

CHAPTER 541

Property Offenses

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CROSS REFERENCES

See sectional histories for similar State law
Parents' liability for destructive acts of their
children - see O.R.C. 3109.99

Physical harm to property defined - see
GEN. OFF. 501.01(d), (f)

Damage to sidewalks - see GEN. OFF. 521.04

Vehicle trespass - see GEN. OFF. 545.06

541.01 DETERMINING PROPERTY VALUE IN ARSON

(A) The following criteria shall be used in determining the value of property or amount of physical harm involved in a violation of Section 541.02.

- (1) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing which is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, the value of the property or the amount of physical harm involved is the amount which would compensate the owner for its loss.
- (2) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring property.
- (3) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

(B) As used in this section, "fair market value" has the same meaning as defined in Section 545.02(c)(3).

(C) Prima-facie evidence of the value of property, as provided in Section 545.02(d) may be used to establish the value of property pursuant to this Section. (ORC 2909.11).

541.02 ARSON

(A) No person, by means of fire or explosion, shall knowingly cause or create a substantial risk of physical harm to any property of another without the other person's consent.

(B) This Section does not apply if the violation is done with purpose to defraud or the property involved is a statehouse or a courthouse, school building or other structure owned or controlled by the State or any of its political subdivisions, or any department, agency or instrumentality of either, and used for public purposes. If the value of the property or the amount of physical harm involved is five hundred dollars (\$500.00) or more, or if the offender's purpose is to defraud, or if the property involved is a courthouse, school building or other building or structure that is owned or controlled by the State, any political subdivision, or any department, agency or instrumentality of the State or a political subdivision, and that is used for public purposes, or if the risk is caused or created through the offer or the acceptance of an agreement for hire or other consideration, to any property of another without the other person's consent or to any property of the offender or another with purpose to defraud, or if the property is a park, preserve, wild lands, brush-covered land, cut-over land, forest, timberland, green lands, woods or similar property that is owned or controlled by another person, the State or a political subdivision.

(C) Whoever violates this Section is guilty of arson, a misdemeanor of the first degree, if the value of the property or the amount of physical harm involved is less than five hundred dollars (\$500.00). (ORC 2909.03). (Ord. 69-97. Passed 3-24-97.)

541.03 CRIMINAL DAMAGING OR ENDANGERING

(A) No person shall cause, or create a substantial risk of physical harm to any property of another without his consent:

- (1) Knowingly, by any means;
- (2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(B) Whoever violates this Section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this Section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. (ORC 2909.06).

541.04 CRIMINAL MISCHIEF.

(A) No person shall:

- (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with the property of another
- (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance which is harmful or offensive to persons exposed, or which tends to cause public alarm;
- (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker;
- (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose.
- (5) With the purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or personal property that is on that land.
(ORC 2909.07).

(B) As used in this Section, "safety device" means any fire extinguisher, fire hose or fire axe, or any fire escape, emergency exit or emergency escape equipment, or any life line, life-saving ring, life preserver or life boat or raft, or any alarm, light, flare, signal, sign or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) Whoever violates this section is guilty of criminal mischief, a misdemeanor of the third degree. If violation of this section creates a risk of physical harm to any person, criminal mischief is a misdemeanor of the first degree. (ORC 2909.07).

541.05 CRIMINAL TRESPASS.

(A) No person, without privilege to do so, shall do any of the following:

- (1) Knowingly enter or remain on the land or premises of another;
- (2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows he is in violation of any such restriction or is reckless in that regard.
- (3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing of other enclosure manifestly designed to restrict access;
- (4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to charge under this Section that the land or premises involved was owned, controlled or in custody of a public agency.

(C) It is no defense to a charge under this Section that the offender was unauthorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(D) Whoever violates this section is guilty of a criminal trespass, a misdemeanor of the fourth degree.

(E) As used in this section, "land or premises" includes any land, building, structure or place belonging to, controlled by or in custody of another, and any separate enclosure or room, or portion thereof. (ORC 2911.21).

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS

(A) No person, without privilege to do so, shall recklessly cut down, destroy, girdle or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on the land of another or upon public land.

(B) In addition to any penalty provided, whoever violates this section is liable in treble damages for the injury caused. (ORC 901.51).

(C) Whoever violates this Section is guilty of a minor misdemeanor. (ORC 901.99(A)).

541.07 DESECRATION.

(A) No person, without privilege to do so, shall purposely deface, damage, pollute or otherwise physically mistreat any of the following:

- (1) The flag of the United States or of this State;
- (2) Any public monument;
- (3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, thing or site of great historical or archaeological interest;
- (4) A place of worship or its furnishings;
- (5) A work of art or museum piece;
- (6) Any other object of reverence or sacred devotion.

(B) Whoever violates this Section is guilty of desecration, a misdemeanor of the second degree. (ORC 2927.11).

541.08 POSTING BILLS WITHOUT CONSENT OF OWNER.

(A) No person shall paint, print, paste, stencil or otherwise mark, place upon or affix to a building, fence, wall, vehicle, post, pole, tree, billboard, sidewalk or street, or other similar structure, whether public or private, without the consent of the owner, lessee or agent in charge, a word, letter, character, figure, sentence, or device or a handbill, notice, advertisement, sign or poster.

This Section does not apply to the posting of a handbill or notice of public sale by a sheriff, administrator, executor or licensed auctioneer or a notice required by law to be posted.

(B) Whoever violates this Section is guilty of a minor misdemeanor. (ORD 29-74. PASSED 4-1-74).

541.99 PENALTY

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