

CHAPTER 509
Disorderly Conduct and Peace Disturbance

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CROSS REFERENCES

See sectional histories for similar State law
 Use of force to suppress riot - see Ohio R.C. 2917.05
 Cordoning off riot areas, prohibiting sales of firearms and explosives - see Ohio R.C. 3761.16
 Emergency suspension of permits and sales by Director of Liquor Control - see Ohio R.C 4301.251
 Criminal trespass - see GEN. OFF. 541.05

509.01 RIOT.

- (a) No person shall participate with four or more others in a course of disorderly conduct in violation of Section 509.03:
- (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 such institution.
- (b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.
- (c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree. (ORC 2917.03)

509.011 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. (ORC 2917.01)

509.02 FAILURE TO DISPERSE.

- (a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 509.03, 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 such other persons to disperse. No person shall knowingly fail to obey such order.
- (b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.
- (c)
- (1) Whoever violates this section is guilty of failure to disperse.
 - (2) Except as otherwise provided in subsection (c)(3) hereof, failure to disperse is a minor misdemeanor.
 - (3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in subsection (a) hereof, creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind. (ORC 2917.04)

509.03 DISORDERLY CONDUCT; INTOXICATION.

- (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 offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
 - (3) Insulting, taunting or challenging another, under circumstances in which such 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 the offender were not intoxicated, should know is likely to have that effect on others;
 - (2) Engage in conduct or create a condition that presents a risk of physical harm to the offender 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 subsection (b) hereof.

(d) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof. (ORC 2917.11)

(e) Whoever violates this section is guilty of disorderly conduct, a misdemeanor of the fourth degree. (Ord. 85-96. Passed 7-15-96.)

509.031 DISRUPTING ATHLETIC EVENTS.

(a) As used in this section, referee, umpire, or official means any person charged with the responsibility of interpreting or enforcing the rules governing an athletic event.

(b) As used in this section, athletic event means any softball, baseball, T-ball, ice hockey, soccer, volleyball, basketball, football, track, swimming, golf or other sporting event, in the City.

(c) A referee, umpire, or official eighteen years of age or older is hereby granted authority to suspend the athletic event and request the removal therefrom, by a law enforcement officer, of any person who is or has been engaging in an activity which disrupts, disturb or interferes with such athletic event.

(d) No person shall disrupt, disturb or interfere with an athletic event by either of the following:

- (1) Doing any act which disrupts, disturbs or interferes with the due conduct of such event.
- (2) Making any utterance, gesture, or display offensive to persons of ordinary sensibilities.

(e) No person leaving an athletic event after being requested by a referee, umpire or official to do so for conduct prohibited by subsection (d) hereof shall return to such athletic event and no person having been removed from an athletic event by a law enforcement officer shall return to such athletic event.

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 93-94. Passed 10-3-94.)

509.04 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 such 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 fourth degree. (ORC 2917.12)

509.05 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) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04. (ORC 2917.13)

509.06 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 such 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) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of five hundred dollars (\$500.00) or more, if the public place involved in a violation of this section is a school, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

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

(e) As used in this section:

- (1) "Economic harm" means any of the following:
 - A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of 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 for 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 Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, 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.
- (2) "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.
- (3) "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 their 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 (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.
- (4) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.
- (5) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21. (ORC 2917.31)

509.07 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 such 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, a misdemeanor of the first degree. If a violation of this section results in economic harm of five hundred dollars (\$500.00) or more, or 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 and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the 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 meanings as in Section 509.06. (ORC 2917.32)

509.08 UNNECESSARY NOISES.

(a) No person or persons, whether actual persons or legal entities, shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of common sensibilities within the City.

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

- (1) Horns, signal devices, etc. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently out of control; or on any vehicle in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended. The creation by means of any such signal device of any unreasonable, loud, or harsh sound or the sounding of any such device for any unnecessary and unreasonable period of time.
- (2) Defect in vehicle. To use any automobile, motorcycle or other vehicle so out of repair or so loaded, or so constructed, adjusted or maintained as to create loud or unnecessary noise.
- (3) Steam, air or electric whistles or sirens. To blow any steam or air whistle or electric siren except to give notice of time to begin or stop work or as a warning of danger. This section shall not apply to any emergency siren either permanently located or on emergency vehicles.
- (4) Construction or repair of buildings. To create, demolish, alter or repair any building other than between the hours of 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public safety and then only with a written permit from the Mayor and in strict conformity with such permit.

- (5) Loading, unloading, closing or opening boxes, crates, etc. The creation of loud and excessive noise in connection with loading or unloading of any vehicle or the opening, closing or destruction of any boxes, bales, crates, or containers, especially if such loud and excessive noise occurs between the hours of 9:00 p.m. and 7:00 a.m.
- (6) Loud speakers and amplifiers. Use of mechanical loud speakers or amplifiers on trucks or vehicles or outside of a building or through an open door or window unless a permit is granted for such use by the Mayor and then only in strict conformity with the provisions of such permit.
- (7) Radios, phonographs, etc. To operate any radio, phonograph, television set or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, motel or other type of residence particularly between the hours of 11:00 p.m. and 7:00 a.m.
- (8) Drums, etc. The use of any drum, pail, bell, trumpet or loud speaker or other instrument or device for the purpose of attracting attention or intended to attract attention to any performance, show, sale or display of merchandise except upon written permission first obtained from the Mayor and then only in strict conformity with the provisions of such permit.
- (9) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motorcycle or motor scooter or motor bicycle except through a muffler or other device which will effectively prevent loud and excessive noises therefrom.
- (10) Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any church, school, institution or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating the same is a church, school, hospital or court street.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 58-91. Passed 7-1-91.)

509.09 PERMITTING RIOTING, REVELLING AND INTOXICATION IN PUBLIC PLACE.

(a) No owner, keeper, manager or any person in charge or control of a hotel, night club, restaurant, dance or amusement hall, tavern or other public place, shall engage in or suffer or permit rioting, revelling, intoxication or drunkenness in or about his place of business or premises.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 68-73. Passed 12-17-73.)

509.10 PEDESTRIAN LOITERING PROHIBITED IN CERTAIN DESIGNATED PLACES.

(a) The Director of Public Safety is hereby authorized and empowered to designate, by rule, those portions of the streets and highways in the vicinity of any bridge, trestle or viaduct in the City and also those bridges, trestles and viaducts in the City on or upon which loitering by pedestrians and other persons shall be prohibited. The Director is also authorized to erect and maintain appropriate signs along the portions of such bridges, trestles and viaducts and the approaches thereto as hereinabove authorized, prohibiting loitering.

(b) "Loitering" means, among other things, the following: to be dilatory, to stand idly around, to spend time idly, to linger without being able to give a satisfactory account of himself.

(c) Any person who violates any provision of this section shall be guilty of a misdemeanor of the fourth degree.
(Ord. 68-73. Passed 12-17-73.)

509.11 COMMON STREET BEGGARS.

(a) No person shall beg or solicit alms or charity in his own behalf or that of a companion beggar, upon the streets or other public places of the City.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 68-73. Passed 12-17-73.)

509.12 CURFEW; PROCLAMATION; DUTIES OF POLICE.

(a) In the event that the Mayor, or in his absence the President of Council, or in the absence of both, the Mayor and President of Council, the Chief of Police, finds it necessary in order to preserve the public safety and good order of the community in times of public crises, riots and civil disturbances he may declare and establish a curfew prohibiting the physical presence of anyone upon the public streets, parks and public places of the City.

(b) In the event the Mayor, President of Council or the Chief of Police deems it necessary to issue a curfew order, he shall do so by issuing a proclamation setting forth the time and the circumstances of such curfew order, the ages of persons to be subject thereto, and shall publish such proclamation by use of the newspapers, radio and television facilities of the community to the citizens of the City.

(c) In the event the Mayor, President of Council or the Chief of Police deems it necessary to issue a curfew, any police officer of the City, or any other peace officer acting under the direction of the Mayor, President of Council or the Chief of Police, or any other duly authorized agents, shall have the right to stop any person subject to such curfew found upon the streets or public places of the City within the hours of curfew and to inquire of such persons proof of their age, their destination and purpose for being upon the public streets and public ways of the City, to determine if such persons are subject to the curfew.

(d) Anyone found in violation of subsections (a) through (c) hereof, inclusive, shall be guilty of a misdemeanor of the first degree.
(Ord. 68-73. Passed 12-17-73.)

509.99 PENALTY.
(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)