

CITY OF FRANKLIN, OHIO  
ORDINANCE 2023-24

**AMENDING ORDINANCE 541.17 AND ENACTING ORDINANCE 541.18 TO PROHIBIT  
TRESPASSING AND LOITERING ON SCHOOL GROUNDS**

WHEREAS, Article XVIII, § 3 of the Ohio Constitution and Section 2.01 of the City of Franklin Charter empower City Council to exercise all powers of local self-government, and to adopt and enforce within the City's municipal boundaries such local police, sanitary and other similar regulations as are not in conflict with general Ohio laws;

WHEREAS, City Council finds it necessary, in the interests of the public health and safety in the Franklin community, to enact a local law prohibiting any individual from trespassing or loitering on private and public school grounds without any lawful reason to be on the premises;

WHEREAS, on November 6, 2023, City Council passed Emergency Ordinance 2023-23, enacting new Ordinance 541.18 under Part Five, Chapter 541 and amending Ordinance 541.17 of the City's Codified Ordinances;

WHEREAS, the proposed new ordinance, and a related amendment to existing Ordinance 541.17, are set forth in Exhibit A attached hereto; and

WHEREAS, City Council finds the enactment of the new ordinance is in the best interests of the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. Council hereby adopts and enacts Ordinance 541.18: Trespassing and Loitering on School Grounds, as set forth in the attached Exhibit A.

Section 2. Council hereby amends Ordinance 541.17: Definitions, as set forth in the attached Exhibit A.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Emergency Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall go into effect on December 20, 2023.

ADOPTED: November 20, 2023

ATTEST: Khristi Dunn  
Khristi Dunn, Clerk of Council

APPROVED: Brent W. Centers  
Brent Centers, Mayor

**CERTIFICATE**

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of an ordinance passed by that body on November 6, 2023.

Khristi Dunn  
Khristi Dunn, Clerk of Council

## **541.17 Definitions**

As used in this Chapter:

"Computer," "Computer Hacking," "Computer Network," "Computer Program," "Computer Software," "Computer System," "Data" and "Telecommunications Device" have the same meanings as in ORC 2913.01.

"Computer Contaminant." A computer program that is designed to modify, damage, destroy, disable, deny or degrade access to, allow unauthorized access to, functionally impair, record or transmit information within a computer, computer system or computer network without the express or implied consent of the owner or other person authorized to give consent and that is of a type or kind described in divisions (a) to (d) of this section or of a type or kind similar to a type or kind described in divisions (a) to (d) of this section:

- (a) A group of computer programs commonly known as "viruses" and "worms" that are self-replicating or self-propagating and that are designed to contaminate other computer programs, compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system, or computer network;
- (b) A group of computer programs commonly known as "Trojans" or "Trojan horses" that are not self-replicating or self-propagating and that are designed to compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system, or computer network;
- (c) A group of computer programs commonly known as "zombies" that are designed to use a computer without the knowledge and consent of the owner, or other person authorized to give consent, and that are designed to send large quantities of data to a targeted computer network for the purpose of degrading the targeted computer's or network's performance, or denying access through the network to the targeted computer or network, resulting in what is commonly known as "Denial of Service" or "Distributed Denial of Service" attacks;
- (d) A group of computer programs commonly known as "trap doors," "back doors," or "root kits" that are designed to bypass standard authentication software and that are designed to allow access to or use of a computer without the knowledge or consent of the owner, or other person authorized to give consent.

To "Create a Substantial Risk of Serious Physical Harm to any Person" include the creation of a substantial risk of serious physical harm to any emergency personnel, as defined in ORC 2909.01(B).

"Internet." "Internet" has the same meaning as in ORC 341.42.

"Occupied Structure." Any house, building, outbuilding, watercraft, aircraft, railroad car, truck, trailer, tent or other structure, vehicle or shelter, or any portion thereof, to which any of the following applies:

- (a) It is maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether or not any person is actually present.
- (b) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not the person is actually present.

(c) At the time, it is specially adapted for the overnight accommodation of any person, whether or not any person is actually present.

(d) At the time, any person is present or likely to be present in it.  
"Physical Harm to Persons." Any injury, illness or other physiological impairment, regardless of its gravity or duration.

"Physical Harm to Property." Any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.

"Privilege." An immunity, license or right conferred by law, bestowed by express or implied grant, arising out of status, position, office or relationship, or growing out of necessity.

"Property."

(a) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.

(b) As used in definition "Privilege", subsection (a) of this section, "trade secret" has the same meaning as in ORC 1333.61, and "telecommunications service" and "information service" have the same meanings as in ORC 2913.01.

(c) As used in definition "Privilege", subsection (a) of this section, "cable television service," "computer," "computer software," "computer system," "computer network," "data," and "telecommunications device" have the same meanings as in ORC 2913.01.

"Risk." A significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

*"School Grounds" means any real property (including improvements) owned or leased by a school district, or other public or private school, (as defined under Ohio law) and used for educational or other school-related extracurricular purposes.*

"Serious Physical Harm to Persons" and "Serious Physical Harm to Property" have the same meaning as in ORC 2901.01.

"Substantial Risk." A strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

**541.18 Trespassing and Loitering on School Grounds**

(a) Prohibitions: No person shall trespass, loiter or otherwise remain on School Grounds when school is in session or other organized school-related activity is taking place on the premises if:

(1) Such person is not on School Grounds in connection with lawful school business or a lawful school-related activity; and/or

(2) Such person is on School Grounds without the consent of school administration charged with control of the School Grounds.

(b) Penalty: Whoever violates this section is guilty of a misdemeanor of the fourth degree.