

# CHAPTER 177

## PROHIBITED USES

177.01 Prohibited uses specified.

### **177.01 PROHIBITED USES SPECIFIED.**

Within the Township, no building, structure, land or premises or any part thereof shall be used for any of the following specified uses:

- (a) Acid manufacture, including hydrochloric, nitric, sulfuric, sulphurous or hydrofluoric acid.
- (b) Bronze, magnesium, iron, aluminum or other metallic powder manufacture or storage.
- (c) Asbestos, cement, lime, gypsum or plaster of Paris manufacture or storage.
- (d) Distillation of bones, coal or wood, or manufacture of any of the byproducts of such distillation, distillery.
- (e) Refuse dump or landfill, except one using clean fill.
- (f) Manufacture, storage or sale of explosives or fireworks, except otherwise specified in Chapter 185.
- (g) Fat, grease, lard or tallow manufacturing or rendering.
- (h) Fertilizer manufacture from phosphate or organic matter.
- (i) Gelatin, glue or size manufacture.
- (j) Incineration or reduction of dead animals, garbage, offal or refuse, except that produced on the premises and disposed of by private incinerators.
- (k) Mineral insulation manufacture.
- (l) Nitrating of cotton or other cellulose material.
- (m) Rayon manufacture.
- (n) Slaughtering of animals.

(o) Storage or processing hides.

(p) Manufacture or sale of drug paraphernalia.

(1) "Drug paraphernalia" as used herein means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of State or Federal law. It includes, but is not limited to:

- A. Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- D. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
- F. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
- I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body; and
- L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
  - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
  - 2. Water pipes;
  - 3. Carburetion tubes and devices;
  - 4. Smoking and carburetion masks;

5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
6. Miniature cocaine spoons and cocaine vials;
7. Chamber pipes;
8. Carburetor pipes;
9. Electric pipes;
10. Air-driven pipes;
11. Chillums;
12. Bongs; and
13. Ice pipes or chillers.

(2) In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other logically relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use;
- B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
- C. The proximity of the object, in time and space, to a direct violation of State or Federal law;
- D. The proximity of the object to controlled substances;
- E. The existence of any residue of controlled substances on the object;
- F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of State or Federal law; the innocence of an owner or of anyone in control of the object, as to a direct violation of State or Federal law shall not prevent a finding that the object intended for use, or designed for use as "drug paraphernalia";
- G. Instructions, oral or written, provided with the object concerning its use;
- H. Descriptive materials accompanying the object which explain or depict its use;
- I. National and local advertising concerning its use;
- J. The manner in which the object is displayed for sale;
- K. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- L. The existence and scope of legitimate uses for the object in the community; and
- M. Expert testimony concerning its use.

(3) This subsection (q) does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with State law, nor shall it be construed to prohibit any possession, manufacture or use of hypodermics made lawful by State law.

(q) Junk yard, automobile graveyard or scrap metal processing facility, all as defined in Ohio R. C. 4737.05.

- (r) Parking junk motor vehicles in the open of any premises. [**Definition moved to Chapter 105 – Adopted 12/12/2016 – Z-2016-1**]
- (s) Storage of junk in the open of any premises. [**Definition moved to Chapter 105 Adopted 12/12/2016 – Z-2016-1**]
- (t) Dumping, depositing or storage of garbage, refuse, rubbish, litter or other waste material of any kind, except temporary storage of such materials is permitted in receptacles specifically designed for that purpose and which shall be kept covered, regularly emptied and cleanly maintained.
- (u) Quarry or the excavation, extraction or mining of gravel, sand, earth or topsoil, if not related to any lawful construction operation, or any earth disturbing activities which cause any slope to become unstable, impose loads which affect the safety of structures or slopes, interfere with adequate drainage for the site area or the drainage of land tributary to the site, or obstruct, damage or adversely affect lawfully existing utilities or drainage, whether public or private, or cause stagnant water to collect, or cause sedimentation or erosion.
- (v) Storage, cleaning or renovation of animal hair.
- (w) Structural steel fabrication.
- (x) Commercial truck terminal, unless licensed by the Public Utilities Commission of Ohio.
- (y) Commercial radio and television towers.
- (z) Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21. [**Adopted 4/24/2017 – Z- 2017-1**]
- (aa) Harboring, maintaining or controlling wild, dangerous or undomesticated animals. A "wild, dangerous or undomesticated animal" means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:
  - (1) Is a poisonous or venomous animal or snake, or a snake that is a constrictor;
  - (2) Is an omnivorous or carnivorous animal weighing more than twenty pounds and which is a predator in its natural habitat;
  - (3) Is an animal which, by reason of its size, strength or appetite, if unrestrained and free in the Township, could cause peril to persons, pets, or other domesticated animals, buildings, landscaping or personal property;
  - (4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal;
  - (5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or

(6) Is, by illustration, and without limitation to the following: a lion, tiger, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, boar, crocodile, alligator, caiman, gavial, ostrich, hyena, gorilla, bison or coyote.

(bb) Manufactured home parks. [**Adopted 6/26/2000 – Z-2000-3**]

(cc) Open loop geothermal heating systems.

(dd) Basement as a dwelling unit.

(ee) Driveway entrances closer than one hundred (100) feet from an intersection are prohibited.

(ff) Mobile homes. [**Adopted 6/26/2000 – Z-2000-3**]

Adult Entertainment Businesses [**Deleted 9/15/2003 – Z-2003-2**]

Oil and Gas Well Regulations [**Deleted 11/15/2004 – Z-2004-3**]