

VILLAGE OF WESTON, OHIO

TITLE XVII: MUNICIPAL REGULATIONS

2019 S-12 Supplement contains:
Local legislation current through Ord. 2019-9, passed 9-16-19

AMERICAN LEGAL PUBLISHING CORPORATION

One West Fourth Street, 3rd Floor Cincinnati, Ohio 45202 (800) 445-5588

COPYRIGHT © 2019

AMERICAN LEGAL PUBLISHING CORPORATION

TITLE XVII: MUNICIPAL REGULATIONS

Chapter

- 170. GENERAL PROVISIONS**
- 171. ADMINISTRATION**
- 172. PUBLIC WORKS**
- 173. TRAFFIC CODE**
- 174. GENERAL REGULATIONS**
- 175. BUSINESS REGULATIONS**
- 176. GENERAL OFFENSES**
- 177. LAND USAGE**

PARALLEL REFERENCES

INDEX

CHAPTER 170: GENERAL PROVISIONS

Section

170.01 Interpretation of Title XVII provisions

§ 170.01 INTERPRETATION OF TITLE XVII PROVISIONS.

If any provision contained in this Title XVII conflict with any provision of the Ohio Basic Code, the provision that establishes the higher or stricter standard shall control. If the conflict between the provisions are irreconcilable, the provision contained in this Title XVII shall prevail.

CHAPTER 171: ADMINISTRATION

Editor's note:

This chapter is reserved for local legislation. For general administrative provisions, see Ohio Basic Code Title III.

CHAPTER 172: PUBLIC WORKS

Editor's note:

This chapter is reserved for local legislation.

CHAPTER 173: TRAFFIC CODE

Section

General Provisions

- 173.01 Sound amplification systems
- 173.02 Operation of low-speed, under-speed, or utility vehicle, or a mini-truck
- 173.03 Operating utility vehicles upon improved village streets
- 173.04 Riding bicycle, operating skateboard or riding on in-line skates on sidewalk areas
- 173.05 Excessive vehicle noise prohibited

Parking Regulations

- 173.15 Parking in areas designated for public parks or recreation
- 173.16 Parking prohibitions during snow emergencies
- 173.17 Prohibited parking on designated portion of Main Street during specific time period
- 173.18 Parallel parking only on designated portion of Main Street
- 173.19 Parking restrictions for certain large vehicles

GENERAL PROVISIONS

§ 173.01 SOUND AMPLIFICATION SYSTEMS.

(A) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within or upon the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle. Such prohibition shall apply whether the motor vehicle is stopped, standing, parked or moving within the village.

(B) As used in this section, **SOUND AMPLIFICATION SYSTEM** means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of the human voice or music.

(C) As used in this section, **PLAINLY AUDIBLE** means any sound produced by a sound amplification system which can be clearly heard at a distance of 50 feet or more. Measurement standards shall be the auditory senses, based upon direct line of sight. Words and phrases need not be discernible and bass reverberations are included.

(D) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following applies:

Weston - Municipal Regulations

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(2) The vehicle was an emergency or public safety vehicle;

(3) The vehicle was owned and operated by a political subdivision or a gas, electric, communications or refuse company;

(4) The vehicle was used in an authorized public activity, such as a parade, fireworks exhibition, sports event, musical production or other activity which had the approval of the department of the Village authorized to grant such approval.

(Ord. 27-98, passed 12-7-98)

§ 173.02 OPERATION OF LOW-SPEED, UNDER-SPEED, OR UTILITY VEHICLE, OR A MINI-TRUCK.

(A) Low speed, under-speed, utility vehicles, or mini-trucks may be operated in the Village of Weston, Ohio as follows:

(1) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than 35 miles per hour.

(2) No person shall operate an under-speed or utility vehicle or a mini-truck upon any street or highway except as follows:

(a) Upon a street or highway having an established speed limit not greater than 35 miles per hour and only upon such streets or highways where a local authority has granted permission for such operation in accordance with § 4511.215 of the Revised Code;

(b) A state park or political subdivision employee or volunteer operating a utility vehicle exclusively within the boundaries of state parks or political subdivision parks for the operation or maintenance of state or political subdivision park facilities.

(3) No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than 45 miles per hour.

(B) This section does not prohibit either of the following:

(1) A person operating a low-speed vehicle, under-speed, or utility vehicle or a mini-truck from proceeding across an intersection of a street or highway having a speed limit greater than 35 miles per hour;

(2) A person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or highway having a speed limit greater than 45 miles per hour.

(C) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(Ord. 14-04, passed 5-17-04; Am. Ord. 19-05, passed 10-17-05; Am. Ord. 2017-15, passed 8-21-17)

§ 173.03 OPERATING UTILITY VEHICLES UPON IMPROVED VILLAGE STREETS.

(A) A utility vehicle, being defined as a self-propelled vehicle designed with a bed principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling or similar activities, may be operated in the village as follows:

(1) By a person 18 years of age, or older, possessing a valid driver's license and proof of financial responsibility;

(2) Vehicle equipped with at least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 75 feet ahead under normal atmospheric conditions during hours of darkness;

(3) Vehicle equipped with at least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;

(4) Vehicle equipped with one or two amber flashing lights on both the front and rear, a proper Slow Moving Vehicle sign on the rear, and seat belts for all seating;

(5) Vehicle display a current year inspection/registration permit issued by the village;

(6) Operated only upon improved village streets; and

(7) Operated only in compliance with all village traffic laws and regulations.

(B) No person shall sell, offer for sale, lease, rent or otherwise furnish for hire in this municipality any utility vehicle that fails to comply with the provisions of division (A) above.

(C) Whoever violates either division (A) or (B) above is guilty of a minor misdemeanor on the first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; and on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree, with penalties as provided in § 130.99.

(Ord. 2007-12, passed 8-6-07)

§ 173.04 RIDING BICYCLE, OPERATING SKATEBOARD OR RIDING ON IN-LINE SKATES ON SIDEWALK AREAS.

(A) No person, except a minor accompanied by parent or guardian, shall ride a bicycle, ride upon in-line skates or operate a skateboard on any sidewalk area within the business district.

(B) Whenever any person is riding a bicycle, riding upon in-line skates or operating a skateboard on a village sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(C) Except as otherwise provided in this division, whoever violates any provision herein is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of any provision herein is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more violations of any provision herein, whoever violates any provision herein is guilty of a misdemeanor of the third degree.
(Ord. 2009-26, passed 10-5-09)

§ 173.05 EXCESSIVE VEHICLE NOISE PROHIBITED.

(A) No person while operating a motor vehicle (as "motor vehicle" is defined in OBC § 70.01) shall make, continue, or cause to be made any unreasonably loud, excessive, unnecessary, or unusual noise, or unreasonable noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the village.

(B) The following acts, among others, are declared to be loud, disturbing, and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

(1) The use of any vehicle so out of repair as to create loud and unnecessary noise.

(2) The sounding of any horn or signal device on any vehicle, which creates any unreasonably loud or harsh sound, or the sounding of any such device for any unnecessary or unreasonable period of time, except as a danger signal.

(3) The operation of any vehicle in any manner, such as by rapid acceleration, turning, backing, or starting and stopping the vehicle, so as to cause an unusual or excessive noise from the contact of any tire of the vehicle upon the surface where the vehicle is being operated.

(4) The making of loud, explosive, or excessive noise with any vehicle or device connected therewith; the unnecessary racing of a motor while running idle; or the opening of any muffler on any vehicle in any manner so as to create excessive noise to the annoyance of the public.

(C) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(Ord. 2016-7, passed 5-2-16)

PARKING REGULATIONS**§ 173.15 PARKING IN AREAS DESIGNATED FOR PUBLIC PARKS OR RECREATION.**

In areas designated or used in the village for public parks or recreation, it shall be unlawful to:

(A) Park any vehicle unless the person so parking is then utilizing the parks and recreation facilities;

(B) Park any vehicle exceeding a gross weight of five tons; or

(C) Park any vehicle overnight.

(Ord. 16-97, passed 11-3-97) Penalty, see § 70.99

§ 173.16 PARKING PROHIBITIONS DURING SNOW EMERGENCIES.

(A) In order to facilitate the cleaning of streets and to expedite the free flow of traffic, no motor vehicle shall be parked on the designated and identified streets, alleys, highways, or public property in the village whenever a snow emergency has been declared in the village by the Mayor or the Village Administrator. Any motor vehicle parked in violation of this prohibition shall be removed at the order of the Mayor or the Village Administrator, and the owner or operator thereof shall be subject to the penalty provided for in § 70.99 of the Ohio Basic Code.

(B) In addition to the penalty provided for in § 70.99 of the Ohio Basic Code, any motor vehicle parked in violation of division (A) of this section may be impounded, towed, or otherwise removed from the prohibited area. The owner of such vehicle shall pay all towing or storage charges incurred directly to the person or company towing or storing the vehicle, in addition to paying all fines and costs assessed for violation of this section.

(Ord. 1-99, passed 1-19-99)

§ 173.17 PROHIBITED PARKING ON DESIGNATED PORTION OF MAIN STREET DURING SPECIFIC TIME PERIOD.

(A) No person shall stand or park on or along that portion of Main Street located between Taylor Street and Cherry Street during the hours of 3:00 a.m. and 6:00 a.m. each day.

(B) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. Penalties shall be as provided in § 70.99 of the Ohio Basic Code.

(Ord. 19-01, passed 9-4-01)

§ 173.18 PARALLEL PARKING ONLY ON DESIGNATED PORTION OF MAIN STREET.

(A) Motor vehicles shall be parked parallel to the curb and within marked parking spaces on Main Street between the railroad tracks and Cherry Street.

(B) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; and on each subsequent offense within one year of the previous offense such person shall be guilty of a misdemeanor of the fourth degree, with penalties as provided in § 70.99 of the Ohio Basic Code.
(Ord. 6-03, passed 3-17-03; Am. Ord. 2019-7, passed 6-3-19)

§ 173.19 PARKING RESTRICTIONS FOR CERTAIN LARGE VEHICLES.

(A) No person shall park a semi-tractor, semi-trailer, school bus, commercial tractor, agricultural tractor, bus, trailer, motor home or similarly sized or weighted vehicle for a period in excess of one hour on village owned property and the streets, alleys and thoroughfares in the village unless:

(1) The vehicle is delivering or receiving merchandise or property; or

(2) The vehicle is properly parked without engine engaged, only on permitted, designated and posted village owned property between the hours of one hour before sunset and one hour after sunrise.

(B) Whoever violates any provision herein is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; and on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree, with penalties as provided in § 130.99 of the Ohio Basic Code.
(Ord. 2008-6, passed 3-3-08; Am. Ord. 2012-2, passed 3-5-12)

CHAPTER 174: GENERAL REGULATIONS

Section

General Provisions

- 174.01 Littering
- 174.02 Keeping of inoperable vehicles
- 174.03 Maintaining weeds, grass, trees, brush and shrubs
- 174.04 Notice to remove noxious weeds, tree limbs, brush, shrubs, litter and inoperable vehicles, or any other nuisance condition; equitable remedy
- 174.05 Snow and ice covered sidewalks declared a nuisance
- 174.06 Street numbers
- 174.07 Loud noise prohibited
- 174.08 Maintenance of public rights-of-way

Cemetery Policies and Procedures

- 174.15 Grave lot deeds
- 174.16 Vault regulations
- 174.17 Specifications for monuments and headstones
- 174.18 Defacing monuments; breaking fences or gates
- 174.19 Maintenance of grave lots
- 174.20 Driving over grounds
- 174.21 Pets prohibited
- 174.22 Children
- 174.23 Speed limit established
- 174.24 Maintenance of cemetery
- 174.25 Destroying or cutting shrubbery
- 174.26 Ponds and reservoirs

Parks

- 174.30 Definitions
- 174.31 Park property
- 174.32 Sanitation
- 174.33 Behavior
- 174.34 Park operating policy
- 174.35 Enforcement
- 174.36 Smoking, vaping, or consuming tobacco products prohibited at village parks

- 174.99 Penalty

Cross-reference:

Interpretation of Title XVII provisions, see § 170.01

GENERAL PROVISIONS**§ 174.01 LITTERING.**

(A) *Definitions.* As used in this section:

GARBAGE means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. **GARBAGE** includes the waste generated from slaughtering and cleaning livestock, game, fish or fowl for any purpose.

LITTER means garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown, deposited or allowed to remain on real estate as herein prohibited, tends to create a danger to the public health, safety and welfare.

PRIVATE RECEPTACLES means plastic or metal containers of not more than 60 gallons capacity with tight-fitting lids or covers. Plastic garbage bags may be substituted as private receptacles, provided that when they are filled they are not torn open or leaking their contents, that the openings are tied or closed shut and that the bags are not stored or kept on property for a period of longer than 14 days.

REFUSE means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or inoperable automobiles, and solid market and industrial wastes.

RUBBISH means nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin, cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials, including construction scraps and left-over materials from construction, repair, demolition or tear-down work, and including vehicle parts, such as, but not limited to, tires, wheels, engines and engine parts, transmissions, axles, body parts, seats, etc.

(B) *Sweeping litter into gutters and streets prohibited; duty to keep sidewalks free of litter.* No person shall sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free from litter.

(C) *Merchant's duty regarding litter.* No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway, including litter thrown there by persons in vehicles. Persons owning or occupying places of business within the village shall keep the sidewalk in front of their business premises free of litter.

(D) *Depositing litter from truck load; tracking mud.* No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. No person shall drive or move any vehicle or truck within the village, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

(E) *Litter on occupied private property.* No person shall throw or deposit litter on any occupied private property within the village, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(F) *Owner to maintain premises free of litter.* The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(G) *Litter on vacant lots.* No person shall throw or deposit litter on any open or vacant private property within the village, whether owned by such person or not.

(H) *Penalty.* Whoever violates this section is guilty of a minor misdemeanor for a first offense. For each subsequent offense such person is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 14-93, passed 5-17-93)

§ 174.02 KEEPING OF INOPERABLE VEHICLES.

(A) As used in this section:

INOPERABLE VEHICLE means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks, and to which any one of the following applies:

(1) The device fails to display a current vehicle registration plate and sticker if such vehicle or device is of the type required to be registered by the laws of the state;

(2) The device or vehicle is not capable of, or is unsafe for, use on the public streets or highways because of defective or missing parts or components; or

(3) The device or vehicle is missing or has had removed any of its seats or doors or its hood, trunk lid, engine, transmission or other drivetrain parts, or has flat or missing tires or wheels or broken or missing windows.

VEHICLES include passenger cars, trucks, utility trailers, campers, motor homes, boat trailers, motorcycles, motorized bicycles and bicycles.

(B) The owner or person in control of any private property shall not allow an inoperable vehicle to remain on the property for a period of longer than seven days. This section shall not prohibit the storage of inoperable vehicles in closed buildings or garages, nor the storage of fully operational and licensed motor homes and campers, utility and boat trailers, or unlicensed seasonal recreational/sporting vehicles properly trailered, in side or rear yards, provided such storage is in accordance with other provisions of the Ohio Basic Code or any other

ordinances of the village, including the village's Zoning Ordinance. This section shall not prohibit commercial establishments engaged in the full-time business of repairing vehicles from keeping or maintaining inoperable vehicles on their business premises while the vehicles are under repair, provided the vehicles are currently licensed and provided, further, that the commercial business is located in a properly zoned commercial or business district.

(C) Whoever violates this section is guilty of a minor misdemeanor for a first offense. For each subsequent offense such person is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 14-93, passed 5-17-93)

§ 174.03 MAINTAINING WEEDS, GRASS, TREES, BRUSH AND SHRUBS.

(A) Any person owning or having charge of land within the municipality shall keep such property free and clear from all noxious weeds and grasses of a height of seven inches or more, and shall be required to cut all such weeds and grasses on the lots owned or controlled by him or her.

(B) Any person owning or having charge of land within the municipality upon which exists one or more trees, brush or shrubs shall keep such trees, brush or shrubs trimmed such that no branch or limb from such tree extends over a sidewalk open to the public less than six feet above such sidewalk.

(C) Whoever violates this section is guilty of a minor misdemeanor for a first offense. For each subsequent offense such person is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 14-93, passed 5-17-93; Am. Ord. 20-04, passed 8-16-04; Am. Ord. 2012-15, passed 10-15-12; Am. Ord. 2019-9, passed 9-16-19)

§ 174.04 NOTICE TO REMOVE NOXIOUS WEEDS, TREE LIMBS, BRUSH, SHRUBS, LITTER AND INOPERABLE VEHICLES, OR ANY OTHER NUISANCE CONDITION; EQUITABLE REMEDY.

(A) Upon receipt of information that noxious weeds or grasses of seven inches or more in height, of tree limbs extending over a public sidewalk less than six feet above such sidewalk, that litter or inoperable vehicles are located on lands within the village, or that any other nuisance condition exists, the Village Council shall cause a written notice to be delivered or posted upon the property, notifying the owner or occupant of that property that such nuisance condition(s) must be abated within five days after the receipt of such notice for the weeds, grasses, tree limbs, and within 15 days for inoperable vehicles. The Village Maintenance Technician, Village Solicitor, or their designee, or any deputy may deliver/post such notice.

(B) If the owner, lessee, agent, or tenant, or other person having charge of the lands fails to comply with the notice required herein, the village shall cause such condition(s) to be abated, and may employ the necessary labor and equipment to perform the task(s). All expenses incurred shall, after approval of the Village Council, be paid from funds in the village general fund, not otherwise appropriated. The cost of mowing shall be charged at the rate of \$130 for each residential property or a rate of \$250 for each commercial property. For the removal of junk/litter, inoperable vehicles, weeds, trees, brush or shrubs, or the abatement of any nuisance condition, the property owner shall be charged the actual cost of the abatement, plus a service fee of \$100. The cost to repair any village equipment damaged while abating said nuisance condition shall be included with the aforementioned costs, and shall be payable within 30 days of notice to the owner, lessee, agent, or tenant, or other person having charge of the land.

(C) Upon failure to reimburse the village the billed amount within 30 days of notice the Fiscal Officer shall submit official certification to the Wood County Auditor that contains: the amount of charges/fees, a proper description of the premises, and a request that such amount be entered upon the tax duplicate, be a lien upon such lands from the date of entry and be collected as other taxes and returned to the village's general fund according to law.

(Ord. 14-93, passed 5-17-93; Am. Ord. 20-04, passed 8-16-04; Am. Ord. 2011-13, passed 9-6-11; Am. Ord. 2012-15, passed 10-15-12; Am. Ord. 2015-6, passed 6-15-15; Am. Ord. 2015-13, passed 11-16-15; Am. Ord. 2019-9, passed 9-16-19)

§ 174.05 SNOW AND ICE COVERED SIDEWALKS DECLARED A NUISANCE.

(A) Sidewalks in the Village of Weston which are not free of snow and ice of two inches or more within 24 hours after the abatement of any storm during which snow and ice may have so accumulated are a public nuisance.

(B) The Village Fiscal Officer shall annually publish and distribute notice of the provisions in division (A) to all households within the village before November 15 each year.

(C) The Village Maintenance Technician, or his or her designee, may cause any village sidewalks not in compliance with the above provisions to be cleared at village expense. The cost of such cleaning/clearing shall be \$50 for regular frontage sidewalks and \$75 for sidewalks adjacent to corner lots, and those appropriate amounts, plus an administrative fee of \$5 for processing, mailing or serving the notice for payment, shall be billed to the property owner by regular mail each time the village clears any sidewalk. Upon failure to reimburse the village the billed amount within 30 days thereafter, the Fiscal Officer shall submit official certification to the Wood County Auditor that contains: the amount of charges/fees, a proper description of the premises, and a request that such amount be entered upon the tax duplicate so as to become a lien upon such lands from and after the date of the entry and to be collected as other taxes and returned to the village according to law.

(D) This section shall not be construed as repealing § 94.11 of the Ohio Basic Code, but is supplemental thereto, except that such section is amended as follows:

Delete the existing phrase “within a reasonable time, which will ordinarily not exceed 12 hours” in its entirety, and replace it with the phrase “within 24 hours.”

(Ord. 2008-29, passed 11-3-08; Am. Ord. 2008-30, passed 11-3-08; Am. Ord. 2009-6, passed 3-2-09; Am. Ord. 2014-8, passed 4-21-14; Am. Ord. 2015-6, passed 6-15-15)

§ 174.06 STREET NUMBERS.

(A) Every owner of any residential, commercial or industrial building in the village shall display the address street number on the front of the building.

(B) Every number shall be legible and fixed in a conspicuous location on the front of the building in numbers of at least three inches in height but not more than six inches in height, and visible from the public right-of-way.

(C) All such numbers shall be installed not later than 60 days after the effective date of this section.
(Ord. 19-89, passed 7-3-89) Penalty, see § 174.99

§ 174.07 LOUD NOISE PROHIBITED.

(A) No person shall disturb the good order and quiet of the village by noises of intoxication, drunkenness, fighting, quarreling, wrangling, committing assault, assault and battery, using obscene or profane language in the streets and other public places, or from residences, to the annoyance of the citizens, or otherwise violating

the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior, or by threatening nor inflicting violence or abuse to the person or property of others.

(B) No person shall demolish or engage in loud construction to any building in or adjacent to a residential area between the hours of 10:00 p.m. and 7:00 a.m. Emergency repair, utilities, and industrial operations shall be exempt from the provisions of this section.

(C) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(Ord. 2016-7, passed 5-2-16)

§ 174.08 MAINTENANCE OF PUBLIC RIGHTS-OF-WAY.

(A) Rights-of-way located in the village, including sidewalks and alleys, and the grass, brush, shrubs and trees located upon such rights-of-way, whether such rights-of-way are for streets, roads, sewers or utilities, shall be maintained by the owner or resident, residential or business, of the real property upon which the rights-of-way are located or of the real property abutting such rights-of-way in good repair, and free from obstructions or other nuisance, and otherwise in accordance with these regulations and state law.

(B) In the event of damage to rights-of-way, the owner or resident of the real property upon which the rights-of-way are located or of the real property abutting such rights-of-way shall restore the right-of-way to its original state.

(C) Whoever violates this section shall be guilty of a minor misdemeanor.

(Ord. 2019-9, passed 9-16-19)

CEMETERY POLICIES AND PROCEDURES

§ 174.15 GRAVE LOT DEEDS.

(A) Purchasers of grave lots shall receive a deed entitling them to the use of said lots for burial of the dead, subject to all regulations relating to the Weston Cemetery, the ordinances of the village and the laws of the state.

(B) Upon the death of the holder or part-holder of the lot, the rights to said lot will descend to his or her heirs in equal shares in accordance with the laws of the state.

(C) Lots cannot be sold once purchased, except back to the village at the original purchase price. The village reserves the right of refusal to repurchase.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.16 VAULT REGULATIONS.

In order to minimize the cost of maintenance of the graves in the Weston Cemetery, the following vault regulations are established:

(A) Wood vaults are prohibited.

(B) Acceptable vaults shall be made of concrete, steel or material acceptable to the Weston Cemetery Board of Trustees.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.17 SPECIFICATIONS FOR MONUMENTS AND HEADSTONES.

(A) Monuments and headstones are to be made of granite, marble or bronze. Bronze tablets must be attached to the monument and/or headstone by the monument company, or placed flush with the ground in concrete by the Cemetery Sexton.

(B) The width of monuments and headstones shall not exceed the width of the grave.

(C) Family plots may have a family monument of a size that will not interfere with burials.

(D) Foundations shall be constructed of concrete and extend four inches on each side of the monument or headstone. Depth shall be 24 inches. All foundations will be constructed by the Cemetery Sexton.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.18 DEFACING MONUMENTS; BREAKING FENCES OR GATES.

(A) No person shall mark, stain, deface, displace or in any manner remove or injure any monument, mound or mark, whether the same is composed of stone, marble, wood or other material, placed at any grave or on any lot, walk, border or drive within the cemetery.

(B) No person shall break open the gate to the enclosure of the cemetery or break or injure the fence to such cemetery in any manner, or kindle any fire within such enclosure.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.19 MAINTENANCE OF GRAVE LOTS.

(A) Fences, hedges, posts, decorative stone and enclosures of any kind around graves and lots are prohibited.

(B) Grave blankets shall be allowed from November 1 to April 1. After April 1, the cemetery has the right to remove any grave blankets remaining. Cut, artificial and/or potted flowers may be placed on either side of the monument or headstone but not on the grave or in the walkway. No glass containers will be permitted.

(C) Small flags may be displayed at graves.

(D) Trees, large shrubbery and vines are prohibited on graves. Private plantings are prohibited except in pots or urns.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.20 DRIVING OVER GROUNDS.

No person shall ride or drive any vehicles in or upon any part of the cemetery other than the drives, except by permission and with the personal direction of cemetery personnel.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.21 PETS PROHIBITED.

No pets shall be permitted in the Weston Cemetery unless being utilized specifically as a service animal.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.22 CHILDREN.

Children shall not play or congregate in the cemetery unless accompanied by adults responsible for the children's conduct.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.23 SPEED LIMIT ESTABLISHED.

The speed limit on all drives in the Weston Cemetery is ten miles per hour.

(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.24 MAINTENANCE OF CEMETERY.

(A) The Weston Cemetery shall be under the control of the Weston Cemetery Board of Trustees. The Board shall be responsible for the maintenance of drives and fences, and for keeping all burial lots and grassed areas in generally good condition.

(B) The Weston Cemetery Board of Trustees shall be responsible for planting and maintaining any and all trees.

(Ord. 28-05, passed 11-21-05)

§ 174.25 DESTROYING OR CUTTING SHRUBBERY.

No person shall cut down, hack, injure or destroy any shrub, plant, vine or tree within the limits of the cemetery except by permission of the Weston Cemetery Board of Trustees, and then only under the personal supervision of a Board Member or the Cemetery Sexton.
(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

§ 174.26 PONDS AND RESERVOIRS.

No fishing, swimming or wading shall be permitted in any of the ponds or reservoirs.
(Ord. 28-05, passed 11-21-05) Penalty, see § 174.99

PARKS**§ 174.30 DEFINITIONS.**

For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

BUILDING or STRUCTURE. Any facility or building of permanent or temporary construction used for the purpose of leisure activities, or storage, maintenance and other related usage in the operation of the area of parks and recreation.

PARK. A park, reservation, playfield, playground, tot lot, multipurpose area, ballfield, tennis court, basketball area and all other open space area in the village, owned or used by the village, and devoted to active or passive leisure.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.
(Ord. 29-05, passed 11-21-05)

§ 174.31 PARK PROPERTY.

No person in the park shall perform any of the following acts:

(A) *Buildings and other property.* Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or part or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or appurtenances, either real or personal.

(B) *Trees, lawns and landscaping.* Injury and removal. Damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope,

wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(Ord. 29-05, passed 11-21-05) Penalty, see § 174.99

§ 174.32 SANITATION.

No person in a park shall perform any of the following acts.

(A) *Refuse and trash.* Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where provided; where no receptacles available, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 29-05, passed 11-21-05) Penalty, see § 174.99

§ 174.33 BEHAVIOR.

No person in a park shall perform any of the following acts.

(A) *Intoxicating beverages and illegal drugs.*

(1) *Prohibition.* Have brought alcoholic beverages or illegal drugs, nor shall any person drink, use, consume or possess alcoholic beverages and/or illegal drugs at any time in the park.

(2) *Drunkenness.* Have entered or be under the influence of intoxicating liquor or drugs.

(B) *Fireworks and explosives.* Have brought or have in his or her possession, or set off or otherwise cause to explode, discharge, or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives of flammable material, or discharge them or throw them into any such area from outside the park.

(C) *Domestic animals.* Have any dog or other domestic animal in any non-permitted area without restraint on adequate leash of not more than ten feet in length.

(D) *Fires.* Build or attempt to build a fire except in such areas and under such regulations as may be established by the village. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco, paper or other flammable material within any park.

(E) *Games of chance.* Gamble or participate in or abet any games of chance.

(F) *Interference with others.* Disturb or interfere unreasonably with any person or party properly occupying any area and/or participating in any activity in the park.

(Ord. 29-05, passed 11-21-05) Penalty, see § 174.99

§ 174.34 PARK OPERATING POLICY.

(A) *Hours.* Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(B) *Closed areas.* Any section or part of any park may be declared closed to the public by the village at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the village shall find reasonably necessary.

(Ord. 29-05, passed 11-21-05)

§ 174.35 ENFORCEMENT.

(A) *Officials.* The village employees, Recreation Board Members and police officers shall, in conjunction with their duties by law, diligently enforce the provisions of this chapter.

(B) *Ejection.* The village employees, Recreation Board Members and police officials shall have the authority to eject from any park or facility any person acting in violation of any rules, regulations and policies as established in its operation.

(C) *Seizure of property.* The village employees, Recreation Board Members and police officials shall have the authority to seize and confiscate any property, thing or device in any park or facility in violation of any park rules, regulations or policies as established in its operation.

(Ord. 29-05, passed 11-21-05)

§ 174.36 SMOKING, VAPING, OR CONSUMING TOBACCO PRODUCTS PROHIBITED AT VILLAGE PARKS.

(A) *Definitions.* As used in this section:

CONSUMING or CONSUMPTION. Ingesting or placing a tobacco product in one's mouth.

SMOKE or SMOKING. Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other smoking device for burning tobacco or any other plant.

VAPE or VAPING. To inhale and/or exhale the vapor produced by an electronic cigarette or similar device.

VILLAGE PARKS. A park, reservation, playfield, playground, tot lot, multipurpose area, ballfield, tennis court, basketball area and all other open space area in the village, owned or used by the village, and devoted to active or passive leisure.

(B) No person shall smoke, vape, consume, or be smoking, vaping, or consuming tobacco at any of the village parks, including any ingress and egress access points (sidewalks, driveways, and parking lots) to the village parks.

(C) Whoever violates this section is guilty of a minor misdemeanor.

(D) Lack of intent to violate this section shall not be used as a defense to a violation of this section.
(Ord. 2018-15, passed 8-6-18)

§ 174.99 PENALTY.

(A) Whoever violates any provision of §§ 174.15 through 174.24 is guilty of a minor misdemeanor. Each day's continued violation shall be a separate offense.

(B) Any person who violates any of the provisions of §§ 174.30 through 174.35 shall be guilty of a misdemeanor of the fourth degree.

(C) Any person, firm or corporation who violates § 174.06 shall be subject to a fine of not less than \$5.00 or more than \$200.00 for such offense. Each 24-hour period that any violation of § 174.06 continues to exist shall constitute and be a separate offense under the terms thereof.
(Ord. 19-89, passed 7-3-89; Am. Ord. 28-05, passed 11-21-05; Am. Ord. 29-05, passed 11-21-05)

CHAPTER 175: BUSINESS REGULATIONS

Section

175.01 Changes to the Village of Weston Basic Code

§ 175.01 CHANGES TO THE VILLAGE OF WESTON BASIC CODE.

(A) Chapters 110 and 112 of the Village of Weston Basic Code is hereby amended by replacement of the name "Clerk" in various paragraphs with the name "Fiscal Officer".

(B) Chapter 112 of the Village of Weston Basic Code is hereby amended by removal of the name "Police Chief" in § 112.10(B) and by replacement of the time "prior to 9:00 a.m. or after 9:00 p.m. with the time "prior to 10:00 a.m. or after 8:00 p.m. in § 112.13.
(Ord. 2012-8, passed 8-6-12)

[Chapter 176 begins on Page 21]

CHAPTER 176: GENERAL OFFENSES

Section

- 176.01 Unlawful congregations
- 176.02 Minor's curfew
- 176.03 Dangerous or vicious dog

§ 176.01 UNLAWFUL CONGREGATIONS.

(A) No person shall congregate on any street, sidewalk or street corner, or within any park or public grounds, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned by the serious annoyance of pedestrians or by threatening, insulting or abusive conduct to them, or refuse to move on when ordered to do so by a police officer.

(B) Whoever violates this section is guilty of a minor misdemeanor.

§ 176.02 MINOR'S CURFEW.

(A) *Definitions.* For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

MINOR means any person under the age of 18 years, whose care and custody, as well as right to earnings, repose with a parent, legal guardian or legal custodian. It does not include an emancipated minor or anyone under the age of 18 years who is legally married.

PUBLIC PLACE shall include any bar, bowling alley, café, drive-in restaurant, drug store, grocery store, hamburger stand, public or private parking lot, pool room, restaurant, saloon, supermarket or any place dedicated to amusement and entertainment, to which the public is invited, and shall include, in addition, all public streets, alleys, highways, walkways, parks, and squares within the village which are used by the public. **PUBLIC PLACE** shall also include riding upon or in, or operating a motor vehicle, bicycle, motorized bicycle, motorcycle, or any other form of vehicle not identified herein.

VILLAGE means the Village of Weston, Ohio.

(B) *Prohibition to minors.* No minor shall be present in any public place within the village between the hours of 10:00 p.m. and 6:00 a.m., unless the minor is accompanied by a parent, legal guardian, legal custodian or some other adult person who has been authorized by a parent of the minor to have the minor in a public place between the hours indicated.

Weston - Municipal Regulations

(C) *Prohibition to parents.* No person, whether as parent, legal guardian or legal custodian of a minor, shall permit the minor, unaccompanied by his or her parent, legal guardian, legal custodian or some other specifically authorized adult person, to be in a public place within the village in violation of division (B) of this section. Any parent, legal guardian or legal custodian shall be presumed to have permitted a minor in his or her care or custody to be in a public place in violation of this section if such minor is found in such place in violation of this section and the parent, legal guardian or legal custodian does not have knowledge of the whereabouts of the minor child or has failed to exercise reasonable care to determine or know the whereabouts of the minor between the hours set forth in this section.

(D) *Exceptions.* No minor or adult person shall be deemed to be in violation of this section if the minor is found in a public place between the hours of 10:00 p.m. and 6:00 a.m., provided the minor is engaged in, or traveling by the most direct route available to or from his or her home and the site of, any organized school activity, religious activity, civic activity, or organized sporting event, or if said minor is engaged in lawful employment with the consent of his or her parent, legal guardian or legal custodian.

(E) *Police authority.* Any police officer authorized by the village or whose authority is provided for by any law or laws governing the village shall be authorized to stop and require identification of any person who is found in or upon a motor vehicle, bicycle, motorized bicycle or motorcycle, or who loiters, idly remains, congregates, tarries or stays in a public place, during the prescribed hours as set forth herein, and whose actions, appearance, demeanor or other fact within the knowledge of the police officer gives rise to the reasonable belief that the person is a minor. The identification required shall include the person's age, home address, phone number and, if the person resides outside the limits of the village, the address where the person may be staying within the village. Any person stopped and found not to be a minor shall be allowed to proceed freely with no record made of the inquiry.

(F) *Duties of police officer if violation occurs.* It shall be the duty of a police officer finding a minor in violation of this section to take the minor to his or her home within the village and discuss the provisions of this section with the parent, legal guardian or custodian of the minor and to issue a warning citation. If the parent, legal guardian or legal custodian of the minor cannot be located, or if the minor resides outside of the village, the officer, at his or her discretion, may detain the minor found in violation of this section and take the minor to a convenient place where the parent, legal guardian or legal custodian can be called. The police officer shall make a written record of the information obtained from the minor child and a brief summary of the facts surrounding the stopping of the child and shall release the minor to the custody of the parent, legal guardian or legal custodian, if such person can be found or reached by telephone. If the parent, legal guardian or legal custodian cannot be found or reached by telephone, the officer at his or her discretion may review the provisions of this section with the minor and release him or her or may refer the child to the Wood County Juvenile Court or other proper governmental agency authorized to handle juveniles within Wood County.

(G) *Adult penalties.* Any parent, legal guardian, or legal custodian, found in violation of this section, after being given the first warning provided for in division (F) of this section, and whose minor child is thereafter found in violation of this section, shall be deemed guilty of a minor misdemeanor the first time the party is cited under this section. On each subsequent offense, the parent, legal guardian, or legal custodian shall be guilty of a misdemeanor of the fourth degree.

(H) *Penalties applying to minors.* Any minor found in violation of this section after once receiving the warning provided for in division (F) of this section shall be referred to the Juvenile Court of Wood County, Ohio, for a determination as to whether or not the minor should be proceeded against as may be appropriate under R.C. Chapter 2151, as an unruly child, a delinquent child or a neglected child.

(I) *Record keeping responsibility.* All records required to be maintained pursuant to the terms and provisions of this section shall be considered confidential in order to protect the minor involved, and shall be available for inspection only by the Mayor of the village, the legal officers of the village, if any legal officer is called upon to prosecute any charge under the terms and provisions of this section, any police officer acting on behalf of the village, and the judge and administrative personnel of the appropriate Juvenile Court. In addition, the records shall be available for inspection by the parent, legal guardian or legal custodian, or attorney for the parents, legal guardian, legal custodian or minor charged under the terms and provisions of this section. (Ord. 32-98, passed 12-21-98; Am. Ord. 21-04, passed 9-7-04)

§ 176.03 DANGEROUS OR VICIOUS DOG.

No person shall keep, harbor, possess, own or care for a dog within the Village of Weston that has been determined to have been dangerous or vicious pursuant to Ohio Revised Code § 955.11. This restriction shall apply whether or not the incident that led to the determination as dangerous or vicious occurred within the Village of Weston. (Ord. 2016-12, passed 7-18-16)

CHAPTER 177: LAND USAGE

Editor's note:

This chapter is reserved for local legislation. For general land usage provisions, see Ohio Basic Code Title XV.

PARALLEL REFERENCES

REFERENCES TO VILLAGE ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Title XVII Section</i>
19-89	7-3-89	174.06, 174.99
14-93	5-17-93	174.01 - 174.04
16-97	11-3-97	173.15
27-98	12-7-98	173.01
32-98	12-21-98	176.02
1-99	1-19-99	173.16
19-01	9-4-01	173.17
6-03	3-17-03	173.18
14-04	5-17-04	173.02
20-04	8-16-04	174.03, 174.04
21-04	9-7-04	176.02
19-05	10-17-05	173.02
28-05	11-21-05	174.15 - 174.26, 174.99
29-05	11-21-05	174.30 - 174.35, 174.99
2007-12	8-6-07	173.03
2008-6	3-3-08	173.19
2008-29	11-3-08	174.05
2008-30	11-3-08	174.05
2009-6	3-2-09	174.05
2009-26	10-5-09	173.04
2011-13	9-6-11	174.04
2012-2	3-5-12	173.19
2012-8	8-6-12	175.01
2012-15	10-15-12	174.03, 174.04
2014-8	4-21-14	174.05
2015-6	6-15-15	174.04, 174.05
2015-13	11-16-15	174.04
2016-7	5-2-16	173.05, 174.07
2016-12	7-18-16	176.03
2017-15	8-21-17	173.02
2018-15	8-6-18	174.36
2019-7	6-3-19	173.18
2019-9	9-16-19	174.03, 174.04, 174.08

INDEX

BICYCLES

Riding on sidewalk areas, 173.04

CEMETERY POLICIES AND PROCEDURES

Children, 174.22

Driving over grounds, 174.20

Fences or gates, breaking, 174.18

Grave lot deeds, 174.15

Grave lots, maintenance of, 174.19

Maintenance of cemetery, 174.24

Monuments and headstones

Defacing, 174.18

Specifications for, 174.17

Penalty, 174.99

Pets prohibited, 174.21

Ponds and reservoirs, 174.26

Shrubbery, destroying or cutting, 174.25

Speed limit established, 174.23

Vault regulations, 174.16

CURFEW FOR MINORS, 176.02

DOGS

Dangerous or vicious dog, 176.03

IN-LINE SKATES

Riding on sidewalk areas, 173.04

INOPERABLE VEHICLES

Keeping of, 174.02

Notice to remove and equitable remedies, 174.04

INTERPRETATION OF TITLE XVII PROVISIONS, 170.01

LITTERING

Generally, 174.01

Notice to remove and equitable remedies, 174.04

LOW-SPEED, UNDER-SPEED, OR UTILITY VEHICLE, OR A MINI-TRUCK, OPERATION OF, 173.02

NOISE

Excessive vehicle noise prohibited, 173.05

Loud noise prohibited, 174.07

NUISANCE

Notice to remove weeds, etc., litter, inoperable vehicles, or any other nuisance; equitable remedies, 174.04
Snow and ice covered sidewalks as, 174.05

PARKING REGULATIONS

Areas designated for public parks or recreation, parking in, 173.15
Parallel parking only on designated portion of Main Street, 173.18
Parking restrictions for certain large vehicle, 173.19
Prohibited parking on designated portion of Main Street during specific time period, 173.17
Snow emergencies, 173.16

PARKS

Behavior, 174.33
Definitions, 174.30
Enforcement, 174.35
Park operating policy, 174.34
Park property, 174.31
Penalty, 174.99
Sanitation, 174.32
Smoking, vaping, or consuming tobacco products prohibited, 174.36

RIGHTS-OF-WAY

Maintenance of public rights-of-way, 174.08

SIDEWALK AREAS

Riding bicycle, operating skateboard or riding on in-line skates on, 173.04

SKATEBOARDS

Operating on sidewalk areas, 173.04

SNOW AND ICE COVERED SIDEWALKS AS A NUISANCE, 174.05**SOUND AMPLIFICATION SYSTEMS, 173.01****STREET NUMBERS, 174.06****UTILITY VEHICLES**

Operating upon improved village streets, 173.03

UNLAWFUL CONGREGATIONS, 176.01**VILLAGE OF WESTON BASIC CODE**

Changes to Chapters 110 and 112, 175.01

WEEDS AND GRASS

Maintaining weeds, grass, trees, brush and shrubs, 174.03
Notice to remove and equitable remedies, 174.04