

THIS IS AN
IN PERSON
MEETING

VILLAGE OF OAKWOOD
COUNCIL MEETING
February 8, 2022
7:00 p.m.
AGENDA

1. Call Meeting to Order

2. Pledge of Allegiance

3. Roll Call

Council President	Johnnie A. Warren	Mayor	Gary V. Gottschalk
Council-At-Large	Elaine Y. Gaither	Law Director	James Climer
Ward 1 Councilman	Chris C. Callender	Finance Director	Brian L. Thompson
Ward 2 Councilperson	Eloise Hardin	Service Director	Tom Haba
Ward 3 Councilperson	Paggie Matlock	Chief of Fire	Jim Schade
Ward 4 Councilperson	Mary Davis	Police Chief	Mark Garratt
Ward 5 Councilperson	Candace S. Williams	Building Inspector	Daniel Marinucci
		Engineer	Ed Hren
		Recreation Director	Carlean Perez

4. **MINUTES** – Motion to approve the minutes from the January 25, 2022, Finance Meeting
Motion to approve the minutes from the January 25, 2022, Council meeting

5. Correspondence from Clerk

6. Departmental Reports

MAYOR - GARY GOTTSCHALK	FIRE CHIEF - JIM SCHADE
LAW DIRECTOR – JAMES CLIMER	BUILDING INSPECTOR – DANIEL MARINUCCI
FINANCE DIRECTOR – BRIAN THOMPSON	HOUSING INSPECTOR – N / A
SERVICE DIRECTOR - TOM HABA	POLICE CHIEF – MARK GARRATT
ENGINEER REPORT- ED HREN	RECREATION DIRECTOR – CARLEAN PEREZ

7. **Floor Open for Comments from Village Residents** on meeting agenda and comments in general *Village residents, please state your name, address, and the subject you wish to discuss for the record. Please limit your comments to five (5) minutes. Thank you! Please sign-in to speak*

Executive Session (if needed) – to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

8. Legislation

Ord 2022-3
Introduced by Mayor &
Council as a whole
1st Reading

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF OAKWOOD, OHIO, 1996, TO PROVIDE AMENDMENTS TO THE CODIFIED ORDINANCE OF OAKWOOD GENERAL OFFENSES CODE, PART FIVE, SECTIONS 501.01, 501.99, 505.071, 509.07, 513.01, 513.03, 513.04, 513.05, 513.06, 513.07, 513.08, 513.12, 525.13, 533.09, 541.04, 541.05, 541.051, 545.03, 545.18, 549.02, 549.04, 549.06, 553.04, 553.05; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION OF THE AMENDMENTS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES

Ord 2022-4
Introduced by Mayor &
Council as a whole
1st Reading

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF OAKWOOD VILLAGE, OHIO, 1996, TO PROVIDED AMENDMENTS TO THE CODIFIED ORDINANCES OF OAKWOOD, TRAFFIC CODE, PART THREE, SECTIONS 301.180, 301.51, 331.211, 331.37, 331.44, 333.03, 335.02, 335.021, 335.04, 335.09, 341.03, 373.13, 373.14; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES

Res 2022-05
Introduced by Mayor &
Council as a whole
1st Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF SHEILA ANN MOORE THOMPSON

Res 2022-06
Introduced by Mayor &
Council as a whole
1st Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF JOANNE (MTREY) M. CRAINE

Res 2022-7
Introduced by Mayor &
Council as a whole
1st Reading

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OR SOLON REGARDING THE CUSTODY, SUPERVISION, CONFINEMENT AND BOARD OF PRISONERS AND DECLARING AN EMERGENCY

9. Adjournment

**VILLAGE OF OAKWOOD
WORK SESSION
AGENDA
February 8, 2022**

1. Call Meeting to order
2. Discussion by Mayor and Department Heads of matters to be brought to the attention of Council if present.
3. Questions of Mayor and Department Heads concerning Legislation or potential Legislation to be considered at future Council meetings.
4. Discussion of items of draft Legislation or potential Legislation to be considered at future Council meetings.

Legislation:

Fiscal Officers Certificate Present

Ord 2021-WS-05 Introduced 1-29-2021 by Mayor & Council as a whole 2021-09 Moved to WS 2-23-21	AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN EXTERIOR HOME REPAIR ASSISTANCE PROGRAM FOR SINGLE FAMILY PROPERTIES LOCATED IN THE VILLAGE
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Ord 2021-WS-26 Moved to WS 10/26/2021 Ord 2021-70 CURRENTLY WITH PLANNING AS OF 1/26/2022	AN ORDINANCE ENACTING REGULATIONS OF ELECTRONIC DIGITAL BILLBOARD SIGNS LOCATED IN THE VILLAGE OF OAKWOOD
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Ord 2021-WS-27 Moved to WS 10/26/2021 CURRENTLY WITH PLANNING AS OF 1/26/2022	AN AMENDED ORDINANCE ENACTING SEVERAL CHANGES TO OAKWOOD VILLAGE CODIFIED ORDINANCES RELATED TO THE REGULATIONS OF SIGNS LOCATED WITHIN OAKWOOD VILLAGE
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New Resident Packets Procedure

Municipal Complex Hardin

Disaster Recovery Plan Hardin

Human Resources Hardin

Five-Year Plan Hardin

Employee Service Awards (every five years)

Council Committee Assignments

5. Matters Deemed Appropriate
6. Adjournment

VILLAGE OF OAKWOOD
COUNCIL FINANCE MEETING MINUTES
January 25, 2022

ATTENDED

Johnnie A Warren – Council President (late)
Elaine Gaither-Council-at-Large
Elosie Hardin-Ward 2
Paggie Matlock-Ward 3 (late)
Mary Davis-Ward 4
Candace Williams-Ward 5

Brian Thompson-Finance
Daniel Marinucci-CBO

ABSENT

Chris Callender-Ward 1

Gary Gottschalk-Mayor
Jim Climer-Law Director

Meeting opened at 6:17 by Gaither.

Pledge of Allegiance and attendance taken.

Thompson: Tonight, we are going to be reviewing the 2022 Building Department budget proposal. (Reading of the positions). The office support clerk is anticipated as a part time position that is included in his budget. **Williams:** Do the housing/building assistant, the zoning/housing assistant and the office support clerk report to Lillie Hicks?

Thompson/Marinucci: Yes. **Thompson:** And any situation she may have she reports to you, Dan? **Marinucci nods.**

Williams: So, she manages them and evaluates them? **Marinucci:** Yes. Because I am part-time and if an issue arises and I am not here, Lillie will always call me and we will deal with it over the phone or by email. **Thompson:** Behind that is the job descriptions for every position. The one for the anticipated office support clerk is not here. Is that something you can provide later, Dan? **Marinucci:** Yes. **Thompson:** The first one is pretty much outlining Dan's duties and responsibilities. Just stop us at any time if you have any questions about any of these duties. **Davis:** Dan, to ask you a question. If somebody comes in for an application for building for a deck or something like that, is it Debbie or Lillie? **Marinucci:** They all do that. So, if the phone call is taken by Debbie and it's something that she will put an email out and send it out with the application. Aaron would do the same. **Davis:** So, they do the calculating of the fees?

Marinucci: The calculating of the fees is done by Lillie. One person does that. **Davis:** So, if somebody comes in do an application for a deck or something, they may help them fill it out but they will give it to Lillie to actually put down the deposit? **Marinucci:** What happens is the either handed to them. A lot of them ask for it to be emailed to them. They fill it out and it comes back. When it comes back, the price is in the application, and I have to approve it. We require drawings and stuff like that so I will review the drawing. For instance, a deck they get the application before the drawing comes in. They fill it all out; I get the drawing to make sure it fits the code and Lillie prices it up and emails it out or they pick it up. **Hardin:** Number 12, 'provide plan review functions.' That's saying what? **Marinucci:** In our department we do both residential plan review and commercial plan review. In the commercial plan review, we have the assistance of Neal Hoffman. We also have a function where the fire department has to get involved. I said that at the last meeting when we have a fire review. We coordinate it and get it all done pretty quickly to them. **Williams:** For the housing/building assistant, it says 'assists in ward drive-by inspections.' Is this person also issuing the citations?

Marinucci: Yes. I have both of them issuing citations. **Williams:** Are there any certifications for that? **Marinucci:** No. I approve it. An ongoing example at the last meeting, the issue with the car. I met with Chief because there is an overlap with the police department for that particular issue. So, I had Debbie do the violation on it. Then we get into an issue with high grass that happens a lot. Aaron does the violation on that. He will do the inspection and then he will come back and do the violation associated with it. **Hardin:** Let's look at Aaron for a minute. Do you have anywhere in his duties where he has a routine of inspections as it relates to the residential areas? **Marinucci:** We have him going out a couple of days.... **Hardin:** Where is that listed? **Marinucci:** I missed it, but I would just say 'assist in ward drive-by inspections' is where that would be. **Hardin:** Which one? **Marinucci:** Number 7. **Hardin:** So, who is he assisting? **Marinucci:** Debbie did some. I am not taking him out of it, but he will do it. **Hardin:** Number 6 for Debbie and number 7 for him, is that correct? **Marinucci:** Yes. There is an overlap. **Davis:** So, they don't go out every week? **Marinucci:** They do go out every week like when it gears up in the spring and summer. **Hardin:** Mary brought up a

good point. Can you add that specification to those instructions that it is a weekly assignment? **Marinucci:** Sure.

Williams: And I want to be clear that when you said they go out every week but you said when it 'gears up in the spring and summer.' So, is it year-round every week? **Marinucci:** No, they don't have to go out. We are getting a lot of calls about trash now because of snow. So, they will go out. But in the spring, summer and fall, it's a lot more on the road.

Williams: So, in the winter, do they go out? **Marinucci:** I had Aaron go out twice last week. **Hardin:** So, it's kind of weather permitting. Is that what you're saying? **Marinucci:** We have been getting calls with the trash a lot. We will send a letter and they still didn't move the trash can. So, we will take it to the next step. But in the spring and summer it's a routine. Monday we'll do 2 wards. Tuesdays we'll do 2 wards. Wednesday, he will put everything into the computer. Right now, we had a problem with the computer. It's rectified right now. We are doing a computer changeover to the Franklin system. The old system wasn't working. We were having too many computer problems with it. We had a big Zoom meeting today and we are having individual meeting the rest of the week and next week. It's a powerful program. **Hardin:** Do we pay for that program? **Marinucci:** It's a fee for that. **Hardin:** You are replacing because it's not meeting your needs and so my question is the dollar amount that is involved? **Marinucci:** Brian will have to tell you. What happened, the last company went out of business, so it wasn't being serviced. Now the transformation is being made. **Hardin:** Mr. Finance Director, is it about the same price? **Thompson:** Yes, it is about the same as what it was before. He has to pay an annual fee. Normally software companies charge an annual fee to maintain support. So, if Dan has questions, they can Zoom him or constantly call which is normal for any software company. **Hardin:** Speaking of normal for any software company, my experience is that the software company is also training. Does this package come with training? **Thompson:** Yes. **Williams:** My apologies, I had another question about inspections. You said they input the information for a report. Can that kick out a report and can we receive those reports? **Marinucci:** Yes, you were getting reports in an excel file that we were doing long hand. We had the first meeting today which was pretty interesting. When you enter a report, the system automatically puts in an excel report so we don't have to do it longhand. **Warren:** And it will bring up all the previous violations. But you guys have to go back now and enter that information in. **Williams:** So, we haven't received those reports in a few months. Like when you switch systems, are we going to get them now? **Marinucci:** You will get them in the spring. **Williams:** So, they won't do weekly again until in the spring. **Marinucci:** Yes. There is not a lot of entries now. **Thompson:** Probably we can investigate and see if IT can do a conversion of your prior information as well. **Davis:** Now, your assistant Aaron, does he have any qualifications? **Marinucci:** He's working on them. He is interim building inspector. He is working on becoming certified building inspector. **Warren:** So, he has interim RBI now? **Marinucci:** Yes. And I am pushing really hard because he has the code academy already done which is part one. Then there is a 3-day seminar. Prior to COVID, every March is a 3-day seminar. You would meet with all the vendors and all the experts in the different disciplines in building so it will help him to take his exam. I have been pushing him to take the exam as fast as he can. It's a benefit to him and it's a benefit to us. **Davis:** So, he is doing to the inspections himself? **Marinucci:** No, he is assisting. He is not licensed. **Warren:** But he can do the random compliance things like cars in the driveway. **Marinucci:** Yes. Zoning. **Hardin:** I don't know if this is a good time to bring up an issue. And it will probably impact the building department. When we have meetings of the different boards (Planning, zoning, ARB). Do you have any interactions with those boards? **Marinucci:** Emailing for sure. If something has to be done and if it's a major issue, I'll show up. **Hardin:** But you said emailing. Mr. President, this was the good ole days. We used to receive the agenda for all of the board meetings. Council would receive it in our packet. Also, we would receive the minutes. I understand that you have your own webpage. **Morgan:** They have it on our website. **Marinucci:** And they can access that information, right? **Morgan:** Yes. She is not authorized to go in and input it. She will send it to me and I will put it on the website (Debbie Stoffl). **Williams:** I think that whoever is getting it or uploading it, if they can get it to us as council people-the minutes and the agenda. **Hardin:** That is my request. We used to get them all the time and if that is acceptable. **Davis:** Because of being a newbie, I actually read all the ordinances in the book you gave me. In there it does say that the council is supposed to be getting those minutes and reviewing them. And anything that the boards have been voting on, we are also supposed to be included in that and we can overturn what they decided on. I had no idea because we were not told that. **Warren:** (???) used to bring us those all the time. **Hardin:** I have been waiting for this meeting and we need to go back to that. We should have been getting them and it's been quite a while since we have received them as you know Mr. President. If at all possible, starting with the next meeting. **Morgan:** Now, I have gotten a checklist of items to include in packets. That was not one of them. I will be glad to. (**Clerk Sidenote—The Council Clerk had a conversation with the Board Secretary, Debbie Stoffl the day following the meeting when it was determined that not only was the Council Clerk receiving the agendas and minutes to place on the website, but each council member was included as well for a significant amount of time. This information was forwarded to each council member via email and phone call to Mrs. Hardin to notify of the findings and that this is the format that the Board Secretary will continue.**) **Warren:** I want you

to send an email to the law director to get specifics as to the authority of Council because it has been a little bit forgotten about overriding the decisions. Now when something goes to planning, it comes to us afterwards anyway, so we have an option to override it or not. We can even see if the zoning changes. The board of zoning appeals that they made an appeal to approve the height of the building over on Macedonia Road. But it would appear to me, if that is the case that we have the right to override that. And if so, we want that on our next agenda so that we can act on it if in fact that is the case. We will have the option whether or not we want to override the Board of Zoning Appeals for the height of the building they anticipate putting on Macedonia Road. **Williams:** Well, since we are on building and planning and everything, would you make a copy of this for everyone, please? I want to raise another ordinance that I came across that we have been following. We can move forward. **Thompson:** At this point, we were reviewing a lot of the duties and responsibilities from the job description and answering any questions. If we have no further ones, we can dive into some of the numbers. So, with the exhibit you have before you, I provided a couple years historic before COVID hit. How we in 2020 in the building department in terms of year-to-date expense comparison. We had the 2021 budget that we operated under last year, how the expenses fared throughout the year and the projected 2022. '19 to '20 we are kind of looking at the bottom line, \$241(676.08) to \$260(974.04). They had \$216(723.46) through '21. As we move into 2021, we dive into the salaries, pretty much makes up the part time salary for Mr. Marinucci, the salary for Ms. Hicks and Ms. Stoffl. Those are the 2 individuals who retired, and rehired. But there was an adjustment made for their longevity which went away as we discussed moving throughout this process. We gained Aaron Smith who somewhat added a salary and potentially as Dan evaluates his progress to try to get his credentials and the discussion of a new part time front desk person, there is a lot of digitization that needs to take place in the building department. And some of the day-to-day functionality and clerical work that they are looking to gain assistance. That position will be parttime. The 2% on the just the people that were there already. So, it ended up being a \$1,000 drop from last year on the salary. **Hardin:** What is that base salary for the new hire? **Thompson:** It was based on the range \$12-\$15 at 15-20 hours a week. **Hardin:** What is the max? **Thompson:** It would be about \$16,000. **Williams:** Walk me through this. So, last year they spent \$165,000. That included some of the pay for the new hire. **Thompson:** Yes. **Williams:** And we are going to hire a front desk person. What is the pay scale for that? **Thompson:** \$12-\$15 at 15-20 hours a week. **Williams:** So, we have an additional \$40,000 in the budget for that? **Thompson:** Moving into the budget for '21, he had a position scheduled for full time person with Aaron. That didn't take place for a whole year. Aaron only did so many months. That's why the year-to-date amount is much less than the budget was. When you account for the full year with Aaron, their base salaries, the 2%, the drop in longevity, and hiring the new person in that range of hours, with all those variables, it ended up dropping it to \$208,000 that would accommodate. Also, as Aaron moves through his credentials, Dan was hoping to give him somewhat a bump in his pay because he came in really low. **Williams:** Is there a schedule for that? **Thompson:** I think Dan touched on that a little bit more with he gets his credentials. **Marinucci:** I am going to get him \$40,000 when he gets his credentials. Where is he at now? **Marinucci:** \$36,000. **Thompson:** Where is he at now in terms of moving toward getting his credentials? **Marinucci:** He is working on it. He has to different steps and he's getting it all done. **Williams:** I'm confused. Did you say he was getting \$36(000) salary? **Marinucci:** Yes. \$36,000. **Thompson:** He is getting \$36(000) now and he wants to raise him. **Williams:** Who is getting \$12-\$15/hour? **Multiple voices:** The new hire. **Williams:** So, he is getting \$36,000 without credentials. **Thompson:** Yes. And if he gains his credentials, Dan wants to raise him to \$40(000). **Hardin:** We are back to another issue here and it's a good thing we have the employee handbook here. Are you committed to doing evaluations for your people? **Marinucci:** Yes. **Hardin:** Have you been doing them? **Marinucci:** No. **Hardin:** The reason I asked, is I just think if we are going to give raises, if something happens to you-God forbid- and I have to take over for your team. Just for the way things should be, if he has been performing, he's gained these licenses, etc., and I will feel comfortable. But if you quit, I come in, I don't know anything about this \$40,000 deal and I may not give it to him. It gives more emphasis to me why we should be doing yearly evaluations in all departments. So, you are committed to doing that this year? **Marinucci:** Yes. **Thompson:** Any more questions about his salary structure? **Davis:** Question. Ms. Williams. Was Crystal Williams your assistant? **Thompson:** She's gone. She left in the latter part of 2020. **Davis:** Was she certified? **Marinucci:** No, she was working on her credentials. **Davis:** It was a big jump. From '19 to 2020, your expenses are like \$25,000. Is that just the 2%? **Thompson:** In '20, we didn't get a raise on 2%. Crystal would have been working in there at that time. Then, she left and there was gap that nobody was there. So, we kind of saved some money. That's why the year to date for the salary at that \$165(102.12), definitely her salary with nobody working there the majority of the year. And then Aaron came in at the latter part and that is when it picked up. That is why it is such a gap on the salary line. So, he would like to go back to the variables he's discussing now with the base salaries of his core people. We had two individuals that retired and came back. We reduced the longevity. So, in discussion if Aaron progresses enough, he wants to raise his salary to match his credentials to keep him on board here. Then the new front desk person that they need for the digitization for that cross

over information to that new system. That's some of the discussion that I have had with him in the director of the department. **Hardin:** We are using that right now? We are using the digitization to justify for the change now. Will you have work to degree where you will need her in the future? **Marinucci:** If the individual works out really good, we can make them full time and incorporate so of the other duties. **Warren:** Well, I think one of the things we had talked about before at the end of year, that we were talking about a transitional person that when Ms. Hicks or Ms. Stoffl leave, we wanted that person to be trained, so that person will be multitasking/multitalented to be able to step in. We were on board with that, too. **Williams:** I will also just caution because we talked about hiring a lot of employees at part time and sometime not for our sake or need the Villages actual duties. We are just increasing people to full time without the workload for that full time position. **Marinucci:** There is a workload. There is a lot to do in that department. **Warren:** The only thing we can do right now is see how the workload works and revisit it later on. But the person is parttime anyway so we would assume that you would let council know if and when you anticipate considering the person to be headed toward full time. **Marinucci:** Yes. **Hardin:** Mr. President, that is what I was heading for. The expectation is whoever this person is that we do cross training, so we are not.... **Warren:** Somebody leaving, and you don't have anybody to replace them. **Marinucci:** If Debbie and Lillie leave tomorrow, we are in trouble. That is the reality. So that is the gameplan that we are talking about. Last year, we tried really hard to get this position filled at \$12/hr. The people we interviewed wanted \$19. So, we couldn't do it. This year, we are hopefully upping it to \$15/hr to see if we can get the position filled. **Hardin:** But you are committed to the cross-training aspect. **Marinucci:** Absolutely. If I can get a for instance, I should have written duties and responsibilities for them. But I would like to go 5 days a week, 2 hours digitizing and 2 hours learning other functions. How to put in the monies, how to take care of the checks, making sure it's all done correctly because we keep getting errors in it. That's part of Lillie's responsibility. Then you can go 2 hours with the zoning. You said 15 minutes ago about the minutes. Those minutes come in, we can teach her. Get the minutes and do what you just said. The game plan for her in my mind and I can put it on paper; digitizing, learning Lillie's job and learning Debbie's job. So, 10 hours a week is digitizing, or we are not going to get it done. We got part of it done. The machine keeps breaking down. **Warren:** Even if you want to, maybe you can have them on digitizing for some weeks in a row. It's kind of break up when you try to learn one thing while you're trying to get the setup and everything. So, maybe if you have specific days after a couple of weeks of digitizing to say this day, for a couple of hours you work with Lillie and go back to digitizing. This day you work a couple of hours with Debbie and go back to digitizing. Or 4 hours you with Lillie or 4 hours you work with Debbie. Make sure the digitizing is the first thing that they do when they come in so they can develop a proficiency or a redundancy when they are doing that. They will learn how to do the job a lot more effectively. Then when they get a hold on that, you can cross train them. **Hardin:** I am the first to jump on you about everything, so I want to communicate that this is what we were looking for or what I was looking for. So, thank you. It's well prepared. Now, when are you going to get back to us with the job description for the new person? **Marinucci:** I will get it. I could have had it today. I didn't think about as we've been so busy. **Hardin:** That's okay. Just don't forget you owe it to us. **Warren:** Our next council meeting if you have it. **Marinucci:** I will get it before then. **Thompson:** Some of the overtime stays the same. They haven't used it in the past, but they like to have a small bit if some special projects are going on. The PERS and Medicare is driven by salary. The printing and reproduction is at \$1,016. It varies so often that they have to do a lot of letterhead, stop work orders. We left it at \$2,000. **Warren:** Because we don't know what this new person will be generating to the need of printing and reproduction. **Marinucci:** I anticipate a lot of that this year. There are going to be a lot of inspections going on. **Thompson:** On these professional dues, definitely COVID came into play. He didn't have a lot of expenses and he was hoping to get back 'up to snuff' with some of these listed here under professional duties. We kind of funded that back up to prior years. **Hardin:** You only spent \$500 because of COVID. **Thompson:** Yes, \$519 and we moved into '20 which was almost the same amount as prior. **Hardin:** But you're budgeting it at \$3,000. **Thompson:** Yes, \$3,000. When we added up what it would actually cost if he did attend those credentials (CABO, ASSE, etc.). **Davis:** So, these are seminars? **Thompson:** For ongoing training for Dan. **Warren:** In the building department, you've got have continuing education and you have to have so many. **Davis:** Then why isn't that under 'training, travel and transportation?' **Thompson:** The professional dues are pretty much for the dues. The travel is if he had to go, he would have to pay for going depending on where it might be or he's buying some of the periodicals as well. ***Inaudible-multiple voices*** **Williams:** ...you also have training under 4451.53130 and it's under the same letters. **Davis:** I have nursing professional dues.... **Warren:** You can eliminate the word 'training' and leave the rest of it. **Williams:** Because there is no training going into 4451.53130, is that correct? **Thompson:** Yes, that is correct. **Williams:** There is no training? **Thompson:** I will strike that and make an update. Going back up to 'miscellaneous contractual.' Dan has a structure now. We touched on it a little, about construction reviews which is Neal Hoffman. He is an outside professional service that we use. The Toshiba is just for the contract management on the copiers. Active Networking is his IT guy when they have a situation. He has something new called

Safebuilt. They assist on inspections. I don't know if you want him to elaborate on that. **Marinucci:** We approved it last year. If all the projects that are on the table are voted for, that's what makes that dollar amount on the high end. If they don't go forward, that's not going to be spent. You have to budget it and get it approved. We have a list.

Thompson: Some these numbers tie in. If you look at the levels we have spent in prior years, we had it at \$40,000. Last year for that line item, a lot of the projects did not happen, so he didn't have to use the dollars. He only spent \$22,000 with those things that did happen. But when we look into the next year, we kind of list it down at the bottom left for what these individuals may have to do. So, we have the Premier Project; Interstate McBee; Village Market we talked about; Waste Management is doing some improvements; Federal Metal is trying to bring their equipment to the 21st century; VA Project across the street. **Marinucci:** And ViewRay is another project to be put in there. **Thompson:** So, in light of a lot of discussion on that and the potential professional services need to do those professional inspections, we set the budget at \$40,000. **Hardin:** How much did we pay Neil Hoffman last year? **Thompson:** I'd have to run a vendor detail. **Hardin:** Okay, because based on what you're saying, a lot of this is towards inspections? **Thompson:** Yes. Inspections, computer networking, Toshiba contract for the copier. And he did use SafeBuilt to some degree as well. **Hardin:** Correct, but most of this, you will agree, was for Neil Hoffman. **Thompson:** I will give you a breakdown of all the vendors and you can see the total. **Marinucci:** And understand, we get a recouping of his fee. Safe charges us \$350. That fee gets reimbursed by the project. **Thompson:** I will get the vendor detail for you. **Williams:** If it's not waived? **Marinucci:** If it's not waived. **Thompson:** Periodically, we do waive fees. We have a tracking line item as well in the budget for waived fees. **Williams:** Can we get analysis on that? A percentage, 80% of waived fees. Because you're saying, if we recoup it and we are not recouping it because we are waiving it, then we're not recouping it. **Marinucci:** I don't track that. **Thompson:** We track that. **Williams:** Can you share that? **Thompson:** Yes, I will get the numbers. The other line items. The cellphone for 3 employees. **Davis:** Why do they all need cellphones? I understand that you are out there, but for inside the building. Everybody get a cellphone? **Thompson:** Dan can elaborate. **Marinucci:** Aaron uses it; I use it. Debbie uses her own phone. **Thompson:** We can look into it and if you are not utilizing it like you need to, these plans can always be changed. **Marinucci:** Lillie is constantly on the Village phone. **Gaither:** For inspections and something else? **Marinucci:** The rollover phone calls goes into the phone. **Hardin:** Into the cellphone? Why? **Marinucci:** That's how it is set up. On a rollover, it goes into the cellphone. **Warren:** Somebody on the landline, if it goes to their extension, it rolls over to their cellphone. **Marinucci:** If the extensions are busy, it rolls over to those phones. **Williams:** Are you saying one of these phones just sits at the office for a rollover? Because it says 'Dan and 3 employees.' So, there are 4 phones. **Marinucci:** There's not 4 phones. Debbie doesn't have a phone. **Williams:** No, we are just saying there are 4 phone per your budget. **Thompson:** 3 cells, 3 employees plus yours. If we see that they are not using them, then we can amend the plan. From your initial conversation here, Lillie is on it a lot, you and Aaron are out in the field, so they are being used quite a bit. Debbie is not using hers so we could definitely, we could amend the plan and drop the phone. If you deem it necessary, that she doesn't need it. **Marinucci:** Yeah, I don't think she has one. **Thompson:** I think it is because it's on the plan but we can check it out. **Hardin:** I still want to know why it rolls over to a cellphone. **Marinucci:** Well, where is it supposed to go? **Warren:** If they got the cellphones, the operational discretion should be with the building inspector to me. **Hardin:** Fine with me. **Warren:** But if they can justify of the use and necessity of them. **Hardin:** That's the question. **Marinucci:** *inaudible* **Warren:** Why don't Brian do an analysis on looking at minutes used? **Thompson:** On each phone. These phone plans now are \$30/month unlimited. You have the government plan and they are giving you really low cost every month. I mean if she is definitely not using her phone, we can drop one. The technology now between the phone in house and the cellphones, collaborating the usage or the roll of them, the technology is really high. So, he probably has a lot of capacity to structure like he wants. We will definitely look into something like that. Overall, his budget ended up dropping \$1,390 with everything we discussed tonight. If there are no other questions, that will conclude our meeting tonight. **Hardin:** First time I have seen a budget drop. **Thompson:** Different variables. **Hardin:** That's a first.

MOTION TO ADJOURN by Gaither; Seconded by Davis

VOTE YES: Warren, Gaither, Hardin, Matlock, Davis, Williams

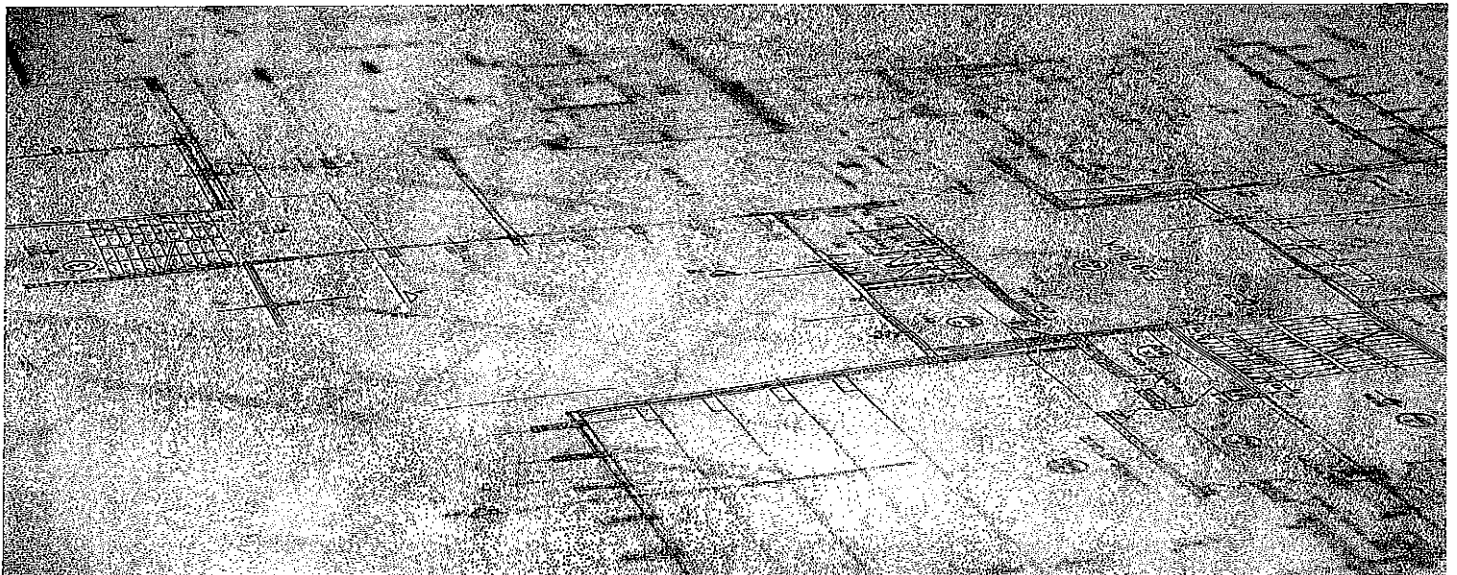
MEETING ADJOURNED: 7:01pm

Adopted _____

Christine Morgan, Clerk of Council

Johnnie Warren, Council President

VILLAGE OF OAKWOOD
2022 BUILDING DEPARTMENT
BUDGET PROPOSAL



Daniel F. Marinucci

BO - Chief Building Official
BO - Residential Building Official
E - Professional Structural Engineer
IPE - Master Plans Examiner
PE - Residential Plans Examiner
D - Attorney at Law

**Chief Building Official
Building Commissioner**

Lillie Hicks

**Office
Manager
&
CBO Secretary**

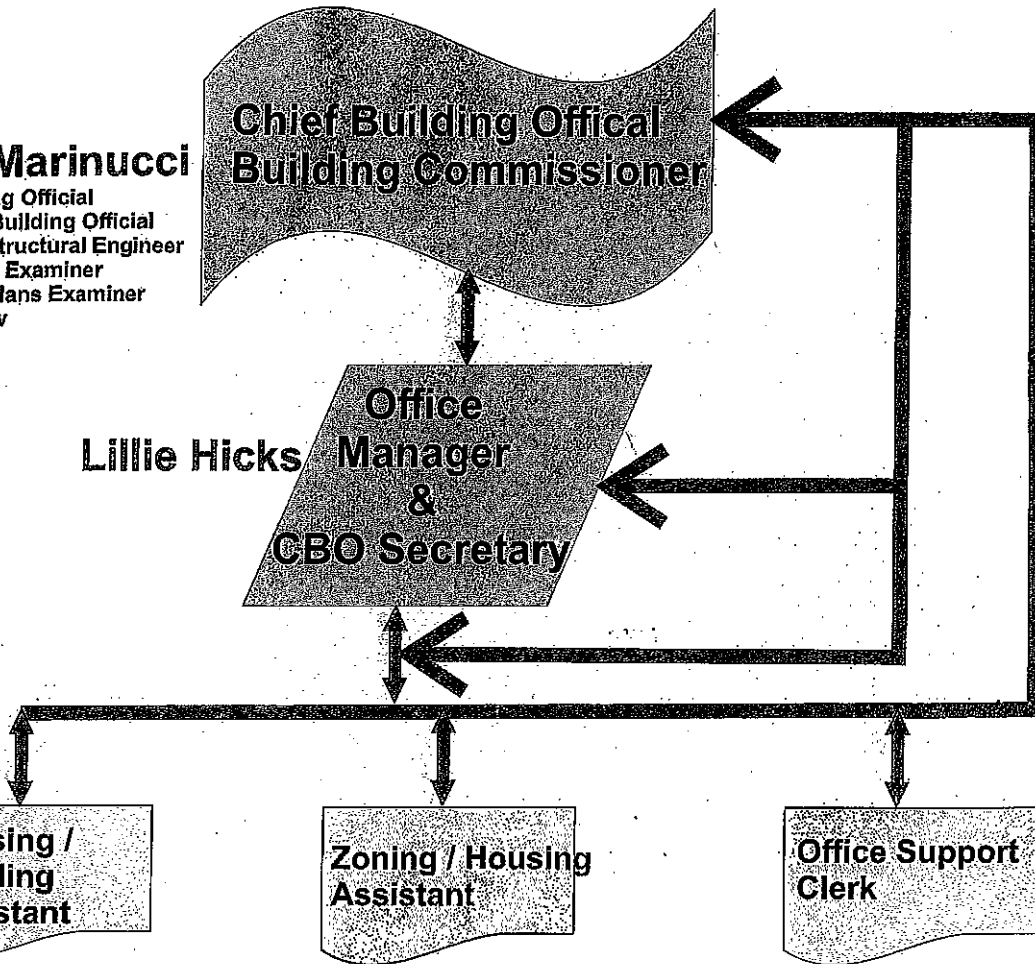
**Housing /
Building
Assistant**

Aaron Smith

**Zoning / Housing
Assistant**

Debbie Stoffl

**Office Support
Clerk**





BUILDING DEPARTMENT: Daniel F. Marinucci, Chief Building Official
23035-B Broadway Avenue, Oakwood Village, Ohio 44146 // Phone 440-232-9980 Fax 440-232-5874

January 25, 2022

Memo To: Lillie Hicks

Re: Employee – Workslope Description

Title: Building Department – Chief Building Official

DANIEL F. MARINUCCI

THE DUTIES AND RESPONSIBILITIES OF DANIEL F. MARINUCCI ARE AS FOLLOWS:

- 1: Provide all work product as assigned by the Mayor, in a timely manner
- 2: Assist and cooperate with the heads of all Oakwood Village Administrative Offices
- 3: Attend council meetings
- 4: Attend Planning and Zoning Board of Appeals meetings, as necessary
- 5: Oversee all Oakwood Building and Zoning Departmental issues
- 6: Oversee the digitizing of Building and Zoning Department records
- 7: Assign work functions to the Office Manager and all employees of the Building and Zoning Departments
- 8: Implement the Building and Property Maintenance Codes of the State of Ohio
- 9: Administer Chapter 1 of the Ohio Building Code
- 10: Administer Chapter 1 of the Residential Building Code
- 11: Oversee the Issuing of all building permits and zoning applications
- 12: Provide Plan Review functions
- 13: Prepare yearly departmental budgets
- 14: Prepare Board of Building Standards reporting requirements
- 15: Oversee the maintenance of the Oakwood Village website, pertaining to the Building Department
- 16: Prepare reporting data to the Oakwood Village Administrative Offices
- 17: Interview and hire Building Department personnel.
- 18: Take all necessary continuing education classes as required by the Ohio Board of Building Standards
- 19: Maintain an ongoing professional relationship with colleagues in the Building Industry representing the professionalism of the Oakwood Village Representatives

VILLAGE OF OAKWOOD

BUILDING DEPARTMENT

OFFICE MANAGER/EXECUTIVE SECRETARY DUTIES

Office Manager

JANUARY 25, 2022

Duties

- Administrate day to day affairs of the Building Department
- Supervise Building Dept in Building Officials absence
- Sign time sheets of employees in Building Officials absence
- Consult with Building Official concerning contractor, residential & service inquires and other findings.
- Calculate fees for projects being done in the village and some with the Building officials
- Enter and authorize Purchase orders on e-Gov
- Update and edit Vantage and authorize "fee waived" permits
- Send out contractor's packets to all previously registered contractors, yearly
- Enter all contractors into Vantage system as they come in for the new year & maintain insurance
- Maintain inventory and order all office supplies and forms for building department
- Send municipal inspection releases to the Illuminating Company
- Prepare monthly reports for Columbus (Residential, Commercial, McGraw Hill, Bldg. Dept.,)
- Prepare yearly budget report w/Building Official
- US Census Bureau Residential monthly report
- Update Oakwood's Parcel from County
- Handle inspections, paperwork and pay-in for back-up inspectors
- Sort, distribute and handle all mail for the Bldg. Dept.
- Perform other duties as assigned or directed

Reports to:

- Building Official

Supervises

- Housing Inspector, Board Secretary and Building Dept. Trainee in Building Officials absence

Executive Secretary

Duties

- General secretarial duties

❖ *Continued on page 2*

- Seminar and room reservation scheduling for Chief Building Official and Housing Inspector
- Taking, Making and some handling calls for Chief Building Official
- Filing, faxing, emailing and proofreading for Chief Building officials
- Update forms for Building Department
- Type correspondence and other materials as needed and directed
- Collect fees and enter permits into Vantage system
- Enter Purchase orders and some refunds into e-Gov
- Prepare building department receipts for deposit for finance department w/report
- Setup yearly inspections and invoice for Solon Club apartments for CBO and Housing Inspector.
- Prepare monthly Board of Building Standards report 1% and 3%
- Prepare and timely submit monthly County Auditor building permit report Help residents and general public at counter when needed.
- Perform other duties as assigned or directed

Report to

- Chief Building Official



BUILDING DEPARTMENT: Daniel F. Marinucci, Chief Building Official
23035-B Broadway Avenue, Oakwood Village, Ohio 44146 // Phone 440-232-9980 Fax 440-232-5874

January 25, 2022

Memo To: Lillie Hicks

Re: Employee – Workslope Description

Title: Building Department – Zoning/Building Assistant

DEBBIE STOFFL

THE DUTIES AND RESPONSIBILITIES OF DEBBIE STOFFL ARE AS FOLLOWS:

- 1: Provide all work product as assigned by the Office Manager, in a timely manner.
- 2: Provide all work product as assigned by the Certified Building Commissioner, in a timely manner.
- 3: Assist the digitizing of Building and Zoning Department records
- 4: Head up the functions of all planning and zoning matters, planning secretary.
- 5: Assist in the implementation and resolution of all related matters regarding residential non-compliance building and zoning issues
- 6: Assist in Ward drive-by zoning inspections
- 7: Assist in answering incoming calls
- 8: Assist in processing all incoming mail
- 9: Issue Building Permits
- 10: Register Contractors
- 11: Answer building and zoning emails

I remain,

Daniel F. Marinucci
CBO



BUILDING DEPARTMENT: Daniel F. Marinucci, Chief Building Official
23035-B Broadway Avenue, Oakwood Village, Ohio 44146 // Phone 440-232-9980 Fax 440-232-5874

January 25, 2022

Memo To: Lillie Hicks

Re: Employee – Workslope Description

**Title: Building Department – Housing/Building Assistant
Aaron Smith**

THE DUTIES AND RESPONSIBILITIES OF Aaron Smith ARE AS FOLLOWS:

- 1: Provide all work product as assigned by the Office Manager, in a timely manner.
- 2: Provide all work product as assigned by the Certified Building Commissioner, in a timely manner.
- 3: Head up the digitizing of Building and Zoning Department records
- 4: Cooperate, assist and backup duties and responsibilities of all planning and zoning matters.
- 5: Maintain website and associated activity for the Building Department Webpage.
- 6: Assist in the implementation and resolution of all related matters regarding residential non-compliance building and zoning issues
- 7: Assist in Ward drive-by zoning inspections
- 8: Assist in answering incoming calls / Assist in processing all incoming mail
- 9: Assist in answer building and zoning emails
- 10: Pursue all necessary steps in obtaining Ohio Board of Building Standards Certifications
- 11: Take all necessary continuing education classes as mandated by the Chief Building Official
- 12: Assist in issuing building permits & registering contractors

I remain,

Daniel F. Marinucci

CBO

		2020				
VILLAGE OF OAKWOOD - BUILDING 2022 BUDGET PROJECTION	2019	YTD		YTD	PROJECTED 2022	
	Y-T-D	EXPENSES	2021	EXPENSES	PERMANENT	CHANGE
	EXPENSES	THRU 12-31-20	BUDGET	THRU 12-31-21	APPROPRIATIONS	
BUILDING DEPARTMENT						
4451.51110 WAGES (Don Marrinuci, Lillie Hicks, Debbie Stoffl, Aaron Smith, New Hire Front Desk P/T)	174,744.52	202,101.45	209,000.00	165,102.12	208,000.00	-(1,000.00)
4451.51111 OVERTIME	-	-	500.00	-	500.00	-
4451.51120 PERS	22,228.53	27,441.79	29,260.00	19,490.34	30,000.00	740.00
4451.51140 MEDICARE	2,527.75	2,915.95	3,500.00	2,387.38	3,500.00	-
4451.52110 PRINTING & REPROD (Stop Work order forms, Letterhead, Inspection Sheets, Business Cards)	1,016.00	-	2,000.00	-	2,000.00	-
4451.52130 PROFESSIONAL DUES (B.O.C.O.N.E.O-370, ICC-800, OBOA-175, OAPI-250, I.A.R.I-560, ASSE-355, CABO-400)	525.78	536.92	3,060.00	305.00	3,060.00	-
4451.52150 MISC. CONTRACTUAL (Safe Built, Active Networking, Plan Examination-L. Neil Hollman, Toshiba)	32,343.70	24,077.16	40,590.00	22,792.06	40,000.00	(590.00)
4451.52160 CONFERENCE & BD (OBOA-800, ICC Cert-500, ICC codes Manuals-750)	2,314.19	-	3,500.00	-	3,500.00	-
4451.52180 CELL PHONE(Don, 3 Employees)	1,223.10	1,395.44	2,840.00	2,812.23	2,800.00	(40.00)
4451.53130 TRAVEL & TRANSPORTATION-TRAINING(BOCA/ICC,F.A.B.I,OAPI,B.O.C.O.N.E.O.STAFF TRAINING)	476.82	25.64	750.00	576.67	750.00	-
4451.53140 REPAIRS & MAINT (Electrical upgrade for Building Department)	435.46	456.39	500.00	-	500.00	-
4451.53150 OFFICE SUPPLIES	2,729.77	1,483.51	3,500.00	2,816.56	3,000.00	(500.00)
4451.53180 GASOLINE	316.12	233.84	400.00	257.85	400.00	-
4451.54110 OTHER EXPENSES(Copier Toners)	414.36	69.97	300.00	183.25	300.00	-
4451.55110 EQUIPMENT(Computer Server, High Capacity Shredder-Book Cases-Chairs-Conference Table)	379.98	235.98	5,000.00	-	5,000.00	-
						-
TOTAL BUILDING	241,676.08	260,974.04	304,700.00	216,723.46	303,310.00	(1,390.00)
*****Development Projects in 2022****						
PREMIER PROJECT						
INTERSTATE MACBEE						
VILLAGE MARKET						
WASTE MANAGEMENT						
FEDERAL METAL						
VA PROJECT						

From: Smalley, Kevin T <ksmalley@firstenergycorp.com>
Sent: Monday, November 15, 2021 10:27 AM
To: Ed Hren <hren@cvelimited.com>
Cc: Daniel F. Marinucci (ncxohio@yahoo.com) <ncxohio@yahoo.com>; Eloise Hardin <ehardin@oakwoodvillageoh.com>; dmarinucci@oakwoodvillageoh.com; Dionna Hammett <dhammett@oakwoodvillageoh.com>
Subject: RE: Pole Installation at Forbes Road and I-271 intersection

Good Morning Ed,

That s correct, the pole is being installed to support the Ohio Grid Mod Project. This pole will help connect smart technology on our distribution grid to allow for faster restoration/isolation of a fault. I did coordinate with Tom Haba to ensure this would not interfere with any future city projects so we could account for it now instead of having to move it in a couple of year due to a planned project. If you have any more questions please feel free to contact me.



Kevin Smalley, PE
Regional External Affairs
office: 440-546-8853 | cell: 330-604-3754
ksmalley@firstenergycorp.com
6896 Miller Road, Brecksville, OH 44141 | mailstop: NRHQ-210 / BR-Northern Region Headquarter
888-544-4877 (Report an Outage)
800-633-4766 (Customer Service)
[Outage Reporting](#)

From: Ed Hren <hren@cvelimited.com>
Sent: Thursday, November 11, 2021 3:32 PM
To: Smalley, Kevin T <ksmalley@firstenergycorp.com>
Cc: Daniel F. Marinucci (ncxohio@yahoo.com) <ncxohio@yahoo.com>; Eloise Hardin <ehardin@oakwoodvillageoh.com>; dmarinucci@oakwoodvillageoh.com; Dionna Hammett <dhammett@oakwoodvillageoh.com>
Subject: [EXTERNAL] Pole Installation at Forbes Road and I-271 intersection

Good afternoon Kevin,

Oakwood Village has received several inquiries about a pole that is being installed at the SE corner of the intersection of I-271 and Forbes Road. The street address is 22999 Forbes Road (in front of my office).

I saw that this pole was being installed by a First Energy crew and based on the antennae array I'm assuming that its part of the smart grid project, similar to the 2 poles being installed in Maple Heights.

I've copied the Building Department, Ward Councilwoman Eloise Hardin, and Mayor's office on this email. Can you please reply all with any information that you can provide on this pole and the project in general so that they may share with their constituents.

Thanks,

Ed

Edward J. Hren, PE
Partner

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Kevin Smalley, PE

Regional External Affairs

office: 440-546-8853 | cell: 330-604-3754

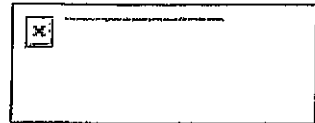
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Thanks,

Ed

Edward J. Hren, PE
Partner

VILLAGE OF OAKWOOD
COUNCIL MEETING MINUTES
January 25, 2022

ATTENDED

Johnnie A Warren – Council President (late)
Elaine Gaither-Council-at-Large
Elosie Hardin-Ward 2
Paggie Matlock-Ward 3 (late)
Mary Davis-Ward 4
Candace Williams-Ward 5

Brian Thompson-Finance
Daniel Marinucci-CBO
Jim Climer-Law Director
Tom Haba-Service
Jim Schade-Fire
Mark Garratt-Police

ABSENT

Chris Callender-Ward 1

Gary Gottschalk-Mayor
Ed Hren-Engineer
Carlean Perez-Recreation

Meeting opened at 7:02 by Warren

Pledge of Allegiance and attendance taken.

Motion to approve the minutes from the January 11, 2022 meeting by Gaither; Seconded by Davis

VOTE YES: Warren, Gaither, Hardin, Matlock, Davis, Williams

Correspondence: Morgan: Happy New Year and welcome to Ms. Matlock and Ms. Davis. I look forward to working with you. We have been working a lot on the sides and I look forward to working with you even more. I wanted to ask since Ms. Matlock, Ms. Davis and myself need our individual pictures taken plus a new group picture, so when would be a good time to have that done? **Warren:** Whenever everybody is ready. Do we want to make it for the next meeting coming up? **Garratt:** When Ms. Davis and Ms. Matlock get their individual shots done, I will get your IDs made. It takes about 12 weeks for your badges to come in for Council. **Morgan:** I will try to get that scheduled next meeting. I have D.C. taken care of. The Northeast Ohio City Council Association has their annual meeting on February 17th. I do have a list of those who want to attend. I have Ms. Hardin and Ms. Williams left to ask. That will be in Independence. **Hardin:** I will go. **Morgan:** Ms. Williams? **Williams:** I will let you know. **Morgan:** Okay. Since I was not here at the last meeting, Ms. Hardin had asked the question about the pole that was located on Forbes Road across from Ed Hren's place. From the email response from Kevin Smalley that was sent to Ed Hren. He is with First Energy. The pole is installed for an Ohio Grid Mod Project. It will help to connect smart technology on our distribution grid to allow for faster restoration and isolation of a fault. He also informed that he did coordinate with Mr. Haba to insure there were not future projects so they don't have to move the pole around. **Gaither:** Is it going to be 5G? **Morgan:** He didn't say but I would assume so. **Haba:** I would think so. I talked to him about it but he said just group service in the long run. You will see them all around the area. **Hardin:** Mr. Haba, does that come under a safe element? Are there any regulations where they can put those things? **Climer:** The telecommunications act gives them a lot of authority to locate things. I don't know about this specific pole but if it falls under the telecommunications act, you don't have a lot of control. **Warren:** We dealt with this years ago when it came with the towers that they were starting to put up. We started working out a deal to where GTE would put their satellite on Meritech tower so to reduce the number of towers. **Hardin:** I'd like to go on notice that our community would like to be notified prior to any of these poles just being put up somewhere. It was there and I just happen to see it. I would think we would receive some type of notification. **Climer:** I am not sure what that would be. **Hardin:** Could you check that out and see if we should be notified? I think we should be. **Haba:** I believe there was an existing pole there. This one is a little bit bigger. It's a mile high utility pole. I think this was a replacement. **Hardin:** The pole is definitely bigger but there's a lot of transformers on it. **Morgan:** And if you will notice, each of you have a copy of the employee handbook. If you will notice on the inside cover there is a sheet acknowledging that you got a copy of the handbook. If you can scribble your names on there and pass it over to Brian so he has that. There is also on the second page of the index, highlighted copies of other forms you guys will need to sign and get those back whenever. That's all I have. **Williams:** Should our forms be modified in anyway? **Hardin:** I just put elected official.

Departmental report

Service Dept-Haba: Somebody was bragging about how mild the winter has been going last meeting. I digress. Our standings with salt have gone down but we are still fine with that. We have used a lot the last couple of weeks. We get people calling that we missed their driveways and sometime we do. WE can get it and a couple hours later there's another inch and half that has fallen. But here is one we had last Wednesday and Thursday, a couple of days after the main storm. Our guy was doing the bike path and a gentleman on Richmond Road called. He said his mailbox was hit by our guy cleaning the bike path. So, I went to take a look at it. But before I left, the other guy went to look on google earth to see where the house was. Well, as soon as it showed the house, it showed the mailbox. The mailbox had a big crack in it. I went there and the mailbox had the same crack in it and no tire tracks. So, I called the gentleman back and said, 'Are you sure that crack wasn't in the mailbox?' Gentleman said he was positive. In the google earth, the picture is from 2019, the crack was there. He wanted to know why I was asking. I said, 'Well, I went to look at it and didn't see any tire tracks around from the machine. I know what type of machine the guy was using and there were no bucket tracks moving the snow within 4-foot area of your mailbox. Are you sure the crack was not there?' 'Yes, I am sure the crack was not there. I may have to go over your head.' I told him that was fine, he could call whoever he wants but I didn't recommend it. I never told him I have seen the picture. About the 3rd or 4th time I asked him. I held the phone up to him. He said, 'How many times are you going to ask me. I'm positive the crack was not there.' I told him I was probably not going to fix it. He said he was going to call the Mayor. 'You are welcome to call the Mayor but I wouldn't recommend it.' He hung up. That's what you get sometimes. I never told him we have a picture from 2019 with the exact same crack in it. That's all I have. **Gaither:** We have such great directors of our departments. But during this period of time with the snow and all, I really have to commend Tommy for what he's done for these driveways. I have had people call me and say 'Tommy is on the spot.' Something happens for EMS; Chief is on the spot. Something happens with somebody's gun; you can expect him on the spot. With houses.... Our guys are always on the spot. We appreciate you. We just want you to know that. As with me personally and this whole concept, we really appreciate you guys. **Warren:** That's true. Other communities will talk about how our response times are great. Our police enforcement is phenomenal; our service is phenomenal. Fire and EMS had to save me a few times. But to chime in on what the other council members are saying, that is we are all part of one team. Administration, we just work together.

Building Dept-Marinucci: Just a comment on that pole. I did the inspection on it and it's the biggest pole I have ever seen. They overdesigned it by 100%. It's never going to fall over. I have been sending emails on the questions you've had about storage, I got a response from the law director, so that has been taken care of. I spoke with Robinette personally. She had a heart attack and she just got out of the hospital. But she says she is going to have her son deal with that. I have her 21 days. The hardest thing in the world is for a hoarder to give up just a little bit of junk. It's a disease. I have dealt with it in my lifetime and I know how hard it's going to be. I am hoping to get that one portion of that of the project. I gave them 21 days and I am sure I will be giving them more time. I am here for questions. **Davis:** The person on 7577 Hickory-the farmer who had the property he sold with the driveway. **Marinucci:** I sent you a comment. I sent you two things. One, for that and one the materials stored in the trailer. A comment on the driveway, that was part of a point of sale but when they bought the house, there were a lot of issues. I squeezed them really hard to get the roof on first. Then COVID and they needed more time. So, I have them 30 days but you don't want a driveway going in and out. But I wanted her to respond, and she said she was going to do it. We will give her till spring to do the work. You don't want to do it now. **Davis:** It was supposed to be a point-of-sale exception and the seller made all the money. The house was a mess. But why was he allowed to sell it before he put a driveway in? **Marinucci:** He wasn't going to do it and our ordinances allow the person to buy it to assume it. So, she assumed it so she agreed to do it. **Hardin:** About the open air market? **Marinucci:** I don't have an update on it. I know Jim and I and the engineers have been working on that trying to get it to move along. I believe he is going to try and do the project when he gets that little chunk of land. And it's tied up in court so that's the only information I have. I am sick about it. **Hardin:** But we are watching it and at some point and time we will deal with a timeframe to either complete it or what would be the alternative, Mr. Law Director? Put it back the way it was? We can't do that because the trees are down. What would happen? **Climer:** It's not unusual when a matter is tied up in court and the bank can take a rule on it. My advice is that is a shorter path than coming down on this thing. We can always take interim measures such as repairing the property, fixing the sidewalk, the path, which I think is done. I know Ed Hren has been all over that. **Marinucci:** We have been on it. I don't know the status of that but we were on him. **Climer:** In the long run, I am guessing it's better to wait out the bank proceedings with respect to the property trying to buy as is instead of going back to square one. **Hardin:** But in the meantime, you did make a point to at

least make it presentable. **Climer:** Yes. **Marinucci:** And I won't allow the sale of that property without the foundation being removed from the site. He's not going to walk away from it.

Fire-Chief Schade: We started a new program because we haven't had this much snow in a number of years. It's not out job but it's a lot safer for the patient, for the equipment, for the firemen, we have that pickup truck and it has a plow on it. We've been using that as a chase vehicle when the weather gets bad. We have been going in and clearing the driveway out. It's not our job but most of the time if the people go to the hospital, they can't get back in their house. So, they are calling again to get them back in the house. Sometimes you just have to bite the bullet and it's just easier to send the chase vehicle with two guys in it, watch there is no damage or anything. Where Tommy comes in, he's always been very good. Someone is always complaining, 'Ah you hit my grass.' So hopefully in the spring if we do get any, we do have the skids on. But this is just in the super deep snows for safety for everybody. And people seem to enjoy that. I checked with the other communities and their service departments aren't as versatile as ours. They were all good with it. So, it's a good reflection on the community. Then we used to sell the carbon monoxide testers and the little bit we get isn't enough to keep monkeying around with it. Again, we get these things in the middle of the night. They don't know whether it's the smoke detector or the carbon monoxide detector. We just been carrying extras in the vehicles. If it's defective we just go ahead and replace them. We don't replace the whole system. We replace the bare minimum so they are safe. When they can get out, they can replace the rest. A lot of houses today have 5 or 6 smoke detectors. We won't replace all of them but we will get them what they need to keep them safe. So hopefully Council is okay with that. Sometimes it's better to spend a little bit and save a bunch so you don't damage something. Our equipment is way to expensive to damage. The departments all work together when we are over there. There's usually police officer so if we have to push you to the side and the police are watching the streets. Other than that, everything is running normal. Questions? **Davis:** You said you still have CO2 or you don't anymore? **Schade:** No, we still have them for the program. For the last 6 months to a year, I haven't been charging for that. I know the residents. They have been here my whole lifetime, so why should I charge them? We just give to them to give them that piece of mind. It's not that expensive. It's just with help of council, we are able to work it in the budget. But it's going back to the residents for their safety. Hopefully that's okay. **Davis:** When you do an ambulance run on a resident, do you submit to insurance? **Schade:** That's where the 217 accounts come in. That is what buys our equipment and that is exclusively is funded by the ambulance billing that we recoup. If they don't have insurance, we don't go after the people. Most communities now want whatever insurance will cover plus the rest they want from the individual. With the contracts and stuff, you can't charge a non-resident and not charge a resident. It's unconstitutional. We just collect back what the insurance companies get us. **Williams:** Do you have a separate handbook for the fire department? **Schade:** Basically we have a book made up for the fire department, yes. **Williams:** Can you share it with the Clerk so she can share it with us please? **Schade:** I can get a copy to the Clerk so she can share it. Basically, with the fire department and the police department, we're licensed through the federal government, we really don't have a handbook. Each community tweaks it a little bit of what they expect. Basically, those of you that have been here, you know we have never said no for nothing. So, in a way, I resent a handbook because I'm called for anything under the sun that has nothing to do with my job. The handbook is not good for police and fire because you call us for anything and you always want special attention for your residents. If you have a handbook, I can't do that. I can tell you no because it's not in the handbook. So, we don't go there. We do everything. We have never said no. **Williams:** I know the police are under the FOP contract and that's where they handle their handbook and their HR stuff. Are you saying you don't have a handbook or you do have a handbook? **Schade:** We have a book that has rules for the station and what the job is. But to write down a handbook, I'll tell you right now, I refuse. Because if you write a handbook, they aren't going to do something. We are no union. We are all part time. They are all fulltime elsewhere. If you want a handbook, you got to get a different Chief. And you will lose most of your firemen. **Williams:** Now, I'm confused. You do or you do not have handbook? **Schade:** We have a personal handbook for the personal fire department. It has nothing to do with the city. It's a handbook on what a fireman does. It mimics after all the full-time departments. There are not any part time departments left around here. But we do exactly the same thing. So, I will not write a handbook. We have a manual. It's not a handbook. **Williams:** I am confused. Can you just forward to the Clerk what you use as a handbook please? **Schade:** I'll talk to the law director because I don't want to. If you want service, call us and it will be taken care of. If you don't want service, don't call us. But we have done everything under the sun and basically you are picking us out. 'I want to know what you're doing.' Well, I want to know what you guys are doing? Do you guys have a handbook? Is there a limit on how many meetings you can show up or not show up? We have to be there 7 days a week. I want to see public rule. We have had a pretty bad amount of sick in the council. That's unheard of. We couldn't do that. The state, the federal, the county. Everybody would be on us and you wouldn't have a fire department. **Williams:** That is not what the employee handbook is for. You do or you do not. Whatever you use....

Schade: An employee handbook does not make you work. That is a part time department young lady. It's not full time. They don't get benefits. They work 50 hours a week before they come here. They are handling it. If you have complaints, if you don't have complaints, leave us alone. **Warren:** We will forward to the law director.

Police-Chief Garratt: I have been working with Ed Hren on some updates to the Forbes Road pump station that's going to occur in the next 3-4 weeks depending on weather. It's your ward, so I want to make you aware. He did send an email to the Clerk tonight and I saw it did come late. There is going to be a road closure on Forbes Road westbound between Richmond and just before Glenshire. What that is going to do is keep the traffic that is coming southbound on Richmond Road. If you have a problem with directing traffic and it's backed up the hill, we get a lot of bad accidents there when that kind of stuff happens. It's only going to be closed for 3 days. But what he is going to do is to leave eastbound traffic open. He's going to have the company post the signs with a detour route and anybody that lives in Cape Cod can come out on Glenshire and make a left on Forbes. You just have to go down Laurelton to Glenshire. **(See map)** **Hardin:** When are planning to close the roads? **Garratt:** It's depending on weather. They were going to start soon, but now with this new snow they are going to wait. I asked for an estimate. He said we are looking at the first couple of weeks in February. **Warren:** What they are trying to do is get 3 consecutive days of good weather so it won't be intermittent. **Garratt:** So just to give you a heads up of what is going to happen. Ed can explain it further if we need to. But we will have an officer on the scene the whole time they are working. The lanes will be closed for 3 days because they are going to run 500 feet at a time and they have to put it together in the lane to put it into the hole. If you have a questions or concerns, you can contact Ed. We will be down there handling any traffic control issues. They are going to post the sign a week in advance showing the detour route. The second part is Mr. Marinucci sent a letter about that car on the jacks on Glenshire. He put a 10-day letter out. It's been 10 days now and we are going to cite him through the police department. They didn't call to extend time or anything. There is another heinous crime that happened in our community. I almost hate to have to report it to you guys because it affects us very personally in the police department. Dunkin Donuts was broken into after hours. We apprehend the suspect. He was hitting other Dunkins as well. **Williams:** The non-auxiliary police are not included in the FOP contract, correct? **Garratt:** Correct. They are civilian employees. **Williams:** You don't have anymore, correct? **Garratt:** We have 1. **Williams:** What employee handbook do they operate under? **Garratt:** The one you guys approved. **Morgan:** Can I interrupt for one second? **Warren:** Yes. **Morgan:** Mr. Haba just informed me that he did pass this information out to all the residents on Forbes. **Davis:** You gave us newbies a beautiful folder with different scams that go on. Can we get that for every resident or does it cost too much money? It has so much great information in there. **Garratt:** The best thing is if you have a newsletter going out, to put our web address on there. All that information is on our webpage.

Finance Dept-Thompson: Just a couple of notes. We are working diligently doing some year end stuff; preparing to run w-2s for employees, 1099s for vendors. We did have a staff member go down with COVID but they are back and healthy. Just trying to wrap up everything.

Law Director-Climer: We have some legislation coming down the pike. The codifier has suggested some revisions to our criminal traffic code. Mr. Cirincioni they feel they are correct. This happens periodically. The codifier goes through the State code and our code will need to be updated. Other than that, if there are any questions. **Davis:** The codes that I got as a newbie the charter codes. They have listed in section 10 something, that after planning, architectural or zoning boards meet, that the minutes is supposed to be sent to council and they have to vote on it within 2 weeks of when they receive it. If they do and we just found out they don't do it anymore. Is there a reason we don't do it anymore? Because it says we as a council can also overturn whatever they voted for. **Climer:** I will have to check on that. I am not sure of when that practice changed or why. That may be before my time. I'll take a look at it. **Warren:** And we want it resumed. *(*Clerk Sidenote—The Council Clerk had a conversation with the Board Secretary, Debbie Stoffl the day following the meeting when it was determined that not only was the Council Clerk receiving the agendas and minutes to place on the website, but each council member was included as well for a significant amount of time. This information was forwarded to each council member via email and a phone call to Mrs. Hardin to notify of the findings and that this is the format that the Board Secretary will continue. *)*

Schade: Can I follow up on something? I kind of don't like handbooks for multiple reasons. But in handbooks you have to have rules and codes from all levels of government. But it's like we have always done overboard to welcome new residents. Over on the Jean Drive area, we look the other way when it comes to fireworks for a few years. That's against the law. But instead of saying anything, we will staff out. Police watch the traffic, we make sure nothing catches on fire and control things. New houses built over on North Lane to remove the stuff for the prospect of new residents moving in

and they building new houses over there. We have done that for a lot of residents. And if that is in the handbook, I am breaking the laws 100% because I can't do that. Council calls, 'Hey can you help my resident?' Yes and we will take them anywhere. We'll do it anytime if we have members and have vehicles. But we can't do that if we have a handbook cause that's against the rules because you can't get people special preference. That's what our job is. I am sure Tommy and the Police Chief do the same thing. We give Oakwood special treatment. So you've got to watch how much you tighten down the crews and how you're controlling your employees. Because it's easy to say, 'Out of my hands. Talk to Council.' And Council can't overrule what the rules are. It's against the law. You have been here a long time. We have burned a lot of things down that I had to walk to walk around (hiding eyes) and try to hide smoke and stuff because it's against the law. It is how your word it. So, we try to do the best we can for everybody. To make everybody happy and to make them want to live here. To make it a good place. So, I apologize. You've known me a long time and you know I'm ornery. But the more rules you have, the more your hands are tied.

Warren: I will open up the floor for public comment. This is the time where resident have any questions or anything they would like to say, go up to the podium and sign your name and address. **Resident 1: Debra Hladky-25983 Garden Road.** I would like to address the Fire Chief. I want to thank your guys for coming to the house and taking care of my husband. He was very ill. His platelet counts were way down. The doctor was concerned they were so far down. The doctor had to go to the lab to look for himself because he said, 'This isn't right.' But thank you. He is doing well. He's doing great. So, thanks for having the guys there. **Schade:** All you have to do is call. There is no questions.

Resident 2: Ben Sizemore 25091 Garden Road. I would like to ask you all a question? Did you ever get a chance to find out about Agmet Metals or I Schumann? Have you checked on them lately or done anything? The odor they got and the stuff they are releasing in the air. **Warren:** Somebody mentioned that. There was something they were mixing that is causing the odor. **Resident 2:** They burn nickel down in there to get it out and they burn other metals in there that are very toxic. You can see it on people's house over there on Garden. It's really bad. **Warren:** Mr. Marinucci who can we have to be able to make that evaluation. **Marinucci:** I believe we would call the EPA. **Schade:** If Ed Hren was here, he has been round and round with different clean air standards in companies in Cleveland. The EPA is constantly monitoring it. Years ago, I gave Council a choice because they wanted to do something. It's up to you guys to get rid of it now before it updates. I don't want to be the bad guy, but this year was 90% better than it was all along. But we are constantly on them. Air gas right next door. They have a machine that fills from the atmosphere, bottles for home oxygen. It can't be totally polluted what they are doing because it screws up their machine. So, it's a lot better. Nothing is going to be 100%. I'm not going to lie to you. But it is constantly monitored. You can check with Ed Hren and he can tell you who he has to monitor it. Years ago, he even put a thing out there to monitor the air like he does for the freeway for the sounds and the light limits. There are all kinds of limits. **Resident 2:** Well, I talked to the federal government about it and they are supposed to be doing some checking on these people. **Schade:** They have been involved in it. Somebody is bs'ing you because they have been involved in it all along. But you get so many different people and nobody knows that this hand is doing. ***multiple voices*** I live across the street from it. But compared to what it was a couple years ago, it's been a dream. We are all over Waste Management. We had 30 fires there last year. That's ridiculous. The one on Glen Willow we have one or two. They say it's the lithium batteries. They are supposed to upgrade over there because we have businesses going on over there. Originally, they used to have garage doors on that. I think they took them off and recycled them because there's no garage doors. **Warren:** They are supposed to have them closed at a certain time of the day. **Schade:** And if you don't constantly stay on people's backs, we are monitoring it all the time. We are all living over there too. None of us want to smell it. I get the same complaints you do, but we are monitoring it. **Resident 2:** I wanted to ask you about that property on Forbes Road that they tore up. What are they building down there where they got that big empty lot? **Schade:** That's Bedford's property where Matrix was. **Haba:** There is no plans at this time for anything to go there. **Marinucci:** Actually, the parking lot is Oakwood Village. The main building that they took down was Bedford. The company that was there, they couldn't sell the building, so just made it a parking lot. That is a \$7 million restoration. **Schade:** There was so much contamination. That's why it's all regraded cause they had to change the soil. **Marinucci:** The EPA has been involved in that. They did on that what we had to do in the junkyard where Dunkin Donuts is. We went down, we had all the soil samples and that is what they are doing there. All the contaminants have been removed. There is no plan there. **Davis:** As a resident and you have a lot of smells going on, do we call the first department, the Mayor, the police department? **Schade:** The easiest is to call dispatch. They will record it. We will respond, the police will respond.

Warren: I will close the floor to public comment, and we will move on with today's agenda.

Legislation

Ord 2021-75

Introduced by Mayor &
Council as a whole
Tabled

AN EMERGENCY ORDINANCE AUTHORIZING THE REAPPOINTMENT OF ROSS CIRINCIONE TO EMPLOYMENT WITH THE VILLAGE OF OAKWOOD

Climer: This has been amended. Or there is an amended version on your dockets tonight. To factor in what we finally confirmed what is necessary from PERS in order to reemploy Ross. They have a very detailed set of rules as to what to do but it is not clear that it applies to his situation. Even after we got a verified page, it was still unclear. So, we are taking the standard route which requires a 60-day notice of hearing and then a hearing held not more than 15 days before he actually retires and rehired. So, we put that into the ordinance, and I request that Council give it the consideration and pass it. **Hardin:** His job is at the pleasure of the Mayor and is an appointed job. **Climer:** Correct. **Hardin:** Does that have any bearing on PERS. So what if the Mayor said, 'Okay, we don't need you anymore'? It's just a question. **Climer:** He would just simply quit completely. And actually my understanding is once you retire and are rehired, it changes to a standard PERS contribution to a contribution to an annuity. The rules are very complicated. **Davis:** We don't have the amended ones. **Morgan:** It should have been in your packets. **Davis:** Will he be gone from the boards then for retirement for so long? His 15 days? **Climer:** Ross does invaluable work. No, he continues as he is now. He would retire after the hearing. **Davis:** We don't know how many days he has to be retired in order to be rehired? **Climer:** He does not. He can retire one day and be rehired the next. So, there will be no break in service.

Motion to remove 2021-75 from the table by Hardin; Seconded by Gaither

VOTE YES: Warren, Gaither, Hardin, Matlock, Davis, Williams

Motion to suspend by Hardin; Seconded by Gaither

VOTES YES: Warren, Gaither, Hardin, Matlock, Davis, Williams

Motion to adopt by Hardin; Seconded by Gaither

VOTE YES: Warren, Gaither, Hardin, Matlock, Davis, Williams

ALL MOTIONS PASSED

Climer: We will get the notice out on that. I have been working with Christine. It is nothing more than an open session.

Ord 2022-2

Introduced by Mayor &
Council as a whole
1st Reading

A RESOLUTION OF APPRECIATION FOR PATRICIA ROGERS

MOTION TO SUSPEND by Gaither; Seconded by Hardin

VOTE YES: Warren, Gaither, Hardin, Matlock, Davis, Williams

MOTION TO ADOPT by Hardin; Seconded by Gaither

VOTE YES: Warren, Gaither, Hardin, Matlock, Davis, Williams

MOTION PASSED

Hardin: If I may go on record, speaking of committees, it was human resource committee and Council working as a whole and the law department. It was a valiant effort on everyone's part that we have the new employee handbook from the law department. Again, I said it earlier, officially and wanted to say it on record. **Williams:** Since it has not been done since I got here in 2016, what is the process for appointing the committees or establishing.... **Warren:** The Council President appoints members. I just let the people who were on the committees the previous year to continue to be on them from one year to the next. **Davis:** With me being new.... **Warren:** We have so many new people now that I will appoint new. I just took it upon myself from 2016 to 2021 to let everyone remain on the committees they were already assigned. **Davis:** Do they meet once a month or how does that work? **Warren:** It's up to the committee chair to schedule the meetings. **Davis:** According to the rules, it take 3 councilpersons on each committee.... **Warren:** And we have that. **Davis:** And they listed 7 of them or 8 of them. **Warren:** We have 7 of them but you if look a few. You will see a committee; it is almost like a committee of the whole when it comes to finance or community development. There are the core members of the committee but we do have committees of the whole. So if you yourself wants to have a specific interest of a committee, then we can make sure we do that. **Hardin:** Since the newbie brought this up, maybe this is a good time to ask a question. To the fire chief. When I remember when we used to be a volunteer fire department,

my question is this. It has been years, did we not have to have a once a year or once every two years a meeting that was procedural for the State to approve some type of fire rule. Do you remember what I am talking about? **Schade:** I don't know about the State but there is a safety committee a lot of you were on. But in the last 20 years, we really haven't had any meetings. Or if you had, you may have had them on your own. **Hardin:** There was something that was required by the State that we had to go on record. **Schade:** It could be but we haven't really been following the State all the time. We just have been working it work.

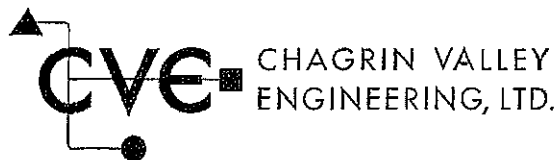
MOTION TO ADJOURN by Davis; Seconded by Gaither
VOTE YES: Warren, Gaither, Hardin, Matlock, Davis, Williams
MEETING ADJOURNED: 8:07pm

Adopted _____

Christine Morgan, Clerk of Council

Johnnie Warren, Council President

MEMO



To: **Mayor Gary Gottschalk**
Oakwood Village Council
Service Director Tom Haba
Police Chief Mark Garratt
Fire Chief Jim Schade

From: **Edward J. Hren, P.E.**
Engineer, Village of Oakwood

Date: **January 25, 2022**

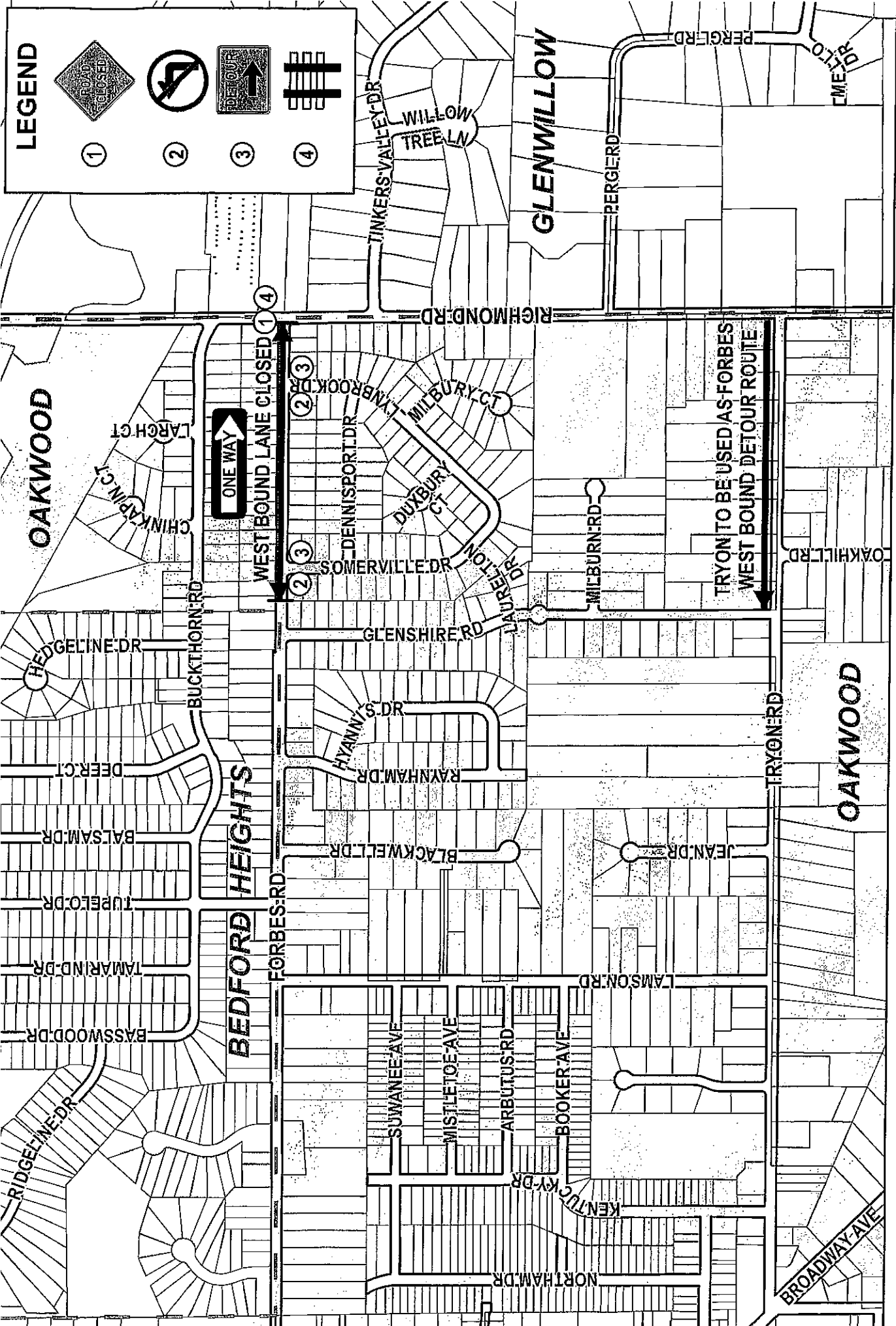
Regarding: **Forbes Road Pump Station and Force Main Project Update**

Please accept this update on the status of the Forbes Road Pump Station and Force Main Project. Nerone & Sons, Inc. had originally scheduled construction work on the pump station and force main along Forbes Road from Richmond Road to Sommerville Drive to start on or about January 17th – weather permitting. The weather has unfortunately not been cooperating.

Nerone & Sons, Inc. is currently reworking their scheduling and anticipate starting construction in early February. In order to help expedite the work, Forbes Road traffic will be maintained in the eastbound direction only, between Richmond Road and Sommerville Drive, for a period of three (3) days. This will allow the contractor to close and occupy the Forbes Road westbound lane (north side) as a work zone to complete the force main installation. I have discussed this matter in detail with Chief Garratt and Tryon Road will be used as the signed detour route during this period.

The proposed 8" force main sewer pipe will be directionally bored on the north side of Forbes Road within the easement area located in the front yards of Forbes Road. Directional boring eliminates the need for the majority of open cut excavations as well as any need to restrict overnight driveway access during construction. Per previous discussions, the contractor will be performing small exploratory excavations in front of each house to determine the location of any existing utility service connections. This exploratory work will only occur on the northside of Forbes Road.

I have attached a drawing which shows the Forbes Road eastbound only restricted area as well as the proposed detour on Tryon Road. The exact schedule has yet to be determined. Message boards notifying the travelling public of the proposed Forbes Road westbound closure will be placed on Richmond Road both north and south of Forbes Road at least 7 days prior to the detour. Affected Cape Cod residents will be notified via letter and a public notice will be placed on the Village web page.



RICHMOND FORBES PUMP STATION UPGRADE FORBES ROAD DETOUR



ORDINANCE NO. 2022-3

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF OAKWOOD, OHIO, 1996, TO PROVIDE AMENDMENTS TO THE CODIFIED ORDINANCES OF OAKWOOD GENERAL OFFENSES CODE, PART FIVE, SECTIONS 501.01, 501.99, 505.071, 509.07, 513.01, 513.03, 513.04, 513.05, 513.06, 513.07, 513.08, 513.12, 525.13, 533.09, 541.04, 541.05, 541.051, 545.03, 545.18, 549.02, 549.04, 549.06, 553.04, 553.05; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION OF THE AMENDMENTS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSE

WHEREAS the duly elected legislative authority of the Village of Oakwood, Ohio is authorized by Ohio R.C. 715.03 to adopt ordinances to exercise the powers granted in Ohio R.C. 715.01 to 715.67 regarding village property, affairs and government; and

WHEREAS the duly elected legislative authority of the Village of Oakwood, Ohio desires to amend the Codified Ordinances of Oakwood, General Offenses Code, Part Five to conform to the similar provisions in Ohio R.C. Title XXIX.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OAKWOOD, STATE OF OHIO:

SECTION 1. That the Codified Ordinances of Oakwood, Ohio, 1996, is hereby amended by the provisions as provided under Section 6 of this ordinance.

SECTION 2. The addition, amendment, or removal of the sections of the Codified Ordinances of Oakwood when passed in such form as to indicate the intention of the legislative authority of Oakwood Village, Ohio to make the same a part of the Codified Ordinances of Oakwood shall be deemed to be incorporated in the Code so that reference to the Codified Ordinances of Oakwood includes the additions, amendments and removals.

SECTION 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Codified Ordinances of Oakwood) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Codified Ordinances of Oakwood.

SECTION 4. Supplementation of Code.

(a) In preparing a supplement to the Codified Ordinances of Oakwood, all portions of this ordinance which have been repealed shall be excluded from the Codified Ordinances of Oakwood by the omission thereof from the reproduced pages.

(b) When preparing a supplement to the Codified Ordinances of Oakwood, the

codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Codified Ordinances of Oakwood in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Codified Ordinances of Oakwood and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Codified Ordinances of Oakwood which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Codified Ordinances of Oakwood; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Codified Ordinances of Oakwood.

(c) In preparing a supplement to the Codified Ordinances of Oakwood, the pages of a supplement shall be so numbered that they will fit properly into the Codified Ordinances of Oakwood and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Codified Ordinances of Oakwood will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION 5. Provisions of Section 6 that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

SECTION 6. The following sections of the Codified Ordinances of Oakwood are new or have been amended with new matter in the Codified Ordinances of Oakwood, and are hereby approved, adopted and enacted:

501.01 Definitions.

As used in the Codified Ordinances:

- (a) *Force* means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.
- (b) *Deadly force* means any force that carries a substantial risk that it will proximately result in the death of any person.
- (c) *Physical harm to persons* means any injury, illness or other physiological impairment, regardless of its gravity or duration.
- (d) *Physical harm to property* means 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.
- (e) *Serious physical harm to persons* means any of the following:
 - (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
 - (2) Any physical harm that carries a substantial risk of death;
 - (3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
 - (4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;
 - (5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.
- (f) *Serious physical harm to property* means any physical harm to property that does either of the following:
 - (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort or money to repair or replace;
 - (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use and enjoyment for an extended period of time.
- (g) *Risk* means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.
- (h) *Substantial risk* means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- (i) *Offense of violence* means any of the following:
 - (1) A violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, 2923.161,

2903.04(A)(1), 2911.12(A)(1) to (3) or 2919.22(B)(1) to (4), or felonious sexual penetration in violation of former Ohio R.C. 2907.12;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section listed in subsection (i)(1) hereof;

(3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed, purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (i)(1), (2) or (3) hereof.

(j) (1) *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.

(2) As used in this section, "trade secret" has the same meaning as in Ohio R.C. 1333.61, and "telecommunications service" and "information service" have the same meanings as in Ohio R.C. 2913.01.

(3) As used in this section, "cable television service", "computer", "computer software", "computer system", "computer network", "data", and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.

(k) *Law enforcement officer* means any of the following:

(1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or state highway patrol trooper;

(2) An officer, agent or employee of the state or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, Charter or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(3) A mayor or manager in the mayor's or manager's capacity as chief conservator of the peace within the mayor's or manager's municipal corporation;

- (4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;
 - (5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
 - (6) A person appointed by a mayor pursuant to Ohio R.C. 737.01 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
 - (7) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
 - (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor;
 - (9) A veterans' home police officer appointed under Ohio R.C. 5907.02;
 - (10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y);
 - (11) A special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28;
 - (12) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division of Ohio R.C. 101.311(E)(1) and an assistant house of representatives sergeant at arms;
 - (13) The Senate Sergeant of Arms and or Assistant Sergeant at Arms;
 - (14) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in Section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States Department of Transportation as provided in Parts 1542 and 1544 of Title 49 of the Code of Federal Regulations, as amended.
- (l) *Privilege* means an immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.
- (m) *Contraband* means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:
- (1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device, or paraphernalia;
 - (2) Any unlawful gambling device, or paraphernalia;
 - (3) Any dangerous ordnance or obscene material.

(n) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in Ohio R.C. 2901.05, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(o) (1) A. Subject to subsection (o)(2) hereof, as used in any section contained in Part Five - General Offenses Code that sets forth a criminal offense, "person" includes all of the following:

1. An individual, corporation, business trust, estate, trust, partnership, and association;
2. An unborn human who is viable.

B. As used in any section contained in Part Five - General Offenses Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, trust, partnership and association.

C. As used in subsection (o)(1) A. hereof:

1. *Unborn human* means an individual organism of the species *Homo sapiens* from fertilization until live birth.
2. *Viable* means the stage of development of a human fetus at which there is a **realistic possibility of maintaining and nourishing of a life outside the womb** with or without temporary artificial life-sustaining support.

(2) Notwithstanding subsection (o)(1) A. hereof, in no case shall the portion of the definition of the term "person" that is set forth in subsection (o)(1) A.2. hereof be applied or construed in any section contained in Part Five - General Offenses Code that sets forth a criminal offense in any of the following manners:

A. Except as otherwise provided in subsection (o)(2) A. hereof, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate Ohio R.C. 2919.12, division (B) of Ohio R.C. 2919.13, or Ohio R.C. 2919.15, 2919.151, 2919.17 or 2919.18, may be punished as a violation of Ohio R.C. 2919.12, division (B) of Ohio R.C. 2919.13, or Ohio R.C. 2919.15, 2919.151, 2919.17 or 2919.18, as applicable. Consent is sufficient under this subsection if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with Ohio R.C. 2919.12.

- B. In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:
1. Her delivery of a stillborn baby;
 2. Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;
 3. Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;
 4. Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;
 5. Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.
- (p) *School safety zone* consists of a school, school building, school premises, school activity, and school bus.
- (q) *School, school building* and *school premises* have the same meaning as in Ohio R.C. 2925.01.
- (r) *School activity* means any activity held under the auspices of a board of education of a city, local, exempted Village, joint vocational, or cooperative education school district; a governing authority of a community school established under Ohio R.C. Ch. 3314; a governing body of an educational service center; or the governing body of a nonpublic school for which the state Board of Education prescribes minimum standards under Ohio R.C. 3301.07.
- (s) *School bus* has the same meaning as in Ohio R.C. 4511.01.
- (t) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers. "Public official" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.
- (u) "Public servant" means any of the following:
- (1) Any public official;
 - (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;
 - (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated

according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

"Public servant" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.

State law reference, similar provisions—Ohio R.C. 2901.01, 2921(A), (B).

501.99 Penalties for misdemeanors.

(a) *Financial sanctions.* In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) *Restitution.* Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No

person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five percent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) *Fines.* A fine in the following amount:

- A. For a misdemeanor of the first degree, not more than \$1,000.00;
- B. For a misdemeanor of the second degree, not more than \$750.00;
- C. For a misdemeanor of the third degree, not more than \$500.00;
- D. For a misdemeanor of the fourth degree, not more than \$250.00;
- E. For a minor misdemeanor, not more than \$150.00.

(3) *Reimbursement of costs of sanctions.*

A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

- 1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
- 2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

B. The amount of reimbursement ordered under subsection (a)(3) A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)

(b) *Jail terms.*

(1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elect or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

- A. For a misdemeanor of the first degree, not more than 180 days;

- B. For a misdemeanor of the second degree, not more than 90 days;
 - C. For a misdemeanor of the third degree, not more than 60 days;
 - D. For a misdemeanor of the fourth degree, not more than 30 days.
- (2) A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.
- B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.
2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.
- (3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.
- (4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
- A. The court shall specify both of the following as part of the sentence:
 - 1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
 - 2. If the person does not dispute the bill described in subsection (b)(4) A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.
 - B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4) A.2. of this section. (ORC 2929.24)

(c) *Organizations*. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

Type of Misdemeanor	Maximum Fine
First degree	\$5,000.00
Second degree	4,000.00
Third degree	3,000.00
Fourth degree	2,000.00
Minor	1,000.00
Misdemeanor not specifically classified	2,000.00
Minor misdemeanor not specifically classified	1,000.00

- (1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).
- (2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.
- (3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).

505.071 Cruelty to companion animals.

(a) As used in this section:

- (1) *Companion animal* means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.

- (2) *Cruelty, torment and torture* have the same meanings as in Ohio R.C. 1717.01.
- (3) *Residential dwelling* means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) *Practice of veterinary medicine* has the same meaning as in Ohio R.C. 4741.01.
- (5) *Wild animal* has the same meaning as in Ohio R.C. 1531.01.
- (6) *Federal Animal Welfare Act* means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
- (7) *Dog kennel* means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.
- (8) "Boarding kennel" has the same meaning as in Ohio R.C. 956.01.
- (9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.
- (10) "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.
- (11) "Captive white-tailed deer" has the same meaning as in Ohio R.C. 1531.01.
- (12) "Serious physical harm" means any of the following:
 - (a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;
 - (b) Physical harm that involves either partial or total permanent incapacity;
 - (c) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;
 - (d) Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.
- (b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.
- (c) No person shall knowingly cause serious physical harm to a companion animal.

(d) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment or commit an act or cruelty against the companion animal;
- (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(e) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment, or commit an act of cruelty against the companion animal;
- (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering the deprivation or confinement;
- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(f) Subsections (b), (c), (d), (e) and (f) of this section do not apply to any of the following:

- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
- (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Ch. 4741;
- (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
- (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
- (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Ch. 4741.

State law reference, similar provisions—Ohio R.C. 959.131(A) – (G).

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.
- (4) 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 impede the operation of a critical infrastructure facility.

(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 \$1,000.00 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;

(1) "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21.

(2) "Economic harm" and "weapon of mass destruction" have the same meanings as in section 509.06.

State law reference, similar provisions—Ohio R.C. 2917.32.

513.01 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

Administer, controlled substance, controlled substance analog, dispense, distribute, hypodermic, manufacturer, official written order, person, pharmacist, pharmacy, sale, schedule I, schedule II, schedule III, schedule IV, schedule V, and wholesaler have the same meaning as in Ohio R.C. 3719.01.

Adulterate means to cause a drug to be adulterated as described in Ohio R.C. 3715.63.

Bulk amount of a controlled substance, means any of the following:

- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
- A. An amount equal to or exceeding ten grams or 25-unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding 30 grams or ten-unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten-unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
- (2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
- (3) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;

- (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;
- (5) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in Ohio R.C. 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.

Certified grievance committee means a duly constituted and organized committee of the Ohio state Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

Cocaine means any of the following:

- (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
- (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
- (3) A salt, compound, derivative or preparation of a substance identified in subsection (e)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

Committed in the vicinity of a juvenile. An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

Committed in the vicinity of a school. An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.

Controlled substance has the same meaning as in Ohio R.C. 3719.01.

Controlled substance analog has the same meaning as in Ohio R.C. 3719.01.

Counterfeit controlled substance means any of the following:

- (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
- (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
- (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
- (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.

Cultivate includes planting, watering, fertilizing or tilling.

Dangerous drug has the same meaning as in Ohio R.C. 4729.01.

Deception has the same meaning as in Ohio R.C. 2913.01.

Delta-9 tetrahydrocannabinol has the same meaning as in Ohio R.C. 928.01.

Disciplinary counsel means the disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.

Dispense has the same meaning as in Ohio R.C. 3719.01.

Distribute has the same meaning as in Ohio R.C. 3719.01.

Drug has the same meaning as in Ohio R.C. 4729.01.

Drug abuse offense means any of the following:

- (1) A violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs, or any violation of Ohio R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
- (2) A violation of an existing or former law of any Municipality, state or of the United States, that is substantially equivalent to any section listed in subsection (r)(1) of this definition.
- (3) An offense under an existing or former law of any Municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
- (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (r)(1), (2) or (3) of this definition.

Drug dependent person has the same meaning as in Ohio R.C. 3719.011.

Drug of abuse has the same meaning as in Ohio R.C. 3719.011.

Felony drug abuse offense means any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

Fentanyl-related compound means any of the following:

- (1) Fentanyl;
- (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidiny]-N-phenylpropanamide);
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidiny]-N-phenylpropanamide);
- (5) Beta-hydroxy-3-methylfentanyl (another name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl) ethyl]-4-piperidiny]-N-phenylpropanamide);
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny] propanamide;
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide;
- (10) Alfentanil;
- (11) Carfentanil;
- (12) Remifentanil;
- (13) Sufentanil;
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide); and
- (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
 - A. A chemical scaffold consisting of both of the following:
 1. A five-, six-, or seven-member ring structure containing a nitrogen, whether or not further substituted;
 2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
 - B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
 - C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
 - D. The compound has not been approved for medical use by the United States food and drug administration.

Harmful intoxicant does not include beer or intoxicating liquor, but means any of the following:

- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.
 - B. Any aerosol propellant.
 - C. Any fluorocarbon refrigerant.
 - D. Any anesthetic gas.
- (2) Gamma Butyrolactone;
- (3) 1,4 Butanediol.

Hashish means a resin or a preparation of a resin to which both of the following apply:

- (1) It is contained in or derived from any part of the plant of the genus *cannabis*, whether in solid form or in a liquid concentrate, liquid extract or liquid distillate form.
- (2) It has a delta-0 tetrahydrocannabinol concentration of more than three-tenths per cent.

Hashish does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03.

Hypodermic has the same meaning as in Ohio R.C. 3719.01.

Juvenile means a person under 18 years of age.

Licensed health professional authorized to prescribe drugs has the same meaning as in Ohio R.C. 4729.01.

L.S.D. means lysergic acid diethylamide.

Major drug offender has the same meaning as in Ohio R.C. 2929.01.

Mandatory prison term has the same meaning as in Ohio R.C. 2929.01.

Manufacture means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

Manufacturer has the same meaning as in Ohio R.C. 3719.01.

Marihuana has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.

Methamphetamine means methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

Minor drug possession offense means either of the following:

- (1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
- (2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.

Official written order has the same meaning as in Ohio R.C. 3719.01.

Person has the same meaning as in Ohio R.C. 3719.01.

Pharmacist has the same meaning as in Ohio R.C. 3719.01.

Pharmacy has the same meaning as in Ohio R.C. 3719.01.

Possess or possession means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

Prescription has the same meaning as in Ohio R.C. 4729.01.

Presumption for a prison term or presumption that a prison term shall be imposed means a presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.

Professional license means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.

Professionally licensed person means any of the following:

- (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Ch. 4701 and who holds an Ohio permit issued under that chapter;
- (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Ch. 4703;
- (3) A person who is registered as a landscape architect under Ohio R.C. Ch. 4703 or who holds a permit as a landscape architect issued under that chapter;
- (4) A person licensed under Ohio R.C. Ch. 4707;
- (5) A person who has been issued a certificate of registration as a registered barber under Ohio R.C. Ch. 4709;
- (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Ch. 4710;

- (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Ch. 4713;
- (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Ch. 4715;
- (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Ch. 4717;
- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Ch. 4723;
- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Ch. 4725;
- (12) A person licensed to act as a pawnbroker under Ohio R.C. Ch. 4727;
- (13) A person licensed to act as a precious metals dealer under Ohio R.C. Ch. 4728;
- (14) A person licensed under Ohio R.C. Ch. 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
- (15) A person licensed under Ohio R.C. Ch. 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Ch. 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Ch. 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under Ohio R.C. Ch. 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Ch. 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Ch. 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Ch. 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Ch. 4736;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Ch. 4737;

- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Ch. 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Ch. 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Ch. 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Ch. 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Ch. 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Ch. 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Ch. 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Ch. 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Ch. 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Ch. 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Ch. 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Ch. 4763;
- (36) A person who has been issued a home inspector license under Ohio R.C. Ch. 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.

Public premises means any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.

Sale has the same meaning as in Ohio R.C. 3719.01.

Sample drug means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V have the same meaning as in Ohio R.C. 3719.01.

School means any school operated by a board of education, any community school established under Ohio R.C. Ch. 3314, or any nonpublic 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 criminal offense is committed.

School building means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

School premises means either of the following:

- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
- (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Ch. 3314, or the governing body of a nonpublic school for which the state Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

Standard Pharmaceutical Reference Manual means the current edition, with cumulative changes if any, of references that are approved by the state Board of Pharmacy.

Unit dose means an amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

Wholesaler has the same meaning as in Ohio R.C. 3719.01.

513.03 Drug abuse; controlled substance possession or use.

- (a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.
- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chs. 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat.

1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

- D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.

As used in subsection (b)(1) D. of this section, "deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

- (2) A. As used in subsection (b)(2) of this section:

1. *Community addiction services provider* has the same meaning as in Ohio R.C. 5119.01.
2. *Community control sanction* and *drug treatment program* have the same meanings as in Ohio R.C. 2929.01.
3. *Health care facility* has the same meaning as in Ohio R.C. 2919.16.
4. *Minor drug possession offense* means a violation of this section that is a misdemeanor or a felony of the fifth degree.
5. *Post-release control sanction* has the same meaning as in Ohio R.C. 2967.28.
6. *Peace officer* has the same meaning as in Ohio R.C. 2935.01.
7. *Public agency* has the same meaning as in Ohio R.C. 2930.01.
8. *Qualified individual* means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
9. *Seek or obtain medical assistance* includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

- B. Subject to subsection (b)(2)F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
2. Subject to subsection (b)(2) G. of this section, within 30 days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

3. Subject to subsection (b)(2) G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2) B.1. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.
- C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2) B. of this section.
- D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2) B. of this section.
- E. Nothing in subsection (b)(2) B. of this section shall be construed to do any of the following:
1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2) B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2) B. of this section for a minor drug possession offense;
 2. Limit any seizure of evidence or contraband otherwise permitted by law;

3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
 4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016 to any public agency or to an employee of any public agency.
- F. Subsection (b)(2) B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2) B. of this section. No person shall be granted an immunity under subsection (b)(2) B. of this section more than two times.
- G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:

- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate state law.
- (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(2) B. hereof, possession of marihuana is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
- (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3) B. hereof. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(3) B. hereof, possession of hashish is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two

grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

- (d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension.

- (e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

State law reference, similar provisions—Ohio R.C. 2925.11.

513.04 Possessing drug abuse instruments.

- (a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.
- (b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chs. 3719, 4715, 4729, 4730, 4731 and 4741.
- (c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(d) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the effective date of this amendment September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under subsection (d)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

State law reference, similar provisions—Ohio R.C. 2925.12.

513.05 Permitting drug abuse.

- (a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C. 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.
- (b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.
- (c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02, 2925.03, 2925.04 or 2925.041 as provided in Ohio R.C. 2925.13, permitting drug abuse is a felony and shall be prosecuted under appropriate state law.
- (d) (1) In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under subsection (d)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Ch. 3767.

State law reference, similar provisions—Ohio R.C. 2925.13.

513.06 Illegal cultivation of marihuana.

- (a) No person shall knowingly cultivate marihuana.
- (b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.
- (c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.
 - (1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.
 - (2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.
- (d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If the offender is a professionally licensed person, the court immediately shall comply with Ohio R.C. 2925.38.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness.

(f)(1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division (G) of Ohio R.C. 2925.03, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (f)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

State law reference, similar provisions—Ohio R.C. 2925.04.

513.07 Possessing or using harmful intoxicants.

(a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate state law.

(c) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially

similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (C)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

State law reference, similar provisions—Ohio R.C. 2925.31.

513.08 Illegally dispensing drug samples.

- (a) No person shall knowingly furnish another a sample drug.
- (b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chs. 3719, 4715, 4723, 4725, 4729, 4730, 4731, and 4741.
- (c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:
 - (1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.
 - (2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.
- (d) (1) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under subdivision (d)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

State law reference, similar provisions—Ohio R.C. 2925.36.

513.12 Drug paraphernalia.

- (a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in 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 this chapter or Ohio R.C. Ch. 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:
- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
 - (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
 - (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
 - (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
 - (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
 - (6) A scale or balance for weighing or measuring a controlled substance;
 - (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
 - (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;
 - (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
 - (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
 - (11) A container or device for storing or concealing a controlled substance;
 - (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
 - (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marijuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
- (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Ch. 2925;
- (3) The proximity of the equipment, product or material to any controlled substance;
- (4) The existence of any residue of a controlled substance on the equipment, product or material;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Ch. 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Ch. 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
- (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
- (8) National or local advertising concerning the use of the equipment, product or material;
- (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
- (12) Expert testimony concerning the use of the equipment, product or material.

(c) (1) Subject to subsection (d)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in the

state of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.

- (d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chs. 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
- (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.
- (e) Notwithstanding Ohio R.C. Ch. 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.
- (f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
- (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
- (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
- (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.
- (g) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the effective date of this amendment may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (G)(2) of this section, the sentencing court, in its discretion, y terminate the suspension.

State law reference, similar provisions--Ohio R.C. 2925.14.

525.13 Interfering with civil rights.

- (a) No public servant, under color of the public servant's office, employment or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.
- (b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.

State law reference, similar provisions—Ohio R. C. 2921.45.

533.09 Soliciting.

- (a) No person shall knowingly solicit another to engage in sexual activity for hire in exchange for the person receiving anything of value from the other person.
- (b) Whoever violates this section is guilty of soliciting. Soliciting is a misdemeanor of the third degree.
- (c) As used in this section, "sexual activity for hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with such person.

State law reference, similar provisions—Ohio R.C. 2907.24.

541.04 Criminal mischief.

- (a) No person shall:
 - (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with either of the following:
 - A. The property of another;
 - B. One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:
 - 1. The residential real property is subject to a mortgage.
 - 2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, "pending" includes the time between judgment entry and confirmation of sale.

- (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 that is harmful or offensive to persons exposed, or that tends to cause public alarm;
 - (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a benchmark, 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 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.
 - (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
 - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.
 - (7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.
- (b) As used in this section:
- (1) "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.
 - (2) "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21.
 - (3) "Improperly tamper" means to change the physical location or the physical condition of the property.
- (c) (1) Whoever violates this section is guilty of criminal mischief and shall be punished as provided in subsection (c)(2), (3) or (4) of this section.
- (2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this subsection, if the violation of subsection (a)(1), (2),

(3), (4) or (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (2), (3), (4) or (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a felony and shall be prosecuted under appropriate state law.

(3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is \$1,000.00 or more, or if the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(6) of this section is a felony and shall be prosecuted under appropriate state law.

(4) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony of the third degree and shall be prosecuted under appropriate state law.

(Ord. No. 2000-36, 5-23-2000)

State law reference, similar provisions—Ohio R.C. 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 the offender 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 or 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 by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.
- (5) Knowingly enter or remain on a critical infrastructure facility.

(b) It is no defense to a 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 authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) (1) Whoever violates this section is guilty of criminal trespass. Criminal trespass in violation of subsection (a)(1), (2), (3), or (4) of this section is a misdemeanor of the fourth degree. Criminal trespass in violation of subsection (a) (5) of this section is a misdemeanor of the first degree.

(2) Notwithstanding Section 501.99, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, or state law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than 60 days. In such a case, Ohio R.C. 4519.47 applies.

(e) As used in this section:

(1) *All-purpose vehicle*, *off-highway motorcycle* and *snowmobile* have the same meaning as in Section 375.01 of the Traffic Code.

(2) *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.

(3) *Production operation*, *well*, and *well pad* have the same meanings as in Ohio R.C. 1509.01.

(4) *Critical infrastructure facility* means:

(a) One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:

(i) A petroleum or alumina refinery;

(ii) An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;

(iii) A chemical, polymer, or rubber manufacturing facility;

(iv) A water intake structure, water treatment facility, wastewater facility, drainage facility, water management facility, or any similar water or sewage treatment system and its water and sewage piping;

(v) A natural gas company facility or interstate natural gas pipeline, including a pipeline interconnection, a natural gas compressor station and associated facilities, city gate or town border station, metering station, above-ground piping, regulator station, valve site, delivery

station, fabricated assembly, or any other part of a natural gas storage facility involved in the gathering, storage, transmission, or distribution of gas;

(vi) A telecommunications central switching office or remote switching facility or an equivalent network facility that serves a similar purpose;

(vii) Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;

(viii) A port, trucking terminal, or other freight transportation facility;

(ix) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;

(x) A transmission facility used by a federally licensed radio or television station;

(xi) A steel-making facility that uses an electric arc furnace to make steel;

(xii) A facility identified and regulated by the United States department of homeland security's chemical facility anti-terrorism standards program under 6 C.F.R. part 27;

(xiii) A dam that is regulated by the state or federal government;

(xiv) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;

(xv) A video service network and broadband infrastructure, including associated buildings and facilities, video service headend, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in Ohio R.C. 1332.21.

(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;

(xvii) Any above-ground portion of a well, well pad, or production operation;

(xviii) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;

(xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.

(b) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;

(c) Any railroad property;

(d) An electronic asset of any of the following:

(i) An electric light company that is a public utility under Ohio R.C. 4905.02;

- (ii) An electric cooperative, as defined in Ohio R.C. 4928.01;
- (iii) A municipal electric utility, as defined in Ohio R.C. 4928.01;
- (iv) A natural gas company that is a public utility under Ohio R.C. 4905.02;
- (v) A telephone company that is a public utility under Ohio R.C. 4905.02;
- (vi) A video service provider, including a cable operator, as those terms are defined in Ohio R.C. 1332.21.

(5) Electronic asset includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks.

State law reference, similar provisions—Ohio R.C. 2911.21.

541.051 Aggravated trespass.

- (a) (1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to ~~him~~ that person.
- (2) No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility.
- (b) Whoever violates this section is guilty of aggravated trespass. Aggravated trespass in violation of subsection (a)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of subsection (a)(2) of this section is a felony of the third degree and shall be prosecuted under appropriate state law.
- (c) As used in this section, critical infrastructure facility has the same meaning as in Ohio R.C. 2911.21.

State law reference, similar provisions—Ohio R.C. 2911.211.

545.03 Property exceptions as felony offense.

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

- (a) A credit card;
- (b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;

(d) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary motor vehicle license registration as prescribed by Ohio R.C. 4503.182, or any comparable temporary motor vehicle license registration as prescribed by the applicable law of another state or the United States;

(d) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;

(e) A blank form for any license listed in Ohio R.C. 4507.01(A).

State law reference, similar provisions—Ohio R.C. 2913.71.

545.18 Receiving stolen property.

- (a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.
- (b) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.
- (c) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree. Receiving stolen property is a felony and shall be prosecuted under appropriate state law if:

- (1) The value of the property involved is \$1,000.00 or more; or

- (2) The property involved is:

- A. Listed in Section 545.03; or

- B. A motor vehicle as defined in Ohio R.C. 4501.01; or

- C. A dangerous drug as defined in Ohio R.C. 4729.01;

- D. A firearm or dangerous ordnance, as defined in Ohio R.C. 2923.11; or

- E. A special purchase article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.

State law reference, similar provisions—Ohio R.C. 2913.51.

549.02 Carrying concealed weapons.

- (a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:
 - (1) A deadly weapon other than a handgun;
 - (2) A handgun other than a dangerous ordnance;
 - (3) A dangerous ordnance.
- (b) No person who has been issued a concealed handgun license, shall do any of the following:

- (1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;
- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
- (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

- A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
- B. Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.
- C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;
- D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.

(2) Subsection (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, unless the person knowingly is in a place described in division (B) of Ohio R.C. 2923.126.

(d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation,

which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(e) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate state law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate state law.

(2) Except as provided in subsection (f)(5) of this section, if a person being arrested for a violation of subsection (a)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection, and the offender shall be punished as follows:

A. The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

B. The offender shall be guilty of a misdemeanor and shall be fined \$500.00 if all of the following apply:

1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.
2. Within 45 days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

C. If subsections (f)(2) A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.

- (3) Except as otherwise provided in this subsection, carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.

- (4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
- (5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than \$500.00. The citation shall be automatically dismissed, and the civil penalty shall not be assessed if both of the following apply:

- A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
 - B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:
- A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
 - B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
 - C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;
 - D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.
- (g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.
- (h) For purposes of this section, “deadly weapon” or “weapon” does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.

State law reference, similar provisions—Ohio R.C. 2923.12.

549.04 Improperly handling firearms in a motor vehicle.

- (a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:
 - (1) In a closed package, box or case;
 - (2) In a compartment which can be reached only by leaving the vehicle;
 - (3) In plain sight and secured in a rack or holder made for the purpose;
 - (4) If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.
- (b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:
 - (1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active-duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;
 - (2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active-duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle.
 - (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
 - (4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c) (1) This section does not apply to any of the following:
 - A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms

in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.

(2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active-duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125.

B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(3) Subsection (a) of this section does not apply to a person if all of the following apply:

A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.

B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.

C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection

(b) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

- (f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. Except as otherwise provided in this subsection, a violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
- (g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.
- (h) As used in this section:
- (1) *Motor vehicle, street and highway* have the same meanings as in Ohio R.C. 4511.01.
 - (2) A. *Unloaded* means:
 1. With respect to a firearm other than a firearm described in subsection (h)(2) B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:
 - a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

- b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.
 - 2. For the purposes of subsection (h)(2) A.1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:
 - a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
 - b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
 - 3. For the purposes of subsection (h)(2) A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- B. *Unloaded* means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.
- (3) *Commercial motor vehicle* has the same meaning as in Ohio R.C. 4506.25(A).
- (4) *Motor carrier enforcement unit* means the motor carrier enforcement unit in the Department of Public Safety, Division of state Highway Patrol, that is created by Ohio R.C. 5503.34.
- (i) Subsection (h)(2) of this section does not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in that subsection, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter or Ohio R.C. Ch. 2923. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter or Ohio R.C. Ch. 2923.

State law reference, similar provisions—Ohio R.C. 2923.16.

549.06 Unlawful transactions in weapons.

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

(1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the county or Safety Director or Police Chief of the Municipality where the transaction takes place;

(2) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) hereof is a misdemeanor of the second degree. Violation of subsection (a) (2) hereof is a misdemeanor of the fourth degree.

State law reference, similar provisions—Ohio R.C. 2923.20.

553.04 Railroad vandalism; criminal trespass on locomotive, engine, railroad car, or other railroad vehicle; interference with operation of train.

(a) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

(b) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(c) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

(d) Whoever violates subsection (a) of this section is guilty of railroad vandalism. Whoever violates subsection (b) of this section is guilty of criminal trespass on a locomotive, engine, railroad car or other railroad vehicle. Whoever violates subsection (c) of this section is guilty of interference with the operation of a train.

Except as otherwise provided in this subsection, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. Except as otherwise provided in this subsection, If the violation of subsection (a), (b) or (c) of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, the violation is a felony of the fourth degree and shall be prosecuted under appropriate state law. Except as otherwise provided in this section, if the violation of subsection (a), (b), or (c) of this section causes physical harm to any person, or serious physical harm to any person, the violation is a felony of the third degree and shall be prosecuted under appropriate state law. If the violation of subsection (a), (b), or (c) of this section causes serious physical harm to any person, the violation is a felony of the second degree and shall be prosecuted under appropriate state law.

State law reference, similar provisions—Ohio R.C. 2909.10.

553.04 Railroad vandalism; criminal trespass on locomotive, engine, railroad car, or other railroad vehicle; interference with operation of train.

- (a) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.
- (b) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.
- (c) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.
- (d) Whoever violates subsection (a) of this section is guilty of railroad vandalism. Whoever violates subsection (b) of this section is guilty of criminal trespass on a locomotive, engine, railroad car or other railroad vehicle. Whoever violates subsection (c) of this section is guilty of interference with the operation of a train.

Except as otherwise provided in this subsection, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. Except as otherwise provided in this subsection, If the violation of subsection (a), (b) or (c) of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, the violation is a felony of the fourth degree and shall be prosecuted under appropriate state law. Except as otherwise provided in this section, if the violation of subsection (a), (b), or (c) of this section causes physical harm to any person, the violation is a felony of the third degree and shall be prosecuted under appropriate state law. If the violation of subsection (a), (b), or (c) of this section causes serious physical harm to any person, the violation is a felony of the second degree and shall be prosecuted under appropriate state law.

State law reference, similar provisions—Ohio R.C. 2909.10.

553.05 Grade crossing device vandalism.

- (a) No person shall knowingly deface, damage, obstruct, remove or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.
- (b) Whoever violates this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this subsection, railroad grade crossing device vandalism is a misdemeanor of the first degree. Except as otherwise provided in this subsection, if the violation of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, railroad grade crossing device vandalism is a felony of the fourth degree and shall be prosecuted under appropriate state law. Except as otherwise provided in this subsection, if the violation of this section causes physical harm to any person, railroad grade crossing device vandalism is a felony of the third degree and shall be prosecuted under

appropriate state law. If the violation of this section causes serious physical harm to any person, railroad grade crossing device vandalism is a felony of the second degree and shall be prosecuted under appropriate state law.

State law reference, similar provisions—Ohio R.C. 2909.101.

SECTION 7. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Codified Ordinances of Oakwood or any ordinance, rule, or regulation adopted or issued in pursuance thereof shall be punished by a fine or imprisonment, or both. The fine shall not exceed five hundred dollars (\$500.00) and imprisonment shall not exceed six months.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The legislative authority of the Village of Oakwood, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable

SECTION 9. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 10. This ordinance shall become effective in full force and effect upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Johnnie A Warren, President of Council

Christine Morgan, Clerk of Council

Present to the

Mayor _____

Approved _____

Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-3 was duly and regularly passed by the Council at the meeting held on the _____ day of _____, 2022.

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-3 was duly posted on the _____ day of _____, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

Christine Morgan, Clerk of Council

Dated: _____

ORDINANCE NO. 2022-4

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF OAKWOOD VILLAGE, OHIO, 1996, TO PROVIDE AMENDMENTS TO THE CODIFIED ORDINANCES OF OAKWOOD, TRAFFIC CODE, PART THREE, SECTIONS 301.180, 301.51, 331.211, 331.37, 331.44, 333.03, 335.02, 335.021, 335.04, 335.09, 341.03, 373.13, 373.14; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS the duly elected governing authority of the Village of Oakwood, Ohio is authorized by ORC § 715.03 to adopt ordinances to exercise the powers granted in Ohio R.C. 715.01 to 715.67 regarding village property, affairs and government; and

WHEREAS the duly elected legislative authority of the Village of Oakwood, Ohio desires to amend the Codified Ordinances of Oakwood, Traffic Code, Part Three to conform to the similar provisions in Ohio R.C. Title XLV.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OAKWOOD, STATE OF OHIO:

SECTION 1. That the Codified Ordinances of Oakwood, Ohio, 1996, is hereby amended by adding the provisions as provided under Section 6 of this ordinance.

SECTION 2. The addition, amendment, or removal of the Codified Ordinances of Oakwood, Ohio sections when passed in such form as to indicate the intention of the governing authority of the Village of Oakwood, Ohio to make the same a part of the Codified Ordinances of Oakwood shall be deemed to be incorporated in the Codified Ordinances, so that reference to the Codified Ordinances of Oakwood includes the additions, amendments and removals.

SECTION 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Codified Ordinances of Oakwood is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Codified Ordinances of Oakwood.

SECTION 4. Supplementation of Code.

(a) In preparing a supplement to Codified Ordinances of Oakwood, all portions of this ordinance which have been repealed shall be excluded from the Codified Ordinances of Oakwood by the omission thereof from the reproduced pages.

(b) When preparing a supplement to the Codified Ordinances of Oakwood, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make

formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Codified Ordinances of Oakwood printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Codified Ordinances of Oakwood and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Codified Ordinances of Oakwood which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Codified Ordinances of Oakwood; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Codified Ordinances of Oakwood.
- (c) In preparing a supplement to the Codified Ordinances of Oakwood, the pages of a supplement shall be so numbered that they will fit properly into the Codified Ordinances of Oakwood and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Codified Ordinances of Oakwood will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION 5. Provisions of Section 6 that duplicate or track state statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. The following sections and subsections of the Codified Ordinances of Oakwood, Ohio, 1996, are new or have been amended with new matter in the Codified Ordinances of Oakwood, and are hereby approved, adopted and enacted:

301.180 Low-speed micromobility device.

Low speed micromobility device means a device weighing less than one hundred pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor.

State law reference, similar provisions—Ohio R.C. 4511.01 (WWW).

301.51 Vehicle.

Vehicle means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low speed micromobility device, or any device, other than a bicycle, that is moved by human power.

State law reference, similar provisions—Ohio R.C. 4511.01(A).

331.211 Report of vehicle failing to yield right-of-way to public safety vehicle.

- (a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21 (a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.
- (b) (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.
- (2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.
- (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.
- (c) (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined \$150.00.
- (2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.
- (d) As used in this section:

- (1) "License plate" includes any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.
- (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the state or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission.

State law reference, similar provisions—Ohio R.C. 4511.454.

331.37 Driving upon sidewalks, street lawns or curbs.

- (a) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (ORC 4511.711)
- (b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.
- (c) This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties.
- (d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

State law reference, similar provisions—Ohio R.C. 4511.711.

331.44 Wearing earplugs or earphones prohibited.

- (a) As used in this section:

(1) Earphones means any device that covers all or a portion of both ears and that does either of the following:

- a. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music or other information
- b. Provides hearing protection.

Earphones does not include speakers or other listening devices that are built into protective headgear.

(2) Earplugs means any device that can be inserted into one or both ears and that does either of the following:

a. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

b. Provides hearing protection.

(b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(c) This section does not apply to:

(1) Any person wearing a hearing aid;

(2) Law enforcement personnel while on duty;

(3) Fire department personnel and emergency medical service personnel while on duty;

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any street or highway;

(5) Any person engaged in the operation of refuse collection equipment; or

(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

State law reference, similar provisions—Ohio R.C. 4511.84.

333.03 Maximum speed limits; assured clear distance ahead.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(b) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected; except, that on controlled-access

highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights or giving other special notice of the hours in which, the school zone speed limit is in effect.

B. As used in this section, "school" means all of the following:

1. Any school chartered under Ohio R.C. 3301.16.
2. Any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1) C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon

submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a state route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the state route;

- (2) Twenty-five miles per hour in all other portions of the Municipality, except on state routes outside business districts, through highways outside business districts and alleys;
 - (3) Thirty-five miles per hour on all state routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
 - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
 - (5) Fifty miles per hour on state routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
 - (6) Fifteen miles per hour on all alleys within the Municipality;
 - (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
 - (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
 - (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
 - (10) Seventy miles per hour on all rural freeways;
 - (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
 - (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.
- (c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1) A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities, and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.
- (d) No person shall operate a motor vehicle upon a street or highway as follows:

- (1) At a speed exceeding 55 miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;
 - (2) At a speed exceeding 60 miles per hour upon a highway as provided in subsection (b)(8) hereof;
 - (3) At a speed exceeding 65 miles per hour upon an expressway as provided in subsection (b)(9) hereof, or upon a freeway as provided in subsection (b)(12) of this section, except upon a freeway as provided in subsection (b)(10) hereof;
 - (4) At a speed exceeding 70 miles per hour upon a freeway as provided in subsection (b)(10) hereof;
 - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).
- (e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.
- (f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.
- (g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.
- (h) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.
- (i) As used in this section:
- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.

- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

(j) (1) A violation of any provision of this section is one of the following:

- A. Except as otherwise provided in subsections (j)(1) B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than 35 miles an hour in a business district of a municipal corporation, faster than 50 miles an hour in other portions of a municipal corporation, or faster than 35 miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
 - (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to

this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.

- (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

State law reference, similar provisions—Ohio R.C. 4511.21.

335.02 Permitting operation without valid license; one license permitted.

- (a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles or a deputy registrar under Ohio R.C. Ch. 4507 or a valid commercial driver's license issued under Ohio R.C. Ch. 4506.
- (b) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until he surrenders to the registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to the person by another jurisdiction recognized by the state of Ohio.
- (c) No person shall possess more than one valid license, temporary instruction permit, or identification card at any time. (ORC 4507.02)
- (d) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to \$1,000.00 and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

- (2) Whoever violates subsection (b c) hereof is guilty of a misdemeanor of the first degree.

State law reference, similar provisions—Ohio R.C. 4507.02; 4507.99)

335.021 Ohio driver's license required for in state residents.

- (a) Any person who becomes a resident of this state, within 30 days of becoming a resident, shall surrender any driver's license, temporary instruction permit, or identification card issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a temporary instruction permit or driver's license in this state. If the person fails to apply for a driver's license or temporary instruction permit within 30 days of becoming a resident, the person shall not operate any motor vehicle in this Municipality under a license or temporary instruction permit issued by another state.
- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
 - (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:
 - (1) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States Armed Forces.
 - (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01.

State law reference, similar provisions—Ohio R.C. 4507.213.

335.04 Certain acts prohibited.

- (a) No person shall do any of the following:
 - (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permits or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permits, or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permits, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit,

or commercial driver's license temporary instruction permit that has been suspended or canceled;

- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permits or commercial driver's license, temporary instruction permit, or any renewal, reprint or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

State law reference, similar provisions—Ohio R.C. 4507.30.

335.09 Display of license plates.

(a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any County identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However, a commercial tractor shall display the license plate on the front of the commercial tractor

(2) The license plate shall be securely fastened so as not to swing and shall not be covered by any material that obstructs its visibility.

(3) No person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle;

(4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.

(d) Whoever violates this section is guilty of a minor misdemeanor.

(e) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

State law reference, similar provisions—Ohio R.C. 4503.21.

341.03 Prerequisites to operation of a commercial motor vehicle.

(a) Except as provided in subsections (b) and (c) of this section, the following shall apply:

- (1) No person shall drive a commercial motor vehicle on a highway in this Municipality unless the person holds, and has in the person's possession, any of the following:
 - A. A valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, or by another jurisdiction recognized by this state;
 - B. A valid examiner's commercial driving permit issued under Ohio R.C. 4506.13;
 - C. A valid restricted commercial driver's license and waiver for farm-related service industries issued under Ohio R.C. 4506.24;
 - D. A valid commercial driver's license temporary instruction permit issued by the Registrar, provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license and who meets the requirements of Ohio R.C. 4506.06(B).
 - (2) No person who has been a resident of this state for 30 days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
- (b) Nothing in subsection (a) of this section applies to any qualified person when engaged in the operation of any of the following:
- (1) A farm truck;
 - (2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, joint fire district or the state fire marshal;
 - (3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;
 - (4) A recreational vehicle;
 - (5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under Ohio R.C. Ch. 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;
 - (6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserved technicians.
 - (7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Ch. 4905, 4921, or 4923.

- (8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.
 - (9) A police SWAT team vehicle.
 - (10) A police vehicle used to transport prisoners.
 - (c) Nothing contained in subsection (b)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this state concerning the safe operation of commercial motor vehicles.
 - (d) Whoever violates this section is guilty of a misdemeanor of the first degree.
- State law reference, similar provisions—Ohio R.C. 4506.03.

373.13 Electric bicycles.

- (a) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Municipality by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.
- (2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Municipality by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.
- (3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.
- (4) Subsections (a) (1) through (3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.
- (b) (1) No person under 16 years of age shall operate a class 3 electric bicycle; however, a person under 16 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
- (2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.
- (c) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle in a manner that is prohibited under subsection (a) of this section and whoever violates subsection (b) of this section is guilty of a minor misdemeanor. If, within one year of the

offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

- (2) The offenses established under subsection (c)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

State law reference, similar provisions—Ohio R.C. 4511.522.

373.14 Low Speed Micromobility Devices.

(a)(1) A low-speed micromobility device may be operated on the public streets, highways, sidewalks, and shared-use paths, and may be operated on any portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this chapter that by their nature could apply to a low-speed micromobility device do apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.

(b) No operator of a low speed micromobility device shall do any of the following:

- (1) Fail to yield the right-of-way to all pedestrians at all times;
- (2) Fail to give an audible signal before overtaking and passing a pedestrian;
- (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
 - (a) A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;
 - (b) A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (c)(1) No person who is under sixteen years of age shall rent a low speed micromobility device.
- (2) No person shall knowingly rent a low speed micromobility device to a person who is under sixteen years of age.
- (3) No person shall knowingly rent a low speed micromobility device on behalf of a person who is under sixteen years of age.

(d) No person shall operate a low speed micromobility device at a speed greater than twenty miles per hour.

(e)(1) Whoever violates this section is guilty of a minor misdemeanor.

(2) Unless a mens rea is otherwise specified in this section, an offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of that offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(f) Notwithstanding division (a)(1) of this section, the village may do any of the following:

(1) Regulate or prohibit the operation of low-speed micromobility devices on public streets, highways, sidewalks, and shared-use paths, and portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction;

(2) Include low speed micromobility devices that are adapted to expand access for people with various physical limitations into a shared bicycle, shared electric bicycle, or similar vehicle sharing program, under its jurisdiction;

(3) Require the owner or operator of a low-speed micromobility device rental service or low-speed micromobility device sharing program to maintain commercial general liability insurance related to the operation of the devices, with limits of up to one million dollars per occurrence and two million dollars per aggregate.

State law reference, similar provisions--Ohio R.C. 4511.514.

SECTION 7. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine or imprisonment, or both. The fine shall not exceed five hundred dollars (\$500.00) and imprisonment shall not exceed six months.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the Village of Oakwood, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable

SECTION 9. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 10. This ordinance shall become effective in full force and effect upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Johnnie A Warren, President of Council

Christine Morgan, Clerk of Council

Present to the

Mayor _____

Approved _____

Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-4 was duly and regularly passed by the Council at the meeting held on the _____ day of _____, 2022.

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-4 was duly posted on the _____ day of _____, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

Christine Morgan, Clerk of Council

Dated: _____

RESOLUTION 2022-5**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE****A RESOLUTION OF CONDOLENCE TO THE FAMILY OF
SHEILA ANN MOORE THOMPSON**

WHEREAS Shelia Ann Moore Thompson peacefully left her Earthly home on December 17, 2021; and

WHEREAS Sheila, born November 29, 1949, in Louisville, Kentucky, was the beloved daughter of Cornelia Hannah; and

WHEREAS She received two master's degrees from John Carroll University in Cleveland. Sheila served as a special education teacher, teaching supervisor and school psychologist for Cleveland Metropolitan School District for over 25 years; and

WHEREAS upon her retirement, Sheila and her mother affectionately known as "Cooka", started the E.S. Ralston Learning Center in memory of her grandmother. The center provided exceptional year-round early-childhood education in addition to after school and summer care. They also opened the E. S. Ralston Ice Cream Shop service the community premium ice cream and snacks during the summer. Sheila believed everyone should be treated with dignity and respect along with providing the best available resources and services to all; and,

WHEREAS Sheila was a humble and anointed servant of the Lord, whose mission was to spread the love of Jesus Christ. She was a faithful member of Antioch Christian Fellowship in East Cleveland and provide a storefront space for the church's outreach center. She later attended church near her home until her death; and

WHEREAS She was an entrepreneur whose kind, compassionate and loving spirit was always demonstrated through her numerous projects helping others the Lord place in her path to make their lives better; and

WHEREAS Sheila Ann Moore Thompson leaves behind a lasting impact on a host of family and friends across this country who loved her dearly and will always remember the positive influence she had on their lives; and

NOW THEREFORE LET IT BE RESOLVED THAT by the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Village Council and Mayor wish to express their most sincere condolences to the family of Sheila Ann Moore Thompson, and hope the fond memories of such a fine, caring person comforts them in their loss.

SECTION 2. The Clerk is hereby authorized to present a copy of this resolution to the family of Sheila Ann Moore Thompson.

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption by this Council and approved by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Christine Morgan, Clerk of Council_____
Johnnie A. Warren, Council PresidentPresented to the
Mayor:_____
Approved:_____
Mayor, Gary V Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-5 was duly and regularly passed by this Council at the meeting held on the ____ day of _____ 2022.

Christine Morgan, Clerk of Council**POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2021-5 was duly posted on the ____ day of _____, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

Christine Morgan, Clerk of Council

DATED: _____

**A RESOLUTION OF CONDOLENCE TO THE FAMILY OF
SHEILA ANN MOORE THOMPSON**

WHEREAS Sheila Ann Moore Thompson peacefully left her Earthly home on December 17, 2021; and

WHEREAS Sheila, born November 29, 1949, in Louisville, Kentucky, was the beloved daughter of Cornelia Hannah; and

WHEREAS She received two master's degrees from John Carroll University in Cleveland. Sheila served as a special education teacher, teaching supervisor and school psychologist for Cleveland Metropolitan School District for over 25 years; and

WHEREAS upon her retirement, Sheila and her mother affectionately known as "Cooka", started the E.S. Ralston Learning Center in memory of her grandmother. The center provided exceptional year-round early-childhood education in addition to after school and summer care. They also opened the E. S. Ralston Ice Cream Shop service the community premium ice cream and snacks during the summer. Sheila believed everyone should be treated with dignity and respect along with providing the best available resources and services to all; and,

WHEREAS Sheila was a humble and anointed servant of the Lord, whose mission was to spread the love of Jesus Christ. She was a faithful member of Antioch Christian Fellowship in East Cleveland and provide a storefront space for the church's outreach center. She later attended church near her home until her death; and

WHEREAS She was an entrepreneur whose kind, compassionate and loving spirit was always demonstrated through her numerous projects helping others the Lord place in her path to make their lives better; and

WHEREAS Sheila Ann Moore Thompson leaves behind a lasting impact on a host of family and friends across this country who loved her dearly and will always remember the positive influence she had on their lives; and

NOW THEREFORE LET IT BE RESOLVED THAT by the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Village Council and Mayor wish to express their most sincere condolences to the family of Sheila Ann Moore Thompson and hope the fond memories of such a fine, caring person comforts them in their loss.

SECTION 2. The Clerk is hereby authorized to present a copy of this resolution to the family of Sheila Ann Moore Thompson.

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption by this Council and approved by the Mayor, otherwise from and after the earliest period allowed by law.

Mayor Gary V. Gottschalk

Council President Johnnie A. Warren

Council-at-Large Elaine Y. Gaither

Councilperson Ward 1 Chris Callender

Councilperson Ward 2 Eloise Hardin

Councilperson Ward 3 Paggie C. Matlock

Councilperson Ward 4 Mary Davis

Councilperson Ward 5 Candace Williams

RESOLUTION 2022-6

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION OF CONDOLENCE TO THE FAMILY OF
JOANNE (MTREY) M. CRAINE**

WHEREAS Joanne (Mtrey) M. Craine left peacefully for her Heavenly home on January 19, 2022; and

WHEREAS Joanne was born in Cleveland, Ohio on August 25, 1936, and was the only girl and the oldest of 3 children; and

WHEREAS around the age of 15, Joanne was attending a carnival in Cleveland where she was being chased by an unknown stranger. As she tried to leave and get away, a gentleman offered to give her a ride home. She refused. So, he offered to walk her home instead. That gentleman was named Clifford Craine; and

WHEREAS by the age of 16, Joanne and Clifford would go to Alabama to be married by a Justice of the Peace. A few years later, the couple would remarry in a church service in Bedford; and

WHEREAS in 1961, Joanne and Clifford would move to Oakwood Village. They would raise their 3 children, Clifford, Kenneth, and Maria (deceased), amongst a host of other family members within the Village; and

WHEREAS Joanne was a doting housewife and mother who loved to garden. She particularly loved her roses. Maintaining nesting houses and feeders for the birds year-round and hummingbird feeders in the summer was a joy for her. Joanne also had a love for baking. She was always baking for any and every get together; and

WHEREAS Joanne was loved and cherished by many including her grandchildren Sarah, Katie and Kyle along with her great grandchildren, Landen and Aleena.

NOW THEREFORE LET IT BE RESOLVED THAT by the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Village Council and Mayor wish to express their most sincere condolences to the family of Joanne (Mtrey) M. Craine, and hope the fond memories of such a fine, caring person comforts them in their loss.

SECTION 2. The Clerk is hereby authorized to present a copy of this resolution to the family of Joanne (Mtrey) M. Craine.

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption by this Council and approved by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Christine Morgan, Clerk of Council

Johnnie A. Warren, Council President

Presented to the
Mayor:

Approved:

Mayor, Gary V Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-6 was duly and regularly passed by this Council at the meeting held on the ____ day of _____ 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2021-6 was duly posted on the ____ day of _____, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

Christine Morgan, Clerk of Council

DATED: _____

**A RESOLUTION OF CONDOLENCE TO THE FAMILY OF
JOANNE (MTREY) M. CRAINE**



WHEREAS Joanne (Mtrey) M. Craine left peacefully for her Heavenly home on January 19, 2022; and

WHEREAS Joanne was born in Cleveland, Ohio on August 25, 1936, and was the only girl and the oldest of 3 children; and

WHEREAS around the age of 15, Joanne was attending a carnival in Cleveland where she was being chased by an unknown stranger. As she tried to leave and get away, a gentleman offered to give her a ride home. She refused. So, he offered to walk her home instead. That gentleman was named Clifford Craine; and

WHEREAS by the age of 16, Joanne and Clifford would go to Alabama to be married by a Justice of the Peace. A few years later, the couple would remarry in a church service in Bedford; and

WHEREAS in 1961, Joanne and Clifford would move to Oakwood Village. They would raise their 3 children, Clifford, Kenneth and Maria (deceased), amongst a host of other family members within the Village; and

WHEREAS Joanne was a doting housewife and mother who loved to garden. She particularly loved her roses. Maintaining nesting houses and feeders for the birds year-round and hummingbird feeders in the summer was a joy for her. Joanne also had a love for baking. She was always baking for any and every get together; and

WHEREAS Joanne was loved and cherished by many including her grandchildren Sarah, Katie and Kyle along with her great grandchildren, Landen and Aleena.

NOW THEREFORE LET IT BE RESOLVED THAT by the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Village Council and Mayor wish to express their most sincere condolences to the family of Sheila Ann Moore Thompson, and hope the fond memories of such a fine, caring person comforts them in their loss.

SECTION 2. The Clerk is hereby authorized to present a copy of this resolution to the family of Joanne (Mtrey) M. Craine.

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption by this Council and approved by the Mayor, otherwise from and after the earliest period allowed by law.

Mayor Gary V. Gottschalk

Council-at-Large, Elaine Y. Gaither

Council President, Johnnie A Warren

Ward 1 Councilperson, Chris Callender

Ward 2 Councilperson, Eloise Hardin

Ward 3 Councilperson, Paggie Matlock

Ward 4 Councilperson, Mary Davis

Ward 5 Councilperson, Candace Williams

RESOLUTION NO. 2022-7

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT WITH THE CITY OF
SOLON REGARDING THE CUSTODY, SUPERVISION,
CONFINEMENT AND BOARD OF PRISONERS AND
DECLARING AN EMERGENCY**

WHEREAS due to expenses, availability and staffing Oakwood has ceased using the jail facility located in the City of Bedford and is now utilizing the jail facility in the City of Solon; and,

WHEREAS the Solon jail facility has provided good service on a cost-effective basis and the Village has determined that it is advantageous to enter a contract for jail services with the City of Solon.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. The Mayor be and is hereby authorized to enter into an Agreement with the City of Solon for the custody, supervision, confinement and board of Oakwood Villages prisoners, a copy of said Agreement is attached hereto, expressly made a part hereof by reference and marked Exhibit "A".

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of a municipal department, therefore, provided it receives two-thirds ($\frac{2}{3}$) of the vote of all members of Council elected thereto, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Johnnie A. Warren, President of Council_____
Christine Morgan, Clerk of CouncilPresented to the
Mayor _____

Approved: _____

Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-7 was duly and regularly passed by this Council at the meeting held on the _____ day of _____, 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Resolution No. 2022-7 was duly posted on the _____ day of _____, 2022, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

Christine Morgan, Clerk of Council

DATED: _____

**AGREEMENT
BETWEEN THE CITY OF SOLON
AND THE VILLAGE OF OAKWOOD
FOR
PRISONER HOUSING SERVICES**

The **CITY OF SOLON** ("Solon") and the **VILLAGE OF OAKWOOD** ("Oakwood") agree as of the 1st day of March, 2022 ("Effective Date") that Oakwood may use the City of Solon Jail Facility ("Facility") for persons to be incarcerated by legal authority of Oakwood or its court systems.

INFORMATION:

CITY:	Village of Oakwood
ADDRESS:	24800 Broadway Ave.
CITY:	Oakwood
STATE:	Ohio
ZIP:	44146
PHONE:	440-232-1035
CONTACT:	Chief Mark Garrett

TERM:

This Agreement shall be in effect beginning on the Effective Date first stated above and shall end on the same date **twenty four (24) months** thereafter, unless sooner cancelled in writing by either party, or unless extended by agreement of the parties in writing. For purposes of this Agreement, the term is divided into **two** consecutive twelve-month periods referred to as "Contract Years." Either party may cancel this Agreement without cause by providing the other party at least ninety (90) days advance written notice.

In the event that this Agreement is cancelled by the City of Solon prior to its expiration, Oakwood shall be entitled to a one-time credit on account equal to no more than one month's Base Amount due for annualized service costs as specified below.

In the event that this Agreement is cancelled by the Village of Oakwood prior to its expiration, Oakwood shall be responsible only for an amount equal to the Base Amount, as defined herein, multiplied by the number of months the service is used (i.e. until the cancellation is effective), except that the amount owed for the final month shall be a pro-rated amount of the monthly Base Amount, for the actual number of days in that month until the cancellation date, plus additional charges as permitted in this Agreement.

ANNUALIZED SERVICE COSTS:

Oakwood agrees to pay Solon \$50,000.00 per annum as compensation for confining, supervising, boarding and providing other services for any and all prisoners, subject to the credit and additional fee provision below, plus additional and medical care costs, as agreed to in this Agreement. Solon shall send an invoice to Oakwood periodically, but no more frequently than monthly: monthly invoices shall have a base amount due of \$4,166.66 ("Base Amount"), plus

other accrued charges as specified below. Solon has the right to assess 1% interest per month on any unpaid invoice after sixty (60) days from the date of the invoice. Any interest charged shall not exceed 12% per year and shall not be assessed against any invoice disputed by Oakwood. Solon shall not assess any interest, penalties, late fees or other charges other than those expressly agreed to in this Agreement.

The Parties agree that the expected volume of services provided, based on historical data, is approximated. In the event that the actual number of bookings and housings at the end of each contract year varies from this estimate, the following one-time adjustments will be made:

Less than 75 bookings in a Contract Year - \$6,000.00 credit on account to Oakwood.

More than 400 prisoner days in a Contract Year - \$6,000.00 additional fee due by Oakwood to Solon.

THE VILLAGE OF OAKWOOD AGREES TO AND/OR WILL:

1. Transport prisoners to the Facility as needed by Oakwood Police, subject to Solon notifying Oakwood that it does not have sufficient capacity to accept any more prisoners or that prisoners cannot be housed due to medical, psychological, dental, vision, legal, or other extraordinary circumstance.
2. Pay charges as specified on this Agreement directly to the City of Solon, as billed.
3. Assume responsibility for costs associated with all medical, psychological, dental, vision care, prescription medication, and/or other extraordinary costs or services that may arise from Solon's confinement of Oakwood's prisoners.
4. Assume responsibility that all appropriate and necessary legal documents are served on those persons incarcerated by Oakwood, with required copies to Solon.
5. Assume responsibility for the transportation and appearance of Oakwood's prisoners at all in-person court or legal proceedings.
6. Supply the City of Solon Correction Officers with sufficient information as may be reasonably required to ensure the completion of all necessary prisoner documentation and processing.
7. Assume responsibility for the timely notice of release of inmates incarcerated by Oakwood.
8. Assign any rights of revenue or collection from any third party to Solon regarding any sentenced prisoner that the County will pay housing or medical reimbursement for to Oakwood.

9. Maintain liability insurance or an equivalent insurance rider in an amount not less than \$500,000 per incident or \$1,000,000 per annum for any prisoner housed or confined by the City of Solon as authorized by Oakwood.
10. Ohio Revised Code 5705.41 requires that Oakwood certify that the funds necessary to pay for this agreement have been appropriated and either collected or are in the process of collection. Oakwood and Solon agree and acknowledge that the volume of services required by this agreement are not fixed and may vary based upon public safety needs within Oakwood. Oakwood, in accordance with Ohio Revised Code 5705.41 will initially certify this agreement for \$60,000.00 In the event that services provided by Solon are anticipated to exceed the initial certification amount, as determined by the fiscal officer of Oakwood, and/or exceed the initial certification amount, Oakwood agrees to seek, in good faith and in a timely manner, the appropriation of additional funds from Oakwood's legislative authority. Upon obtaining the appropriation of additional funds, the agreement shall be re-certified by the fiscal officer of Oakwood.

THE CITY OF SOLON AGREES TO AND/OR WILL:

1. Accept prisoners transported to the Facility by the Oakwood Police Department, except when Solon has notified Oakwood that it cannot accept the prisoner (s) from Oakwood due to housing availability, or medical, psychological condition.
2. Perform City of Solon required booking functions and processing, with records access to the Oakwood Police Department.
3. Ensure the proper housing, custody, confinement, feeding, supervision and care of persons incarcerated for Oakwood.
4. Provide and complete, (with information provided by the Oakwood Police Department) the necessary and appropriate forms for reception, booking, and release, with the exception to DNA collection.
5. Provide video arraignment services from the Facility to the Bedford Municipal Court at no additional cost to Oakwood.
6. Facilitate emergency medical, psychological, dental, or vision care to prisoners of Oakwood, including emergency transportation to a hospital or mental facility as determined by the City of Solon Fire Department and/or the Jail Staff Physician at Oakwood's cost. The City of Solon Fire Department and/or the Jail Staff Physician shall provide routine medical care at no additional cost to Oakwood.
7. Notify the Oakwood Police Department as soon as practicable of any medical care and/or other extraordinary costs or services that become necessary, and prior to transport to a medical facility for any non-emergency care.

8. In the event that Oakwood's prisoner is treated as a patient at any medical facility, the Oakwood Police will maintain responsibility for security for their prisoner while at that facility. The City of Solon will provide a police officer or correction officer for a reasonable period of time, not to exceed one hour. The City of Solon agrees to provide notice to Oakwood's Chief of Police or the Chief's designee in a timely manner of the need for Oakwood to provide such security. If the Oakwood Police Department cannot provide security within the one hour timeframe, Solon will continue to guard the inmate at an hourly rate of 1.5 times the top hourly rate under the officer's collective bargaining agreement or highest statutorily established rate of pay. Hourly charges will be included on the periodic invoice.

IN WITNESS WHEREOF, authorized representatives of the parties to this AGREEMENT, indicating their party's approval of the terms herein, have signed as of the dates set forth below.

CITY OF SOLON

Edward H. Kraus, Mayor

Date: _____

APPROVED AS TO FORM:

Thomas Lobe, Esq., Director of Law

VILLAGE OF OAKWOOD

Gary V. Gottschalk, Mayor

Date: _____

APPROVED AS TO FORM:

James Climer, Esq. Director of Law

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that the money required to meet this proposal has hereby been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of this fund, free from any previous obligation or certification as required by Ohio Revised Code §5705.01 to §5705.47.

Date

Brian Thompson, Fiscal Officer,
Village of Oakwood