

ORDINANCE NO. 2007-4

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, ARTICLE VII TRAFFIC CODE AND ARTICLE XIII GENERAL OFFENSES, AND EXCEPTING THEREFROM ARTICLE XIII, SECTION 138.13(G), 2007 EDITION, AS A PORTION OF THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF HIRAM VILLAGE, OHIO AND DECLARING AN EMERGENCY

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

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G) suitable for adoption by the Village of Hiram.

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAJORITY OF THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF HIRAM VILLAGE, OHIO:

SECTION 1: American Legal Publishing's Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2007 Edition, as reviewed and approved by the legislative Authority, is hereby adopted and enacted. The prior version of the Ohio Municipal Code as enacted by Ordinance 2006-5 is hereby repealed as obsolete and is hereby replaced by this Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2007 Edition.

SECTION 2: One copy of American Legal Publishing's Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2007 Edition, certified as correct by the Mayor and Fiscal Officer of the legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the municipality and retained as a permanent ordinance record of the municipality. The Fiscal Officer of the municipality is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A".

SECTION 3: All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2007 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2007 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the

effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

- (B) The repeal provided shall not affect:
- (1) The grant or creation of a franchise, license, right, easement or privilege;
 - (2) The purchase, sale, lease or transfer of property;
 - (3) The appropriation or expenditure of money or promise or guarantee of payment;
 - (4) The assumption of any contract or obligation;
 - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
 - (6) The levy or imposition of taxes, assessments or charges;
 - (7) The establishment, naming, vacating or grade level of any street or public way;
 - (8) The dedication of property or plat approval;
 - (9) The annexation or detachment of territory;
 - (10) Any legislation enacted subsequent to the adoption of this ordinance;
 - (11) Any legislation specifically superseding the provision of the Ohio Basic Code.

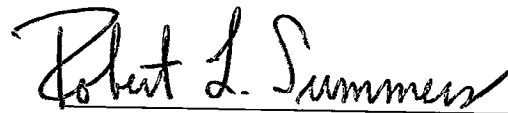
SECTION 4: It is found that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of the State of Ohio.

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

First Reading: February 13, 2007

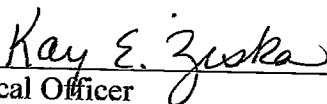
Second Reading: March 13, 2007

Third Reading: April 10, 2007



Mayor Robert L. Summers

ATTEST:


Fiscal Officer

I Kay E. Zuska Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2007-4 has been duly posted in the required 5 places.

4/12/07
Date

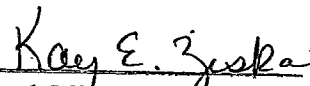

Fiscal Officer, Village of Hiram

Exhibit A

OHIO BASIC CODE, 2007 EDITION – SUMMARY OF CONTENTS

Notice is hereby given that on the 13th day of February, 2007, there was enacted by the Legislative Authority of the Municipality of Hiram, Ohio, an ordinance entitled " An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and Excepting Therefrom Article XIII, Section 138.13(G), 2007 Edition, as a Portion of the Code of Ordinances for the Municipality of Hiram Village, Ohio and Declaring an Emergency."

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

TITLE VII: TRAFFIC CODE

Chapter 70: General Provisions

Section

General Provisions

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

Traffic-Control Devices

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

- 70.99 Penalty

Chapter 71: Licensing Provisions

Section

Motor Vehicle Licensing

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

Driver's Licenses

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

Commercial Driver's Licenses

- 71.25 Definitions
- 71.26 Use of actual gross weight in lieu of rating
- 71.27 Prohibited acts
- 71.28 Prerequisites to operation of commercial motor vehicle
- 71.29 Physical qualification to operate commercial motor vehicles
- 71.30 Criminal offenses
- 71.31 Application of federal regulations
- 71.32 Employment of drivers of commercial vehicles

- 71.99 Penalty

Chapter 72: Traffic Rules

Section

General Provisions

- 72.01 Lanes of travel upon roadways
- 72.02 Driving through safety zone
- 72.03 Vehicles traveling in opposite directions
- 72.04 Rules governing overtaking and passing of vehicles
- 72.05 Permission to overtake and pass on the right
- 72.06 Driving to left of center line
- 72.07 Prohibition against driving upon left side of roadway
- 72.08 Hazardous zones
- 72.09 One-way highways and rotary traffic islands
- 72.10 Rules for driving in marked lanes
- 72.11 Space between moving vehicles
- 72.12 Divided roadways
- 72.13 Rules for turns at intersections
- 72.14 U-turns and turning in roadway prohibited
- 72.15 Starting and backing vehicles
- 72.16 Turn and stop signals
- 72.17 Hand and arm signals

Right-of-Way

- 72.20 Right-of-way at intersections
- 72.21 Right-of-way when turning left
- 72.22 Right-of-way at through highways; stop signs; yield signs
- 72.23 Stop at sidewalk area; stop signs on private roads and driveways
- 72.24 Right-of-way on public highway
- 72.25 Pedestrian on sidewalk has right-of-way
- 72.26 Right-of-way of public safety vehicles
- 72.27 Funeral procession has right-of-way
- 72.28 Pedestrians yield right-of-way to public safety vehicle
- 72.29 Pedestrian on crosswalk has right-of-way
- 72.30 Right-of-way yielded to blind person
- 72.31 Right-of-way yielded by pedestrian

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- 72.35 Pedestrian movement in crosswalks
- 72.36 Pedestrian walking along highway

- 72.37 Prohibition against soliciting rides; riding on outside of vehicle
- 72.38 Pedestrian on bridge or railroad crossing
- 72.39 Persons operating motorized wheelchairs
- 72.40 Intoxicated or drugged pedestrian hazard on highway
- 72.41 Operation of electric personal assistive mobility devices

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

Prohibitions

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

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

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

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

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

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- 73.15 Prohibition against resisting officer
- 73.16 Presenting false name or information to officer

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- 73.20 Exchange of identity and vehicle registration
- 73.21 Accident involving injury to persons or property
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Chapter 74: Equipment and Loads

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- 74.02 Bumpers on motor vehicles
- 74.03 Lighted lights required
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- 74.05 Tail lights and illumination of rear license plate
- 74.06 Red reflectors required
- 74.07 Safety lighting of commercial vehicles
- 74.08 Stoplight regulations
- 74.09 Obscured lights on vehicles
- 74.10 Red light or flag required
- 74.11 Lights on parked vehicles
- 74.12 Lights and emblem on slow-moving vehicles; lights and reflectors on multi-wheel agricultural tractors or farm machinery
- 74.13 Spotlight and auxiliary driving lights
- 74.14 Cowl, fender, and back-up lights
- 74.15 Two lights displayed
- 74.16 Headlights required
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- 74.20 Flashing lights permitted for certain types of vehicles
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- 74.24 Brake fluid
- 74.25 Minimum standards for brakes and components
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- 74.27 Mufflers; excessive smoke or gas
- 74.28 Rearview mirrors
- 74.29 Windshields and wipers
- 74.30 Solid tire requirements
- 74.31 Requirements for safety glass in motor vehicles; use of tinted glass or reflectorized material
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- 74.33 Installation and sale of seat safety belts required; definition
- 74.34 Requirements for extra signal equipment
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- 74.38 Safety inspection decals for buses
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- 74.42 All loads shall be properly secured
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- 74.44 Weighing of vehicle; removal of excess load

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- 74.47 Maximum width, height, and length
- 74.48 Statement of gross vehicle weight
- 74.49 Wheel protectors required on heavy commercial vehicles
- 74.50 Liability for damages; prosecution; application of monies
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- 75.02 Operation of motorized bicycle
- 75.03 Rules for bicycles, motorcycles, and snowmobiles
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- 75.06 Equipment of bicycles

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

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

Chapter 130: General Provisions

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

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

- 131.24 Injury to property by hunters
- 131.25 Evidence of intent to commit theft of rented property; evidence of lack of capacity to consent
- 131.26 Forgery of identification cards
- 131.27 Criminal simulation
- 131.28 Personating an officer
- 131.29 Trademark counterfeiting
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- 131.32 Prosecutions for theft of utilities
- 131.33 Motion picture piracy

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- 132.03 Justifiable use of force to suppress riot
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- 132.05 Disturbing a lawful meeting
- 132.06 Misconduct at an emergency
- 132.07 Telecommunications harassment
- 132.08 Inducing panic
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- 132.10 Inciting to violence
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Section

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- 133.11 Displaying matter harmful to juveniles
- 133.12 Deception to obtain matter harmful to juveniles
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- 133.14 Declaratory judgment
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- 134.07 Records to be kept
- 134.08 Requirements for bingo game operators
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- 134.11 Raffle drawings
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- 135.06 Menacing; aggravated menacing; menacing by stalking
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- 135.09 Coercion
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- 135.12 Abortion trafficking
- 135.13 Nonsupport of dependents
- 135.14 Endangering children
- 135.15 Interference with custody; interference with support orders
- 135.16 Domestic violence
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- 135.19 Failure to provide for functionally impaired person
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- 135.21 Interference with right of person to engage in housing transactions because of race, religion, or the like
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- 136.10 Soliciting or receiving improper compensation
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- 136.12 Interfering with civil rights
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- 136.14 False report of child abuse or neglect
- 136.15 Assaulting police dog or horse, or assistance dog
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- 136.17 Intimidation of crime victim or witness
- 136.18 Using sham legal process
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Section

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- 137.03 Using weapons while intoxicated
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- 137.05 Possessing criminal tools
- 137.06 Failure to secure dangerous ordnance

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- 138.02 Trafficking in controlled substances; gift of marijuana
- 138.03 Drug abuse
- 138.04 Possessing drug abuse instruments
- 138.05 Permitting drug abuse
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- 138.07 Abusing harmful intoxicants
- 138.08 Illegal dispensing of drug samples
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- 138.10 Nitrous oxide: improper dispensing or distribution; possession in a motor vehicle
- 138.11 Laboratory report required
- 138.12 Counterfeit controlled substances
- 138.13 Use, possession, or sale of drug paraphernalia, excepting therefrom subsection (G)
- 138.14 Controlled substance or prescription labels
- 138.15 Possession, sale and disposal of hypodermics
- 138.16 Controlled substance schedules
- 138.17 Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates
- 138.18 Pseudoephedrine sales

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

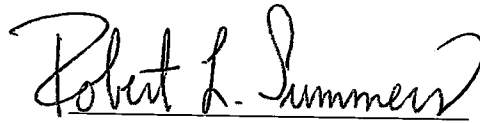
Signed:

Mayor

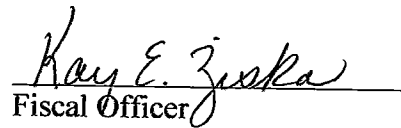
Clerk of the Legislative Authority

CERTIFICATION OF CODIFIED ORDINANCES

We, Robert L. Summers, Mayor and Kay E. Ziska, Fiscal Officer, of the Municipality of Hiram, Ohio, Pursuant to Ohio Revised Code §§731.23 and 731.42, hereby certify that the general and permanent ordinances of the Municipality as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constituted the Code of Ordinances for the Municipality of Hiram, Ohio.

Handwritten signature of Robert L. Summers in cursive script, written over a horizontal line.

Mayor

Handwritten signature of Kay E. Ziska in cursive script, written over a horizontal line.

Fiscal Officer