

As Reported by the Senate Rules Committee

126th General Assembly

Regular Session

2005-2006

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**

—

A BILL

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
the Revised Code, the prosecuting attorney shall prosecute and
defend on behalf of the township in the trial and argument in any
court or tribunal of any challenge to the validity of the
resolution.

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

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(iii) Upon the request of a township in the county that has
adopted, or in which has been adopted, a resolution of that nature
that is made pursuant to division (E)(1)(b) of section 503.52 of
the Revised Code, the prosecuting attorney shall prosecute and
defend on behalf of the township a civil action under Chapter
3767. of the Revised Code to abate as a nuisance the place in the
unincorporated area of the township at which the resolution is
being or has been violated. Proceeds from the sale of personal
property or contents seized pursuant to the action shall be
applied and deposited in accordance with division (E)(1)(b) of
section 503.52 of the Revised Code.

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

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The prosecuting attorney shall prosecute and defend in the

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actions and proceedings described in division (B)(2)(a) of this 173
section without charge to the township for which the services are 174
performed. 175

(C) Whenever the board of county commissioners employs an 176
attorney other than the prosecuting attorney of the county, 177
without the authorization of the court of common pleas as provided 178
in section 305.14 of the Revised Code, either for a particular 179
matter or on an annual basis, to represent the board in its 180
official capacity and to advise it on legal matters, the board 181
shall enter upon its journal an order of the board in which the 182
compensation to be paid for the legal services shall be fixed. The 183
compensation shall be paid from the county general fund. The total 184
compensation paid, in any year, by the board for legal services 185
under this division shall not exceed the total annual compensation 186
of the prosecuting attorney for that county. 187

(D) The prosecuting attorney and the board of county 188
commissioners jointly may contract with a board of park 189
commissioners under section 1545.07 of the Revised Code for the 190
prosecuting attorney to provide legal services to the park 191
district the board of park commissioners operates. 192

(E) The prosecuting attorney may be, in the prosecuting 193
attorney's discretion and with the approval of the board of county 194
commissioners, the legal adviser of a joint fire district created 195
under section 505.371 of the Revised Code at no cost to the 196
district or may be the legal adviser to the district under a 197
contract that the prosecuting attorney and the district enter 198
into, and that the board of county commissioner approves, to 199
authorize the prosecuting attorney to provide legal services to 200
the district. 201

(F) The prosecuting attorney may be, in the prosecuting 202
attorney's discretion and with the approval of the board of county 203

commissioners, the legal adviser of a joint ambulance district 204
created under section 505.71 of the Revised Code at no cost to the 205
district or may be the legal adviser to the district under a 206
contract that the prosecuting attorney and the district enter 207
into, and that the board of county commissioners approves, to 208
authorize the prosecuting attorney to provide legal services to 209
the district. 210

(G) The prosecuting attorney may be, in the prosecuting 211
attorney's discretion and with the approval of the board of county 212
commissioners, the legal adviser of a joint emergency medical 213
services district created under section 307.052 of the Revised 214
Code at no cost to the district or may be the legal adviser to the 215
district under a contract that the prosecuting attorney and the 216
district enter into, and that the board of county commissioners 217
approves, to authorize the prosecuting attorney to provide legal 218
services to the district. 219

(H) The prosecuting attorney may be, in the prosecuting 220
attorney's discretion and with the approval of the board of county 221
commissioners, the legal adviser of a fire and ambulance district 222
created under section 505.375 of the Revised Code at no cost to 223
the district or may be the legal adviser to the district under a 224
contract that the prosecuting attorney and the district enter 225
into, and that the board of county commissioners approves, to 226
authorize the prosecuting attorney to provide legal services to 227
the district. 228

(I) All money received pursuant to a contract entered into 229
under division (D), (E), (F), (G), or (H) of this section shall be 230
deposited into the prosecuting attorney's legal services fund, 231
which shall be established in the county treasury of each county 232
in which such a contract exists. Moneys in that fund may be 233
appropriated only to the prosecuting attorney for the purpose of 234
providing legal services to a park district, joint fire district, 235

joint ambulance district, joint emergency medical services 236
district, or a fire and ambulance district, as applicable, under a 237
contract entered into under the applicable division. 238

Sec. 503.51. As used in sections 503.51 to 503.53 of the 239
Revised Code, "adult arcade," "adult bookstore," "adult novelty 240
store," "adult video store," "adult cabaret," "adult entertainment 241
establishment," "adult motion picture theater," "adult theater," 242
"distinguished or characterized by their emphasis upon," "nude or 243
seminude model studio," "nudity," "nude," "state of nudity," 244
"regularly features," "regularly shown," "seminude," "state of 245
seminudity," "sexual encounter establishment," "specified 246
anatomical areas," and "specified sexual activity" have the same 247
meanings as in section 2907.39 of the Revised Code. 248

Sec. 503.52. (A) Townships have authority to exercise all 249
powers of local self-government regarding the operation of adult 250
entertainment establishments within their limits and to adopt and 251
enforce within their limits any local police, sanitary, and 252
similar regulations regarding the operation of adult entertainment 253
establishments that are not in conflict with general laws. The 254
regulations may include, but are not limited to, antinudity 255
restrictions, limitations on hours of operation, interior 256
configuration requirements, and requirements that adult 257
entertainment establishments and their employees obtain licenses 258
or permits to operate as or to be employed by an adult 259
entertainment establishment. The authority granted under this 260
division shall be exercised by the adoption of resolutions and may 261
include the adoption of resolutions that create one or more 262
criminal offenses and impose criminal penalties related to the 263
operation of adult entertainment establishments or may provide for 264
civil sanction for violations of regulations established under the 265
resolutions. Townships have the same rights, powers, and duties 266

pursuant to the authority granted under this division as municipal 267
corporations have under Section 3, Article XVIII, Ohio 268
Constitution relative to their authority to exercise powers of 269
local self-government and to adopt and enforce within their limits 270
local police, sanitary, and similar regulations, except to the 271
extent that the rights, powers, and duties that the municipal 272
corporations have by their nature clearly are inapplicable to 273
townships and to the exercise by townships of their authority 274
granted under this division. No regulation adopted under authority 275
of this division shall be in conflict with any provision in 276
Chapter 4303. of the Revised Code, or with any rule adopted by the 277
division of liquor control pursuant to that chapter, that 278
regulates establishments that hold a liquor permit. 279

(B) The authority of a township granted under division (A) of 280
this section applies to all townships. If a township has adopted a 281
limited home rule government pursuant to Chapter 504. of the 282
Revised Code, the authority granted under division (A) of this 283
section is in addition to the powers and authority granted to the 284
township under Chapter 504. of the Revised Code. 285

(C) In case of conflict between any resolution enacted by a 286
board of township trustees under the authority granted under 287
division (A) of this section and a municipal ordinance or 288
resolution, the ordinance or resolution enacted by the municipal 289
corporation prevails. In case of conflict between any resolution 290
enacted by a board of township trustees under the authority 291
granted under division (A) of this section and a county 292
resolution, the resolution enacted by the board of township 293
trustees prevails. 294

(D) All proceeds from criminal and civil sanctions for 295
violation of a regulation established by a township under a 296
resolution adopted under division (A) of this section that are 297

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.

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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
defend on behalf of the township a civil action to enjoin the
violation. If the township does not request the prosecuting
attorney to prosecute and defend an action to enjoin the
violation, the legal counsel of that township, if other than the
prosecuting attorney, may prosecute and defend a civil action to
enjoin the violation.

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(b) A township may request the prosecuting attorney of the
county in which the township is located to prosecute and defend on
behalf of the township a civil action under Chapter 3767. of the
Revised Code to abate as a nuisance any place in the
unincorporated area of the township at which a resolution adopted
under division (A) of this section or section 503.53 of the
Revised Code is being or has been violated. If the township does
not request the prosecuting attorney to prosecute and defend an
action under that chapter, the legal counsel of the township, if
other than the prosecuting attorney, may prosecute and defend an
action under that chapter for that purpose. All proceeds from the
sale of personal property or contents seized pursuant to the
action shall be applied initially to the payment of costs incurred
in the prosecution of the action and the costs associated with the
abatement and sale ordered under division (A) of section 3767.06
of the Revised Code, including, but not limited to, court costs,

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reasonable attorney's fees, and other litigation expenses incurred 330
by the county or township. Any proceeds remaining after that 331
initial application shall be deposited into the township treasury 332
and credited to the general fund. 333

(c) If a township has adopted one or more resolutions 334
regarding the operation of adult entertainment establishments 335
pursuant to the authority that is granted under division (A) of 336
this section or if a township resolution of that nature has been 337
adopted under section 503.53 of the Revised Code and the validity 338
of the resolution is challenged, the township may request the 339
prosecuting attorney of the county in which the township is 340
located to prosecute and defend on behalf of the township in the 341
trial and argument in any court or tribunal of the challenge to 342
the validity of the resolution. 343

(2) Division (E)(1) of this section applies regarding all 344
townships, including townships that have adopted a limited home 345
rule government pursuant to Chapter 504. of the Revised Code and 346
regardless of whether a township that has so adopted a limited 347
home rule government has entered into a contract with the 348
prosecuting attorney as described in division (B) of section 349
504.15 of the Revised Code or has appointed a law director as 350
described in division (A) of that section. 351

Upon the request of any township in the county served by the 352
prosecuting attorney made pursuant to division (E)(1)(a), (b), or 353
(c) of this section, the prosecuting attorney shall prosecute and 354
defend in the action or proceeding as requested, as specified in 355
division (B)(2) of section 309.09 of the Revised Code, without 356
charge to the township for which the service is performed. 357

Sec. 503.29 503.53. (A) Resolutions of the type described in 358
division ~~(B)~~(A) of section 503.65 503.52 of the Revised Code may 359
be proposed by initiative petition by the electors of a township 360

and adopted by election by these electors, under the same 361
circumstances, in the same manner, and subject to the same 362
penalties as provided in sections 731.28 to 731.40 and ~~section~~ 363
731.99 of the Revised Code for ordinances and other measures of 364
municipal corporations, insofar as those sections are applicable 365
to townships, except as follows: 366

~~(A)~~(1) The board of township trustees shall perform the 367
duties imposed on the legislative authority of the municipal 368
corporation under those sections. 369

~~(B)~~(2) Initiative petitions shall be filed with the township 370
fiscal officer, who shall perform the duties imposed under those 371
sections upon the city auditor or village clerk. 372

~~(C)~~(3) Initiative petitions shall contain the signatures of 373
electors of the township equal in number to at least ten per cent 374
of the total vote cast in the township for the office of governor 375
at the most recent general election for that office. 376

~~(D)~~(4) Each signer of an initiative petition shall be an 377
elector of the township in which the election on the proposed 378
resolution is to be held. 379

(B) A resolution proposed under division (A) of this section 380
may provide for the following: 381

(1) Modification of the administrative procedures, including 382
administrative zoning procedures, of the township as those 383
procedures apply to adult entertainment establishments to ensure 384
that constitutional requirements are met; 385

(2) Criminal and civil sanctions for adult entertainment 386
establishments that violate regulations established by the 387
resolution. 388

Sec. 504.04. (A) A township that adopts a limited home rule 389
government may do all of the following by resolution, provided 390

that any of these resolutions, other than a resolution to supply 391
water or sewer services in accordance with sections 504.18 to 392
504.20 of the Revised Code, may be enforced only by the imposition 393
of civil fines as authorized in this chapter: 394

(1) Exercise all powers of local self-government within the 395
unincorporated area of the township, other than powers that are in 396
conflict with general laws, except that the township shall comply 397
with the requirements and prohibitions of this chapter, and shall 398
enact no taxes other than those authorized by general law, and 399
except that no resolution adopted pursuant to this chapter shall 400
encroach upon the powers, duties, and privileges of elected 401
township officers or change, alter, combine, eliminate, or 402
otherwise modify the form or structure of the township government 403
unless the change is required or permitted by this chapter; 404

(2) Adopt and enforce within the unincorporated area of the 405
township local police, sanitary, and other similar regulations 406
that are not in conflict with general laws or otherwise prohibited 407
by division (B) of this section; 408

(3) Supply water and sewer services to users within the 409
unincorporated area of the township in accordance with sections 410
504.18 to 504.20 of the Revised Code; 411

(4) Adopt and enforce within the unincorporated area of the 412
township any resolution of a type described in section 503.52 of 413
the Revised Code. 414

(B) No resolution adopted pursuant to this chapter shall do 415
any of the following: 416

(1) Create a criminal offense or impose criminal penalties, 417
except as authorized by division (A) of this section or by section 418
503.52 of the Revised Code; 419

(2) Impose civil fines other than as authorized by this 420
chapter; 421

(3) Establish or revise subdivision regulations, road 422
construction standards, urban sediment rules, or storm water and 423
drainage regulations, except as provided in section 504.21 of the 424
Revised Code; 425

(4) Establish or revise building standards, building codes, 426
and other standard codes except as provided in section 504.13 of 427
the Revised Code; 428

(5) Increase, decrease, or otherwise alter the powers or 429
duties of a township under any other chapter of the Revised Code 430
pertaining to agriculture or the conservation or development of 431
natural resources; 432

(6) Establish regulations affecting hunting, trapping, 433
fishing, or the possession, use, or sale of firearms; 434

(7) Establish or revise water or sewer regulations, except in 435
accordance with section 504.18, 504.19, or 504.21 of the Revised 436
Code. 437

Nothing in this chapter shall be construed as affecting the 438
powers of counties with regard to the subjects listed in divisions 439
(B)(3) to (5) of this section. 440

(C) Under a limited home rule government, all officers shall 441
have the qualifications, and be nominated, elected, or appointed, 442
as provided in Chapter 505. of the Revised Code, except that the 443
board of township trustees shall appoint a full-time or part-time 444
law director pursuant to section 504.15 of the Revised Code, and 445
except that a five-member board of township trustees approved for 446
the township before September 26, 2003, shall continue to serve as 447
the legislative authority with successive members serving for 448
four-year terms of office until a termination of a limited home 449
rule government under section 504.03 of the Revised Code. 450

(D) In case of conflict between resolutions enacted by a 451

board of township trustees and municipal ordinances or 452
resolutions, the ordinance or resolution enacted by the municipal 453
corporation prevails. In case of conflict between resolutions 454
enacted by a board of township trustees and any county resolution, 455
the resolution enacted by the board of township trustees prevails. 456

Sec. 504.15. (A) Unless the board of township trustees acts 457
as authorized by division (B) of this section, in each township 458
that adopts the limited self-government form of township 459
government, the board of township trustees shall appoint a 460
full-time or part-time township law director, who shall be an 461
attorney licensed to practice law in this state. The board of 462
township trustees shall set the salary of the township law 463
director. The township law director shall be the legal advisor to 464
the board of township trustees, the township administrator, and 465
all other township officers, and any of them may require written 466
opinions or instructions from the township law director in matters 467
connected with their official duties. The Subject to division (E) 468
of section 503.52 of the Revised Code, the township law director 469
shall prosecute and defend all suits and actions that any such 470
officer or board directs or to which an officer or board is a 471
party, and the township law director shall prosecute any violation 472
of a township resolution, as provided in this chapter. The 473
township law director shall review all resolutions as to form 474
prior to their introduction by a township trustee. Additional 475
legal counsel may be employed as provided in division (B) of 476
section 309.09 of the Revised Code. 477

(B) The board of township trustees may enter into a contract 478
with the prosecuting attorney of the county to have the 479
prosecuting attorney serve as the township law director, with the 480
consent of the board of county commissioners. 481

(C) Nothing in this section confers any of the powers or 482

duties of a prosecuting attorney under section 309.08 of the Revised Code upon a township law director.

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

Sec. 519.02. (A) Except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, set back lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board may regulate by resolution, in accordance with a comprehensive plan, for nonresidential property only, the height, bulk, number of stories, and size of buildings and other structures, including

tents, cabins, and trailer coaches, percentages of lot areas that 514
may be occupied, sizes of yards, courts, and other open spaces, 515
and the density of population in the unincorporated territory of 516
the township. For all these purposes, the board may divide all or 517
any part of the unincorporated territory of the township into 518
districts or zones of such number, shape, and area as the board 519
determines. All such regulations shall be uniform for each class 520
or kind of building or other structure or use throughout any 521
district or zone, but the regulations in one district or zone may 522
differ from those in other districts or zones. 523

For any activities permitted and regulated under Chapter 524
1513. or 1514. of the Revised Code and any related processing 525
activities, the board of township trustees may regulate under the 526
authority conferred by this section only in the interest of public 527
health or safety. 528

(B) A board of township trustees that pursuant to this 529
chapter regulates adult entertainment establishments, as defined 530
in section 2907.39 of the Revised Code, may modify its 531
administrative zoning procedures with regard to adult 532
entertainment establishments as the board determines necessary to 533
ensure that the procedures comply with all applicable 534
constitutional requirements. 535

Sec. 1901.182. In addition to other jurisdiction granted a 536
municipal court in the Revised Code, a municipal court has 537
jurisdiction over violations of township resolutions adopted 538
pursuant to section 503.52 or 503.53 or Chapter 504. of the 539
Revised Code. For procedural purposes, a case in which a person is 540
charged with a violation of a township resolution shall be treated 541
as a civil case, except as otherwise provided in the Revised Code 542
and except that a violation of a township resolution that is 543
adopted pursuant to section 503.52 or 503.53 of the Revised Code 544

and that creates a criminal offense or imposes criminal penalties 545
shall be treated as a criminal case. 546

Sec. 1901.31. The clerk and deputy clerks of a municipal 547
court shall be selected, be compensated, give bond, and have 548
powers and duties as follows: 549

(A) There shall be a clerk of the court who is appointed or 550
elected as follows: 551

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 552
Toledo, Hamilton county, Portage county, and Wayne county 553
municipal courts, if the population of the territory equals or 554
exceeds one hundred thousand at the regular municipal election 555
immediately preceding the expiration of the term of the present 556
clerk, the clerk shall be nominated and elected by the qualified 557
electors of the territory in the manner that is provided for the 558
nomination and election of judges in section 1901.07 of the 559
Revised Code. 560

The clerk so elected shall hold office for a term of six 561
years, which term shall commence on the first day of January 562
following the clerk's election and continue until the clerk's 563
successor is elected and qualified. 564

(b) In the Hamilton county municipal court, the clerk of 565
courts of Hamilton county shall be the clerk of the municipal 566
court and may appoint an assistant clerk who shall receive the 567
compensation, payable out of the treasury of Hamilton county in 568
semimonthly installments, that the board of county commissioners 569
prescribes. The clerk of courts of Hamilton county, acting as the 570
clerk of the Hamilton county municipal court and assuming the 571
duties of that office, shall receive compensation at one-fourth 572
the rate that is prescribed for the clerks of courts of common 573
pleas as determined in accordance with the population of the 574
county and the rates set forth in sections 325.08 and 325.18 of 575

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 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 Akron 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 Akron 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 election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Akron municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court 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 640
this section, in the Barberton municipal court, candidates for 641
election to the office of clerk of the court shall be nominated by 642
primary election. The primary election shall be held on the day 643
specified in the charter of the city of Barberton for the 644
nomination of municipal officers. Notwithstanding any contrary 645
provision of section 3513.05 or 3513.257 of the Revised Code, the 646
declarations of candidacy and petitions of partisan candidates and 647
the nominating petitions of independent candidates for the office 648
of clerk of the Barberton municipal court shall be signed by at 649
least fifty qualified electors of the territory of the court. 650

The candidates shall file a declaration of candidacy and 651
petition, or a nominating petition, whichever is applicable, not 652
later than four p.m. of the seventy-fifth day before the day of 653
the primary election, in the form prescribed by section 3513.07 or 654
3513.261 of the Revised Code. The declaration of candidacy and 655
petition, or the nominating petition, shall conform to the 656
applicable requirements of section 3513.05 or 3513.257 of the 657
Revised Code. 658

If no valid declaration of candidacy and petition is filed by 659
any person for nomination as a candidate of a particular political 660
party for election to the office of clerk of the Barberton 661
municipal court, a primary election shall not be held for the 662
purpose of nominating a candidate of that party for election to 663
that office. If only one person files a valid declaration of 664
candidacy and petition for nomination as a candidate of a 665
particular political party for election to that office, a primary 666
election shall not be held for the purpose of nominating a 667
candidate of that party for election to that office, and the 668
candidate shall be issued a certificate of nomination in the 669
manner set forth in section 3513.02 of the Revised Code. 670

Declarations of candidacy and petitions, nominating 671

petitions, and certificates of nomination for the office of clerk
of the Barberton municipal court shall contain a designation of
the term for which the candidate seeks election. At the following
regular municipal election, all candidates for the office shall be
submitted to the qualified electors of the territory of the court
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.

(f) Except as otherwise provided in division (A)(1)(f) of
this section, in the Cuyahoga Falls 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 Cuyahoga Falls
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 Cuyahoga Falls 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 Cuyahoga Falls 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 election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

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

(g) Except as otherwise provided in division (A)(1)(g) of this section, in the Toledo 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 Toledo 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 Toledo municipal court shall be signed by at least 736
fifty qualified electors of the territory of the court. 737

The candidates shall file a declaration of candidacy and 738
petition, or a nominating petition, whichever is applicable, not 739
later than four p.m. of the seventy-fifth day before the day of 740
the primary election, in the form prescribed by section 3513.07 or 741
3513.261 of the Revised Code. The declaration of candidacy and 742
petition, or the nominating petition, shall conform to the 743
applicable requirements of section 3513.05 or 3513.257 of the 744
Revised Code. 745

If no valid declaration of candidacy and petition is filed by 746
any person for nomination as a candidate of a particular political 747
party for election to the office of clerk of the Toledo municipal 748
court, a primary election shall not be held for the purpose of 749
nominating a candidate of that party for election to that office. 750
If only one person files a valid declaration of candidacy and 751
petition for nomination as a candidate of a particular political 752
party for election to that office, a primary election shall not be 753
held for the purpose of nominating a candidate of that party for 754
election to that office, and the candidate shall be issued a 755
certificate of nomination in the manner set forth in section 756
3513.02 of the Revised Code. 757

Declarations of candidacy and petitions, nominating 758
petitions, and certificates of nomination for the office of clerk 759
of the Toledo municipal court shall contain a designation of the 760
term for which the candidate seeks election. At the following 761
regular municipal election, all candidates for the office shall be 762
submitted to the qualified electors of the territory of the court 763
in the manner that is provided in section 1901.07 of the Revised 764
Code for the election of the judges of the court. The clerk so 765
elected shall hold office for a term of six years, which term 766
shall commence on the first day of January following the clerk's 767

election and continue until the clerk's successor is elected and 768
qualified. 769

(2)(a) Except for the Alliance, Auglaize county, Brown 770
county, Columbiana county, Lorain, Massillon, and Youngstown 771
municipal courts, in a municipal court for which the population of 772
the territory is less than one hundred thousand, the clerk shall 773
be appointed by the court, and the clerk shall hold office until 774
the clerk's successor is appointed and qualified. 775

(b) In the Alliance, Lorain, Massillon, and Youngstown 776
municipal courts, the clerk shall be elected for a term of office 777
as described in division (A)(1)(a) of this section. 778

(c) In the Auglaize county and Brown county municipal courts, 779
the clerks of courts of Auglaize county and Brown county shall be 780
the clerks, respectively, of the Auglaize county and Brown county 781
municipal courts and may appoint a chief deputy clerk for each 782
branch that is established pursuant to section 1901.311 of the 783
Revised Code, and assistant clerks as the judge of the court 784
determines are necessary, all of whom shall receive the 785
compensation that the legislative authority prescribes. The clerks 786
of courts of Auglaize county and Brown county, acting as the 787
clerks of the Auglaize county and Brown county municipal courts 788
and assuming the duties of these offices, shall receive 789
compensation payable from the county treasury in semimonthly 790
installments at one-fourth the rate that is prescribed for the 791
clerks of courts of common pleas as determined in accordance with 792
the population of the county and the rates set forth in sections 793
325.08 and 325.18 of the Revised Code. 794

(d) In the Columbiana county municipal court, the clerk of 795
courts of Columbiana county shall be the clerk of the municipal 796
court, may appoint a chief deputy clerk for each branch office 797
that is established pursuant to section 1901.311 of the Revised 798

Code, and may appoint any assistant clerks that the judges of the
court determine are necessary. All of the chief deputy clerks and
assistant clerks shall receive the compensation that the
legislative authority prescribes. The clerk of courts of
Columbiana county, acting as the clerk of the Columbiana county
municipal court and assuming the duties of that office, 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.

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

(B) Except in the Hamilton county, Portage county, and Wayne
county municipal courts, if a vacancy occurs in the office of the
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal
court or occurs in the office of the clerk of a municipal court
for which the population of the territory equals or exceeds one
hundred thousand because the clerk ceases to hold the office
before the end of the clerk's term or because a clerk-elect fails
to take office, the vacancy shall be filled, until a successor is
elected and qualified, by a person chosen by the residents of the
territory of the court who are members of the county central
committee of the political party by which the last occupant of
that office or the clerk-elect was nominated. Not less than five
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 831
meeting and its purpose. A majority of all such members of that 832
county central committee constitutes a quorum, and a majority of 833
the quorum is required to make the appointment. If the office so 834
vacated was occupied or was to be occupied by a person not 835
nominated at a primary election, or if the appointment was not 836
made by the committee members in accordance with this division, 837
the court shall make an appointment to fill the vacancy. A 838
successor shall be elected to fill the office for the unexpired 839
term at the first municipal election that is held more than one 840
hundred twenty days after the vacancy occurred. 841

(C)(1) In a municipal court, other than the Auglaize county, 842
the Brown county, the Columbiana county, and the Lorain municipal 843
courts, for which the population of the territory is less than one 844
hundred thousand, the clerk of the municipal court shall receive 845
the annual compensation that the presiding judge of the court 846
prescribes, if the revenue of the court for the preceding calendar 847
year, as certified by the auditor or chief fiscal officer of the 848
municipal corporation in which the court is located or, in the 849
case of a county-operated municipal court, the county auditor, is 850
equal to or greater than the expenditures, including any debt 851
charges, for the operation of the court payable under this chapter 852
from the city treasury or, in the case of a county-operated 853
municipal court, the county treasury for that calendar year, as 854
also certified by the auditor or chief fiscal officer. If the 855
revenue of a municipal court, other than the Auglaize county, the 856
Brown county, the Columbiana county, and the Lorain municipal 857
courts, for which the population of the territory is less than one 858
hundred thousand for the preceding calendar year as so certified 859
is not equal to or greater than those expenditures for the 860
operation of the court for that calendar year as so certified, the 861
clerk of a municipal court shall receive the annual compensation 862

that the legislative authority prescribes. As used in this 863
division, "revenue" means the total of all costs and fees that are 864
collected and paid to the city treasury or, in a county-operated 865
municipal court, the county treasury by the clerk of the municipal 866
court under division (F) of this section and all interest received 867
and paid to the city treasury or, in a county-operated municipal 868
court, the county treasury in relation to the costs and fees under 869
division (G) of this section. 870

(2) In a municipal court, other than the Hamilton county, 871
Portage county, and Wayne county municipal courts, for which the 872
population of the territory is one hundred thousand or more, and 873
in the Lorain municipal court, the clerk of the municipal court 874
shall receive annual compensation in a sum equal to eighty-five 875
per cent of the salary of a judge of the court. 876

(3) The compensation of a clerk described in division (C)(1) 877
or (2) of this section is payable in semimonthly installments from 878
the same sources and in the same manner as provided in section 879
1901.11 of the Revised Code. 880

(D) Before entering upon the duties of the clerk's office, 881
the clerk of a municipal court shall give bond of not less than 882
six thousand dollars to be determined by the judges of the court, 883
conditioned upon the faithful performance of the clerk's duties. 884

(E) The clerk of a municipal court may do all of the 885
following: administer oaths, take affidavits, and issue executions 886
upon any judgment rendered in the court, including a judgment for 887
unpaid costs; issue, sign, and attach the seal of the court to all 888
writs, process, subpoenas, and papers issuing out of the court; 889
and approve all bonds, sureties, recognizances, and undertakings 890
fixed by any judge of the court or by law. The clerk may refuse to 891
accept for filing any pleading or paper submitted for filing by a 892
person who has been found to be a vexatious litigator under 893

section 2323.52 of the Revised Code and who has failed to obtain 894
leave to proceed under that section. The clerk shall do all of the 895
following: file and safely keep all journals, records, books, and 896
papers belonging or appertaining to the court; record the 897
proceedings of the court; perform all other duties that the judges 898
of the court may prescribe; and keep a book showing all receipts 899
and disbursements, which book shall be open for public inspection 900
at all times. 901

The clerk shall prepare and maintain a general index, a 902
docket, and other records that the court, by rule, requires, all 903
of which shall be the public records of the court. In the docket, 904
the clerk shall enter, at the time of the commencement of an 905
action, the names of the parties in full, the names of the 906
counsel, and the nature of the proceedings. Under proper dates, 907
the clerk shall note the filing of the complaint, issuing of 908
summons or other process, returns, and any subsequent pleadings. 909
The clerk also shall enter all reports, verdicts, orders, 910
judgments, and proceedings of the court, clearly specifying the 911
relief granted or orders made in each action. The court may order 912
an extended record of any of the above to be made and entered, 913
under the proper action heading, upon the docket at the request of 914
any party to the case, the expense of which record may be taxed as 915
costs in the case or may be required to be prepaid by the party 916
demanding the record, upon order of the court. 917

(F) The clerk of a municipal court shall receive, collect, 918
and issue receipts for all costs, fees, fines, bail, and other 919
moneys payable to the office or to any officer of the court. The 920
clerk shall each month disburse to the proper persons or officers, 921
and take receipts for, all costs, fees, fines, bail, and other 922
moneys that the clerk collects. Subject to sections 3375.50 and 923
4511.193 of the Revised Code and to any other section of the 924
Revised Code that requires a specific manner of disbursement of 925

any moneys received by a municipal court and except for the 926
Hamilton county, Lawrence county, and Ottawa county municipal 927
courts, the clerk shall pay all fines received for violation of 928
municipal ordinances into the treasury of the municipal 929
corporation the ordinance of which was violated and shall pay all 930
fines received for violation of township resolutions adopted 931
pursuant to section 503.52 or 503.53 or Chapter 504. of the 932
Revised Code into the treasury of the township the resolution of 933
which was violated. Subject to sections 1901.024 and 4511.193 of 934
the Revised Code, in the Hamilton county, Lawrence county, and 935
Ottawa county municipal courts, the clerk shall pay fifty per cent 936
of the fines received for violation of municipal ordinances and 937
fifty per cent of the fines received for violation of township 938
resolutions adopted pursuant to section 503.52 or 503.53 or 939
Chapter 504. of the Revised Code into the treasury of the county. 940
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 941
Revised Code and to any other section of the Revised Code that 942
requires a specific manner of disbursement of any moneys received 943
by a municipal court, the clerk shall pay all fines collected for 944
the violation of state laws into the county treasury. Except in a 945
county-operated municipal court, the clerk shall pay all costs and 946
fees the disbursement of which is not otherwise provided for in 947
the Revised Code into the city treasury. The clerk of a 948
county-operated municipal court shall pay the costs and fees the 949
disbursement of which is not otherwise provided for in the Revised 950
Code into the county treasury. Moneys deposited as security for 951
costs shall be retained pending the litigation. The clerk shall 952
keep a separate account of all receipts and disbursements in civil 953
and criminal cases, which shall be a permanent public record of 954
the office. On the expiration of the term of the clerk, the clerk 955
shall deliver the records to the clerk's successor. The clerk 956
shall have other powers and duties as are prescribed by rule or 957
order of the court. 958

(G) All moneys paid into a municipal court shall be noted on 959
the record of the case in which they are paid and shall be 960
deposited in a state or national bank, or a domestic savings and 961
loan association, as defined in section 1151.01 of the Revised 962
Code, that is selected by the clerk. Any interest received upon 963
the deposits shall be paid into the city treasury, except that, in 964
a county-operated municipal court, the interest shall be paid into 965
the treasury of the county in which the court is located. 966

On the first Monday in January of each year, the clerk shall 967
make a list of the titles of all cases in the court that were 968
finally determined more than one year past in which there remains 969
unclaimed in the possession of the clerk any funds, or any part of 970
a deposit for security of costs not consumed by the costs in the 971
case. The clerk shall give notice of the moneys to the parties who 972
are entitled to the moneys or to their attorneys of record. All 973
the moneys remaining unclaimed on the first day of April of each 974
year shall be paid by the clerk to the city treasurer, except 975
that, in a county-operated municipal court, the moneys shall be 976
paid to the treasurer of the county in which the court is located. 977
The treasurer shall pay any part of the moneys at any time to the 978
person who has the right to the moneys upon proper certification 979
of the clerk. 980

(H) Deputy clerks may be appointed by the clerk and shall 981
receive the compensation, payable in semimonthly installments out 982
of the city treasury, that the clerk may prescribe, except that 983
the compensation of any deputy clerk of a county-operated 984
municipal court shall be paid out of the treasury of the county in 985
which the court is located. Each deputy clerk shall take an oath 986
of office before entering upon the duties of the deputy clerk's 987
office and, when so qualified, may perform the duties appertaining 988
to the office of the clerk. The clerk may require any of the 989
deputy clerks to give bond of not less than three thousand 990

dollars, conditioned for the faithful performance of the deputy clerk's duties. 991
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(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. 993
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(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. 1001
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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. 1005
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Sec. 1907.20. (A) The clerk of courts shall be the clerk of the county court, except that the board of county commissioners, with the concurrence of the county court judges, may appoint a clerk for each county court judge, who shall serve at the pleasure of the board and shall receive compensation as set by the board, 1016
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payable in semimonthly installments from the treasury of the 1021
county. An appointed clerk, before entering upon the duties of the 1022
office, shall give bond of not less than five thousand dollars, as 1023
determined by the board of county commissioners, conditioned upon 1024
the faithful performance of the clerk's duties. 1025

The clerks of courts of common pleas, when acting as the 1026
clerks of county courts, and upon assuming their county court 1027
duties, shall receive compensation at one-fourth the rate 1028
prescribed for the clerks of courts of common pleas as determined 1029
in accordance with the population of the county and the rates set 1030
forth in sections 325.08 and 325.18 of the Revised Code. This 1031
compensation shall be paid from the county treasury in semimonthly 1032
installments and is in addition to the annual compensation 1033
received for the performance of the duties of the clerk of a court 1034
of common pleas as provided in sections 325.08 and 325.18 of the 1035
Revised Code. 1036

(B) The clerk of a county court shall have general powers to 1037
administer oaths, take affidavits, and issue executions upon any 1038
judgment rendered in the county court, including a judgment for 1039
unpaid costs, power to issue and sign all writs, process, 1040
subpoenas, and papers issuing out of the court, and to attach the 1041
seal of the court to them, and power to approve all bonds, 1042
sureties, recognizances, and undertakings fixed by any judge of 1043
the court or by law. The clerk shall file and safely keep all 1044
journals, records, books, and papers belonging or appertaining to 1045
the court, record its proceedings, perform all other duties that 1046
the judges of the court may prescribe, and keep a book showing all 1047
receipts and disbursements, which shall be open for public 1048
inspection at all times. The clerk may refuse to accept for filing 1049
any pleading or paper submitted for filing by a person who has 1050
been found to be a vexatious litigator under section 2323.52 of 1051
the Revised Code and who has failed to obtain leave to proceed 1052

under that section. 1053

The clerk shall prepare and maintain a general index, a 1054
docket as prescribed by the court, which shall be furnished by the 1055
board of county commissioners, and such other records as the 1056
court, by rule, requires, all of which shall be the public records 1057
of the court. In the docket, the clerk shall enter at times of the 1058
commencement of an action, the names of the parties in full, the 1059
names of the counsel, and the nature of the proceedings. Under 1060
proper dates, the clerk shall note the filing of the complaint, 1061
issuing of summons or other process, returns, and pleadings 1062
subsequent thereto. The clerk also shall enter all reports, 1063
verdicts, orders, judgments, and proceedings of the court, clearly 1064
specifying the relief granted or orders made in each action. The 1065
court may order an extended record of any of the above to be made 1066
and entered, under the proper action heading, upon the docket at 1067
the request of any party to the case, the expense of which may be 1068
taxed as costs in the case or may be required to be prepaid by the 1069
party demanding the extended record, upon order of the court. 1070

(C) The clerk of a county court shall receive and collect all 1071
costs, fees, fines, penalties, bail, and other moneys payable to 1072
the office or to any officer of the court and issue receipts 1073
therefor, and shall each month disburse the costs, fees, fines, 1074
penalties, bail, and other moneys to the proper persons or 1075
officers and take receipts therefor. Subject to sections 3375.51, 1076
3375.53, 4511.19, 4511.193, and 5503.04 of the Revised Code and 1077
all other statutes that require a different distribution of fines, 1078
fines received for violations of municipal ordinances shall be 1079
paid into the treasury of the municipal corporation whose 1080
ordinance was violated, fines received for violations of township 1081
resolutions adopted pursuant to section 503.52 or 503.53 or 1082
Chapter 504. of the Revised Code shall be paid into the treasury 1083
of the township whose resolution was violated, and fines collected 1084

for the violation of state laws shall be paid into the county 1085
treasury. Moneys deposited as security for costs shall be retained 1086
pending the litigation. 1087

The clerk shall keep a separate account of all receipts and 1088
disbursements in civil and criminal cases. The separate account 1089
shall be a permanent public record of the office. On the 1090
expiration of a clerk's term, those records shall be delivered to 1091
the clerk's successor. 1092

The clerk shall have such other powers and duties as are 1093
prescribed by rule or order of the court. 1094

(D) All moneys paid into a county court shall be noted on the 1095
record of the case in which they are paid and shall be deposited 1096
in a state or national bank selected by the clerk. On the first 1097
Monday in January of each year, the clerk shall make a list of the 1098
titles of all cases in the county court that were finally 1099
determined more than one year past in which there remains 1100
unclaimed in the possession of the clerk any funds, or any part of 1101
a deposit for security of costs not consumed by the costs in the 1102
case. The clerk shall give notice of the moneys to the parties 1103
entitled to them or to their attorneys of record. All the moneys 1104
remaining unclaimed on the first day of April of each year shall 1105
be paid by the clerk to the county treasurer. Any part of the 1106
moneys shall be paid by the county treasurer at any time to the 1107
person having the right to them, upon proper certification of the 1108
clerk. 1109

(E)(1) In county court districts having appointed clerks, 1110
deputy clerks may be appointed by the board of county 1111
commissioners. Clerks and deputy clerks shall receive such 1112
compensation payable in semimonthly installments out of the county 1113
treasury as the board may prescribe. Each deputy clerk shall take 1114
an oath of office before entering upon the duties of the deputy 1115
clerk's office and, when so qualified, may perform the duties 1116

appertaining to the office of the clerk. The clerk may require any 1117
of the deputy clerks to give bond of not less than three thousand 1118
dollars, conditioned for the faithful performance of the deputy 1119
clerk's duties. 1120

(2) A clerk of courts acting as clerk of the county court may 1121
appoint deputy clerks to perform the duties pertaining to the 1122
office of clerk of the county court. Each deputy clerk shall take 1123
an oath of office before entering upon the deputy clerk's duties, 1124
and the clerk of courts may require the deputy clerk to give bond 1125
of not less than three thousand dollars, conditioned for the 1126
faithful performance of the deputy clerk's duties. 1127

(3) The clerk or a deputy clerk of a county court shall be in 1128
attendance at all sessions of the court, although not necessarily 1129
in the courtroom, and may administer oaths to witnesses and jurors 1130
and receive verdicts. 1131

(F)(1) In county court districts having appointed clerks, the 1132
board of county commissioners may order the establishment of one 1133
or more branch offices of the clerk and, with the concurrence of 1134
the county judges, may appoint a special deputy clerk to 1135
administer each branch office. Each special deputy clerk shall 1136
take an oath of office before entering upon the duties of the 1137
deputy clerk's office and, when so qualified, may perform any one 1138
or more of the duties appertaining to the office of clerk, as the 1139
board prescribes. Special deputy clerks shall receive such 1140
compensation payable in semimonthly installments out of the county 1141
treasury as the board may prescribe. The board may require any of 1142
the special deputy clerks to give bond of not less than three 1143
thousand dollars, conditioned for the faithful performance of the 1144
deputy clerk's duties. 1145

The board of county commissioners may authorize the clerk of 1146
the county court to operate one or more branch offices, to divide 1147

the clerk's time between the offices, and to perform duties 1148
appertaining to the office of clerk in locations that the board 1149
prescribes. 1150

(2) A clerk of courts acting as clerk of the county court may 1151
establish one or more branch offices for the clerk's duties as 1152
clerk of the county court and, with the concurrence of the county 1153
court judges, may appoint a special deputy clerk to administer 1154
each branch office. Each special deputy clerk shall take an oath 1155
of office before entering upon the deputy clerk's duties and, when 1156
so qualified, may perform any of the duties pertaining to the 1157
office of clerk, as the clerk of courts prescribes. The clerk of 1158
courts may require any of the special deputy clerks to give bond 1159
of not less than three thousand dollars, conditioned for the 1160
faithful performance of the deputy clerk's duties. 1161

(G) The clerk of courts of the county shall fix the 1162
compensation of deputy clerks and special deputy clerks appointed 1163
by the clerk pursuant to this section. Those personnel shall be 1164
paid and be subject to the same requirements as other employees of 1165
the clerk under the provisions of section 325.17 of the Revised 1166
Code insofar as that section is applicable. 1167

Sec. 2151.022. As used in this chapter, "unruly child" 1168
includes any of the following: 1169

(A) Any child who does not submit to the reasonable control 1170
of the child's parents, teachers, guardian, or custodian, by 1171
reason of being wayward or habitually disobedient; 1172

(B) Any child who is an habitual truant from school and who 1173
previously has not been adjudicated an unruly child for being an 1174
habitual truant; 1175

(C) Any child who behaves in a manner as to injure or 1176
endanger the child's own health or morals or the health or morals 1177

of others;	1178
(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.	1179 1180 1181
Sec. 2152.02. As used in this chapter:	1182
(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.	1183 1184 1185
(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.	1186 1187 1188 1189
(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.	1190 1191 1192
(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.	1193 1194 1195 1196 1197 1198
(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.	1199 1200 1201 1202 1203
(4) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.	1204 1205 1206 1207

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

(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains eighteen years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F)(2) of section 2152.26 of the Revised Code, in places other than those authorized under this chapter solely for confinement of children.

(D) "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for seven or more consecutive school days, ten or more school days in one school

month, or fifteen or more school days in a school year.	1240
(E) "Community corrections facility," "public safety beds,"	1241
"release authority," and "supervised release" have the same	1242
meanings as in section 5139.01 of the Revised Code.	1243
(F) "Delinquent child" includes any of the following:	1244
(1) Any child, except a juvenile traffic offender, who	1245
violates any law of this state or the United States, or any	1246
ordinance of a political subdivision of the state, that would be	1247
an offense if committed by an adult;	1248
(2) Any child who violates any lawful order of the court made	1249
under this chapter or under Chapter 2151. of the Revised Code	1250
other than an order issued under section 2151.87 of the Revised	1251
Code;	1252
(3) Any child who violates <u>division (C) of section 2907.39 or</u>	1253
division (A) of section 2923.211 of the Revised Code;	1254
(4) Any child who is a habitual truant and who previously has	1255
been adjudicated an unruly child for being a habitual truant;	1256
(5) Any child who is a chronic truant.	1257
(G) "Discretionary serious youthful offender" means a person	1258
who is eligible for a discretionary SYO and who is not transferred	1259
to adult court under a mandatory or discretionary transfer.	1260
(H) "Discretionary SYO" means a case in which the juvenile	1261
court, in the juvenile court's discretion, may impose a serious	1262
youthful offender disposition under section 2152.13 of the Revised	1263
Code.	1264
(I) "Discretionary transfer" means that the juvenile court	1265
has discretion to transfer a case for criminal prosecution under	1266
division (B) of section 2152.12 of the Revised Code.	1267
(J) "Drug abuse offense," "felony drug abuse offense," and	1268

"minor drug possession offense" have the same meanings as in	1269
section 2925.01 of the Revised Code.	1270
(K) "Electronic monitoring" and "electronic monitoring	1271
device" have the same meanings as in section 2929.01 of the	1272
Revised Code.	1273
(L) "Economic loss" means any economic detriment suffered by	1274
a victim of a delinquent act or juvenile traffic offense as a	1275
direct and proximate result of the delinquent act or juvenile	1276
traffic offense and includes any loss of income due to lost time	1277
at work because of any injury caused to the victim and any	1278
property loss, medical cost, or funeral expense incurred as a	1279
result of the delinquent act or juvenile traffic offense.	1280
"Economic loss" does not include non-economic loss or any punitive	1281
or exemplary damages.	1282
(M) "Firearm" has the same meaning as in section 2923.11 of	1283
the Revised Code.	1284
(N) "Juvenile traffic offender" means any child who violates	1285
any traffic law, traffic ordinance, or traffic regulation of this	1286
state, the United States, or any political subdivision of this	1287
state, other than a resolution, ordinance, or regulation of a	1288
political subdivision of this state the violation of which is	1289
required to be handled by a parking violations bureau or a joint	1290
parking violations bureau pursuant to Chapter 4521. of the Revised	1291
Code.	1292
(O) A "legitimate excuse for absence from the public school	1293
the child is supposed to attend" has the same meaning as in	1294
section 2151.011 of the Revised Code.	1295
(P) "Mandatory serious youthful offender" means a person who	1296
is eligible for a mandatory SYO and who is not transferred to	1297
adult court under a mandatory or discretionary transfer.	1298

(Q) "Mandatory SYO" means a case in which the juvenile court	1299
is required to impose a mandatory serious youthful offender	1300
disposition under section 2152.13 of the Revised Code.	1301
(R) "Mandatory transfer" means that a case is required to be	1302
transferred for criminal prosecution under division (A) of section	1303
2152.12 of the Revised Code.	1304
(S) "Mental illness" has the same meaning as in section	1305
5122.01 of the Revised Code.	1306
(T) "Mentally retarded person" has the same meaning as in	1307
section 5123.01 of the Revised Code.	1308
(U) "Monitored time" and "repeat violent offender" have the	1309
same meanings as in section 2929.01 of the Revised Code.	1310
(V) "Of compulsory school age" has the same meaning as in	1311
section 3321.01 of the Revised Code.	1312
(W) "Public record" has the same meaning as in section 149.43	1313
of the Revised Code.	1314
(X) "Serious youthful offender" means a person who is	1315
eligible for a mandatory SYO or discretionary SYO but who is not	1316
transferred to adult court under a mandatory or discretionary	1317
transfer.	1318
(Y) "Sexually oriented offense," "habitual sex offender,"	1319
"juvenile offender registrant," "sexual predator," "presumptive	1320
registration-exempt sexually oriented offense,"	1321
"registration-exempt sexually oriented offense," "child-victim	1322
oriented offense," "habitual child-victim offender," and	1323
"child-victim predator" have the same meanings as in section	1324
2950.01 of the Revised Code.	1325
(Z) "Traditional juvenile" means a case that is not	1326
transferred to adult court under a mandatory or discretionary	1327
transfer, that is eligible for a disposition under sections	1328

2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1329
that is not eligible for a disposition under section 2152.13 of 1330
the Revised Code. 1331

(AA) "Transfer" means the transfer for criminal prosecution 1332
of a case involving the alleged commission by a child of an act 1333
that would be an offense if committed by an adult from the 1334
juvenile court to the appropriate court that has jurisdiction of 1335
the offense. 1336

(BB) "Category one offense" means any of the following: 1337

(1) A violation of section 2903.01 or 2903.02 of the Revised 1338
Code; 1339

(2) A violation of section 2923.02 of the Revised Code 1340
involving an attempt to commit aggravated murder or murder. 1341

(CC) "Category two offense" means any of the following: 1342

(1) A violation of section 2903.03, 2905.01, 2907.02, 1343
2909.02, 2911.01, or 2911.11 of the Revised Code; 1344

(2) A violation of section 2903.04 of the Revised Code that 1345
is a felony of the first degree; 1346

(3) A violation of section 2907.12 of the Revised Code as it 1347
existed prior to September 3, 1996. 1348

(DD) "Non-economic loss" means nonpecuniary harm suffered by 1349
a victim of a delinquent act or juvenile traffic offense as a 1350
result of or related to the delinquent act or juvenile traffic 1351
offense, including, but not limited to, pain and suffering; loss 1352
of society, consortium, companionship, care, assistance, 1353
attention, protection, advice, guidance, counsel, instruction, 1354
training, or education; mental anguish; and any other intangible 1355
loss. 1356

Sec. 2505.08. In the case of an administrative-related appeal 1357

other than an expedited appeal brought under sections 2506.05 to 1358
2506.08 of the Revised Code, within forty days after the filing of 1359
a notice of appeal or the obtaining of a leave to appeal, as 1360
described in section 2505.04 of the Revised Code, the 1361
administrative officer, agency, board, department, tribunal, 1362
commission, or other instrumentality whose final order is being 1363
appealed shall prepare and file in the court to which the appeal 1364
is taken, a complete transcript of all the original papers, 1365
testimony, and evidence offered, heard, and taken into 1366
consideration in issuing the final order. The costs of the 1367
transcript shall be taxed as part of the costs of the appeal. 1368

Sec. 2506.01. Every (A) Except as otherwise provided in 1369
sections 2506.05 to 2506.08 of the Revised Code, and except as 1370
modified by this section and sections 2506.02 to 2506.04 of the 1371
Revised Code, every final order, adjudication, or decision of any 1372
officer, tribunal, authority, board, bureau, commission, 1373
department, or other division of any political subdivision of the 1374
state may be reviewed by the court of common pleas of the county 1375
in which the principal office of the political subdivision is 1376
located as provided in Chapter 2505. of the Revised Code, ~~except~~ 1377
~~as modified by this chapter.~~ 1378

(B) The appeal provided in this ~~chapter~~ section is in 1379
addition to any other remedy of appeal provided by law. 1380

A (C) As used in this chapter, "final order, adjudication, or 1381
decision" means an order, adjudication, or decision that 1382
determines rights, duties, privileges, benefits, or legal 1383
relationships of a person, but does not include any order, 1384
adjudication, or decision from which an appeal is granted by rule, 1385
ordinance, or statute to a higher administrative authority if a 1386
right to a hearing on such appeal is provided, or any order, 1387
adjudication, or decision that is issued preliminary to or as a 1388

result of a criminal proceeding. 1389

Sec. 2506.02. Within forty days after filing ~~the~~ a notice of 1390
appeal in relation to a final order, adjudication, or decision 1391
covered by division (A) of section 2506.01 of the Revised Code, 1392
the officer or body from which the appeal is taken, upon the 1393
filing of a praecipe by the appellant, shall prepare and file in 1394
the court to which the appeal is taken, a complete transcript of 1395
all the original papers, testimony, and evidence offered, heard, 1396
and taken into consideration in issuing the final order, 1397
adjudication, or decision ~~appealed from~~. The costs of ~~such~~ the 1398
transcript shall be taxed as a part of the costs of the appeal. 1399

Sec. 2506.03. (A) The hearing of ~~such~~ an appeal taken in 1400
relation to a final order, adjudication, or decision covered by 1401
division (A) of section 2506.01 of the Revised Code shall proceed 1402
as in the trial of a civil action, but the court shall be confined 1403
to the transcript ~~as~~ filed ~~pursuant to~~ under section 2506.02 of 1404
the Revised Code unless it appears, on the face of that transcript 1405
or by affidavit filed by the appellant, that one of the following 1406
applies: 1407

(1) The transcript does not contain a report of all evidence 1408
admitted or ~~preferred~~ proffered by the appellant~~;~~. 1409

(2) The appellant was not permitted to appear and be heard in 1410
person, or by ~~his~~ the appellant's attorney, in opposition to the 1411
final order, adjudication, or decision ~~appealed from~~, and to do 1412
any of the following: 1413

(a) Present ~~his~~ the appellant's position, arguments, and 1414
contentions; 1415

(b) Offer and examine witnesses and present evidence in 1416
support; 1417

(c) Cross-examine witnesses purporting to refute ~~his~~ the 1418

<u>appellant's</u> position, arguments, and contentions;	1419
(d) Offer evidence to refute evidence and testimony offered	1420
in opposition to his <u>the appellant's</u> position, arguments, and	1421
contentions;	1422
(e) Proffer any such evidence into the record, if the	1423
admission of it is denied by the officer or body appealed from.	1424
(3) The testimony adduced was not given under oath + .	1425
(4) The appellant was unable to present evidence by reason of	1426
a lack of the power of subpoena by the officer or body appealed	1427
from , or the refusal, after request, of such <u>that</u> officer or body	1428
to afford the appellant opportunity to use the power of subpoena	1429
when possessed by the officer or body + .	1430
(5) The officer or body failed to file with the transcript ,	1431
conclusions of fact supporting the final order, adjudication, or	1432
decision appealed from .	1433
(B) If any circumstance described in divisions (A)(1) to (5)	1434
of this section applies, the court shall hear the appeal upon the	1435
transcript and such additional evidence as may be introduced by	1436
any party. At the hearing, any party may call, as if on	1437
cross-examination, any witness who previously gave testimony in	1438
opposition to such <u>that</u> party.	1439
Sec. 2506.04. The <u>If an appeal is taken in relation to a</u>	1440
<u>final order, adjudication, or decision covered by division (A) of</u>	1441
<u>section 2506.01 of the Revised Code, the</u> court may find that the	1442
order, adjudication, or decision is unconstitutional, illegal,	1443
arbitrary <u>arbitrary</u> , capricious, unreasonable, or unsupported by	1444
the preponderance of substantial, reliable, and probative evidence	1445
on the whole record. Consistent with its findings, the court may	1446
affirm, reverse, vacate, or modify the order, adjudication, or	1447
decision, or remand the cause to the officer or body appealed from	1448

with instructions to enter an order, adjudication, or decision 1449
consistent with the findings or opinion of the court. The judgment 1450
of the court may be appealed by any party on questions of law as 1451
provided in the Rules of Appellate Procedure and, to the extent 1452
not in conflict with those rules, Chapter 2505. of the Revised 1453
Code. 1454

Sec. 2506.05. (A)(1) Except as modified by this section and 1455
sections 2506.06 to 2506.08 of the Revised Code, every final 1456
order, adjudication, or decision of any officer, tribunal, 1457
authority, board, bureau, commission, department, or other 1458
division of any political subdivision of the state denying an 1459
application for, or suspending or revoking, a license or permit to 1460
locate or operate an adult entertainment establishment, as defined 1461
in section 2907.39 of the Revised Code or as similarly defined by 1462
a political subdivision, may be reviewed by the court of common 1463
pleas of the county in which the principal office of the political 1464
subdivision is located as provided in Chapter 2505. of the Revised 1465
Code. 1466

(2) In addition to appeals brought pursuant to division 1467
(A)(1) of this section, a court of common pleas may hear appeals 1468
under this section and sections 2506.06 to 2506.08 of the Revised 1469
Code in cases in which the court determines that there is a threat 1470
of restraint of expression protected or presumptively protected 1471
under the First Amendment to the United States Constitution or 1472
under Section 11 of Article I, Ohio Constitution. 1473

(B) An appellant seeking to have an appeal heard under this 1474
section shall designate it as an expedited appeal by inserting the 1475
words "Expedited Appeal Requested" in conspicuous typeface in the 1476
caption of the notice of appeal. 1477

(C) In an appeal under this section, if the political 1478
subdivision does not object to the expedited appeal within three 1479

days after receiving notice of the filing of the notice of appeal 1480
or if, over the objection of the political subdivision, the court 1481
determines that there is a threat of restraint of expression 1482
protected or presumptively protected under the First Amendment of 1483
the United States Constitution or under Section 11 of Article I of 1484
the Ohio Constitution, the court shall conduct a hearing as 1485
promptly as is practicable and render a decision in a prompt and 1486
expeditious manner consistent with the United States Constitution 1487
and the Ohio Constitution. If the court denies the request for an 1488
expedited appeal, the appeal shall be heard in accordance with 1489
sections 2506.01 to 2506.04 of the Revised Code. 1490

(D) The appeal provided in this section is in addition to any 1491
other remedy of appeal provided by law. 1492

Sec. 2506.06. Within five days after receiving notice of the 1493
filing of a notice of appeal under section 2506.05 of the Revised 1494
Code, the officer or body from which the appeal is taken, upon the 1495
filing of a praecipe by the appellant, shall prepare and file in 1496
the court to which the appeal is taken, a complete transcript of 1497
all the original papers, testimony, and evidence offered, heard, 1498
and taken into consideration in issuing the final order, 1499
adjudication, or decision appealed from. The costs of the 1500
transcript shall be taxed as a part of the costs of the appeal. 1501

Sec. 2506.07. (A) The hearing of an appeal taken under 1502
section 2506.05 of the Revised Code shall proceed as in the trial 1503
of a civil action, but the court shall be confined to the 1504
transcript as filed under section 2506.06 of the Revised Code 1505
unless it appears on the face of that transcript or by affidavit 1506
filed by the appellant that one or more of the following applies: 1507

(1) The transcript does not contain a report of all evidence 1508
admitted or proffered by the appellant. 1509

(2) The appellant was not permitted to appear and be heard in person, or by the appellant's attorney, in opposition to the final order, adjudication, or decision appealed from and to do any of the following: 1510
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(a) Present the appellant's position, arguments, and contentions; 1514
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(b) Offer and examine witnesses and present evidence in support; 1516
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(c) Cross-examine witnesses purporting to refute the appellant's position, arguments, and contentions; 1518
1519

(d) Offer evidence to refute evidence and testimony offered in opposition to the appellant's position, arguments, and contentions; 1520
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1522

(e) Proffer any evidence offered pursuant to division (A)(2)(d) of this section into the record if the admission of it is denied by the officer or body appealed from. 1523
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(3) The testimony adduced was not given under oath. 1526

(4) The appellant was unable to present evidence because of a lack of the power of subpoena by the officer or body appealed from or because of the refusal after request of that officer or body to afford the appellant opportunity to use the power of subpoena when possessed by the officer or body. 1527
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(5) The officer or body failed to file with the transcript conclusions of fact supporting the final order, adjudication, or decision appealed from. 1532
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(B) If any circumstance described in divisions (A)(1) to (5) of this section applies, the court shall hear the appeal upon the transcript and 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 1535
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opposition to that party. 1540

Sec. 2506.08. If an appeal is taken under section 2506.05 of 1541
the Revised Code, the court may find that the order, adjudication, 1542
or decision is unconstitutional, illegal, arbitrary, capricious, 1543
unreasonable, or unsupported by the preponderance of substantial, 1544
reliable, and probative evidence on the whole record. Consistent 1545
with its findings, the court may affirm, reverse, vacate, or 1546
modify the order, adjudication, or decision, or remand the cause 1547
to the officer or body appealed from with instructions to enter an 1548
order, adjudication, or decision consistent with the findings or 1549
opinion of the court. If the order, adjudication, or decision is 1550
remanded to the officer or body appealed from with those 1551
instructions, the officer or body shall enter the consistent 1552
order, adjudication, or decision within five days after that 1553
remand. The judgment of the court may be appealed by any party on 1554
questions of law as provided in the Rules of Appellate Procedure 1555
and, to the extent not in conflict with those rules, Chapter 2505. 1556
of the Revised Code. 1557

Sec. 2907.01. As used in sections 2907.01 to ~~2907.37~~ 2907.38 1558
of the Revised Code: 1559

(A) "Sexual conduct" means vaginal intercourse between a male 1560
and female; anal intercourse, fellatio, and cunnilingus between 1561
persons regardless of sex; and, without privilege to do so, the 1562
insertion, however slight, of any part of the body or any 1563
instrument, apparatus, or other object into the vaginal or anal 1564
cavity of another. Penetration, however slight, is sufficient to 1565
complete vaginal or anal intercourse. 1566

(B) "Sexual contact" means any touching of an erogenous zone 1567
of another, including without limitation the thigh, genitals, 1568
buttock, pubic region, or, if the person is a female, a breast, 1569

for the purpose of sexually arousing or gratifying either person.	1570
(C) "Sexual activity" means sexual conduct or sexual contact, or both.	1571 1572
(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.	1573 1574 1575
(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:	1576 1577 1578 1579
(1) The material or performance, when considered as a whole, appeals to the prurient interest in sex of juveniles.	1580 1581
(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.	1582 1583 1584
(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.	1585 1586 1587
(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:	1588 1589 1590 1591 1592
(1) Its dominant appeal is to prurient interest;	1593
(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;	1594 1595 1596 1597
(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or	1598 1599

brutality; 1600

(4) Its dominant tendency is to appeal to scatological 1601
interest by displaying or depicting human bodily functions of 1602
elimination in a way that inspires disgust or revulsion in persons 1603
with ordinary sensibilities, without serving any genuine 1604
scientific, educational, sociological, moral, or artistic purpose; 1605

(5) It contains a series of displays or descriptions of 1606
sexual activity, masturbation, sexual excitement, nudity, 1607
bestiality, extreme or bizarre violence, cruelty, or brutality, or 1608
human bodily functions of elimination, the cumulative effect of 1609
which is a dominant tendency to appeal to prurient or scatological 1610
interest, when the appeal to such an interest is primarily for its 1611
own sake or for commercial exploitation, rather than primarily for 1612
a genuine scientific, educational, sociological, moral, or 1613
artistic purpose. 1614

(G) "Sexual excitement" means the condition of human male or 1615
female genitals when in a state of sexual stimulation or arousal. 1616

(H) "Nudity" means the showing, representation, or depiction 1617
of human male or female genitals, pubic area, or buttocks with 1618
less than a full, opaque covering, or of a female breast with less 1619
than a full, opaque covering of any portion thereof below the top 1620
of the nipple, or of covered male genitals in a discernibly turgid 1621
state. 1622

(I) "Juvenile" means an unmarried person under the age of 1623
eighteen. 1624

(J) "Material" means any book, magazine, newspaper, pamphlet, 1625
poster, print, picture, figure, image, description, motion picture 1626
film, phonographic record, or tape, or other tangible thing 1627
capable of arousing interest through sight, sound, or touch and 1628
includes an image or text appearing on a computer monitor, 1629
television screen, liquid crystal display, or similar display 1630

device or an image or text recorded on a computer hard disk, 1631
computer floppy disk, compact disk, magnetic tape, or similar data 1632
storage device. 1633

(K) "Performance" means any motion picture, preview, trailer, 1634
play, show, skit, dance, or other exhibition performed before an 1635
audience. 1636

(L) "Spouse" means a person married to an offender at the 1637
time of an alleged offense, except that such person shall not be 1638
considered the spouse when any of the following apply: 1639

(1) When the parties have entered into a written separation 1640
agreement authorized by section 3103.06 of the Revised Code; 1641

(2) During the pendency of an action between the parties for 1642
annulment, divorce, dissolution of marriage, or legal separation; 1643

(3) In the case of an action for legal separation, after the 1644
effective date of the judgment for legal separation. 1645

(M) "Minor" means a person under the age of eighteen. 1646

(N) "Mental health client or patient" has the same meaning as 1647
in section 2305.51 of the Revised Code. 1648

(O) "Mental health professional" has the same meaning as in 1649
section 2305.115 of the Revised Code. 1650

(P) "Sado-masochistic abuse" means flagellation or torture by 1651
or upon a person or the condition of being fettered, bound, or 1652
otherwise physically restrained. 1653

Sec. 2907.38. (A) As used in this section: 1654

(1) "Commercial establishment" means an entity that is open 1655
to the public and to which either of the following applies: 1656

(a) It has a substantial or significant portion of its stock 1657
in trade of the sale, rental, or viewing of visual materials or 1658

performances depicting sexual conduct. 1659

(b) It has as a principal business purpose the sale, rental, or viewing of visual materials or performances depicting sexual conduct. 1660
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(2) "Visual materials or performances" means films, videos, CD-ROM discs, streaming video, or other motion pictures. 1663
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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: 1665
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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. 1673
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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, stall, or partitioned room has any aperture, hole, or opening for the purpose of encouraging or facilitating nudity or sexual activity. 1679
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(C) It is an affirmative defense to a charge under this section that either of the following applies to the involved visual materials or performances: 1686
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(1) The visual materials or performances depicting sexual 1689
conduct are disseminated or presented for a bona fide medical, 1690
scientific, educational, religious, governmental, judicial, or 1691
other proper purpose and by or to a physician, psychologist, 1692
sociologist, scientist, teacher, person pursuing bona fide studies 1693
or research, librarian, member of the clergy, prosecutor, judge, 1694
or other person having a proper interest in the visual materials 1695
or performances. 1696

(2) The visual materials or performances depicting sexual 1697
conduct, taken as a whole, would be found by a reasonable person 1698
to have serious literary, artistic, political, or scientific value 1699
or are presented or disseminated in good faith for a serious 1700
literary, artistic, political, or scientific purpose and are not 1701
pandered for their prurient appeal. 1702

(D) Whoever violates this section is guilty of permitting 1703
unlawful operation of viewing booths depicting sexual conduct, a 1704
misdemeanor of the first degree. 1705

Sec. 2907.39. (A) As used in this section: 1706

(1) "Adult arcade" means any place to which the public is 1707
permitted or invited in which coin-operated, slug-operated, or 1708
electronically, electrically, or mechanically controlled still or 1709
motion picture machines, projectors, or other image-producing 1710
devices are regularly maintained to show images to five or fewer 1711
persons per machine at any one time, and in which the images so 1712
displayed are distinguished or characterized by their emphasis 1713
upon matter exhibiting or describing specified sexual activities 1714
or specified anatomical areas. 1715

(2)(a) "Adult bookstore," "adult novelty store," or "adult 1716
video store" means a commercial establishment that, for any form 1717
of consideration, has as a significant or substantial portion of 1718

its stock-in-trade in, derives a significant or substantial 1719
portion of its revenues from, devotes a significant or substantial 1720
portion of its interior business or advertising to, or maintains a 1721
substantial section of its sales or display space for the sale or 1722
rental of any of the following: 1723

(i) Books, magazines, periodicals, or other printed matter, 1724
or photographs, films, motion pictures, video cassettes, compact 1725
discs, slides, or other visual representations, that are 1726
characterized by their emphasis upon the exhibition or description 1727
of specified sexual activities or specified anatomical areas; 1728

(ii) Instruments, devices, or paraphernalia that are designed 1729
for use or marketed primarily for stimulation of human genital 1730
organs or for sadomasochistic use or abuse of self or others. 1731

(b) "Adult bookstore," "adult novelty store," or "adult video 1732
store" includes a commercial establishment as defined in section 1733
2907.38 of the Revised Code. An establishment may have other 1734
principal business purposes that do not involve the offering for 1735
sale, rental, or viewing of materials exhibiting or describing 1736
specified sexual activities or specified anatomical areas and 1737
still be categorized as an adult bookstore, adult novelty store, 1738
or adult video store. The existence of other principal business 1739
purposes does not exempt an establishment from being categorized 1740
as an adult bookstore, adult novelty store, or adult video store 1741
so long as one of its principal business purposes is offering for 1742
sale or rental, for some form of consideration, such materials 1743
that exhibit or describe specified sexual activities or specified 1744
anatomical areas. 1745

(3) "Adult cabaret" means a nightclub, bar, juice bar, 1746
restaurant, bottle club, or similar commercial establishment, 1747
whether or not alcoholic beverages are served, that regularly 1748
features any of the following: 1749

- (a) Persons who appear in a state of nudity or seminudity; 1750
- (b) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; 1751
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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. 1753
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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. 1757
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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." 1762
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- (6) "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration. 1772
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- (7) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that, for any form 1779
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of consideration, regularly features persons who appear in a state 1781
of nudity or seminudity or live performances that are 1782
characterized by their emphasis upon the exposure of specified 1783
anatomical areas or specified sexual activities. 1784

(8) "Distinguished or characterized by their emphasis upon" 1785
means the dominant or principal character and theme of the object 1786
described by this phrase. For instance, when the phrase refers to 1787
films "that are distinguished or characterized by their emphasis 1788
upon the exhibition or description of specified sexual activities 1789
or specified anatomical areas," the films so described are those 1790
whose dominant or principal character and theme are the exhibition 1791
or description of specified sexual activities or specified 1792
anatomical areas. 1793

(9)(a) "Nude or seminude model studio" means any place where 1794
a person, who regularly appears in a state of nudity or 1795
seminudity, is provided for money or any other form of 1796
consideration to be observed, sketched, drawn, painted, 1797
sculptured, photographed, or similarly depicted by other persons. 1798

(b) A modeling class or studio is not a nude or seminude 1799
model studio and is not subject to this chapter if it is operated 1800
in any of the following ways: 1801

(i) By a college or university supported entirely or partly 1802
by taxation; 1803

(ii) By a private college or university that maintains and 1804
operates educational programs, the credits for which are 1805
transferable to a college or university supported entirely or 1806
partly by taxation; 1807

(iii) In a structure that has no sign visible from the 1808
exterior of the structure and no other advertising indicating that 1809
a person appearing in a state of nudity or seminudity is available 1810
for viewing, if in order to participate in a class in the 1811

structure, a student must enroll at least three days in advance of 1812
the class and if not more than one nude or seminude model is on 1813
the premises at any one time. 1814

(10) "Nudity," "nude," or "state of nudity" means the showing 1815
of the human male or female genitals, pubic area, vulva, anus, 1816
anal cleft, or cleavage with less than a fully opaque covering; or 1817
the showing of the female breasts with less than a fully opaque 1818
covering of any part of the nipple. 1819

(11) "Regularly features" or "regularly shown" means a 1820
consistent or substantial course of conduct, such that the films 1821
or performances exhibited constitute a substantial portion of the 1822
films or performances offered as a part of the ongoing business of 1823
the adult entertainment establishment. 1824

(12) "Seminude" or "state of seminudity" means a state of 1825
dress in which opaque clothing covers not more than the genitals, 1826
pubic region, and nipple of the female breast, as well as portions 1827
of the body covered by supporting straps or devices. 1828

(13)(a) "Sexual encounter establishment" means a business or 1829
commercial establishment that, as one of its principal business 1830
purposes, offers for any form of consideration a place where 1831
either of the following occur: 1832

(i) Two or more persons may congregate, associate, or consort 1833
for the purpose of engaging in specified sexual activities. 1834

(ii) Two or more persons appear nude or seminude for the 1835
purpose of displaying their nude or seminude bodies for their 1836
receipt of consideration or compensation in any type or form. 1837

(b) An establishment where a medical practitioner, 1838
psychologist, psychiatrist, or similar professional person 1839
licensed by the state engages in medically approved and recognized 1840
therapy, including, but not limited to, massage therapy, as 1841

regulated pursuant to section 4731.15 of the Revised Code, is not 1842
a "sexual encounter establishment." 1843

(14) "Specified anatomical areas" means the cleft of the 1844
buttocks, anus, male or female genitals, or the female breast. 1845

(15) "Specified sexual activity" means any of the following: 1846

(a) Sex acts, normal or perverted, or actual or simulated, 1847
including intercourse, oral copulation, masturbation, or sodomy; 1848

(b) Excretory functions as a part of or in connection with 1849
any of the activities described in division (A)(15)(a) of this 1850
section. 1851

(B) No person knowingly shall allow an individual, including, 1852
but not limited to, a patron, customer, or employee, who is under 1853
eighteen years of age on the premises of an adult entertainment 1854
establishment. 1855

(C) No individual who is under eighteen years of age 1856
knowingly shall show or give false information concerning the 1857
individual's name or age, or other false identification, for the 1858
purpose of gaining entrance to an adult entertainment 1859
establishment. 1860

(D) A person shall not be found guilty of a violation of 1861
division (B) of this section if the person raises as an 1862
affirmative defense and if the jury or, in a nonjury trial, the 1863
court finds the person has established by a preponderance of the 1864
evidence, all of the following: 1865

(1) The individual gaining entrance to the adult 1866
entertainment establishment exhibited to an operator, employee, 1867
agent, or independent contractor of the adult entertainment 1868
establishment a driver's or commercial driver's license or an 1869
identification card issued under sections 4507.50 and 4507.52 of 1870
the Revised Code showing that the individual was then at least 1871

eighteen years of age. 1872

(2) The operator, employee, agent, or independent contractor 1873
made a bona fide effort to ascertain the true age of the 1874
individual gaining entrance to the adult entertainment 1875
establishment by checking the identification presented, at the 1876
time of entrance, to ascertain that the description on the 1877
identification compared with the appearance of the individual and 1878
that the identification had not been altered in any way. 1879

(3) The operator, employee, agent, or independent contractor 1880
had reason to believe that the individual gaining entrance to the 1881
adult entertainment establishment was at least eighteen years of 1882
age. 1883

(E) In any criminal action in which the affirmative defense 1884
described in division (D) of this section is raised, the registrar 1885
of motor vehicles or the deputy registrar who issued a driver's or 1886
commercial driver's license or an identification card under 1887
sections 4507.50 and 4507.52 of the Revised Code shall be 1888
permitted to submit certified copies of the records, in the 1889
registrar's or deputy registrar's possession, of the issuance of 1890
the license or identification card in question, in lieu of the 1891
testimony of the personnel of the bureau of motor vehicles in the 1892
action. 1893

(F)(1) Whoever violates division (B) of this section is 1894
guilty of permitting a juvenile on the premises of an adult 1895
entertainment establishment, a misdemeanor of the first degree. 1896
Each day a person violates this division constitutes a separate 1897
offense. 1898

(2) Whoever violates division (C) of this section is guilty 1899
of use by a juvenile of false information to enter an adult 1900
entertainment establishment, a delinquent act that would be a 1901
misdemeanor of the fourth degree if committed by an adult. 1902

Sec. 4301.25. (A) The liquor control commission may suspend 1903
or revoke any permit issued under this chapter or Chapter 4303. of 1904
the Revised Code for the violation of any of the applicable 1905
restrictions of either chapter or of any lawful rule of the 1906
commission, for other sufficient cause, and for the following 1907
causes: 1908

(1) Conviction of the holder or the holder's agent or 1909
employee for violating division (B) of section 2907.39 of the 1910
Revised Code or a section of this chapter or Chapter 4303. of the 1911
Revised Code or for a felony; 1912

(2) The entry of a judgment pursuant to division (D) or (E) 1913
of section 3767.05 of the Revised Code against a permit holder or 1914
the holder's agent or employee finding the existence of a nuisance 1915
at a liquor permit premises or finding the existence of a nuisance 1916
as a result of the operation of a liquor permit premises; 1917

(3) Making any false material statement in an application for 1918
a permit; 1919

(4) Assigning, transferring, or pledging a permit contrary to 1920
the rules of the commission; 1921

(5) Selling or promising to sell beer or intoxicating liquor 1922
to a wholesale or retail dealer who is not the holder of a proper 1923
permit at the time of the sale or promise; 1924

(6) Failure of the holder of a permit to pay an excise tax 1925
together with any penalties imposed by the law relating to that 1926
failure and for violation of any rule of the department of 1927
taxation in pursuance of the tax and penalties. 1928

(B) The liquor control commission shall revoke a permit 1929
issued pursuant to this chapter or Chapter 4303. of the Revised 1930
Code upon the conviction of the holder of the permit of a 1931
violation of division (C)(1) of section 2913.46 of the Revised 1932

Code.	1933
(C)(1) When the commission considers the length of a suspension of a permit, it may consider the volume of the business of the permit holder, so that the length of the suspension is in proportion to the seriousness of the offense and the permit holder's business in order that the suspension serve as a penalty and a deterrent. Evidence as to the volume of business of the permit holder may be offered by the permit holder or subpoenaed by the commission.	1934 1935 1936 1937 1938 1939 1940 1941
(2) When the commission considers the length of a proposed suspension of a permit and the proposed suspension results from an offense that was committed during a compliance check as defined in section 4301.635 of the Revised Code, the commission may consider whether trickery, deceit, or deception was used in the conduct of the compliance check.	1942 1943 1944 1945 1946 1947
Section 2. That existing sections 303.02, 309.09, 503.29, 504.04, 504.15, 519.02, 1901.182, 1901.31, 1907.012, 1907.20, 2151.022, 2152.02, 2505.08, 2506.01, 2506.02, 2506.03, 2506.04, 2907.01, and 4301.25 and sections 503.51, 503.52, 503.53, 503.54, 503.55, 503.56, 503.57, 503.58, 503.59, 503.65, and 503.99 of the Revised Code are hereby repealed.	1948 1949 1950 1951 1952 1953
Section 3. In enacting new sections 503.51 and 503.52 and sections 2907.38 and 2907.39 of the Revised Code, the General Assembly makes the following statement of intent and findings:	1954 1955 1956
(A)(1) Adult entertainment establishments require special supervision from the public safety agencies of this state in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of this state.	1957 1958 1959 1960 1961
(2) The General Assembly finds that adult entertainment	1962

establishments are frequently used for unlawful sexual activities, 1963
including prostitution and sexual liaisons of a casual nature. 1964

(3) The concern over sexually transmitted diseases is a 1965
legitimate health concern of this state that demands reasonable 1966
regulation of adult entertainment establishments by the state in 1967
the specified manner, and expanded authority for reasonable 1968
regulation of adult entertainment establishments by local 1969
governments, in order to protect the health and well-being of the 1970
citizens. 1971

(4) Minimal regulations enacted by local governments or the 1972
state are a legitimate and reasonable means of accountability to 1973
ensure that operators of adult entertainment establishments comply 1974
with reasonable regulations and to ensure that operators do not 1975
knowingly allow their establishments to be used as places of 1976
illegal sexual activity or solicitation. 1977

(5) There is convincing documented evidence that adult 1978
entertainment establishments, because of their very nature, have a 1979
deleterious effect on both the existing businesses around them and 1980
the surrounding residential areas adjacent to them and cause 1981
increased crime, particularly in the overnight hours, and the 1982
downgrading of property values. 1983

(6) The General Assembly desires to minimize and control 1984
these adverse effects by regulating adult entertainment 1985
establishments in the specified manner and by expanding the 1986
authority of local governments to regulate adult entertainment 1987
establishments and, by minimizing and controlling these adverse 1988
effects, to protect the health, safety, and welfare of the 1989
citizenry; protect the citizens from increased crime; preserve the 1990
quality of life; preserve the property values and character of 1991
surrounding neighborhoods; and deter the spread of urban blight. 1992

(7) The General Assembly has determined that current local 1993

zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of this state and that expanded local government authority to regulate adult entertainment establishments is necessary.

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

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

(B) It is the intent of the General Assembly in enacting new sections 503.51 and 503.52 and sections 2907.38 and 2907.39 of the Revised Code to regulate in the specified manner, and to expand the authority of local governments to regulate, adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of this state and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within this state. The provisions of new sections 503.51 and 503.52 and sections 2907.38 and 2907.39 of the Revised Code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of the General Assembly in enacting new sections 503.51 and 503.52 and sections 2907.38 and 2907.39 of the Revised Code to restrict or deny, or authorize the restriction or denial of, access by

adults to sexually oriented materials protected by the First 2026
Amendment, or to deny, or authorize the denial of, access by the 2027
distributors and exhibitors of adult entertainment and adult 2028
materials to their intended market. Neither is it the intent nor 2029
effect of the General Assembly in enacting new sections 503.51 and 2030
503.52 and sections 2907.38 and 2907.39 of the Revised Code to 2031
condone or legitimize the distribution or exhibition of obscene 2032
material. 2033

(C) Based on evidence concerning the adverse secondary 2034
effects of adult uses on communities presented in hearings and in 2035
reports made available to the legislature and on findings 2036
incorporated in the cases of *City of Littleton, Colorado v. Z.J.* 2037
Gifts D-4, L.L.C. (2004), 541 U.S. 774, *City of Erie v. Pap's A.M.* 2038
(2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc. (1991)*, 501 2039
U.S. 560; *City of Renton v. Playtime Theatres, Inc. (1986)*, 475 2040
U.S. 41; *Young v. American Mini Theatres (1976)*, 426 U.S. 50; 2041
California v. LaRue (1972), 409 U.S. 109; *DLS, Inc. v. City of* 2042
Chattanooga (6th Cir. 1997) 107 F.3d 403; *East Brooks Books, Inc.* 2043
v. City of Memphis, (6th Cir. 1995), 48 F.3d 220; *Harris v.* 2044
Fitchville Township Trustees (N.D. Ohio 2000), 99 F. Supp.2d 837; 2045
Bamon Corp. v. City of Dayton (S.D. Ohio 1990), 730 F. Supp. 90, 2046
aff'd (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* 2047
(E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. City* 2048
of Newport (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v.* 2049
Nichols (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* 2050
(6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment* 2051
v. Strittmather (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons,* 2052
Inc. v. City of Brunswick (N.D. Ohio 1999), 49 F. Supp.2d 1032; 2053
Triplett Grille, Inc. v. City of Akron (6th Cir. 1994) 40 F.3d 2054
129; *Nightclubs, Inc. v. City of Paducah (6th Cir. 2000)*, 202 F.3d 2055
884; *O'Connor v. City and County of Denver (10th Cir. 1990)*, 894 2056
F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan* 2057

<i>Government of Nashville and Davidson County</i> (6th Cir. 2001), 2001	2058
U.S. App. LEXIS 26007; <i>State of Ohio ex rel. Rothal v. Smith</i> (Ohio	2059
C.P. 2002), Summit C.P. No. CV 01094594; <i>Z.J. Gifts D-2, L.L.C. v.</i>	2060
<i>City of Aurora</i> (10th Cir. 1998), 136 F.3d 683; <i>Connection Distrib.</i>	2061
<i>Co. v. Reno</i> (6th Cir. 1998), 154 F.3d 281; <i>Sundance Assocs. v.</i>	2062
<i>Reno</i> (10th Cir. 1998), 139 F.3d 804; <i>American Library Association</i>	2063
<i>v. Reno</i> (D.C. Cir. 1994), 33 F.3d 78; <i>American Target Advertising,</i>	2064
<i>Inc. v. Giani</i> (10th Cir. 2000), 199 F.3d 1241; and other cases and	2065
on reports of secondary effects occurring in and around adult	2066
entertainment establishments in Phoenix, Arizona (1984);	2067
Minneapolis, Minnesota (1980); Houston, Texas (1983);	2068
Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden	2069
Grove, California (1991); Los Angeles, California (1977);	2070
Whittier, California (1978); Austin, Texas (1986); Seattle,	2071
Washington (1989); Oklahoma City, Oklahoma (1986); Cleveland, Ohio	2072
(1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993);	2073
Bellevue, Washington (1998); Newport News, Virginia (1996);	2074
Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma City,	2075
Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New	2076
York (1994); Ellicottville, New York (1998); Des Moines, Iowa	2077
(1984); Islip, New York (1980); Adams County, Colorado (1987);	2078
Manatee County, Florida (1987); New Hanover County, North Carolina	2079
(1989); Las Vegas, Nevada (1978); Cattaraugus County, New York	2080
(1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso,	2081
Texas (1986); New York Times Square study (1994); Report to ACLJ	2082
on the Secondary Impacts of Sex Oriented Businesses (1996); the	2083
findings from the Report of the Attorney General's Working Group	2084
On The Regulation Of Sexually Oriented Businesses (June 6, 1989,	2085
State of Minnesota); and on testimony to Congress in 136 Cong.	2086
Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134	2087
Cong. Rec. E. 3750; and also on findings from the paper entitled	2088
"Stripclubs According to Strippers: Exposing Workplace Sexual	2089
Violence," by Kelly Holsopple, Program Director, Freedom and	2090

Justice Center for Prostitution Resources, Minneapolis, Minnesota; 2091
and from "Sexually Oriented Businesses: An Insider's View," by 2092
David Sherman, presented to the Michigan House Committee on Ethics 2093
and Constitutional Law, Jan. 12, 2000; and from various other 2094
police reports, testimony, newspaper reports, and other 2095
documentary evidence, the General Assembly finds: 2096

(1) Adult entertainment establishments lend themselves to 2097
ancillary unlawful and unhealthy activities that are presently 2098
uncontrolled by the operators of the establishments. Further, 2099
there is presently no statewide mechanism, and no general or 2100
comprehensive grant of authority enabling local governments, to 2101
make the owners of these establishments responsible for the 2102
activities that occur on their premises. 2103

(2) Certain employees of adult entertainment establishments, 2104
as defined in section 2907.39 of the Revised Code as adult 2105
theaters and cabarets, engage in a higher incidence of certain 2106
types of illicit sexual behavior than employees of other 2107
establishments. 2108

(3) Sexual acts, including masturbation and oral and anal 2109
sex, occur at adult entertainment establishments, especially those 2110
that provide private or semiprivate booths or cubicles for viewing 2111
films, videos, or live sex shows. The "couch dances" or "lap 2112
dances" that frequently occur in adult entertainment 2113
establishments featuring live nude or seminude dancers constitute 2114
or may constitute the offense of "engaging in prostitution" under 2115
section 2907.25 of the Revised Code. 2116

(4) Offering and providing such space encourages such 2117
activities, which creates unhealthy conditions. 2118

(5) Persons frequent certain adult theaters, adult arcades, 2119
and other adult entertainment establishments for the purpose of 2120
engaging in sexual activity within the premises of those adult 2121

entertainment establishments. 2122

(6) Numerous communicable diseases may be spread by 2123
activities occurring in sexually oriented businesses, including, 2124
but not limited to, syphilis, gonorrhea, human immunodeficiency 2125
virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, 2126
campylobacter and shigella infections, chlamydial, myoplasmal and 2127
ureoplasmal infections, trichomoniasis, and chancroid. 2128

(7) Since 1981 and to the present, there has been an 2129
increasing cumulative number of reported cases of AIDS caused by 2130
the human immunodeficiency virus (HIV) in the United States: 600 2131
in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 2132
through December 31, 1992. 2133

(8) A total of 10,255 AIDS cases had been reported in Ohio as 2134
of January 1999. Ohio has required HIV case reporting since 1990, 2135
and the reported information shows 7,969 people living with (HIV) 2136
(4,213) and (AIDS) (3,756) in the state. 2137

(9) Since 1981 and to the present, there have been an 2138
increasing cumulative number of persons testing positive for the 2139
HIV antibody test in Ohio. 2140

(10) The number of cases of early (less than one year) 2141
syphilis in the Unites States reported annually has risen. 33,613 2142
cases were reported in 1982, and 45,200 cases were reported 2143
through November 1990. 2144

(11) The number of cases of gonorrhea in the United States 2145
reported annually remains at a high level, with over one-half 2146
million cases being reported in 1990. 2147

(12) The Surgeon General of the United States in his report 2148
of October 22, 1986, has advised the American public that AIDS and 2149
HIV infection may be transmitted through sexual contact, 2150
intravenous drug abuse, and exposure to infected blood and blood 2151

components, and from an infected mother to her newborn.	2152
(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.	2153 2154 2155
(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.	2156 2157 2158 2159 2160 2161
(15) The findings noted in divisions (C)(1) to (14) of this section raise substantial governmental concerns.	2162 2163
(16) Adult entertainment establishments have operational characteristics that should subject them to reasonable government regulation in order to protect those substantial governmental concerns.	2164 2165 2166 2167
(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.	2168 2169 2170 2171
Section 4. Section 303.02 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 411 and Am. Sub. S.B. 18 of the 125th General Assembly. Section 519.02 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 411 and Am. Sub. S.B. 18 of the 125th General Assembly. Section 2151.022 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 179 and Sub. S.B. 218 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of	2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182

simultaneous operation, finds that the composite is the resulting	2183
version of the section in effect prior to the effective date of	2184
the section as presented in this act.	2185