

**CODIFIED  
ORDINANCES  
OF  
ASHVILLE  
OHIO**

Complete to January 1, 2009

CERTIFICATION

We, Charles K. Wise, Mayor, and Barbara Gilbert, Fiscal Officer of the Village of Ashville, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Ashville, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correct and constitute the Codified Ordinances of the Village of Ashville, Ohio, 2001, as amended to January 1, 2009.

/s/ Charles K. Wise  
Mayor

/s/ Barbara Gilbert  
Fiscal Officer

Codified, edited and prepared for  
publication by  
THE WALTER H. DRANE COMPANY  
Cleveland, Ohio

VILLAGE OF ASHVILLE

ROSTER OF OFFICIALS

(2009)

COUNCIL

Gayle Blankenship  
Nelson Embrey  
Brian Garvine

Chester Gloyd  
Keith Moore  
Terry Moore

ADMINISTRATION

Charles K. Wise  
Franklin Christman  
Barbara Gilbert  
David Ballard  
Dennis Palmentera

Mayor  
Village Administrator  
Fiscal Officer  
Service Superintendent  
Chief of Police

The publisher expresses its appreciation

to

CHARLES K. WISE  
Mayor

BARBARA J. GILBERT  
Fiscal Officer

LINDA BROWN  
Administrative Assistant

and all other Village officials who  
gave time and counsel to the 2001  
codification of the Village ordinances.

ORDINANCE 2001-05

## AN ORDINANCE TO APPROVE THE 2001 CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, a determination has been made that the ordinance of the Municipality of a permanent and general nature should be codified, and

WHEREAS, the Village has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such codification, and

WHEREAS, the codification of such ordinance, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ASHVILLE, STATE OF OHIO:

SECTION 1: That the ordinance of the Village of Ashville, Ohio, of a general and permanent nature, as revised, codified, rearranged and consolidated into component codes, titles, chapters and sections are hereby approved, adopted and enacted as the Codified Ordinances of the Village of Ashville, Ohio, 2001.

SECTION 2: That the provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided in Section 6 of this Ordinance. All ordinances and resolutions or parts thereof enacted prior to January 1, 2001, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance, except as follows: the enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

SECTION 3: That a succinct summary of this Ordinance shall be published by the Village Fiscal Officer. The publication shall contain notice that the complete text of this Ordinance may be obtained or viewed, and the Codified Ordinances viewed, at the office of the Village Fiscal Officer and may be viewed at any other location designated by Council. The Village Solicitor shall review the summary to ensure that the summary is legally accurate and sufficient.

SECTION 4: That each section of the Codified Ordinances without an ordinance or resolution history at the end thereof indicates that the section contains new material which is hereby enacted by this adopting ordinance.

SECTION 5: That through authentication and approval of this Ordinance, the Mayor and Village Fiscal Officer shall certify that the permanent and general ordinances of the Municipality as codified therein are correctly set forth and constitute the Codified Ordinances of the Village of Ashville, 2001.

SECTION 6: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of the Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid legal entanglements including conflict with State law, and shall go into full force and effect immediately upon its passage by Council.

PASSED THIS 19th DAY OF March, 2001.

ATTEST:

/s/ Nelson R. Embrey April 2, 2001  
VILLAGE FISCAL OFFICER DATE

APPROVED:

/s/ Charles K. Wise March 19, 2001  
MAYOR DATE

I, Nelson R. Embrey, Village Fiscal Officer of the Village of Ashville hereby certify that the foregoing has been duly posted beginning 4/3/01 for a period of fifteen (15) days as required by law.

/s/ Nelson R. Embrey Date 4/17/01  
Village Fiscal Officer

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## EDITOR'S NOTE

The arrangement and numbering of the Codified Ordinances into component codes, titles, chapters and sections are based on an adaptation of the decimal numbering system which is similar to that used in the Ohio Revised Code, and in accord with the best accepted practice in instituting a codification. Each section is self-identifying as to code, chapter and section number. For example, 305.06 indicates that the code number is 3, the chapter number is 305 (or the 5th chapter within code 3), and the section number is .06. The code and chapter numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the chapter number being all digits left of the decimal. The section number appears right of the decimal. As another example, 113.10 indicates the code number is 1, the chapter number is 113 (or the 13th chapter within code 1), and the section number is .10.

This numbering system has the advantage of inherent flexibility in allowing for an almost endless amount of expansion. Codes, titles and chapters initially are odd-numbered, thus reserving the use of even numbers for future legislation. Sections within chapters are consecutively numbered, except that penalty provisions are usually assigned the number .99 as used in the Revised Code. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between two consecutively numbered sections. For example, newly created 575.061, 575.062 and 575.063 follow 575.06 and precede 575.07 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either its passage date and the ordinance number originally assigned to it at that time, or to its inclusion in any prior code. Sections without histories indicate that the section contains new matter which was ordained by the Adopting Ordinance which enacts the Codified Ordinances.

The Comparative Section Table is included to show the disposition of every ordinance included in the Codified Ordinances. It indicates whether a given ordinance was consolidated with another into one section or split into two or more sections. Cross references direct the user to subject matter reasonably related to material contained within a given chapter.

## GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following each chapter analysis.

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## COMPARATIVE SECTION TABLE

EDITOR'S NOTE: Source material for the Codified Ordinances of Ashville was either ordinances or resolutions enacted by Council, or new matter ordained by the Adopting Ordinance. Sections of the Codified Ordinances without any history indicate that such sections contain new matter ordained by the Adopting Ordinance. In the following table, the disposition of all source material in the Ashville Codified Ordinances is indicated.

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1990-24	11-5-90	131.02	2000-15	7-24-00	1311.01 to 1311.06, 1311.99
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1996-08	5-6-96	935.01 to 935.12			
1997-14	11-3-97	135.01			
1997-15	10-20-97	929.05			
1998-10	9-14-98	131.03			
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1998-16	11-16-98	537.20			
1999-04	3-15-99	537.19			
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1999-12	5-17-99	171.01			
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1999-27	11-15-99	509.08			
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2000-10	4-17-00	131.01			

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		517.01 to 517.09,	2001-12	6-18-01	953.08, 953.99
		521.01 to 521.10,	2001-13	6-4-01	139.01
		525.01 to 525.15,	2001-14	5-7-01	929.02
		529.01 to 529.08,	2001-21	9-4-01	181.05, 181.07,
		533.01 to 533.13,			181.09
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		545.01 to 545.20,	2001-26	9-17-01	1337.01
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		553.01 to 553.03,	2002-01	3-4-02	P. & Z. Appx. B
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		1115.07, 1117.01 to	2003-11	6-2-03	155.09
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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
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2007-07	9-17-07	1329.01			
2007-09	9-17-07	1321.01 to 1321.05, 1321.99			
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2007-11	9-17-07	1330.01			
2007-14	9-28-07	1341.01			
2007-15	11-19-07	940.11			
2007-16	12-17-07	181.03, 181.07			
2007-17	12-17-07	1305.01 to 1305.03			
2008-01	1-16-08	1305.01(b)(10), (11)			
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2008-09	12-1-08	133.02, 181.02, 181.03, 181.05, 181.06, 181.161, 181.07, 181.08			
2008-11	12-15-08	901.01 to 901.17, 901.99, 1305.01			

**The 2004 Replacement Pages to the Traffic and General Offenses Codes should be added to this Code before adding the enclosed replacement pages.**

INSTRUCTIONS FOR INSERTING  
2004-1 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES OF ASHVILLE

All new replacement pages bear the footnote "2004-1 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

<u>Discard Old Pages</u>	<u>Insert New Pages</u>
<u>PRELIMINARY UNIT</u>	
Cover and Certification Page 3, 4 9 through 30 35, 36	Cover and Certification Page 3, 4 9 through 30 35, 36
<u>PART ONE - ADMINISTRATIVE CODE</u>	
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<u>PART THREE - TRAFFIC CODE</u>	
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<u>PART FIVE - GENERAL OFFENSES CODE</u>	
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Discard Old Pages

Insert New Pages

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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25 through 27

PART ELEVEN - PLANNING AND ZONING CODE

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PART THIRTEEN - BUILDING CODE

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PART FIFTEEN - FIRE PREVENTION CODE

9 through 13

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ORDINANCE NO.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT  
PAGES TO THE ASHVILLE CODIFIED ORDINANCES, AND  
DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the Village has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ASHVILLE, OHIO;

SECTION 1: That the ordinances of the Village of Ashville, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2003 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- 301.51 Vehicle Defined. (Amended)
- 371.12 Electric Personal Assistive Mobility Devices. (Added)
- 371.99 Penalty for Pedestrian Violations. (Added)

General Offenses Code

- 501.01 General Code Definitions. (Amended)
- 501.99 Penalties for Misdemeanors. (Amended)
- 509.05 Misconduct at an Emergency. (Amended)
- 509.06 Inducing Panic. (Amended)
- 509.07 Making False Alarms. (Amended)
- 513.01 Definitions. (Amended)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 525.08 Obstructing Justice. (Amended)

General Offenses Code (Cont.)

- 529.01 Liquor Control Definitions. (Amended)
- 529.02 Sales to and Use by Underage Persons. (Amended)
- 529.021 Purchase by Minor. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 529.08 Hours of Sale or Consumption. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.02 Presumption of Knowledge; Actual Notice and Defense. (Amended)
- 533.04 Sexual Imposition. (Amended)
- 533.05 Importuning. (Repealed)
- 537.14 Domestic Violence. (Amended)
- 537.16 Illegal Distribution of Cigarettes or Other Tobacco Products.  
(Amended)
- 545.21 Identity Fraud. (Amended)

Fire Prevention Code

- 1511.01 Open Burning Definitions. (Amended)
- 1511.03 Open Burning in Restricted Areas. (Amended)
- 1511.04 Permission and Notice to Open Burn. (Amended)
- 1511.05 Bonfires. (Amended)

SECTION 3: The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, and shall go into full force and effect immediately upon its passage by Council.

PASSED THIS \_\_\_\_\_ DAY OF

ATTEST:

\_\_\_\_\_  
CLERK/TREASURER

DATE

APPROVED:

\_\_\_\_\_  
MAYOR

DATE