne county municipal courts and  
assuming the duties of these offices, shall receive compensation  
payable from the county treasury in semimonthly installments at  
one-fourth the rate that is prescribed for the clerks of courts of  
common pleas as determined in accordance with the population of  
the county and the rates set forth in sections 325.08 and 325.18  
of the Revised Code.

(d) Except as otherwise provided in division (A)(1)(d) of  
this section, in the Akron municipal court, candidates for  
election to the office of clerk of the court shall be nominated by  
primary election. The primary election shall be held on the day  
specified in the charter of the city of Akron for the nomination

of municipal officers. Notwithstanding any contrary provision of 638  
section 3513.05 or 3513.257 of the Revised Code, the declarations 639  
of candidacy and petitions of partisan candidates and the 640  
nominating petitions of independent candidates for the office of 641  
clerk of the Akron municipal court shall be signed by at least 642  
fifty qualified electors of the territory of the court. 643

The candidates shall file a declaration of candidacy and 644  
petition, or a nominating petition, whichever is applicable, not 645  
later than four p.m. of the seventy-fifth day before the day of 646  
the primary election, in the form prescribed by section 3513.07 or 647  
3513.261 of the Revised Code. The declaration of candidacy and 648  
petition, or the nominating petition, shall conform to the 649  
applicable requirements of section 3513.05 or 3513.257 of the 650  
Revised Code. 651

If no valid declaration of candidacy and petition is filed by 652  
any person for nomination as a candidate of a particular political 653  
party for election to the office of clerk of the Akron municipal 654  
court, a primary election shall not be held for the purpose of 655  
nominating a candidate of that party for election to that office. 656  
If only one person files a valid declaration of candidacy and 657  
petition for nomination as a candidate of a particular political 658  
party for election to that office, a primary election shall not be 659  
held for the purpose of nominating a candidate of that party for 660  
election to that office, and the candidate shall be issued a 661  
certificate of nomination in the manner set forth in section 662  
3513.02 of the Revised Code. 663

Declarations of candidacy and petitions, nominating 664  
petitions, and certificates of nomination for the office of clerk 665  
of the Akron municipal court shall contain a designation of the 666  
term for which the candidate seeks election. At the following 667  
regular municipal election, all candidates for the office shall be 668  
submitted to the qualified electors of the territory of the court 669

in the manner that is provided in section 1901.07 of the Revised  
Code for the election of the judges of the court. The clerk so  
elected shall hold office for a term of six years, which term  
shall commence on the first day of January following the clerk's  
election and continue until the clerk's successor is elected and  
qualified.

(e) Except as otherwise provided in division (A)(1)(e) of  
this section, in the Barberton municipal court, candidates for  
election to the office of clerk of the court shall be nominated by  
primary election. The primary election shall be held on the day  
specified in the charter of the city of Barberton for the  
nomination of municipal officers. Notwithstanding any contrary  
provision of section 3513.05 or 3513.257 of the Revised Code, the  
declarations of candidacy and petitions of partisan candidates and  
the nominating petitions of independent candidates for the office  
of clerk of the Barberton municipal court shall be signed by at  
least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and  
petition, or a nominating petition, whichever is applicable, not  
later than four p.m. of the seventy-fifth day before the day of  
the primary election, in the form prescribed by section 3513.07 or  
3513.261 of the Revised Code. The declaration of candidacy and  
petition, or the nominating petition, shall conform to the  
applicable requirements of section 3513.05 or 3513.257 of the  
Revised Code.

If no valid declaration of candidacy and petition is filed by  
any person for nomination as a candidate of a particular political  
party for election to the office of clerk of the Barberton  
municipal court, a primary election shall not be held for the  
purpose of nominating a candidate of that party for election to  
that office. If only one person files a valid declaration of  
candidacy and petition for nomination as a candidate of a

particular political party for election to that office, a primary 702  
election shall not be held for the purpose of nominating a 703  
candidate of that party for election to that office, and the 704  
candidate shall be issued a certificate of nomination in the 705  
manner set forth in section 3513.02 of the Revised Code. 706

Declarations of candidacy and petitions, nominating 707  
petitions, and certificates of nomination for the office of clerk 708  
of the Barberton municipal court shall contain a designation of 709  
the term for which the candidate seeks election. At the following 710  
regular municipal election, all candidates for the office shall be 711  
submitted to the qualified electors of the territory of the court 712  
in the manner that is provided in section 1901.07 of the Revised 713  
Code for the election of the judges of the court. The clerk so 714  
elected shall hold office for a term of six years, which term 715  
shall commence on the first day of January following the clerk's 716  
election and continue until the clerk's successor is elected and 717  
qualified. 718

(f) Except as otherwise provided in division (A)(1)(f) of 719  
this section, in the Cuyahoga Falls municipal court, candidates 720  
for election to the office of clerk of the court shall be 721  
nominated by primary election. The primary election shall be held 722  
on the day specified in the charter of the city of Cuyahoga Falls 723  
for the nomination of municipal officers. Notwithstanding any 724  
contrary provision of section 3513.05 or 3513.257 of the Revised 725  
Code, the declarations of candidacy and petitions of partisan 726  
candidates and the nominating petitions of independent candidates 727  
for the office of clerk of the Cuyahoga Falls municipal court 728  
shall be signed by at least fifty qualified electors of the 729  
territory of the court. 730

The candidates shall file a declaration of candidacy and 731  
petition, or a nominating petition, whichever is applicable, not 732  
later than four p.m. of the seventy-fifth day before the day of 733



the primary election, in the form prescribed by section 3513.07 or 734  
3513.261 of the Revised Code. The declaration of candidacy and 735  
petition, or the nominating petition, shall conform to the 736  
applicable requirements of section 3513.05 or 3513.257 of the 737  
Revised Code. 738

If no valid declaration of candidacy and petition is filed by 739  
any person for nomination as a candidate of a particular political 740  
party for election to the office of clerk of the Cuyahoga Falls 741  
municipal court, a primary election shall not be held for the 742  
purpose of nominating a candidate of that party for election to 743  
that office. If only one person files a valid declaration of 744  
candidacy and petition for nomination as a candidate of a 745  
particular political party for election to that office, a primary 746  
election shall not be held for the purpose of nominating a 747  
candidate of that party for election to that office, and the 748  
candidate shall be issued a certificate of nomination in the 749  
manner set forth in section 3513.02 of the Revised Code. 750

Declarations of candidacy and petitions, nominating 751  
petitions, and certificates of nomination for the office of clerk 752  
of the Cuyahoga Falls municipal court shall contain a designation 753  
of the term for which the candidate seeks election. At the 754  
following regular municipal election, all candidates for the 755  
office shall be submitted to the qualified electors of the 756  
territory of the court in the manner that is provided in section 757  
1901.07 of the Revised Code for the election of the judges of the 758  
court. The clerk so elected shall hold office for a term of six 759  
years, which term shall commence on the first day of January 760  
following the clerk's election and continue until the clerk's 761  
successor is elected and qualified. 762

(g) Except as otherwise provided in division (A)(1)(g) of 763  
this section, in the Toledo municipal court, candidates for 764  
election to the office of clerk of the court shall be nominated by 765

primary election. The primary election shall be held on the day 766  
specified in the charter of the city of Toledo for the nomination 767  
of municipal officers. Notwithstanding any contrary provision of 768  
section 3513.05 or 3513.257 of the Revised Code, the declarations 769  
of candidacy and petitions of partisan candidates and the 770  
nominating petitions of independent candidates for the office of 771  
clerk of the Toledo municipal court shall be signed by at least 772  
fifty qualified electors of the territory of the court. 773

The candidates shall file a declaration of candidacy and 774  
petition, or a nominating petition, whichever is applicable, not 775  
later than four p.m. of the seventy-fifth day before the day of 776  
the primary election, in the form prescribed by section 3513.07 or 777  
3513.261 of the Revised Code. The declaration of candidacy and 778  
petition, or the nominating petition, shall conform to the 779  
applicable requirements of section 3513.05 or 3513.257 of the 780  
Revised Code. 781

If no valid declaration of candidacy and petition is filed by 782  
any person for nomination as a candidate of a particular political 783  
party for election to the office of clerk of the Toledo municipal 784  
court, a primary election shall not be held for the purpose of 785  
nominating a candidate of that party for election to that office. 786  
If only one person files a valid declaration of candidacy and 787  
petition for nomination as a candidate of a particular political 788  
party for election to that office, a primary election shall not be 789  
held for the purpose of nominating a candidate of that party for 790  
election to that office, and the candidate shall be issued a 791  
certificate of nomination in the manner set forth in section 792  
3513.02 of the Revised Code. 793

Declarations of candidacy and petitions, nominating 794  
petitions, and certificates of nomination for the office of clerk 795  
of the Toledo municipal court shall contain a designation of the 796  
term for which the candidate seeks election. At the following 797

regular municipal election, all candidates for the office shall be 798  
submitted to the qualified electors of the territory of the court 799  
in the manner that is provided in section 1901.07 of the Revised 800  
Code for the election of the judges of the court. The clerk so 801  
elected shall hold office for a term of six years, which term 802  
shall commence on the first day of January following the clerk's 803  
election and continue until the clerk's successor is elected and 804  
qualified. 805

(2)(a) Except for the Alliance, Auglaize county, Brown 806  
county, Columbiana county, Lorain, Massillon, and Youngstown 807  
municipal courts, in a municipal court for which the population of 808  
the territory is less than one hundred thousand, the clerk shall 809  
be appointed by the court, and the clerk shall hold office until 810  
the clerk's successor is appointed and qualified. 811

(b) In the Alliance, Lorain, Massillon, and Youngstown 812  
municipal courts, the clerk shall be elected for a term of office 813  
as described in division (A)(1)(a) of this section. 814

(c) In the Auglaize county and Brown county municipal courts, 815  
the clerks of courts of Auglaize county and Brown county shall be 816  
the clerks, respectively, of the Auglaize county and Brown county 817  
municipal courts and may appoint a chief deputy clerk for each 818  
branch that is established pursuant to section 1901.311 of the 819  
Revised Code, and assistant clerks as the judge of the court 820  
determines are necessary, all of whom shall receive the 821  
compensation that the legislative authority prescribes. The clerks 822  
of courts of Auglaize county and Brown county, acting as the 823  
clerks of the Auglaize county and Brown county municipal courts 824  
and assuming the duties of these offices, shall receive 825  
compensation payable from the county treasury in semimonthly 826  
installments at one-fourth the rate that is prescribed for the 827  
clerks of courts of common pleas as determined in accordance with 828  
the population of the county and the rates set forth in sections 829

325.08 and 325.18 of the Revised Code. 830

(d) In the Columbiana county municipal court, the clerk of 831  
courts of Columbiana county shall be the clerk of the municipal 832  
court, may appoint a chief deputy clerk for each branch office 833  
that is established pursuant to section 1901.311 of the Revised 834  
Code, and may appoint any assistant clerks that the judges of the 835  
court determine are necessary. All of the chief deputy clerks and 836  
assistant clerks shall receive the compensation that the 837  
legislative authority prescribes. The clerk of courts of 838  
Columbiana county, acting as the clerk of the Columbiana county 839  
municipal court and assuming the duties of that office, shall 840  
receive compensation payable from the county treasury in 841  
semimonthly installments at one-fourth the rate that is prescribed 842  
for the clerks of courts of common pleas as determined in 843  
accordance with the population of the county and the rates set 844  
forth in sections 325.08 and 325.18 of the Revised Code. 845

(3) During the temporary absence of the clerk due to illness, 846  
vacation, or other proper cause, the court may appoint a temporary 847  
clerk, who shall be paid the same compensation, have the same 848  
authority, and perform the same duties as the clerk. 849

(B) Except in the Hamilton county, Portage county, and Wayne 850  
county municipal courts, if a vacancy occurs in the office of the 851  
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 852  
court or occurs in the office of the clerk of a municipal court 853  
for which the population of the territory equals or exceeds one 854  
hundred thousand because the clerk ceases to hold the office 855  
before the end of the clerk's term or because a clerk-elect fails 856  
to take office, the vacancy shall be filled, until a successor is 857  
elected and qualified, by a person chosen by the residents of the 858  
territory of the court who are members of the county central 859  
committee of the political party by which the last occupant of 860  
that office or the clerk-elect was nominated. Not less than five 861

nor more than fifteen days after a vacancy occurs, those members  
of that county central committee shall meet to make an appointment  
to fill the vacancy. At least four days before the date of the  
meeting, the chairperson or a secretary of the county central  
committee shall notify each such member of that county central  
committee by first class mail of the date, time, and place of the  
meeting and its purpose. A majority of all such members of that  
county central committee constitutes a quorum, and a majority of  
the quorum is required to make the appointment. If the office so  
vacated was occupied or was to be occupied by a person not  
nominated at a primary election, or if the appointment was not  
made by the committee members in accordance with this division,  
the court shall make an appointment to fill the vacancy. A  
successor shall be elected to fill the office for the unexpired  
term at the first municipal election that is held more than one  
hundred twenty days after the vacancy occurred.

(C)(1) In a municipal court, other than the Auglaize county,  
the Brown county, the Columbiana county, and the Lorain municipal  
courts, for which the population of the territory is less than one  
hundred thousand, the clerk of the municipal court shall receive  
the annual compensation that the presiding judge of the court  
prescribes, if the revenue of the court for the preceding calendar  
year, as certified by the auditor or chief fiscal officer of the  
municipal corporation in which the court is located or, in the  
case of a county-operated municipal court, the county auditor, is  
equal to or greater than the expenditures, including any debt  
charges, for the operation of the court payable under this chapter  
from the city treasury or, in the case of a county-operated  
municipal court, the county treasury for that calendar year, as  
also certified by the auditor or chief fiscal officer. If the  
revenue of a municipal court, other than the Auglaize county, the  
Brown county, the Columbiana county, and the Lorain municipal

courts, for which the population of the territory is less than one hundred thousand for the preceding calendar year as so certified is not equal to or greater than those expenditures for the operation of the court for that calendar year as so certified, the clerk of a municipal court shall receive the annual compensation that the legislative authority prescribes. As used in this division, "revenue" means the total of all costs and fees that are collected and paid to the city treasury or, in a county-operated municipal court, the county treasury by the clerk of the municipal court under division (F) of this section and all interest received and paid to the city treasury or, in a county-operated municipal court, the county treasury in relation to the costs and fees under division (G) of this section.

(2) In a municipal court, other than the Hamilton county, Portage county, and Wayne county municipal courts, for which the population of the territory is one hundred thousand or more, and in the Lorain municipal court, the clerk of the municipal court shall receive annual compensation in a sum equal to eighty-five per cent of the salary of a judge of the court.

(3) The compensation of a clerk described in division (C)(1) or (2) of this section is payable in semimonthly installments from the same sources and in the same manner as provided in section 1901.11 of the Revised Code.

(D) Before entering upon the duties of the clerk's office, the clerk of a municipal court shall give bond of not less than six thousand dollars to be determined by the judges of the court, conditioned upon the faithful performance of the clerk's duties.

(E) The clerk of a municipal court may do all of the following: administer oaths, take affidavits, and issue executions upon any judgment rendered in the court, including a judgment for unpaid costs; issue, sign, and attach the seal of the court to all

writs, process, subpoenas, and papers issuing out of the court; 925  
and approve all bonds, sureties, recognizances, and undertakings 926  
fixed by any judge of the court or by law. The clerk may refuse to 927  
accept for filing any pleading or paper submitted for filing by a 928  
person who has been found to be a vexatious litigator under 929  
section 2323.52 of the Revised Code and who has failed to obtain 930  
leave to proceed under that section. The clerk shall do all of the 931  
following: file and safely keep all journals, records, books, and 932  
papers belonging or appertaining to the court; record the 933  
proceedings of the court; perform all other duties that the judges 934  
of the court may prescribe; and keep a book showing all receipts 935  
and disbursements, which book shall be open for public inspection 936  
at all times. 937

The clerk shall prepare and maintain a general index, a 938  
docket, and other records that the court, by rule, requires, all 939  
of which shall be the public records of the court. In the docket, 940  
the clerk shall enter, at the time of the commencement of an 941  
action, the names of the parties in full, the names of the 942  
counsel, and the nature of the proceedings. Under proper dates, 943  
the clerk shall note the filing of the complaint, issuing of 944  
summons or other process, returns, and any subsequent pleadings. 945  
The clerk also shall enter all reports, verdicts, orders, 946  
judgments, and proceedings of the court, clearly specifying the 947  
relief granted or orders made in each action. The court may order 948  
an extended record of any of the above to be made and entered, 949  
under the proper action heading, upon the docket at the request of 950  
any party to the case, the expense of which record may be taxed as 951  
costs in the case or may be required to be prepaid by the party 952  
demanding the record, upon order of the court. 953

(F) The clerk of a municipal court shall receive, collect, 954  
and issue receipts for all costs, fees, fines, bail, and other 955  
moneys payable to the office or to any officer of the court. The 956

clerk shall each month disburse to the proper persons or officers, 957  
and take receipts for, all costs, fees, fines, bail, and other 958  
moneys that the clerk collects. Subject to sections 3375.50 and 959  
4511.193 of the Revised Code and to any other section of the 960  
Revised Code that requires a specific manner of disbursement of 961  
any moneys received by a municipal court and except for the 962  
Hamilton county, Lawrence county, and Ottawa county municipal 963  
courts, the clerk shall pay all fines received for violation of 964  
municipal ordinances into the treasury of the municipal 965  
corporation the ordinance of which was violated and shall pay all 966  
fines received for violation of township resolutions adopted 967  
pursuant to section 503.52 or 503.53 or Chapter 504. of the 968  
Revised Code into the treasury of the township the resolution of 969  
which was violated. Subject to sections 1901.024 and 4511.193 of 970  
the Revised Code, in the Hamilton county, Lawrence county, and 971  
Ottawa county municipal courts, the clerk shall pay fifty per cent 972  
of the fines received for violation of municipal ordinances and 973  
fifty per cent of the fines received for violation of township 974  
resolutions adopted pursuant to section 503.52 or 503.53 or 975  
Chapter 504. of the Revised Code into the treasury of the county. 976  
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 977  
Revised Code and to any other section of the Revised Code that 978  
requires a specific manner of disbursement of any moneys received 979  
by a municipal court, the clerk shall pay all fines collected for 980  
the violation of state laws into the county treasury. Except in a 981  
county-operated municipal court, the clerk shall pay all costs and 982  
fees the disbursement of which is not otherwise provided for in 983  
the Revised Code into the city treasury. The clerk of a 984  
county-operated municipal court shall pay the costs and fees the 985  
disbursement of which is not otherwise provided for in the Revised 986  
Code into the county treasury. Moneys deposited as security for 987  
costs shall be retained pending the litigation. The clerk shall 988  
keep a separate account of all receipts and disbursements in civil 989



and criminal cases, which shall be a permanent public record of 990  
the office. On the expiration of the term of the clerk, the clerk 991  
shall deliver the records to the clerk's successor. The clerk 992  
shall have other powers and duties as are prescribed by rule or 993  
order of the court. 994

(G) All moneys paid into a municipal court shall be noted on 995  
the record of the case in which they are paid and shall be 996  
deposited in a state or national bank, or a domestic savings and 997  
loan association, as defined in section 1151.01 of the Revised 998  
Code, that is selected by the clerk. Any interest received upon 999  
the deposits shall be paid into the city treasury, except that, in 1000  
a county-operated municipal court, the interest shall be paid into 1001  
the treasury of the county in which the court is located. 1002

On the first Monday in January of each year, the clerk shall 1003  
make a list of the titles of all cases in the court that were 1004  
finally determined more than one year past in which there remains 1005  
unclaimed in the possession of the clerk any funds, or any part of 1006  
a deposit for security of costs not consumed by the costs in the 1007  
case. The clerk shall give notice of the moneys to the parties who 1008  
are entitled to the moneys or to their attorneys of record. All 1009  
the moneys remaining unclaimed on the first day of April of each 1010  
year shall be paid by the clerk to the city treasurer, except 1011  
that, in a county-operated municipal court, the moneys shall be 1012  
paid to the treasurer of the county in which the court is located. 1013  
The treasurer shall pay any part of the moneys at any time to the 1014  
person who has the right to the moneys upon proper certification 1015  
of the clerk. 1016

(H) Deputy clerks may be appointed by the clerk and shall 1017  
receive the compensation, payable in semimonthly installments out 1018  
of the city treasury, that the clerk may prescribe, except that 1019  
the compensation of any deputy clerk of a county-operated 1020  
municipal court shall be paid out of the treasury of the county in 1021

which the court is located. Each deputy clerk shall take an oath  
of office before entering upon the duties of the deputy clerk's  
office and, when so qualified, may perform the duties appertaining  
to the office of the clerk. The clerk may require any of the  
deputy clerks to give bond of not less than three thousand  
dollars, conditioned for the faithful performance of the deputy  
clerk's duties.

(I) For the purposes of this section, whenever the population  
of the territory of a municipal court falls below one hundred  
thousand but not below ninety thousand, and the population of the  
territory prior to the most recent regular federal census exceeded  
one hundred thousand, the legislative authority of the municipal  
corporation may declare, by resolution, that the territory shall  
be considered to have a population of at least one hundred  
thousand.

(J) The clerk or a deputy clerk shall be in attendance at all  
sessions of the municipal court, although not necessarily in the  
courtroom, and may administer oaths to witnesses and jurors and  
receive verdicts.

**Sec. 1907.012.** In addition to other jurisdiction granted a  
county court in the Revised Code, a county court has jurisdiction  
over violations of township resolutions adopted pursuant to  
section 503.52 or 503.53 or Chapter 504. of the Revised Code. For  
procedural purposes, a case in which a person is charged with the  
violation of a township resolution shall be treated as a civil  
case, except as otherwise provided in the Revised Code and except  
that a violation of a township resolution that is adopted pursuant  
to section 503.52 or 503.53 of the Revised Code and that creates a  
criminal offense or imposes criminal penalties shall be treated as  
a criminal case.

Sec. 1907.20. (A) The clerk of courts shall be the clerk of 1052  
the county court, except that the board of county commissioners, 1053  
with the concurrence of the county court judges, may appoint a 1054  
clerk for each county court judge, who shall serve at the pleasure 1055  
of the board and shall receive compensation as set by the board, 1056  
payable in semimonthly installments from the treasury of the 1057  
county. An appointed clerk, before entering upon the duties of the 1058  
office, shall give bond of not less than five thousand dollars, as 1059  
determined by the board of county commissioners, conditioned upon 1060  
the faithful performance of the clerk's duties. 1061

The clerks of courts of common pleas, when acting as the 1062  
clerks of county courts, and upon assuming their county court 1063  
duties, shall receive compensation at one-fourth the rate 1064  
prescribed for the clerks of courts of common pleas as determined 1065  
in accordance with the population of the county and the rates set 1066  
forth in sections 325.08 and 325.18 of the Revised Code. This 1067  
compensation shall be paid from the county treasury in semimonthly 1068  
installments and is in addition to the annual compensation 1069  
received for the performance of the duties of the clerk of a court 1070  
of common pleas as provided in sections 325.08 and 325.18 of the 1071  
Revised Code. 1072

(B) The clerk of a county court shall have general powers to 1073  
administer oaths, take affidavits, and issue executions upon any 1074  
judgment rendered in the county court, including a judgment for 1075  
unpaid costs, power to issue and sign all writs, process, 1076  
subpoenas, and papers issuing out of the court, and to attach the 1077  
seal of the court to them, and power to approve all bonds, 1078  
sureties, recognizances, and undertakings fixed by any judge of 1079  
the court or by law. The clerk shall file and safely keep all 1080  
journals, records, books, and papers belonging or appertaining to 1081  
the court, record its proceedings, perform all other duties that 1082

the judges of the court may prescribe, and keep a book showing all  
receipts and disbursements, which shall be open for public  
inspection at all times. The clerk may refuse to accept for filing  
any pleading or paper submitted for filing by a person who has  
been found to be a vexatious litigator under section 2323.52 of  
the Revised Code and who has failed to obtain leave to proceed  
under that section.

The clerk shall prepare and maintain a general index, a  
docket as prescribed by the court, which shall be furnished by the  
board of county commissioners, and such other records as the  
court, by rule, requires, all of which shall be the public records  
of the court. In the docket, the clerk shall enter at times of the  
commencement of an action, the names of the parties in full, the  
names of the counsel, and the nature of the proceedings. Under  
proper dates, the clerk shall note the filing of the complaint,  
issuing of summons or other process, returns, and pleadings  
subsequent thereto. The clerk also shall enter all reports,  
verdicts, orders, judgments, and proceedings of the court, clearly  
specifying the relief granted or orders made in each action. The  
court may order an extended record of any of the above to be made  
and entered, under the proper action heading, upon the docket at  
the request of any party to the case, the expense of which may be  
taxed as costs in the case or may be required to be prepaid by the  
party demanding the extended record, upon order of the court.

(C) The clerk of a county court shall receive and collect all  
costs, fees, fines, penalties, bail, and other moneys payable to  
the office or to any officer of the court and issue receipts  
therefor, and shall each month disburse the costs, fees, fines,  
penalties, bail, and other moneys to the proper persons or  
officers and take receipts therefor. Subject to sections 3375.51,  
3375.53, 4511.19, 4511.193, and 5503.04 of the Revised Code and  
all other statutes that require a different distribution of fines,

1115 fines received for violations of municipal ordinances shall be  
1116 paid into the treasury of the municipal corporation whose  
1117 ordinance was violated, fines received for violations of township  
1118 resolutions adopted pursuant to section 503.52 or 503.53 or  
1119 Chapter 504. of the Revised Code shall be paid into the treasury  
1120 of the township whose resolution was violated, and fines collected  
1121 for the violation of state laws shall be paid into the county  
1122 treasury. Moneys deposited as security for costs shall be retained  
1123 pending the litigation.

1124 The clerk shall keep a separate account of all receipts and  
1125 disbursements in civil and criminal cases. The separate account  
1126 shall be a permanent public record of the office. On the  
1127 expiration of a clerk's term, those records shall be delivered to  
1128 the clerk's successor.

1129 The clerk shall have such other powers and duties as are  
1130 prescribed by rule or order of the court.

1131 (D) All moneys paid into a county court shall be noted on the  
1132 record of the case in which they are paid and shall be deposited  
1133 in a state or national bank selected by the clerk. On the first  
1134 Monday in January of each year, the clerk shall make a list of the  
1135 titles of all cases in the county court that were finally  
1136 determined more than one year past in which there remains  
1137 unclaimed in the possession of the clerk any funds, or any part of  
1138 a deposit for security of costs not consumed by the costs in the  
1139 case. The clerk shall give notice of the moneys to the parties  
1140 entitled to them or to their attorneys of record. All the moneys  
1141 remaining unclaimed on the first day of April of each year shall  
1142 be paid by the clerk to the county treasurer. Any part of the  
1143 moneys shall be paid by the county treasurer at any time to the  
1144 person having the right to them, upon proper certification of the  
1145 clerk.

(E)(1) In county court districts having appointed clerks, 1146  
deputy clerks may be appointed by the board of county 1147  
commissioners. Clerks and deputy clerks shall receive such 1148  
compensation payable in semimonthly installments out of the county 1149  
treasury as the board may prescribe. Each deputy clerk shall take 1150  
an oath of office before entering upon the duties of the deputy 1151  
clerk's office and, when so qualified, may perform the duties 1152  
appertaining to the office of the clerk. The clerk may require any 1153  
of the deputy clerks to give bond of not less than three thousand 1154  
dollars, conditioned for the faithful performance of the deputy 1155  
clerk's duties. 1156

(2) A clerk of courts acting as clerk of the county court may 1157  
appoint deputy clerks to perform the duties pertaining to the 1158  
office of clerk of the county court. Each deputy clerk shall take 1159  
an oath of office before entering upon the deputy clerk's duties, 1160  
and the clerk of courts may require the deputy clerk to give bond 1161  
of not less than three thousand dollars, conditioned for the 1162  
faithful performance of the deputy clerk's duties. 1163

(3) The clerk or a deputy clerk of a county court shall be in 1164  
attendance at all sessions of the court, although not necessarily 1165  
in the courtroom, and may administer oaths to witnesses and jurors 1166  
and receive verdicts. 1167

(F)(1) In county court districts having appointed clerks, the 1168  
board of county commissioners may order the establishment of one 1169  
or more branch offices of the clerk and, with the concurrence of 1170  
the county judges, may appoint a special deputy clerk to 1171  
administer each branch office. Each special deputy clerk shall 1172  
take an oath of office before entering upon the duties of the 1173  
deputy clerk's office and, when so qualified, may perform any one 1174  
or more of the duties appertaining to the office of clerk, as the 1175  
board prescribes. Special deputy clerks shall receive such 1176  
compensation payable in semimonthly installments out of the county 1177

treasury as the board may prescribe. The board may require any of 1178  
the special deputy clerks to give bond of not less than three 1179  
thousand dollars, conditioned for the faithful performance of the 1180  
deputy clerk's duties. 1181

The board of county commissioners may authorize the clerk of 1182  
the county court to operate one or more branch offices, to divide 1183  
the clerk's time between the offices, and to perform duties 1184  
appertaining to the office of clerk in locations that the board 1185  
prescribes. 1186

(2) A clerk of courts acting as clerk of the county court may 1187  
establish one or more branch offices for the clerk's duties as 1188  
clerk of the county court and, with the concurrence of the county 1189  
court judges, may appoint a special deputy clerk to administer 1190  
each branch office. Each special deputy clerk shall take an oath 1191  
of office before entering upon the deputy clerk's duties and, when 1192  
so qualified, may perform any of the duties pertaining to the 1193  
office of clerk, as the clerk of courts prescribes. The clerk of 1194  
courts may require any of the special deputy clerks to give bond 1195  
of not less than three thousand dollars, conditioned for the 1196  
faithful performance of the deputy clerk's duties. 1197

(G) The clerk of courts of the county shall fix the 1198  
compensation of deputy clerks and special deputy clerks appointed 1199  
by the clerk pursuant to this section. Those personnel shall be 1200  
paid and be subject to the same requirements as other employees of 1201  
the clerk under the provisions of section 325.17 of the Revised 1202  
Code insofar as that section is applicable. 1203

**Sec. 2151.022.** As used in this chapter, "unruly child" 1204  
includes any of the following: 1205

(A) Any child who does not submit to the reasonable control 1206  
of the child's parents, teachers, guardian, or custodian, by 1207

reason of being wayward or habitually disobedient;	1208
(B) Any child who is an habitual truant from school and who previously has not been adjudicated an unruly child for being an habitual truant;	1209 1210 1211
(C) Any child who behaves in a manner as to injure or endanger the child's own health or morals or the health or morals of others;	1212 1213 1214
(D) Any child who violates a law, other than <u>division (C) of section 2907.39</u> , division (A) of section 2923.211, or section 2151.87 of the Revised Code, that is applicable only to a child.	1215 1216 1217
<b>Sec. 2152.02.</b> As used in this chapter:	1218
(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.	1219 1220 1221
(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.	1222 1223 1224 1225
(C)(1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to (6) of this section.	1226 1227 1228
(2) Subject to division (C)(3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.	1229 1230 1231 1232 1233 1234
(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and	1235 1236



who is not taken into custody or apprehended for that act until 1237  
after the person attains twenty-one years of age is not a child in 1238  
relation to that act. 1239

(4) Any person whose case is transferred for criminal 1240  
prosecution pursuant to section 2152.12 of the Revised Code shall 1241  
be deemed after the transfer not to be a child in the transferred 1242  
case. 1243

(5) Any person whose case is transferred for criminal 1244  
prosecution pursuant to section 2152.12 of the Revised Code and 1245  
who subsequently is convicted of or pleads guilty to a felony in 1246  
that case, and any person who is adjudicated a delinquent child 1247  
for the commission of an act, who has a serious youthful offender 1248  
dispositional sentence imposed for the act pursuant to section 1249  
2152.13 of the Revised Code, and whose adult portion of the 1250  
dispositional sentence is invoked pursuant to section 2152.14 of 1251  
the Revised Code, shall be deemed after the transfer or invocation 1252  
not to be a child in any case in which a complaint is filed 1253  
against the person. 1254

(6) The juvenile court has jurisdiction over a person who is 1255  
adjudicated a delinquent child or juvenile traffic offender prior 1256  
to attaining eighteen years of age until the person attains 1257  
twenty-one years of age, and, for purposes of that jurisdiction 1258  
related to that adjudication, except as otherwise provided in this 1259  
division, a person who is so adjudicated a delinquent child or 1260  
juvenile traffic offender shall be deemed a "child" until the 1261  
person attains twenty-one years of age. If a person is so 1262  
adjudicated a delinquent child or juvenile traffic offender and 1263  
the court makes a disposition of the person under this chapter, at 1264  
any time after the person attains eighteen years of age, the 1265  
places at which the person may be held under that disposition are 1266  
not limited to places authorized under this chapter solely for 1267  
confinement of children, and the person may be confined under that 1268

disposition, in accordance with division (F)(2) of section 2152.26 1269  
of the Revised Code, in places other than those authorized under 1270  
this chapter solely for confinement of children. 1271

(D) "Chronic truant" means any child of compulsory school age 1272  
who is absent without legitimate excuse for absence from the 1273  
public school the child is supposed to attend for seven or more 1274  
consecutive school days, ten or more school days in one school 1275  
month, or fifteen or more school days in a school year. 1276

(E) "Community corrections facility," "public safety beds," 1277  
"release authority," and "supervised release" have the same 1278  
meanings as in section 5139.01 of the Revised Code. 1279

(F) "Delinquent child" includes any of the following: 1280

(1) Any child, except a juvenile traffic offender, who 1281  
violates any law of this state or the United States, or any 1282  
ordinance of a political subdivision of the state, that would be 1283  
an offense if committed by an adult; 1284

(2) Any child who violates any lawful order of the court made 1285  
under this chapter or under Chapter 2151. of the Revised Code 1286  
other than an order issued under section 2151.87 of the Revised 1287  
Code; 1288

(3) Any child who violates division (C) of section 2907.39 or 1289  
division (A) of section 2923.211 of the Revised Code; 1290

(4) Any child who is a habitual truant and who previously has 1291  
been adjudicated an unruly child for being a habitual truant; 1292

(5) Any child who is a chronic truant. 1293

(G) "Discretionary serious youthful offender" means a person 1294  
who is eligible for a discretionary SYO and who is not transferred 1295  
to adult court under a mandatory or discretionary transfer. 1296

(H) "Discretionary SYO" means a case in which the juvenile 1297  
court, in the juvenile court's discretion, may impose a serious 1298

youthful offender disposition under section 2152.13 of the Revised Code.	1299 1300
(I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	1301 1302 1303
(J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	1304 1305 1306
(K) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code.	1307 1308 1309
(L) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.	1310 1311 1312 1313 1314 1315 1316 1317 1318
(M) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	1319 1320
(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code.	1321 1322 1323 1324 1325 1326 1327 1328

(O) A "legitimate excuse for absence from the public school	1329
the child is supposed to attend" has the same meaning as in	1330
section 2151.011 of the Revised Code.	1331
(P) "Mandatory serious youthful offender" means a person who	1332
is eligible for a mandatory SYO and who is not transferred to	1333
adult court under a mandatory or discretionary transfer.	1334
(Q) "Mandatory SYO" means a case in which the juvenile court	1335
is required to impose a mandatory serious youthful offender	1336
disposition under section 2152.13 of the Revised Code.	1337
(R) "Mandatory transfer" means that a case is required to be	1338
transferred for criminal prosecution under division (A) of section	1339
2152.12 of the Revised Code.	1340
(S) "Mental illness" has the same meaning as in section	1341
5122.01 of the Revised Code.	1342
(T) "Mentally retarded person" has the same meaning as in	1343
section 5123.01 of the Revised Code.	1344
(U) "Monitored time" and "repeat violent offender" have the	1345
same meanings as in section 2929.01 of the Revised Code.	1346
(V) "Of compulsory school age" has the same meaning as in	1347
section 3321.01 of the Revised Code.	1348
(W) "Public record" has the same meaning as in section 149.43	1349
of the Revised Code.	1350
(X) "Serious youthful offender" means a person who is	1351
eligible for a mandatory SYO or discretionary SYO but who is not	1352
transferred to adult court under a mandatory or discretionary	1353
transfer.	1354
(Y) "Sexually oriented offense," "habitual sex offender,"	1355
"juvenile offender registrant," "sexual predator," "presumptive	1356
registration-exempt sexually oriented offense,"	1357
"registration-exempt sexually oriented offense," "child-victim	1358

oriented offense," "habitual child-victim offender," and 1359  
"child-victim predator" have the same meanings as in section 1360  
2950.01 of the Revised Code. 1361

(Z) "Traditional juvenile" means a case that is not 1362  
transferred to adult court under a mandatory or discretionary 1363  
transfer, that is eligible for a disposition under sections 1364  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1365  
that is not eligible for a disposition under section 2152.13 of 1366  
the Revised Code. 1367

(AA) "Transfer" means the transfer for criminal prosecution 1368  
of a case involving the alleged commission by a child of an act 1369  
that would be an offense if committed by an adult from the 1370  
juvenile court to the appropriate court that has jurisdiction of 1371  
the offense. 1372

(BB) "Category one offense" means any of the following: 1373

(1) A violation of section 2903.01 or 2903.02 of the Revised 1374  
Code; 1375

(2) A violation of section 2923.02 of the Revised Code 1376  
involving an attempt to commit aggravated murder or murder. 1377

(CC) "Category two offense" means any of the following: 1378

(1) A violation of section 2903.03, 2905.01, 2907.02, 1379  
2909.02, 2911.01, or 2911.11 of the Revised Code; 1380

(2) A violation of section 2903.04 of the Revised Code that 1381  
is a felony of the first degree; 1382

(3) A violation of section 2907.12 of the Revised Code as it 1383  
existed prior to September 3, 1996. 1384

(DD) "Non-economic loss" means nonpecuniary harm suffered by 1385  
a victim of a delinquent act or juvenile traffic offense as a 1386  
result of or related to the delinquent act or juvenile traffic 1387  
offense, including, but not limited to, pain and suffering; loss 1388

of society, consortium, companionship, care, assistance, 1389  
attention, protection, advice, guidance, counsel, instruction, 1390  
training, or education; mental anguish; and any other intangible 1391  
loss. 1392

**Sec. 2505.08.** In the case of an administrative-related appeal 1393  
other than an expedited appeal brought under sections 2506.05 to 1394  
2506.08 of the Revised Code, within forty days after the filing of 1395  
a notice of appeal or the obtaining of a leave to appeal, as 1396  
described in section 2505.04 of the Revised Code, the 1397  
administrative officer, agency, board, department, tribunal, 1398  
commission, or other instrumentality whose final order is being 1399  
appealed shall prepare and file in the court to which the appeal 1400  
is taken, a complete transcript of all the original papers, 1401  
testimony, and evidence offered, heard, and taken into 1402  
consideration in issuing the final order. The costs of the 1403  
transcript shall be taxed as part of the costs of the appeal. 1404

**Sec. 2506.01.** ~~Every~~ (A) Except as otherwise provided in 1405  
sections 2506.05 to 2506.08 of the Revised Code, and except as 1406  
modified by this section and sections 2506.02 to 2506.04 of the 1407  
Revised Code, every final order, adjudication, or decision of any 1408  
officer, tribunal, authority, board, bureau, commission, 1409  
department, or other division of any political subdivision of the 1410  
state may be reviewed by the court of common pleas of the county 1411  
in which the principal office of the political subdivision is 1412  
located as provided in Chapter 2505. of the Revised Code, ~~except~~ 1413  
~~as modified by this chapter.~~ 1414

(B) The appeal provided in this ~~chapter~~ section is in 1415  
addition to any other remedy of appeal provided by law. 1416

A (C) As used in this chapter, "final order, adjudication, or 1417  
decision" means an order, adjudication, or decision that 1418

determines rights, duties, privileges, benefits, or legal 1419  
relationships of a person, but does not include any order, 1420  
adjudication, or decision from which an appeal is granted by rule, 1421  
ordinance, or statute to a higher administrative authority if a 1422  
right to a hearing on such appeal is provided, or any order, 1423  
adjudication, or decision that is issued preliminary to or as a 1424  
result of a criminal proceeding. 1425

**Sec. 2506.02.** Within forty days after filing ~~the~~ a notice of 1426  
appeal in relation to a final order, adjudication, or decision 1427  
covered by division (A) of section 2506.01 of the Revised Code, 1428  
the officer or body from which the appeal is taken, upon the 1429  
filing of a praecipe by the appellant, shall prepare and file in 1430  
the court to which the appeal is taken, a complete transcript of 1431  
all the original papers, testimony, and evidence offered, heard, 1432  
and taken into consideration in issuing the final order, 1433  
adjudication, or decision ~~appealed from~~. The costs of ~~such~~ the 1434  
transcript shall be taxed as a part of the costs of the appeal. 1435

**Sec. 2506.03.** (A) The hearing of ~~such~~ an appeal taken in 1436  
relation to a final order, adjudication, or decision covered by 1437  
division (A) of section 2506.01 of the Revised Code shall proceed 1438  
as in the trial of a civil action, but the court shall be confined 1439  
to the transcript ~~as filed pursuant to~~ under section 2506.02 of 1440  
the Revised Code unless it appears, on the face of that transcript 1441  
or by affidavit filed by the appellant, that one of the following 1442  
applies: 1443

(1) The transcript does not contain a report of all evidence 1444  
admitted or ~~proffered~~ proffered by the appellant~~+~~. 1445

(2) The appellant was not permitted to appear and be heard in 1446  
person, or by ~~his~~ the appellant's attorney, in opposition to the 1447  
final order, adjudication, or decision ~~appealed from~~, and to do 1448

any of the following:	1449
(a) Present <del>his</del> <u>the appellant's</u> position, arguments, and contentions;	1450 1451
(b) Offer and examine witnesses and present evidence in support;	1452 1453
(c) Cross-examine witnesses purporting to refute <del>his</del> <u>the appellant's</u> position, arguments, and contentions;	1454 1455
(d) Offer evidence to refute evidence and testimony offered in opposition to <del>his</del> <u>the appellant's</u> position, arguments, and contentions;	1456 1457 1458
(e) Proffer any such evidence into the record, if the admission of it is denied by the officer or body appealed from.	1459 1460
(3) The testimony adduced was not given under oath <del>+</del> .	1461
(4) The appellant was unable to present evidence by reason of a lack of the power of subpoena by the officer or body appealed from <del>,</del> or the refusal, after request, of <del>such</del> <u>that</u> officer or body to afford the appellant opportunity to use the power of subpoena when possessed by the officer or body <del>+</del> .	1462 1463 1464 1465 1466
(5) The officer or body failed to file with the transcript <del>,</del> conclusions of fact supporting the final order, adjudication, or decision <del>appealed from</del> .	1467 1468 1469
<u>(B)</u> If any circumstance described in divisions (A)(1) to (5) of this section applies, the court shall hear the appeal upon the transcript and <del>such</del> additional evidence as may be introduced by any party. At the hearing, any party may call, as if on cross-examination, any witness who previously gave testimony in opposition to <del>such</del> <u>that</u> party.	1470 1471 1472 1473 1474 1475
<b>Sec. 2506.04.</b> <u>The If an appeal is taken in relation to a final order, adjudication, or decision covered by division (A) of</u>	1476 1477



section 2506.01 of the Revised Code, the court may find that the 1478  
order, adjudication, or decision is unconstitutional, illegal, 1479  
~~arbitrary~~ arbitrary, capricious, unreasonable, or unsupported by 1480  
the preponderance of substantial, reliable, and probative evidence 1481  
on the whole record. Consistent with its findings, the court may 1482  
affirm, reverse, vacate, or modify the order, adjudication, or 1483  
decision, or remand the cause to the officer or body appealed from 1484  
with instructions to enter an order, adjudication, or decision 1485  
consistent with the findings or opinion of the court. The judgment 1486  
of the court may be appealed by any party on questions of law as 1487  
provided in the Rules of Appellate Procedure and, to the extent 1488  
not in conflict with those rules, Chapter 2505. of the Revised 1489  
Code. 1490

Sec. 2506.05. (A)(1) Except as modified by this section and 1491  
sections 2506.06 to 2506.08 of the Revised Code, every final 1492  
order, adjudication, or decision of any officer, tribunal, 1493  
authority, board, bureau, commission, department, or other 1494  
division of any political subdivision of the state denying an 1495  
application for, or suspending or revoking, a license or permit to 1496  
locate or operate an adult entertainment establishment, as defined 1497  
in section 2907.39 of the Revised Code or as similarly defined by 1498  
a political subdivision, may be reviewed by the court of common 1499  
pleas of the county in which the principal office of the political 1500  
subdivision is located as provided in Chapter 2505. of the Revised 1501  
Code. 1502

(2) In addition to appeals brought pursuant to division 1503  
(A)(1) of this section, a court of common pleas may hear appeals 1504  
under this section and sections 2506.06 to 2506.08 of the Revised 1505  
Code in cases in which the court determines that there is a threat 1506  
of restraint of expression protected or presumptively protected 1507  
under the First Amendment to the United States Constitution or 1508  
under Section 11 of Article I, Ohio Constitution. 1509

(B) An appellant seeking to have an appeal heard under this section shall designate it as an expedited appeal by inserting the words "Expedited Appeal Requested" in conspicuous typeface in the caption of the notice of appeal. 1510  
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(C) In an appeal under this section, if the political subdivision does not object to the expedited appeal within three days after receiving notice of the filing of the notice of appeal or if, over the objection of the political subdivision, the court determines that there is a threat of restraint of expression protected or presumptively protected under the First Amendment of the United States Constitution or under Section 11 of Article I of the Ohio Constitution, the court shall conduct a hearing as promptly as is practicable and render a decision in a prompt and expeditious manner consistent with the United States Constitution and the Ohio Constitution. If the court denies the request for an expedited appeal, the appeal shall be heard in accordance with sections 2506.01 to 2506.04 of the Revised Code. 1514  
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(D) The appeal provided in this section is in addition to any other remedy of appeal provided by law. 1527  
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**Sec. 2506.06.** Within five days after receiving notice of the filing of a notice of appeal under section 2506.05 of the Revised Code, the officer or body from which the appeal is taken, upon the filing of a praecipe by the appellant, shall prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision appealed from. The costs of the transcript shall be taxed as a part of the costs of the appeal. 1529  
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**Sec. 2506.07.** (A) The hearing of an appeal taken under section 2506.05 of the Revised Code shall proceed as in the trial 1538  
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of a civil action, but the court shall be confined to the 1540  
transcript as filed under section 2506.06 of the Revised Code 1541  
unless it appears on the face of that transcript or by affidavit 1542  
filed by the appellant that one or more of the following applies: 1543

(1) The transcript does not contain a report of all evidence 1544  
admitted or proffered by the appellant. 1545

(2) The appellant was not permitted to appear and be heard in 1546  
person, or by the appellant's attorney, in opposition to the final 1547  
order, adjudication, or decision appealed from and to do any of 1548  
the following: 1549

(a) Present the appellant's position, arguments, and 1550  
contentions; 1551

(b) Offer and examine witnesses and present evidence in 1552  
support; 1553

(c) Cross-examine witnesses purporting to refute the 1554  
appellant's position, arguments, and contentions; 1555

(d) Offer evidence to refute evidence and testimony offered 1556  
in opposition to the appellant's position, arguments, and 1557  
contentions; 1558

(e) Proffer any evidence offered pursuant to division 1559  
(A)(2)(d) of this section into the record if the admission of it 1560  
is denied by the officer or body appealed from. 1561

(3) The testimony adduced was not given under oath. 1562

(4) The appellant was unable to present evidence because of a 1563  
lack of the power of subpoena by the officer or body appealed from 1564  
or because of the refusal after request of that officer or body to 1565  
afford the appellant opportunity to use the power of subpoena when 1566  
possessed by the officer or body. 1567

(5) The officer or body failed to file with the transcript 1568

conclusions of fact supporting the final order, adjudication, or 1569  
decision appealed from. 1570

(B) If any circumstance described in divisions (A)(1) to (5) 1571  
of this section applies, the court shall hear the appeal upon the 1572  
transcript and additional evidence as may be introduced by any 1573  
party. At the hearing, any party may call, as if on 1574  
cross-examination, any witness who previously gave testimony in 1575  
opposition to that party. 1576

**Sec. 2506.08.** If an appeal is taken under section 2506.05 of 1577  
the Revised Code, the court may find that the order, adjudication, 1578  
or decision is unconstitutional, illegal, arbitrary, capricious, 1579  
unreasonable, or unsupported by the preponderance of substantial, 1580  
reliable, and probative evidence on the whole record. Consistent 1581  
with its findings, the court may affirm, reverse, vacate, or 1582  
modify the order, adjudication, or decision, or remand the cause 1583  
to the officer or body appealed from with instructions to enter an 1584  
order, adjudication, or decision consistent with the findings or 1585  
opinion of the court. If the order, adjudication, or decision is 1586  
remanded to the officer or body appealed from with those 1587  
instructions, the officer or body shall enter the consistent 1588  
order, adjudication, or decision within five days after that 1589  
remand. The judgment of the court may be appealed by any party on 1590  
questions of law as provided in the Rules of Appellate Procedure 1591  
and, to the extent not in conflict with those rules, Chapter 2505. 1592  
of the Revised Code. 1593

**Sec. 2907.01.** As used in sections 2907.01 to ~~2907.37~~ 2907.38 1594  
of the Revised Code: 1595

(A) "Sexual conduct" means vaginal intercourse between a male 1596  
and female; anal intercourse, fellatio, and cunnilingus between 1597  
persons regardless of sex; and, without privilege to do so, the 1598

insertion, however slight, of any part of the body or any  
instrument, apparatus, or other object into the vaginal or anal  
cavity of another. Penetration, however slight, is sufficient to  
complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone  
of another, including without limitation the thigh, genitals,  
buttock, pubic region, or, if the person is a female, a breast,  
for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact,  
or both.

(D) "Prostitute" means a male or female who promiscuously  
engages in sexual activity for hire, regardless of whether the  
hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that quality of any material  
or performance describing or representing nudity, sexual conduct,  
sexual excitement, or sado-masochistic abuse in any form to which  
all of the following apply:

(1) The material or performance, when considered as a whole,  
appeals to the prurient interest in sex of juveniles.

(2) The material or performance is patently offensive to  
prevailing standards in the adult community as a whole with  
respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole,  
lacks serious literary, artistic, political, and scientific value  
for juveniles.

(F) When considered as a whole, and judged with reference to  
ordinary adults or, if it is designed for sexual deviates or other  
specially susceptible group, judged with reference to that group,  
any material or performance is "obscene" if any of the following  
apply:

- (1) Its dominant appeal is to prurient interest; 1629
- (2) Its dominant tendency is to arouse lust by displaying or 1630  
depicting sexual activity, masturbation, sexual excitement, or 1631  
nudity in a way that tends to represent human beings as mere 1632  
objects of sexual appetite; 1633
- (3) Its dominant tendency is to arouse lust by displaying or 1634  
depicting bestiality or extreme or bizarre violence, cruelty, or 1635  
brutality; 1636
- (4) Its dominant tendency is to appeal to scatological 1637  
interest by displaying or depicting human bodily functions of 1638  
elimination in a way that inspires disgust or revulsion in persons 1639  
with ordinary sensibilities, without serving any genuine 1640  
scientific, educational, sociological, moral, or artistic purpose; 1641
- (5) It contains a series of displays or descriptions of 1642  
sexual activity, masturbation, sexual excitement, nudity, 1643  
bestiality, extreme or bizarre violence, cruelty, or brutality, or 1644  
human bodily functions of elimination, the cumulative effect of 1645  
which is a dominant tendency to appeal to prurient or scatological 1646  
interest, when the appeal to such an interest is primarily for its 1647  
own sake or for commercial exploitation, rather than primarily for 1648  
a genuine scientific, educational, sociological, moral, or 1649  
artistic purpose. 1650
- (G) "Sexual excitement" means the condition of human male or 1651  
female genitals when in a state of sexual stimulation or arousal. 1652
- (H) "Nudity" means the showing, representation, or depiction 1653  
of human male or female genitals, pubic area, or buttocks with 1654  
less than a full, opaque covering, or of a female breast with less 1655  
than a full, opaque covering of any portion thereof below the top 1656  
of the nipple, or of covered male genitals in a discernibly turgid 1657  
state. 1658

(I) "Juvenile" means an unmarried person under the age of 1659  
eighteen. 1660

(J) "Material" means any book, magazine, newspaper, pamphlet, 1661  
poster, print, picture, figure, image, description, motion picture 1662  
film, phonographic record, or tape, or other tangible thing 1663  
capable of arousing interest through sight, sound, or touch and 1664  
includes an image or text appearing on a computer monitor, 1665  
television screen, liquid crystal display, or similar display 1666  
device or an image or text recorded on a computer hard disk, 1667  
computer floppy disk, compact disk, magnetic tape, or similar data 1668  
storage device. 1669

(K) "Performance" means any motion picture, preview, trailer, 1670  
play, show, skit, dance, or other exhibition performed before an 1671  
audience. 1672

(L) "Spouse" means a person married to an offender at the 1673  
time of an alleged offense, except that such person shall not be 1674  
considered the spouse when any of the following apply: 1675

(1) When the parties have entered into a written separation 1676  
agreement authorized by section 3103.06 of the Revised Code; 1677

(2) During the pendency of an action between the parties for 1678  
annulment, divorce, dissolution of marriage, or legal separation; 1679

(3) In the case of an action for legal separation, after the 1680  
effective date of the judgment for legal separation. 1681

(M) "Minor" means a person under the age of eighteen. 1682

(N) "Mental health client or patient" has the same meaning as 1683  
in section 2305.51 of the Revised Code. 1684

(O) "Mental health professional" has the same meaning as in 1685  
section 2305.115 of the Revised Code. 1686

(P) "Sado-masochistic abuse" means flagellation or torture by 1687  
or upon a person or the condition of being fettered, bound, or 1688

otherwise physically restrained.

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Sec. 2907.38. (A) As used in this section:

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(1) "Commercial establishment" means an entity that is open to the public and to which either of the following applies:

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(a) It has a substantial or significant portion of its stock in trade of the sale, rental, or viewing of visual materials or performances depicting sexual conduct.

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(b) It has as a principal business purpose the sale, rental, or viewing of visual materials or performances depicting sexual conduct.

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(2) "Visual materials or performances" means films, videos, CD-ROM discs, streaming video, or other motion pictures.

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(B) No person who has custody, control, or supervision of a commercial establishment, with knowledge of the character of the visual material or performance involved, shall knowingly permit the use of, or offer the use of, viewing booths, stalls, or partitioned portions of a room located in the commercial establishment for the purpose of viewing visual materials or performances depicting sexual conduct unless both of the following apply:

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(1) The inside of each booth, stall, or partitioned room is visible from, and at least one side of each booth, stall, or partitioned room is open to, a continuous and contiguous main aisle or hallway that is open to the public areas of the commercial establishment and is not obscured by any curtain, door, or other covering or enclosure.

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(2) No booth, stall, or partitioned room is designed, constructed, pandered, or allowed to be used for the purpose of encouraging or facilitating nudity or sexual activity on the part of or between patrons or members of the public, and no booth,

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stall, or partitioned room has any aperture, hole, or opening for 1719  
the purpose of encouraging or facilitating nudity or sexual 1720  
activity. 1721

(C) It is an affirmative defense to a charge under this 1722  
section that either of the following applies to the involved 1723  
visual materials or performances: 1724

(1) The visual materials or performances depicting sexual 1725  
conduct are disseminated or presented for a bona fide medical, 1726  
scientific, educational, religious, governmental, judicial, or 1727  
other proper purpose and by or to a physician, psychologist, 1728  
sociologist, scientist, teacher, person pursuing bona fide studies 1729  
or research, librarian, member of the clergy, prosecutor, judge, 1730  
or other person having a proper interest in the visual materials 1731  
or performances. 1732

(2) The visual materials or performances depicting sexual 1733  
conduct, taken as a whole, would be found by a reasonable person 1734  
to have serious literary, artistic, political, or scientific value 1735  
or are presented or disseminated in good faith for a serious 1736  
literary, artistic, political, or scientific purpose and are not 1737  
pandered for their prurient appeal. 1738

(D) Whoever violates this section is guilty of permitting 1739  
unlawful operation of viewing booths depicting sexual conduct, a 1740  
misdemeanor of the first degree. 1741

**Sec. 2907.39.** (A) As used in this section: 1742

(1) "Adult arcade" means any place to which the public is 1743  
permitted or invited in which coin-operated, slug-operated, or 1744  
electronically, electrically, or mechanically controlled still or 1745  
motion picture machines, projectors, or other image-producing 1746  
devices are regularly maintained to show images to five or fewer 1747  
persons per machine at any one time, and in which the images so 1748

displayed are distinguished or characterized by their emphasis 1749  
upon matter exhibiting or describing specified sexual activities 1750  
or specified anatomical areas. 1751

(2)(a) "Adult bookstore," "adult novelty store," or "adult 1752  
video store" means a commercial establishment that, for any form 1753  
of consideration, has as a significant or substantial portion of 1754  
its stock-in-trade in, derives a significant or substantial 1755  
portion of its revenues from, devotes a significant or substantial 1756  
portion of its interior business or advertising to, or maintains a 1757  
substantial section of its sales or display space for the sale or 1758  
rental of any of the following: 1759

(i) Books, magazines, periodicals, or other printed matter, 1760  
or photographs, films, motion pictures, video cassettes, compact 1761  
discs, slides, or other visual representations, that are 1762  
characterized by their emphasis upon the exhibition or description 1763  
of specified sexual activities or specified anatomical areas; 1764

(ii) Instruments, devices, or paraphernalia that are designed 1765  
for use or marketed primarily for stimulation of human genital 1766  
organs or for sadomasochistic use or abuse of self or others. 1767

(b) "Adult bookstore," "adult novelty store," or "adult video 1768  
store" includes a commercial establishment as defined in section 1769  
2907.38 of the Revised Code. An establishment may have other 1770  
principal business purposes that do not involve the offering for 1771  
sale, rental, or viewing of materials exhibiting or describing 1772  
specified sexual activities or specified anatomical areas and 1773  
still be categorized as an adult bookstore, adult novelty store, 1774  
or adult video store. The existence of other principal business 1775  
purposes does not exempt an establishment from being categorized 1776  
as an adult bookstore, adult novelty store, or adult video store 1777  
so long as one of its principal business purposes is offering for 1778  
sale or rental, for some form of consideration, such materials 1779

that exhibit or describe specified sexual activities or specified anatomical areas. 1780  
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(3) "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following: 1782  
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(a) Persons who appear in a state of nudity or seminudity; 1786

(b) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; 1787  
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(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas. 1789  
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(4) "Adult entertainment" means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity. 1793  
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(5) "Adult entertainment establishment" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment." 1798  
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(6) "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, 1808  
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slides, or similar photographic reproductions that are 1810  
distinguished or characterized by their emphasis upon the 1811  
exhibition or description of specified sexual activities or 1812  
specified anatomical areas are regularly shown for any form of 1813  
consideration. 1814

(7) "Adult theater" means a theater, concert hall, 1815  
auditorium, or similar commercial establishment that, for any form 1816  
of consideration, regularly features persons who appear in a state 1817  
of nudity or seminudity or live performances that are 1818  
characterized by their emphasis upon the exposure of specified 1819  
anatomical areas or specified sexual activities. 1820

(8) "Distinguished or characterized by their emphasis upon" 1821  
means the dominant or principal character and theme of the object 1822  
described by this phrase. For instance, when the phrase refers to 1823  
films "that are distinguished or characterized by their emphasis 1824  
upon the exhibition or description of specified sexual activities 1825  
or specified anatomical areas," the films so described are those 1826  
whose dominant or principal character and theme are the exhibition 1827  
or description of specified sexual activities or specified 1828  
anatomical areas. 1829

(9)(a) "Nude or seminude model studio" means any place where 1830  
a person, who regularly appears in a state of nudity or 1831  
seminudity, is provided for money or any other form of 1832  
consideration to be observed, sketched, drawn, painted, 1833  
sculptured, photographed, or similarly depicted by other persons. 1834

(b) A modeling class or studio is not a nude or seminude 1835  
model studio and is not subject to this chapter if it is operated 1836  
in any of the following ways: 1837

(i) By a college or university supported entirely or partly 1838  
by taxation; 1839

(ii) By a private college or university that maintains and 1840

operates educational programs, the credits for which are 1841  
transferable to a college or university supported entirely or 1842  
partly by taxation; 1843

(iii) In a structure that has no sign visible from the 1844  
exterior of the structure and no other advertising indicating that 1845  
a person appearing in a state of nudity or seminudity is available 1846  
for viewing, if in order to participate in a class in the 1847  
structure, a student must enroll at least three days in advance of 1848  
the class and if not more than one nude or seminude model is on 1849  
the premises at any one time. 1850

(10) "Nudity," "nude," or "state of nudity" means the showing 1851  
of the human male or female genitals, pubic area, vulva, anus, 1852  
anal cleft, or cleavage with less than a fully opaque covering; or 1853  
the showing of the female breasts with less than a fully opaque 1854  
covering of any part of the nipple. 1855

(11) "Regularly features" or "regularly shown" means a 1856  
consistent or substantial course of conduct, such that the films 1857  
or performances exhibited constitute a substantial portion of the 1858  
films or performances offered as a part of the ongoing business of 1859  
the adult entertainment establishment. 1860

(12) "Seminude" or "state of seminudity" means a state of 1861  
dress in which opaque clothing covers not more than the genitals, 1862  
pubic region, and nipple of the female breast, as well as portions 1863  
of the body covered by supporting straps or devices. 1864

(13)(a) "Sexual encounter establishment" means a business or 1865  
commercial establishment that, as one of its principal business 1866  
purposes, offers for any form of consideration a place where 1867  
either of the following occur: 1868

(i) Two or more persons may congregate, associate, or consort 1869  
for the purpose of engaging in specified sexual activities. 1870

(ii) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form. 1871  
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(b) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment." 1874  
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(14) "Specified anatomical areas" means the cleft of the buttocks, anus, male or female genitals, or the female breast. 1880  
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(15) "Specified sexual activity" means any of the following: 1882

(a) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; 1883  
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(b) Excretory functions as a part of or in connection with any of the activities described in division (A)(15)(a) of this section. 1885  
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(B) No person knowingly shall allow an individual, including, but not limited to, a patron, customer, or employee, who is under eighteen years of age on the premises of an adult entertainment establishment. 1888  
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(C) No individual who is under eighteen years of age knowingly shall show or give false information concerning the individual's name or age, or other false identification, for the purpose of gaining entrance to an adult entertainment establishment. 1892  
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(D) A person shall not be found guilty of a violation of division (B) of this section if the person raises as an affirmative defense and if the jury or, in a nonjury trial, the court finds the person has established by a preponderance of the 1897  
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evidence, all of the following:

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(1) The individual gaining entrance to the adult entertainment establishment exhibited to an operator, employee, agent, or independent contractor of the adult entertainment establishment a driver's or commercial driver's license or an identification card issued under sections 4507.50 and 4507.52 of the Revised Code showing that the individual was then at least eighteen years of age.

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(2) The operator, employee, agent, or independent contractor made a bona fide effort to ascertain the true age of the individual gaining entrance to the adult entertainment establishment by checking the identification presented, at the time of entrance, to ascertain that the description on the identification compared with the appearance of the individual and that the identification had not been altered in any way.

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(3) The operator, employee, agent, or independent contractor had reason to believe that the individual gaining entrance to the adult entertainment establishment was at least eighteen years of age.

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(E) In any criminal action in which the affirmative defense described in division (D) of this section is raised, the registrar of motor vehicles or the deputy registrar who issued a driver's or commercial driver's license or an identification card under sections 4507.50 and 4507.52 of the Revised Code shall be permitted to submit certified copies of the records, in the registrar's or deputy registrar's possession, of the issuance of the license or identification card in question, in lieu of the testimony of the personnel of the bureau of motor vehicles in the action.

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(F)(1) Whoever violates division (B) of this section is guilty of permitting a juvenile on the premises of an adult

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<u>entertainment establishment, a misdemeanor of the first degree.</u>	1932
<u>Each day a person violates this division constitutes a separate</u>	1933
<u>offense.</u>	1934
<u>(2) Whoever violates division (C) of this section is guilty</u>	1935
<u>of use by a juvenile of false information to enter an adult</u>	1936
<u>entertainment establishment, a delinquent act that would be a</u>	1937
<u>misdemeanor of the fourth degree if committed by an adult.</u>	1938
<b>Sec. 4301.25.</b> (A) The liquor control commission may suspend	1939
or revoke any permit issued under this chapter or Chapter 4303. of	1940
the Revised Code for the violation of any of the applicable	1941
restrictions of either chapter or of any lawful rule of the	1942
commission, for other sufficient cause, and for the following	1943
causes:	1944
(1) Conviction of the holder or the holder's agent or	1945
employee for violating <u>division (B) of section 2907.39 of the</u>	1946
<u>Revised Code or</u> a section of this chapter or Chapter 4303. of the	1947
Revised Code or for a felony;	1948
(2) The entry of a judgment pursuant to division (D) or (E)	1949
of section 3767.05 of the Revised Code against a permit holder or	1950
the holder's agent or employee finding the existence of a nuisance	1951
at a liquor permit premises or finding the existence of a nuisance	1952
as a result of the operation of a liquor permit premises;	1953
(3) Making any false material statement in an application for	1954
a permit;	1955
(4) Assigning, transferring, or pledging a permit contrary to	1956
the rules of the commission;	1957
(5) Selling or promising to sell beer or intoxicating liquor	1958
to a wholesale or retail dealer who is not the holder of a proper	1959
permit at the time of the sale or promise;	1960
(6) Failure of the holder of a permit to pay an excise tax	1961



together with any penalties imposed by the law relating to that 1962  
failure and for violation of any rule of the department of 1963  
taxation in pursuance of the tax and penalties. 1964

(B) The liquor control commission shall revoke a permit 1965  
issued pursuant to this chapter or Chapter 4303. of the Revised 1966  
Code upon the conviction of the holder of the permit of a 1967  
violation of division (C)(1) of section 2913.46 of the Revised 1968  
Code. 1969

(C)(1) When the commission considers the length of a 1970  
suspension of a permit, it may consider the volume of the business 1971  
of the permit holder, so that the length of the suspension is in 1972  
proportion to the seriousness of the offense and the permit 1973  
holder's business in order that the suspension serve as a penalty 1974  
and a deterrent. Evidence as to the volume of business of the 1975  
permit holder may be offered by the permit holder or subpoenaed by 1976  
the commission. 1977

(2) When the commission considers the length of a proposed 1978  
suspension of a permit and the proposed suspension results from an 1979  
offense that was committed during a compliance check as defined in 1980  
section 4301.635 of the Revised Code, the commission may consider 1981  
whether trickery, deceit, or deception was used in the conduct of 1982  
the compliance check. 1983

**Section 2.** That existing sections 303.02, 309.09, 503.29, 1984  
504.04, 504.15, 519.02, 1901.182, 1901.31, 1907.012, 1907.20, 1985  
2151.022, 2152.02, 2505.08, 2506.01, 2506.02, 2506.03, 2506.04, 1986  
2907.01, and 4301.25 and sections 503.51, 503.52, 503.53, 503.54, 1987  
503.55, 503.56, 503.57, 503.58, 503.59, 503.65, and 503.99 of the 1988  
Revised Code are hereby repealed. 1989

**Section 3.** In enacting new sections 503.51 and 503.52 and 1990  
sections 2907.38 and 2907.39 of the Revised Code, the General 1991

Assembly makes the following statement of intent and findings: 1992

(A)(1) Adult entertainment establishments require special 1993  
supervision from the public safety agencies of this state in order 1994  
to protect and preserve the health, safety, morals, and welfare of 1995  
the patrons and employees of the businesses as well as the 1996  
citizens of this state. 1997

(2) The General Assembly finds that adult entertainment 1998  
establishments are frequently used for unlawful sexual activities, 1999  
including prostitution and sexual liaisons of a casual nature. 2000

(3) The concern over sexually transmitted diseases is a 2001  
legitimate health concern of this state that demands reasonable 2002  
regulation of adult entertainment establishments by the state in 2003  
the specified manner, and expanded authority for reasonable 2004  
regulation of adult entertainment establishments by local 2005  
governments, in order to protect the health and well-being of the 2006  
citizens. 2007

(4) Minimal regulations enacted by local governments or the 2008  
state are a legitimate and reasonable means of accountability to 2009  
ensure that operators of adult entertainment establishments comply 2010  
with reasonable regulations and to ensure that operators do not 2011  
knowingly allow their establishments to be used as places of 2012  
illegal sexual activity or solicitation. 2013

(5) There is convincing documented evidence that adult 2014  
entertainment establishments, because of their very nature, have a 2015  
deleterious effect on both the existing businesses around them and 2016  
the surrounding residential areas adjacent to them and cause 2017  
increased crime, particularly in the overnight hours, and the 2018  
downgrading of property values. 2019

(6) The General Assembly desires to minimize and control 2020  
these adverse effects by regulating adult entertainment 2021

establishments in the specified manner and by expanding the 2022  
authority of local governments to regulate adult entertainment 2023  
establishments and, by minimizing and controlling these adverse 2024  
effects, to protect the health, safety, and welfare of the 2025  
citizenry; protect the citizens from increased crime; preserve the 2026  
quality of life; preserve the property values and character of 2027  
surrounding neighborhoods; and deter the spread of urban blight. 2028

(7) The General Assembly has determined that current local 2029  
zoning and other locational criteria do not adequately protect the 2030  
health, safety, and general welfare of the people of this state 2031  
and that expanded local government authority to regulate adult 2032  
entertainment establishments is necessary. 2033

(8) It is not the intent of the General Assembly in enacting 2034  
this act to suppress, or authorize the suppression of, any speech 2035  
activities protected by the First Amendment but to enact 2036  
content-neutral statutes that expand local government authority to 2037  
address the secondary effects of adult entertainment 2038  
establishments. 2039

(9) It is not the intent of the General Assembly to condone 2040  
or legitimize the distribution of obscene material, and the 2041  
General Assembly recognizes that state and federal law prohibits 2042  
the distribution of obscene materials and expects and encourages 2043  
state law enforcement officials to enforce state obscenity 2044  
statutes against any such illegal activities in this state. 2045

(B) It is the intent of the General Assembly in enacting new 2046  
sections 503.51 and 503.52 and sections 2907.38 and 2907.39 of the 2047  
Revised Code to regulate in the specified manner, and to expand 2048  
the authority of local governments to regulate, adult 2049  
entertainment establishments in order to promote the health, 2050  
safety, morals, and general welfare of the citizens of this state 2051  
and establish reasonable regulations to prevent the deleterious 2052

secondary effects of adult entertainment establishments within 2053  
this state. The provisions of new sections 503.51 and 503.52 and 2054  
sections 2907.38 and 2907.39 of the Revised Code have neither the 2055  
purpose nor effect of imposing a limitation or restriction on the 2056  
content of any communicative materials, including sexually 2057  
oriented materials. Similarly, it is not the intent nor effect of 2058  
the General Assembly in enacting new sections 503.51 and 503.52 2059  
and sections 2907.38 and 2907.39 of the Revised Code to restrict 2060  
or deny, or authorize the restriction or denial of, access by 2061  
adults to sexually oriented materials protected by the First 2062  
Amendment, or to deny, or authorize the denial of, access by the 2063  
distributors and exhibitors of adult entertainment and adult 2064  
materials to their intended market. Neither is it the intent nor 2065  
effect of the General Assembly in enacting new sections 503.51 and 2066  
503.52 and sections 2907.38 and 2907.39 of the Revised Code to 2067  
condone or legitimize the distribution or exhibition of obscene 2068  
material. 2069

(C) Based on evidence concerning the adverse secondary 2070  
effects of adult uses on communities presented in hearings and in 2071  
reports made available to the legislature and on findings 2072  
incorporated in the cases of *City of Littleton, Colorado v. Z.J.* 2073  
*Gifts D-4, L.L.C. (2004), 541 U.S. 774, City of Erie v. Pap's A.M.* 2074  
*(2000), 529 U.S. 277; Barnes v. Glen Theatre, Inc. (1991), 501* 2075  
*U.S. 560; City of Renton v. Playtime Theatres, Inc. (1986), 475* 2076  
*U.S. 41; Young v. American Mini Theatres (1976), 426 U.S. 50;* 2077  
*California v. LaRue (1972), 409 U.S. 109; DLS, Inc. v. City of* 2078  
*Chattanooga (6th Cir. 1997) 107 F.3d 403; East Brooks Books, Inc.* 2079  
*v. City of Memphis, (6th Cir. 1995), 48 F.3d 220; Harris v.* 2080  
*Fitchville Township Trustees (N.D. Ohio 2000), 99 F. Supp.2d 837;* 2081  
*Bamon Corp. v. City of Dayton (S.D. Ohio 1990), 730 F. Supp. 90,* 2082  
*aff'd (6th Cir. 1991), 923 F.2d 470; Broadway Books v. Roberts* 2083  
*(E.D. Tenn. 1986), 642 F. Supp. 486; Bright Lights, Inc. v. City* 2084

<i>of Newport</i> (E.D. Ky. 1993), 830 F. Supp. 378; <i>Richland Bookmart v. Nichols</i> (6th Cir. 1998), 137 F.3d 435; <i>Deja Vu v. Metro Government</i> (6th Cir. 1999), 1999 U.S. App. LEXIS 535; <i>Threesome Entertainment v. Strittmather</i> (N.D. Ohio 1998), 4 F.Supp.2d 710; <i>J.L. Spoons, Inc. v. City of Brunswick</i> (N.D. Ohio 1999), 49 F. Supp.2d 1032; <i>Triplett Grille, Inc. v. City of Akron</i> (6th Cir. 1994) 40 F.3d 129; <i>Nightclubs, Inc. v. City of Paducah</i> (6th Cir. 2000), 202 F.3d 884; <i>O'Connor v. City and County of Denver</i> (10th Cir. 1990), 894 F.2d 1210; <i>Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County</i> (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; <i>State of Ohio ex rel. Rothal v. Smith</i> (Ohio C.P. 2002), Summit C.P. No. CV 01094594; <i>Z.J. Gifts D-2, L.L.C. v. City of Aurora</i> (10th Cir. 1998), 136 F.3d 683; <i>Connection Distrib. Co. v. Reno</i> (6th Cir. 1998), 154 F.3d 281; <i>Sundance Assocs. v. Reno</i> (10th Cir. 1998), 139 F.3d 804; <i>American Library Association v. Reno</i> (D.C. Cir. 1994), 33 F.3d 78; <i>American Target Advertising, Inc. v. Giani</i> (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma City, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso,	2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117
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Texas (1986); New York Times Square study (1994); Report to ACLJ 2118  
on the Secondary Impacts of Sex Oriented Businesses (1996); the 2119  
findings from the Report of the Attorney General's Working Group 2120  
On The Regulation Of Sexually Oriented Businesses (June 6, 1989, 2121  
State of Minnesota); and on testimony to Congress in 136 Cong. 2122  
Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 2123  
Cong. Rec. E. 3750; and also on findings from the paper entitled 2124  
"Stripclubs According to Strippers: Exposing Workplace Sexual 2125  
Violence," by Kelly Holsopple, Program Director, Freedom and 2126  
Justice Center for Prostitution Resources, Minneapolis, Minnesota; 2127  
and from "Sexually Oriented Businesses: An Insider's View," by 2128  
David Sherman, presented to the Michigan House Committee on Ethics 2129  
and Constitutional Law, Jan. 12, 2000; and from various other 2130  
police reports, testimony, newspaper reports, and other 2131  
documentary evidence, the General Assembly finds: 2132

(1) Adult entertainment establishments lend themselves to 2133  
ancillary unlawful and unhealthy activities that are presently 2134  
uncontrolled by the operators of the establishments. Further, 2135  
there is presently no statewide mechanism, and no general or 2136  
comprehensive grant of authority enabling local governments, to 2137  
make the owners of these establishments responsible for the 2138  
activities that occur on their premises. 2139

(2) Certain employees of adult entertainment establishments, 2140  
as defined in section 2907.39 of the Revised Code as adult 2141  
theaters and cabarets, engage in a higher incidence of certain 2142  
types of illicit sexual behavior than employees of other 2143  
establishments. 2144

(3) Sexual acts, including masturbation and oral and anal 2145  
sex, occur at adult entertainment establishments, especially those 2146  
that provide private or semiprivate booths or cubicles for viewing 2147  
films, videos, or live sex shows. The "couch dances" or "lap 2148  
dances" that frequently occur in adult entertainment 2149

establishments featuring live nude or seminude dancers constitute 2150  
or may constitute the offense of "engaging in prostitution" under 2151  
section 2907.25 of the Revised Code. 2152

(4) Offering and providing such space encourages such 2153  
activities, which creates unhealthy conditions. 2154

(5) Persons frequent certain adult theaters, adult arcades, 2155  
and other adult entertainment establishments for the purpose of 2156  
engaging in sexual activity within the premises of those adult 2157  
entertainment establishments. 2158

(6) Numerous communicable diseases may be spread by 2159  
activities occurring in sexually oriented businesses, including, 2160  
but not limited to, syphilis, gonorrhea, human immunodeficiency 2161  
virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, 2162  
campylobacter and shigella infections, chlamydial, myoplasmal and 2163  
ureoplasmal infections, trichomoniasis, and chancroid. 2164

(7) Since 1981 and to the present, there has been an 2165  
increasing cumulative number of reported cases of AIDS caused by 2166  
the human immunodeficiency virus (HIV) in the United States: 600 2167  
in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 2168  
through December 31, 1992. 2169

(8) A total of 10,255 AIDS cases had been reported in Ohio as 2170  
of January 1999. Ohio has required HIV case reporting since 1990, 2171  
and the reported information shows 7,969 people living with (HIV) 2172  
(4,213) and (AIDS) (3,756) in the state. 2173

(9) Since 1981 and to the present, there have been an 2174  
increasing cumulative number of persons testing positive for the 2175  
HIV antibody test in Ohio. 2176

(10) The number of cases of early (less than one year) 2177  
syphilis in the Unites States reported annually has risen. 33,613 2178  
cases were reported in 1982, and 45,200 cases were reported 2179

through November 1990.	2180
(11) The number of cases of gonorrhoea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.	2181 2182 2183
(12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.	2184 2185 2186 2187 2188
(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhoea, are principally transmitted by sexual acts.	2189 2190 2191
(14) Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.	2192 2193 2194 2195 2196 2197
(15) The findings noted in divisions (C)(1) to (14) of this section raise substantial governmental concerns.	2198 2199
(16) Adult entertainment establishments have operational characteristics that should subject them to reasonable government regulation in order to protect those substantial governmental concerns.	2200 2201 2202 2203
(17) The enactment of new sections 503.51 and 503.52 and sections 2907.38 and 2907.39 of the Revised Code will promote the general welfare, health, morals, and safety of the citizens of this state.	2204 2205 2206 2207
<b>Section 4.</b> Section 303.02 of the Revised Code is presented in this act as a composite of the section as amended by both Sub.	2208 2209



H.B. 411 and Am. Sub. S.B. 18 of the 125th General Assembly. 2210  
Section 519.02 of the Revised Code is presented in this act as a 2211  
composite of the section as amended by both Sub. H.B. 411 and Am. 2212  
Sub. S.B. 18 of the 125th General Assembly. Section 2151.022 of 2213  
the Revised Code is presented in this act as a composite of the 2214  
section as amended by both Am. Sub. S.B. 179 and Sub. S.B. 218 of 2215  
the 123rd General Assembly. The General Assembly, applying the 2216  
principle stated in division (B) of section 1.52 of the Revised 2217  
Code that amendments are to be harmonized if reasonably capable of 2218  
simultaneous operation, finds that the composite is the resulting 2219  
version of the section in effect prior to the effective date of 2220  
the section as presented in this act. 2221