

CHAPTER 648: PEACE DISTURBANCES

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Cross-reference:

- Arson, see § 642.09
- Assault, see §§ 636.02, 636.03
- Barking or howling dogs, see § 618.07
- “Deadly force” defined, see § 606.01
- Definitions generally, see § 606.01
- Desecration, see § 642.07
- Detention of disorderly persons, see § 606.23
- Fireworks, see § 672.10

“Force” defined, see § 606.01

Interfering with civil rights, see § 606.20

Liquor sale to intoxicated person, see § 612.03

Menacing, see §§ 636.04 et seq.

Noisy mufflers, see § 438.21

“Peeling”; cracking exhaust noises, see § 432.35

Pointing and discharging firearms and other weapons, see § 672.12

Resisting arrest, see § 606.16

Sirens, whistles and bells on motor vehicles, see § 438.20

Trespass, see §§ 642.12, 642.125

Statutory reference:

Cordoning off riot areas; prohibiting sales of firearms and explosives, see Ohio R.C. 3761.16

Power to regulate peace disturbances, see Ohio R.C. 715.49

Riot and civil disorder assistance by State Highway Patrol, see Ohio R.C. 5503.02

Suspension of beer and liquor sales during emergency, see Ohio R.C. 4301.251

§ 648.01 RIOT.

(A) No person shall participate with four or more others in a course of disorderly conduct in violation of Ohio R.C. 2917.11 or a substantially equivalent municipal ordinance:

(1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

(2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;

(3) With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at the institution.

(B) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though the act might otherwise be lawful.

(C) Whoever violates this section is guilty of riot, a misdemeanor of the first degree.

(ORC 2917.03)

(D) For the purposes of prosecuting violations of this section, the prosecution is not required to allege or prove that the offender expressly agreed with four or more others to commit any act that constitutes a violation this section prior to or while committing those acts.

(ORC 2917.031)

Statutory reference:

Aggravated riot, felony provisions, see Ohio R.C. 2917.02

§ 648.02 FAILURE TO DISPERSE.

(A) Where five or more persons are participating in a course of disorderly conduct in violation of Ohio R.C. 2917.11 or a substantially equivalent municipal ordinance, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance, or alarm, a law enforcement officer or other public official may order the participants and the other persons to disperse. No person shall knowingly fail to obey the order.

(B) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(C) Whoever violates this section is guilty of failure to disperse, a first degree misdemeanor. The penalty shall be as provided in § 202.99.

(ORC 2917.04)

§ 648.03 JUSTIFIABLE USE OF FORCE TO SUPPRESS RIOT.

A law enforcement officer or firefighter engaged in suppressing a riot or in protecting persons or property during a riot:

(A) Is justified in using force, other than deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters;

(B) Is justified in using force, including deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters whose conduct is creating a substantial risk of serious physical harm to persons.

(ORC 2917.05)

§ 648.04 DISORDERLY CONDUCT.

(A) No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Making unreasonable noise or an offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;

(3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;

(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.

(B) No person while voluntarily intoxicated shall do either of the following:

(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he or she were not intoxicated, should know is likely to have such effect on others;

(2) Engage in conduct or create a condition that presents a risk of physical harm to himself, herself or another, or to the property of another.

(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse is not a violation of division (B) of this section.

(D) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that the person is voluntarily intoxicated for purposes of division (B) of this section.

(E) As used in this section:

“Committed in the vicinity of a school” has the same meaning as in Ohio R.C. 2925.01.

“Emergency facility” has the same meaning as in Ohio R.C. 2909.04.

“Emergency facility person” is the singular of “emergency facility personnel” as defined in Ohio R.C. 2909.04.

“Emergency medical services person” is the singular of “emergency medical services personnel” as defined in Ohio R.C. 2133.21.

(ORC 2917.11)

(F) Whoever violates this section is guilty of disorderly conduct, a misdemeanor of the first degree. The penalty shall be as provided in § 202.99.

§ 648.05 DISTURBING A LAWFUL MEETING.

(A) No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following:

(1) Do any act which obstructs or interferes with the due conduct of the meeting, procession, or gathering.

(2) Make any utterance, gesture, or display which outrages the sensibilities of the group.

(B) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the first degree. The penalty shall be as provided in § 202.99.

(ORC 2917.12)

§ 648.06 MISCONDUCT AT AN EMERGENCY.

(A) No person shall knowingly do any of the following:

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

(2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;

(3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(B) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(C) As used in this section:

“Emergency facility” has the same meaning as in Ohio R.C. 2909.04.

“Emergency facility person” is the singular of “emergency facility personnel” as defined in Ohio R.C. 2909.04.

“Emergency medical services person” is the singular of “emergency medical services personnel” as defined in Ohio R.C. 2133.21.

(ORC 2917.13)

(D) Whoever violates this section is guilty of misconduct at an emergency, a misdemeanor of the first degree. The penalty shall be as provided in § 202.99.

§ 648.07 INDUCING PANIC.

(A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false.

(2) Threatening to commit any offense of violence.

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.

(C) (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.

(2) Any act that is a violation of this section and any other section of the Ohio Revised Code or these Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(D) As used in this section;

“Biological agent” has the same meaning as in Ohio R.C. 2917.33.

“Economic harm” means any of the following:

(a) All direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. “Economic harm” as described in this division includes but is not limited to all of the following:

1. All wages, salaries or other compensation lost as a result of the criminal conduct;

2. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

3. The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;

4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Ohio R.C. 2917.32, or any substantially equivalent municipal ordinance, including but not limited to all costs

so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

“Emergency medical services personnel” has the same meaning as in Ohio R.C. 2133.21.

“School” means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

“Weapon of mass destruction” means any of the following:

(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or other precursors;

(b) Any weapon involving a disease organism or biological agent;

(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;

(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of “destructive device” pursuant to 18 U.S.C. 921(A)(4) and regulations issued under that section:

1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;

2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (d)1. of this definition and from which an item or device described in that division may be readily assembled.

(ORC 2917.31)

(E) (1) Whoever violates this section is guilty of inducing panic.

(2) Except as otherwise provided in division (C)(3), inducing panic is a misdemeanor of the first degree. The penalty shall be as provided in § 202.99.

(3) If violation of this section results in physical harm to any person, inducing panic is a felony to be prosecuted under appropriate state law. If a violation of this section results in economic harm of \$1,000 or more, inducing panic is a felony to be prosecuted under appropriate state law. If the public place involved in a violation of division (A)(1) is a school and if the violation results in economic harm, inducing panic is a felony to be prosecuted under appropriate state law. If a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony to be prosecuted under appropriate state law.

§ 648.08 MAKING FALSE ALARMS.

(A) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm.

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property.

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that the offense did not occur.

(B) This section does not apply to any person conducting an authorized fire or emergency drill.

(C) Whoever violates this section is guilty of making false alarms. Except as otherwise provided in this division, making false alarms is a misdemeanor of the first degree. The penalty shall be as provided in § 202.99. If a violation of this section results in economic harm of \$1,000 or more, making false alarms is a felony to be prosecuted under appropriate state law. If a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony to be prosecuted under appropriate state law.

(D) (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.

(2) Any act that is a violation of this section and any other section of the Ohio Revised Code or these Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(E) As used in this section, “economic harm” and “weapon of mass destruction” have the same meaning as in Ohio R.C. 2917.31.

(ORC 2917.32)

§ 648.09 NOISE REGULATION.

(A) Homeowners’ Outdoor Equipment. No person shall use engine or motor-powered garden, lawn or maintenance tools intended for repetitive use in landscaping in residential areas, typically capable of being used by homeowners, including garden tools, riding tractors, walking tractors and power mowers, between the hours of 8:00 p.m. of any day and 8:00 a.m. of the following day.

(B) Construction at Night. No person shall operate any construction equipment or any other engine or motor-powered equipment, and no person shall erect, construct, demolish, excavate, alter or repair any building or structure, between 7:00 p.m. of any day and 7:00 a.m. of the following day, or on Sundays or legal holidays.

(C) Mufflers on Gas and Diesel Engines. No person, being an owner, agent or employee, operator or person in charge, shall use or operate any gas, gasoline or diesel engine on public or private property unless such engine is equipped with a proper operating muffler.

(D) Unnecessary Noise. The following acts are hereby declared to be loud, disturbing and unnecessary noises and are hereby prohibited:

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

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

(3) Tires. The operation of a vehicle in a manner causing an unreasonably loud, unusual or excessive noise to be created by contact of a tire of the vehicle upon the surface upon which the vehicle is operated by rapid acceleration, turning, backing, starting or stopping.

(E) Exceptions. The following uses and activities are exempt from noise level regulations:

(1) Noises of safety signals, warning devices and emergency pressure relief valves;

(2) Noises resulting from an authorized emergency or public safety vehicle when responding to an emergency call or acting in time of emergency;

(3) Noises resulting from emergency work;

(4) Noises resulting from authorized public activities approved by Council; and

(5) Noises resulting from the use of snow removal equipment.

(F) Logging Operations. No person shall conduct logging operations between 7:00 p.m. of any day and 7:00 a.m. of the following day, or on Sundays or legal holidays.

(Ord. 73-78, passed 9-5-1978; Ord. 149-94, passed 1-3-1995)

§ 648.095 NOISE DISTURBANCES.

(A) Generally. No person shall unreasonably make, continue, cause to be made or continued or permit any noise disturbance. As used in this section "noise disturbance" means any sound which endangers or injures the safety or health of humans or which annoys or disturbs a reasonable person of normal sensitivities.

(B) Motor Vehicles. No person shall use a motor vehicle so as to disturb the good order and quiet of the city by racing the motor of such motor vehicle; unnecessarily suddenly stopping or starting such motor vehicle; making or causing the emission from the exhaust system of loud, cracking or chattering noise unusual to its normal operation; making or causing the tires of such vehicle to squeal, peel or leave tire marks; or making or causing any other loud or unseemly noise.

(C) Radios, Tape Players, Compact Disc Players or Other Sound-Amplifying Devices.

(1) No person shall play or operate any radio, music player, audio system, tape player, compact disc player or other sound-amplifying device or system in such a manner or at such a volume as to annoy or disturb the quiet, comfort or repose of neighboring inhabitants, or at a volume which is plainly audible to persons other than those who are in the room in which such device or system is being played or operated, or to persons beyond the boundaries of the zoning lot upon which such device or system is being played or operated.

(2) No operator or passenger of a motor vehicle shall play or operate, or permit the playing or operation of, any radio, music player, audio system, tape player, compact disc player or other sound- amplifying device or system which can be heard outside the vehicle from fifty or more feet away when the vehicle is being operated upon a public street, highway or any other public place.

(Ord. 89-102, passed 8-21-1989; Ord. 37-96, passed 4-15-1996)

§ 648.10 MINORS CURFEW.

(A) No minor of the age and during the hours specified in division (B) of this section shall loaf, wander, stroll or play in, upon or about any public street, highway, alley, park or other public way or place or ride aimlessly on or about any public street, highway, park or alley in the city in any vehicle.

(B) No minor of the age and during the hours hereinafter specified shall be in, upon or about any public street, highway, park, alley or other public place unless the minor is:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

Age Hours

Through 12 Darkness to 6:30 a.m.

13 through 15 10:00 p.m. to 6:00 a.m.

16 through 17 11:00 p.m. to 6:00 a.m., Sunday through Thursday; midnight to 6:00 a.m., Friday and Saturday

(C) No parent, guardian or person having legal care or custody of any minor shall permit or encourage such minor to be in or upon any public street, highway, alley, park or other public way or place in the city in violation of this section.

(D) Whenever any police officer charged with the duty of enforcing the laws of the state and the city discovers or has called to his attention any minor in, about or upon any public street, highway, alley, park or other public way or place, or in any vehicle in, upon or about, or riding aimlessly about, any public street, highway, alley, park or other public way or place during the hours when such presence of a minor is prohibited by this section, the police officer shall make an immediate investigation thereof. If he finds the presence of such minor at the place and under the conditions and at the time such minor is so found is prohibited by this section, the officer shall cause such minor to be taken to his or her place of residence and a citation shall thereupon be served upon such minor and his or her parent, guardian or other person having legal custody and care of such minor for violations of this section. If he finds that the parent, guardian or other person having legal care and custody of such minor has violated this section, he shall serve upon him or her a citation therefor, which citation shall command both the parent, guardian or custodian and the minor to appear in the Mayor's Court.

§ 648.11 OPERATION OF OFF-THE-ROAD VEHICLES.

(A) No person shall operate a dirt bike, motor bike, snowmobile, all-purpose vehicle or other off-the-road vehicle upon any public way or upon private property in such proximity to any residence or dwelling or place ordinarily used for human habitation in such a manner as to make or cause to be made any unreasonable noise of such a character, intensity or duration as to disturb the peace and quiet of any inhabitant of such place or be detrimental to the life or health of any individual therein.

(B) No parent, guardian or person having legal care or custody of a minor shall permit or encourage such minor to be in or upon any public way or upon private property so as to be in violation of division (A) of this section.

(Ord. 79-79, passed 8-15-1979; Ord. 28-81, passed 5-4-1981)

§ 648.12 DISTURBING THE PEACE.

No person shall disturb the good order and quiet of the municipality by clamors or noises, by intoxication, drunkenness, fighting, quarreling, wrangling or committing assault or assault and battery, or by otherwise violating the public peace by indecent and disorderly conduct or by lewd and lascivious behavior.

(Ord. 89-102, passed 8-21-1989)

§ 648.13 INCITING TO VIOLENCE.

(A) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence when either of the following apply:

(1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed.

(2) The conduct proximately results in the commission of any offense of violence.

(B) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree. The penalty shall be as provided in § 202.99. If the offense of violence that the other person is being urged or incited to commit is a felony, inciting to violence is a felony to be prosecuted under appropriate state law.

(ORC 2917.01)

§ 648.99 PENALTY.

Editor's note:

See § 202.99 for general Code penalty if no specific penalty is provided.