

**FAIRFIELD CITY COUNCIL  
REGULAR MEETING AGENDA  
FAIRFIELD MUNICIPAL BUILDING  
5350 PLEASANT AVENUE  
FAIRFIELD, OHIO 45014**

**Monday, December 5, 2016**

**7:00 PM**

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MAYOR.....STEVE MILLER  
COUNCILMEMBER 1<sup>ST</sup> WARD.....BOB MYRON  
COUNCILMEMBER 2<sup>ND</sup> WARD.....CRAIG W. KELLER  
COUNCILMEMBER 3<sup>RD</sup> WARD.....DEBBIE PENNINGTON  
COUNCILMEMBER 4<sup>TH</sup> WARD.....TIM ABBOTT

COUNCILMEMBER AT-LARGE...CHAD OBERSON  
COUNCILMEMBER AT-LARGE...MIKE SNYDER  
COUNCILMEMBER AT-LARGE...BILL WOESTE  
CITY MANAGER.....MARK WENDLING  
CLERK OF COUNCIL.....ALISHA WILSON  
LAW DIRECTOR.....JOHN H. CLEMMONS

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Guidelines for Citizen Comments: Thank you for your interest and participation in city government. Fairfield City Council's Guidelines for Citizen Comments describe the rules for addressing City Council. The guidelines are posted in the Council Chambers.

ADA Notice: The City of Fairfield is pleased to provide accommodations to disabled individuals or groups and encourage full participation in city government. Should special accommodations be required, please contact the Clerk of Council at 867-5383 at least 48 hours in advance of the meeting.

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**1. Call to Order**

**2. Prayer/Pledge of Allegiance**

**3. Roll Call**

**4. Agenda Modifications**

**5. Executive Session Requests**

**6. Special Presentations and Citizen Comments**

- a) Chamber of Commerce Update

**7. Public Hearing(s)**

**8. Mayor/Council Reports**

**9. Approval of Minutes**

- a) Regular Meeting Minutes of November 28, 2016

**10. OLD BUSINESS**

**(A) DEVELOPMENT SERVICES COMMITTEE**

**Bill Woeste, Chairman;** Bob Myron, Vice Chairman; Mike Snyder, Member

- (1) Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the Final Development Plan for the Stockton Station Retail Center Planned Unit Development.

- Ordinance – Hold Second Reading for Planning Commission Recommendation

**(B) COMMUNITY & PUBLIC RELATIONS COMMITTEE**

**Bob Myron, Chairman;** Bill Woeste, Vice Chairman; Debbie Pennington, Member

- (1) Ordinance to amend Section 145.04, Appointment of Full-Time Firefighter/Paramedic positions, and add a new section 145.08, Eligibility Lists for Full-Time Fire Positions, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

- Ordinance – Second Reading

11. NEW BUSINESS

(A) **PUBLIC SAFETY COMMITTEE**

**Craig Keller, Chairman**; Tim Abbott, Vice Chairman; Chad Oberson, Member

- (1) Ordinance to adopt new sections 331.211, 335.021 and 335.111 and amend various other sections of the Traffic and General Offenses Codes of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(B) **FINANCE & BUDGET COMMITTEE**

**Tim Abbott, Chairman**; Debbie Pennington, Vice Chairman; Craig Keller, Member

- (1) Resolution levying an additional tax of two and one-half (2.5) mills in excess of the ten mill limitation for the purpose of providing funds for the operational and capital expenses of the Fire Department of the City of Fairfield, Ohio and other purposes authorized under Ohio Revised Code Section 5705.19(I) and declaring an emergency.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

- (2) Ordinance to amend Ordinance No. 107-15 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2016, and ending December 31, 2016.”

\*Non-Contractual Appropriations – \$22,000 for purchase of materials and installation services for isolation gate inside primary wet well at City’s Wastewater Treatment Plant.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

12. Meeting Schedule

|                     |   |
|---------------------|---|
| Monday, December 12 | Regular Meeting, 7:00 p.m.                                      |
| Monday, January 9   | Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m. |
| Monday, January 23  | Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m. |

13. Executive Session of Council (if needed)

14. Adjournment

**AGENDA**

**COUNCIL-MANAGER BRIEFING  
FAIRFIELD MUNICIPAL BUILDING  
5350 PLEASANT AVENUE**

**MONDAY, DECEMBER 5, 2016  
6:00 P.M.**

1. 2017 Operating Budget

MINUTES  
REGULAR MEETING OF COUNCIL  
NOVEMBER 28, 2016

**Call to Order**

Mayor Steve Miller called the Regular Meeting of Council to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

**Prayer/Pledge of Allegiance**

Councilmember Woeste led in prayer and the Pledge of Allegiance.

**Roll Call**

Clerk Wilson called the roll of Council. Present members were Councilmember Craig Keller, Councilmember Debbie Pennington, Councilmember Tim Abbott, Councilmember Chad Oberson, Councilmember Mike Snyder, and Councilmember Bill Woeste.

Councilmember Abbott, seconded by Councilmember Keller, moved to excuse Councilmember Myron. Motion carried 6-0.

**Agenda Modifications**

No agenda modifications.

**Executive Session Requests**

No Executive Session requests.

**Special Presentations and Citizen Comments**

**Fire Levy Committee**

Mayor Miller thanked the Fire Levy Committee for their hard work on the campaign. He presented those in attendance with a plaque in recognition of their efforts.

**Chamber of Commerce Update**

Kert Radel, President of the Chamber of Commerce, reported that the ribbon cutting for Veritiv was held this morning and the company announced the addition of 200 more jobs. He thanked the city for their support of the business community. He also announced that the Young Professionals group collected about a half a ton of food for the Fairfield Food Pantry during their food drive.

David Brown, from Butler County Auditor's Office, announced that dog tag season starts on December 1 and dog tags are available online for \$14 through January 31. He stated that the mailers would not be used this year, but instead there would be an automated call and email sent out to remind owners to renew their dog licenses. He also reported that skimmers have not been found on gas pumps in Butler County since June 7, and that the county has returned approximately \$10 million to local governments collected from levies, due to their reduced costs of operation.

**Public Hearing(s)**

**Stockton Station PUD Retail Center**

Mayor Miller opened the public hearing at 7:15 PM. Clerk Wilson called the roll of Planning Commission. Commissioners D'Epifanio, Hasselbeck, Hassler, Paullus and Begley in attendance. Councilmember Snyder, seconded by Councilmember Woeste, moved to excuse Commissioner Lepsky. Motion carried 6-

0. Clerk Wilson read the Public Hearing Notice. Planning Manager Erin Donovan gave an overview of the proposed project, with the site plan and elevations. She also noted the process for the proposal, with Planning Commission meeting on December 14 and the second reading on January 9. Applicant Chance Trumper, Cincinnati United Contractors, thanked the city for their support. Mayor Miller asked if they had tenants for the building and Mr. Trumper stated that they have one for the restaurant with drive-thru, but others have not committed yet. Mayor Miller closed the public hearing at 7:20 PM.

### **Mayor/Council Reports**

Councilmember Pennington announced Light Up Fairfield on December 3 from 1:00-6:00 PM at Village Green, with activities such as caroling, crafts, musical performances and visits with Santa, concluding with the lighting of the tree at 5:30 PM with Santa and Mayor Miller.

Councilmember Abbott thanked Development Services Director and staff for their research of a property maintenance issue that was brought up at the last meeting. He reminded citizens and staff that everyone needs to remain vigilant on property maintenance and keep enforcement moving quickly.

Councilmember Oberson reported that salters are being put on the street trucks, to be ready for cold weather changes. He also thanked the staff for their work on the property maintenance issue.

Councilmember Woeste reported that the ribbon cutting at Veritiv was a great event, with the announcement of the company leasing additional space and making plans for more jobs at their Gilmore Point location. He thanked Councilmember Pennington and Mrs. Coley for her efforts with Empty Bowls to benefit the Fairfield Food Pantry. He also reported that there is an article on the heroin epidemic in the latest newsletter and noted that the police officer involved in the incident at OSU is a Fairfield native from a great family. He asked that everyone respect the family's privacy and keep them in their thoughts and prayers.

### **Approval of Minutes**

#### **Regular Meeting Minutes of November 14, 2016**

- The Regular Meeting minutes of November 14, 2016 were approved as written and submitted.

### **OLD BUSINESS**

#### **DEVELOPMENT SERVICES COMMITTEE**

**Bill Woeste, Chairman; Bob Myron, Vice Chairman; Mike Snyder, Member**

Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the Final Development Plan for the Stockton Station Retail Center Planned Unit Development.

Legislative Action: The second reading of this ordinance was held for Planning Commission recommendation.

**NEW BUSINESS**

**COMMUNITY & PUBLIC RELATIONS COMMITTEE**

**Bob Myron, Chairman; Bill Woeste, Vice Chairman; Debbie Pennington, Member**

Ordinance to amend Section 145.04, Appointment of Full-Time Firefighter/Paramedic positions, and add a new section 145.08, Eligibility Lists for Full-Time Fire Positions, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Councilmember Bill Woeste, seconded by Councilmember Tim Abbott moved to read the following ordinance by title only. Motion Carried 6-0.

Background: City Manager Wendling recommended an ordinance to clarify eligibility lists and appointments for Firefighter/Paramedic positions. The Civil Service Commission has recommended the adoption of this ordinance so that they can continue its current practices. Legislative action: Councilmember Woeste presented the first reading of this ordinance.

**Meeting Schedule**

Clerk Wilson read the following meeting schedule:

- Monday, December 5 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, December 12 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, January 9 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

**Executive Session of Council (if needed)**

No Executive Session.

**Adjournment**

The regular meeting of Council adjourned at 7:30 PM.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor's Approval

Date Approved \_\_\_\_\_

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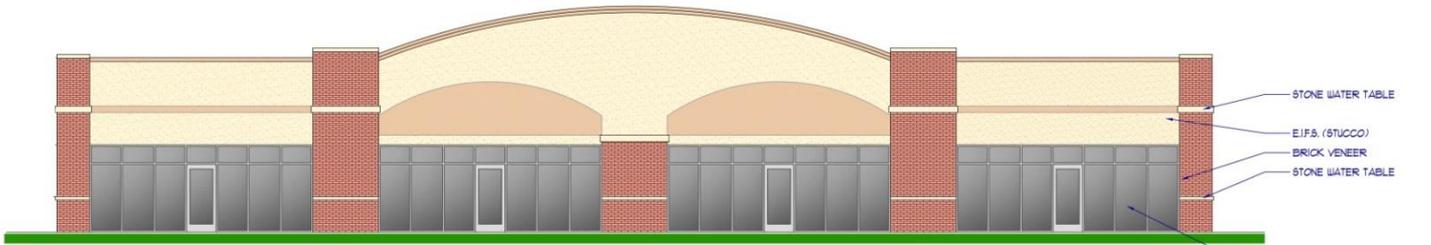
**PUBLIC HEARING**  
NOVEMBER 28, 2016

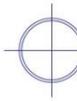
# Aerial

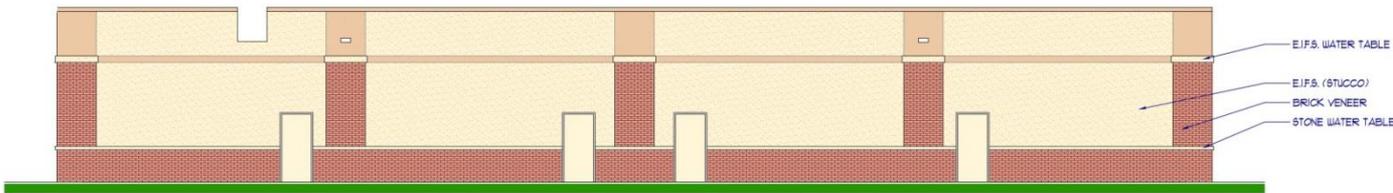




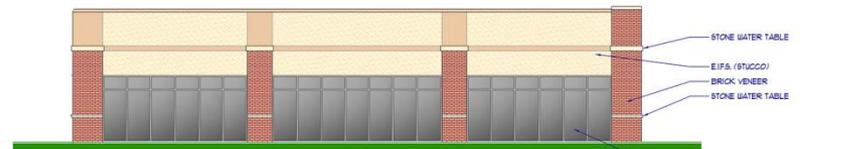
# Elevations



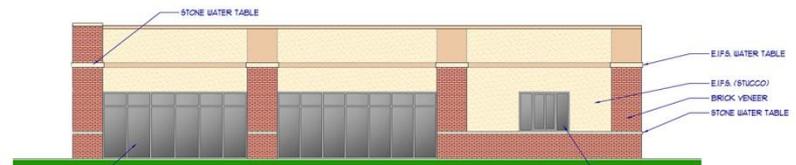
 **NORTH ELEVATION**  
Faces Route 4



 **SOUTH ELEVATION**  
Faces Single-family



 **EAST ELEVATION**  
Faces Starbucks



 **WEST ELEVATION**  
Faces Spinning Fork

# Schedule

- Public Hearing – November 28, 2016 @ 7:00 pm
- Planning Commission – December 14, 2016 @ 6:00pm
- Second Reading – January 9, 2017 @ 7:00 pm \*
- Third Reading – January 23, 2017 @ 7:00 pm \*

\* Date may be delayed depending upon the outcome of the Planning Commission.

Comments or Questions?

Item No. 11(B)(1)

**City of Fairfield, Ohio  
City Council Meeting Communication**

Date 11-14-16

**Item:**

An ordinance approving a final development plan for a retail center on approximately one acre of land located between Dixie Highway and Stockton Station Drive.

**Financial Impact:**

None. This is a land use decision.

**Synopsis:**

The proposal is to build an approximately 9,000 square foot multi-tenant retail building with a possible drive-thru. The development is located on 1.23 acre parcel situated between the Spinning Fork and Starbucks, currently under construction.

**Background:**

The property is located in the Stockton Station Planned Unit Development that was approved in 1999. The site is designated for commercial uses.

**Recommendation:**

It is recommended that City Council have first reading on this item at the November 14 meeting, set the public hearing for November 28, 2016 and await the written recommendation from the Planning Commission.

**Legislative Actions:** Rules Suspension and Adoption Requested?  
Emergency Provision Needed?

No.  
No.

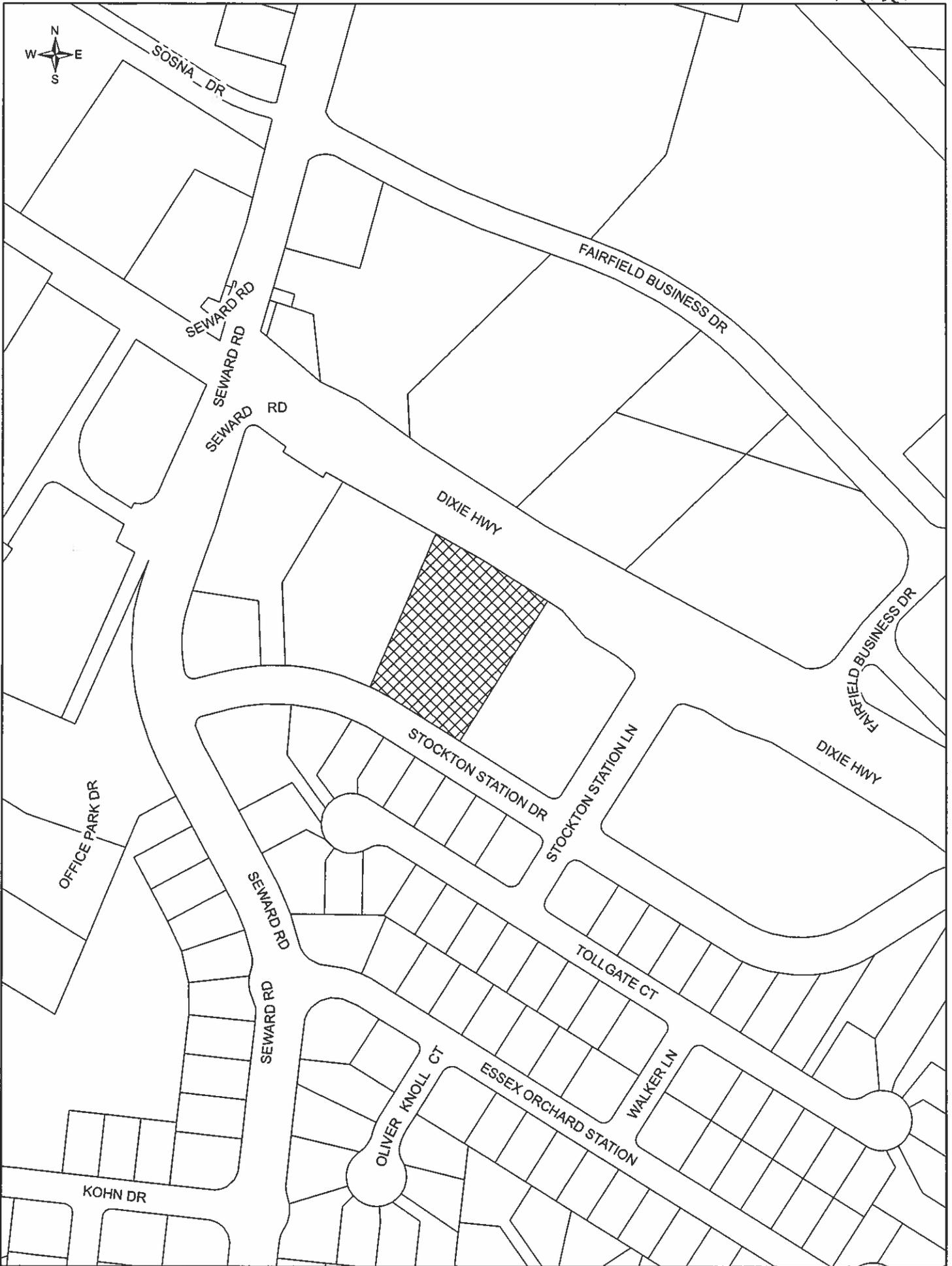
Prepared by: Eric Darrow (Planning Mgr.)

Approved for Content by: Greg Kathan

Financial Review (where applicable): May Hym

Legal Review (where applicable): John W. Uemmons

Accepted for Council Agenda: Richard







ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, SECTION 1141.02, THE CITY OF FAIRFIELD, OHIO, ZONING MAP BY APPROVING THE FINAL DEVELOPMENT PLAN FOR THE STOCKTON STATION RETAIL CENTER PLANNED UNIT DEVELOPMENT.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The official Zoning Map of the City of Fairfield, Ohio, which is incorporated into Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, Section 1141.02, is hereby amended by changing the zoning classification of the 1.23 acres of part lot 12989, City of Fairfield, Butler County, Ohio, located between the Spinning Fork and Starbucks by approving the final development plan for the Stockton Station Retail Center Planned Unit Development, a copy of which plan, including the written terms and conditions which constitute a material part thereof, is on file in the office of the Clerk of Council and which are incorporated herein by reference.

Section 2. The Director of Development Services is hereby directed to change the official Zoning Map of the City of Fairfield, Ohio in accordance with this ordinance.

Section 3. This ordinance shall take effect at the earliest period allowed by law.

|                |       |                       |
|----------------|-------|-----------------------|
| Passed         | _____ | _____                 |
|                |       | Mayor's Approval      |
| Posted         | _____ |                       |
| First Reading  | _____ | Rules Suspended _____ |
| Second Reading | _____ |                       |
| Third Reading  | _____ |                       |

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

**CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATION**

**DATE:** November 28, 2016

**ITEM:**

Ordinance to amend Section 145.04 and adopt a new section 145.08 of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to the duration of eligibility lists for firefighter-paramedic positions and appointments from the list.

**FINANCIAL IMPACT:**

None.

**SYNOPSIS:**

Pursuant to Section 8.04(E) of the Charter, the City of Fairfield is able to supercede state law on civil service matters if the Civil Service Commission recommends an ordinance which is adopted by the Council.

**BACKGROUND:**

The Fairfield Civil Service Commission has recommended adoption of this ordinance to enable it to continue its existing rules with regard to the appointment of firefighter-paramedics and the duration of eligibility lists.

**RECOMMENDATION:**

It is recommended that Council adopt the attached ordinance. Suspension of the rules and the emergency clause are prohibited and the ordinance must be approved by a three-fourths (6 of 7) vote of Council.

**LEGISLATIVE ACTION:**

Suspension of Rules and Adoption Requested?     Yes             No  
If **yes**, explain above.

Emergency Provision Needed?                     Yes             No  
If **yes**, explain above.

Prepared by: John H. Clemmons  
Approved for Content by: John H. Clemmons  
Financial Review (where applicable): Mary Hays  
Legal Review (where applicable): John H. Clemmons  
Accepted for Council Agenda: Thomas

**CIVIL SERVICE COMMISSION**  
**5350 Pleasant Avenue**  
**Fairfield, Oh 45014**  
**513-867-5381**

Richard Fox  
Chairman

Brian Wood  
Vice Chairman

Kari Russo  
Member

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November 16, 2016

Fairfield City Council  
5350 Pleasant Ave.  
Fairfield, OH 45014

Dear Sirs,

At the November 10, 2016 meeting, the Civil Service Commission discussed the pre-employment process for police and fire positions. While we typically follow the State of Ohio Civil Service Code, the Commission is recommending that you adopt the attached ordinance amending the number of applicants for consideration on an eligibility list and the time of validity for said lists.

Sincerely yours,



Lindsey Margerum  
Civil Service Commission Secretary

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AMEND SECTION 145.04, APPOINTMENT OF FULL-TIME FIREFIGHTER/PARAMEDIC POSITIONS, AND ADD A NEW SECTION 145.08, ELIGIBILITY LISTS FOR FULL-TIME FIRE POSITIONS, OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

WHEREAS, pursuant to Section 8.04(E) of the Fairfield City Charter, this Council may adopt an ordinance modifying the general laws of Ohio pertaining to civil service upon recommendation of the Civil Service Commission, and

WHEREAS, the Fairfield Civil Service Commission has recommended the adoption of this ordinance; and

WHEREAS, this ordinance has been considered by this Council at meetings held on at least three separate days and is adopted upon a vote of at least three-fourths (3/4) of the members of this Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Section 145.04 is hereby amended and a new section 145.08 is hereby adopted of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, to read as follows: See attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor's Approval

Posted \_\_\_\_\_

First Reading \_\_\_\_\_

Rules Suspended \_\_\_\_\_

Second Reading \_\_\_\_\_

Third Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

## EXHIBIT "A"

### 145.04 APPOINTMENT OF FULL-TIME FIREFIGHTER/PARAMEDIC POSITIONS.

The provisions of Ohio R.C. Chapter 124 and any other section of the Ohio Revised Code notwithstanding, there shall be credit given or added to the examination score of any applicant for the full-time position of firefighter/paramedic for seniority only in the City of Fairfield Fire Service in accordance with the rules of the Civil Service Commission. Credit for seniority given to part-time employees applying for full-time positions in the City of Fairfield Fire Service shall be calculated in the same manner as provided by the rules of the Civil Service Commission for seniority credit on promotional examinations. There shall be no preference given on the examination score or in the ranking of the applicants for any full-time firefighter/paramedic position in the City of Fairfield Fire Service to any current or former employee of the City of Fairfield, Ohio, other than for seniority in the City of Fairfield Fire Service as stated above, and no additional credit or preference for military service or efficiency shall be given to any applicant. The City Manager shall have discretion to fill or not fill any vacancy in the position of full-time firefighter/paramedic. **FOR FULL-TIME FIREFIGHTER/PARAMEDIC POSITIONS, THE CITY MANAGER MAY APPOINT FROM THE TOP TWENTY-FIVE PERCENT (25%) OF THE ELIGIBILITY LIST OR THE TEN (10) NAMES STANDING HIGHEST ON THE ELIGIBILITY LIST, WHICHEVER IS GREATER.**

### 145.08 ELIGIBILITY LISTS FOR FULL-TIME FIRE POSITIONS

**THE PROVISIONS OF OHIO R.C. CHAPTER 124 AND ANY OTHER SECTION OF THE OHIO REVISED CODE NOTWITHSTANDING, THE FOLLOWING SHALL BE APPLICABLE TO ELIGIBLE LISTS FOR ORIGINAL APPOINTMENTS TO FULL-TIME FIREFIGHTER/PARAMEDIC POSITIONS AND PROMOTIONS FOR FULL-TIME POSITIONS IN THE FIRE DEPARTMENT:**

**(a) EXCEPT AS PROVIDED IN SECTION 145.03(c) OF THESE CODIFIED ORDINANCES, ELIGIBLE LISTS SHALL BE FOR A MINIMUM TERM OF ONE (1) YEAR BUT NOT MORE THAN (2) YEARS AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION.**

**(b) THE CIVIL SERVICE COMMISSION MAY TERMINATE A PROMOTIONAL ELIGIBILITY LIST AFTER ONE (1) YEAR AND MAY TERMINATE AN ELIGIBILITY LIST FOR ORIGINAL APPOINTMENTS TO THE POSITION OF FULL-TIME FIREFIGHTER/PARAMEDIC AT ANY TIME.**

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATION

DATE: December 5, 2015

**ITEM:**

Update of the Traffic and General Offenses Codes of the City of Fairfield Codified Ordinances.

**FINANCIAL IMPACT:**

This update is included in the annual budget at approximately \$10,000.00 per year for our codified ordinance service company.

**SYNOPSIS:**

Periodically the City updates its Traffic and General Offenses Code in order to conform them to the extent possible to recent amendments in state law and provide the latest versions of traffic and general offenses and other ordinances for use by the City's law enforcement and safety personnel.

**BACKGROUND:**

The Traffic and General Offenses Codes were last updated in December, 2015.

**RECOMMENDATION:**

It is recommended that Council adopt an ordinance to update the Traffic and General Offenses Codes. Suspension of the rules is requested so that the amendments can be effective as soon as possible after state law changes.

**LEGISLATIVE ACTION:**

Suspension of Rules and Adoption Requested?  X  Yes      No  
If *yes*, explain above.

Emergency Provision Needed?      Yes  X  No  
If *yes*, explain above.

Prepared by:  Jeff H. Clemmons

Approved for Content by:  Jeff H. Clemmons

Financial Review (where applicable):  Mary Hagan

Legal Review (where applicable):  Jeff H. Clemmons

Accepted for Council Agenda:  this item

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO ADOPT NEW SECTIONS 331.211, 335.021 AND 335.111 AND AMEND VARIOUS OTHER SECTIONS OF THE TRAFFIC AND GENERAL OFFENSES CODES OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. New sections 331.211, 335.021 and 335.111 are hereby adopted and sections 301.04, 301.19, 331.21, 335.09, 335.12, 335.13, 373.02, 501.06, 505.071, 513.02, 513.03, 513.04, 513.05, 513.07, 513.08, 513.11, 513.12, 513.121, 513.14, 525.15, 529.01, 529.07, 537.051, 537.10, 537.17, 541.04 and 541.10 of the Traffic and General Offenses Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio are hereby amended to read as follows:

See attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

|                |       |                       |
|----------------|-------|-----------------------|
| Passed         | _____ | _____                 |
|                |       | Mayor's Approval      |
| Posted         | _____ |                       |
| First Reading  | _____ | Rules Suspended _____ |
| Second Reading | _____ |                       |
| Third Reading  | _____ |                       |

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

**Exhibit "A"**

301.04 BICYCLE; MOTORIZED BICYCLE.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (b).]**

(b) "Motorized bicycle" OR "MOPED" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that **MAY BE PEDALED AND THAT** ~~is capable of being pedaled and~~ is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(ORC 4511.01(H)) ~~Ord. 145-09, Passed 12-14-09.~~

301.19 MOTORCYCLE.

"Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter", "AUTOCYCLE," "cab-enclosed motorcycle" or "motorcycle" without regard to weight or brake horsepower. ~~[(Ord. 99-15, Passed 11-23-15.)]~~ (ORC 4511.01(C))

331.21 RIGHT OF WAY OF PUBLIC SAFETY VEHICLE.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)]**

(d) Except as otherwise provided in this subsection OR SECTION 331.211, whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.

(ORC 4511.45)

**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 ONE HUNDRED FIFTY DOLLARS (\$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 LICENSE PLACARD 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. (ORC 4511.454)

**335.021 OHIO DRIVER'S LICENSE REQUIRED FOR IN STATE RESIDENTS.**

(a) ANY PERSON WHO BECOMES A RESIDENT OF THIS STATE, WITHIN THIRTY DAYS OF BECOMING A RESIDENT, SHALL SURRENDER ANY DRIVER'S LICENSE 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 DRIVER'S LICENSE IN THIS STATE. IF THE PERSON FAILS TO APPLY FOR A DRIVER'S LICENSE WITHIN THIRTY DAYS OF BECOMING A RESIDENT, THE PERSON SHALL NOT OPERATE ANY MOTOR VEHICLE IN THIS MUNICIPALITY UNDER A LICENSE 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. (ORC 4507.213)

**335.09 DISPLAY OF LICENSE PLATES.**

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, **MOTORIZED BICYCLE, OR MOPED, MOTORDRIVEN CYCLE OR MOTOR SCOOTER, AUTOCYCLE**, cab-enclosed motorcycle, ~~[motorized bicycle,]~~ manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker on the rear license plate. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued one license plate and one validation sticker, which license plate and validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker 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 license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

***[NO FURTHER CHANGES TO THIS SECTION.]***

**335.111 REGISTRATION WITHIN THIRTY DAYS OF RESIDENCY.**

(a) **WITHIN THIRTY DAYS OF BECOMING A RESIDENT OF THIS STATE, ANY PERSON WHO OWNS A MOTOR VEHICLE OPERATED OR DRIVEN UPON THE PUBLIC ROADS OR HIGHWAYS SHALL REGISTER THE VEHICLE IN THIS STATE. IF SUCH A PERSON FAILS TO REGISTER A VEHICLE OWNED BY THE PERSON, THE PERSON SHALL NOT OPERATE ANY MOTOR VEHICLE IN THIS MUNICIPALITY UNDER A LICENSE 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. (ORC 4503.111)**

335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.

- (a) (1) In case of **A MOTOR VEHICLE** accident ~~[to]~~ or collision with persons or property ~~[upon any of the]~~ **ON A** public road[s] or highway[s], ~~[due to the driving or operation thereon of any motor vehicle,]~~ the ~~[person driving or operating]~~ **OPERATOR OF** the motor vehicle, having knowledge of the accident or collision, immediately shall stop the ~~[driver's or]~~ operator's motor vehicle at the scene of the accident or collision. **THE OPERATOR** ~~[and]~~ shall remain at the scene of the accident or collision until the ~~[driver or]~~ operator has given the ~~[driver's or]~~ operator's name and address and, if the ~~[driver or]~~ operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to **ALL OF THE FOLLOWING:**
- A. ~~[a]~~ Any person injured in the accident or collision;
  - B. ~~[or to]~~ ~~[t]~~ The operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision~~[,]~~;
  - C. **THE** ~~[or to any]~~ police officer at the scene of the accident or collision.
- (2) In the event ~~[the]~~ **AN** injured person is unable to comprehend and record the information required to be given ~~[by]~~ **UNDER SUBSECTION (a)(1) OF** this section, the other ~~[driver]~~ **OPERATOR** involved in the accident or collision ~~[forthwith]~~ shall notify the nearest police authority concerning the location of the accident or collision, and the ~~[driver's]~~ **OPERATOR'S** name, address and the registered number of the motor vehicle the ~~[driver]~~ **OPERATOR** was operating~~[,]~~. ~~[and then]~~ **THE OPERATOR SHALL** remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.
- (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. ~~[({ORG 4549.02})]~~
- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident~~[,]~~. **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (b)(2) OR (3) OF THIS SECTION, FAILURE TO STOP AFTER AN ACCIDENT IS A misdemeanor of the first degree.**
- (2) If the accident or collision results in serious physical harm **TO A PERSON, FAILURE TO STOP AFTER AN ACCIDENT IS A FELONY AND SHALL BE PROSECUTED UNDER APPROPRIATE STATE LAW.**
- (3) **IF THE ACCIDENT OR COLLISION RESULTS IN THE** ~~[or]~~ death ~~[to]~~ **OF** a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate ~~[s]~~ State law.
- (4) **IN ALL CASES, [T]**the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or

2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section.

~~[(Ord. 102-11, Passed 10-11-11,)]~~ (ORC 4549.02)

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

- (a) (1) In **THE** case of **A MOTOR VEHICLE** accident or collision resulting in injury or damage to persons or property upon any public or private property other than **A** public road[s] or highway[s], ~~[due to the driving or operation thereon of any motor vehicle,]~~ the ~~[person driving or operating]~~ **OPERATOR OF** the motor vehicle, having knowledge of the accident or collision, shall stop~~[, and,]~~ **AT THE SCENE OF THE ACCIDENT OR COLLISION.** ~~[u]~~Upon request of ~~[the]~~ **ANY** person **WHO IS** injured or damaged, or any other person, **THE OPERATOR** shall give that person the ~~[driver's or]~~ operator's name and address, and, if the ~~[driver or]~~ operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the ~~[driver's or]~~ operator's driver's or commercial driver's license.
- (2) If the ~~[owner or person in charge of the damaged property is not furnished such information, the driver]~~ **OPERATOR** of the motor vehicle involved in the accident or collision **DOES NOT PROVIDE THE INFORMATION SPECIFIED IN SUBSECTION (a)(1) OF THIS SECTION, THE OPERATOR SHALL GIVE THAT INFORMATION,** within twenty- four hours after the accident or collision, ~~[shall forward]~~ to the ~~[p]~~Police ~~[authority]~~ **DEPARTMENT.** ~~[in the municipality in which the accident or collision occurred the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.]~~
- (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required ~~[to be given in]~~ **UNDER SUBSECTION (a)(1) OF** this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. ~~[(ORC 4549.021)]~~
- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident~~[,]~~. **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (b)(2) OR (3) OF THIS SECTION, FAILURE TO STOP AFTER A NONPUBLIC ROAD ACCIDENT IS a misdemeanor of the first degree.**
- (2) If the accident or collision results in serious physical harm **TO A PERSON, FAILURE TO STOP AFTER A NONPUBLIC ROAD ACCIDENT IS A FELONY AND SHALL BE PROSECUTED UNDER APPROPRIATE STATE LAW.**
- (3) **IF THE ACCIDENT OR COLLISION RESULTS IN THE** ~~[or]~~ death ~~[to]~~ **OF** a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate ~~[s]~~State law.
- (4) **IN ALL CASES, [T]**the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of

suspension of an offender's license, permit, or privilege required by this subsection.

~~[(ORC 4549.021)]~~

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. ~~[(Ord. 102-11- Passed 10-11-11.)]~~ (ORC 4549.021)

373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (h)]**

- (h) (1) Except as provided in subsection ~~[(i)(3)]~~ (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection (i)(3) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a **UNITED STATES DEPARTMENT OF TRANSPORTATION-APPROVED** protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.
- (2) **SUBSECTION (h)(1) OF THIS SECTION DOES NOT APPLY TO A PERSON OPERATING AN AUTOCYCLE OR CAB-ENCLOSED MOTORCYCLE WHEN THE OCCUPANT COMPARTMENT TOP IS IN PLACE ENCLOSING THE OCCUPANTS.**
- (i) (1) ~~[Except as provided in subsection (i)(3) of this section,]~~ (a) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that **HAS BEEN APPROVED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION** that conforms with rules adopted by the Director.
- (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:
  - A. At any time when lighted lights are required by Section 337.02(a)(1);
  - B. While carrying a passenger;
  - C. On any limited access highway **OR HEAVILY CONGESTED ROADWAY.**
- (3) Subsections (h) and (i)(1) of this section do not apply to a person who operates or is a passenger in a cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.  
(Ord. 99-15. Passed 11-23-15.)

**[NO FURTHER CHANGES TO THIS SECTION.]**

501.06 LIMITATION OF CRIMINAL PROSECUTION.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (i)]**

(i) The period of limitation for a violation of any provision of this General Offenses Code that involves a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of a child under eighteen years of age or of a ~~[mentally retarded, developmentally disabled, or physically impaired]~~ child **WITH A DEVELOPMENTAL DISABILITY OR PHYSICAL IMPAIRMENT** under twenty-one years of age shall not begin to run until either of the following occurs:

**[NO FURTHER CHANGES TO THIS SECTION.]**

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.

**[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (c)]**

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

- (1) ~~[Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief,]~~ **TORTURE, TORMENT OR COMMIT AN ACT OR CRUELTY** against the companion animal;
- ~~[(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~
- ~~[(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~
- ~~[(4) Needlessly kill the companion animal;]~~
- ~~[(5)](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, ~~[or 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 deprivation~~[,]~~ **OR** confinement~~[, or impoundment in any of those specified manners.]~~
- (3) **IMPOUND OR CONFINED THE COMPANION ANIMAL WITHOUT AFFORDING IT, DURING THE IMPOUNDMENT OR CONFINEMENT, WITH ACCESS TO SHELTER FROM HEAT, COLD, WIND, RAIN, SNOW OR EXCESS 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.**

(d) 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) ~~[Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief,]~~ TORTURE, TORMENT, OR COMMIT AN ACT OF CRUELTY against the companion animal;
- ~~[(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;~~
- ~~(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~
- ~~(4) Needlessly kill the companion animal;]~~
- ~~[(5)](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, [or 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 deprivation[;] OR confinement[;] ~~or impoundment or confinement in any of these specified manners.]~~~~
- (3) IMPOUND OR CONFINED 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.

***[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (f)(5)]***

(f)...

- (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99[; ~~Ord. 31-04, Passed 2-23-04; Ord. 104-14, Passed 11-24-14.~~])

**513.02 GIFT OF MARIHUANA.**

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of trafficking in marihuana, a misdemeanor of the fourth degree for the first offense and a misdemeanor of the first degree for any subsequent offense. (Ord. 150-89. Passed 9-25-90.)

(c) **THE COURT MAY BY ORDER SUSPEND FOR NOT MORE THAN FIVE YEARS THE DRIVER'S OR COMMERCIAL DRIVER'S LICENSE OR PERMIT OF ANY PERSON WHO IS CONVICTED OF OR PLEADS GUILTY TO ANY VIOLATION OF THIS SECTION. 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 OHIO R.C. 2925.03(G). IF AN OFFENDER'S DRIVER'S OR COMMERCIAL DRIVER'S LICENSE OR PERMIT IS SUSPENDED PURSUANT TO THIS SUBSECTION, THE OFFENDER, AT ANY TIME AFTER THE EXPIRATION OF TWO YEARS FROM THE DAY ON WHICH THE OFFENDER'S SENTENCE WAS IMPOSED, MAY FILE A MOTION WITH THE SENTENCING COURT REQUESTING TERMINATION OF THE SUSPENSION; UPON THE FILING OF SUCH A MOTION AND THE COURT'S FINDING OF GOOD CAUSE FOR THE TERMINATION, THE COURT MAY TERMINATE THE SUSPENSION. (ORC 2925.03)

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. ~~[(Ord. 1-14, Passed 1-13-14.)]~~

(b) (1) This section does not apply to the following:

~~[(1)]~~ 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. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

~~[(2)]~~ 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;

~~[(3)]~~ 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;

~~[(4)]~~ D. Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.

(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 THIRTY 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 CREDENTIALLED 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 THE EFFECTIVE DATE OF THIS AMENDMENT 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.

***[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)]***

(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 ~~[less than six months or]~~ 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 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.**

***[NO FURTHER CHANGES TO THIS SECTION.]***

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

***[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)]***

(d) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not ~~[less than six months or]~~ more than five years the offender's driver's or commercial driver's license or permit. ~~[(Ord. 139-07, Passed 11-19-07.)]~~ **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. (ORC 2925.12)**

513.05 PERMITTING DRUG ABUSE.

***[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)]***

(d) 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 ~~[less than six months or]~~ 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.**

***[NO FURTHER CHANGES TO THIS SECTION.]***

**513.07 POSSESSING OR USING HARMFUL INTOXICANTS.**

***[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (c)]***

(c) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not ~~[less than six months or]~~ 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.** (ORC 2925.31[~~;~~~~Ord. 87-05. Passed 5-9-05.~~])

**513.08 ILLEGALLY DISPENSING DRUG SAMPLES.**

***[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)]***

(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 for not ~~[less than six months or]~~ more than five years the offender's driver's or commercial driver's license or permit. [~~Ord. 139-07. Passed 11-19-07.~~] **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.** (ORC 2925.36)

**513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.**

***[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)]***

(d) **IN ADDITION TO ANY OTHER SANCTION IMPOSED UPON AN OFFENDER FOR POSSESSING NITROUS OXIDE IN A MOTOR VEHICLE, THE COURT MAY SUSPEND FOR NOT MORE THAN FIVE YEARS THE OFFENDER'S DRIVER'S OR COMMERCIAL DRIVER'S LICENSE OR PERMIT.** (ORC 2925.33)

**513.12 DRUG PARAPHERNALIA.**

***[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (g)]***

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not ~~[less than six months or]~~ more than five years the offender's driver's or commercial driver's license or permit. [~~Ord. 139-07. Passed 11-19-07.~~] **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.** (ORC 2925.14)

513.121 MARIHUANA DRUG PARAPHERNALIA.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (g)]**

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court ~~[shall]~~ **MAY** suspend for not ~~[less than six months or]~~ 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. ~~[(Ord. 103-12, Passed 11-26-12-)]~~ **(ORC 2925.141)**

513.14 COUNTERFEIT CONTROLLED SUBSTANCES.

(a) No person shall knowingly possess any counterfeit controlled substance.

(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (Ord. 144-96. Passed 10-15-96.)

(c) **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. (ORC 2925.37)**

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (e)(5)D.]**

(e)...

(5)...

D. If the violation resulted in the death of the ~~[police dog or horse or the]~~ assistance dog that was the subject of the violation or resulted in serious physical harm to ~~[that]~~ **THE POLICE dog or horse OR THE ASSISTANCE DOG OR HORSE THAT WAS SUBJECT OF THE VIOLATION** to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

**[NO FURTHER CHANGES TO THIS SECTION.]**

529.01 DEFINITIONS.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (c)]**

(c) (1) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more, but not more than twelve percent (12%) of alcohol by volume.

(ORC 4301.01)

- (2) BEER, REGARDLESS OF THE PERCENT OF ALCOHOL BY VOLUME, IS NOT INTOXICATING LIQUOR FOR PURPOSES OF THIS CHAPTER. (ORC 4301.244)

**[NO FURTHER CHANGES TO THIS SECTION.]**

529.07 OPEN CONTAINER PROHIBITED.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (c)(1)]**

(c) (1) A person may have in the person's possession an opened container of any of the following:

- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, ~~A-2(f)~~, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D8, E, F, F-2, F-5, F-7 or F-8 permit; ~~[(Ord. 110-10, Passed 12-6-10.)]~~
- B. Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit, ~~or~~ wine served **AS A TASTING SAMPLE BY AN A-2 PERMIT HOLDER OR S PERMIT HOLDER** for consumption on the premises **OF A FARMERS MARKET FOR WHICH AN F-10 PERMIT HAS BEEN ISSUED, OR WINE SERVED FOR CONSUMPTION ON THE PREMISES** by the holder of an F-4 or F-6 permit;

**[NO FURTHER CHANGES UNTIL PARAGRAPH (c)(8)]**

- (8) A. A PERSON MAY HAVE IN THE PERSON'S POSSESSION ON THE PROPERTY OF A MARKET, WITHIN A DEFINED F-8 PERMIT PREMISES, AN OPENED CONTAINER OF BEER OR INTOXICATING LIQUOR THAT WAS PURCHASED FROM A D PERMIT PREMISES THAT IS LOCATED IMMEDIATELY ADJACENT TO THE MARKET IF BOTH OF THE FOLLOWING APPLY:
  - 1. THE MARKET GRANTS PERMISSION FOR THE POSSESSION AND CONSUMPTION OF BEER AND INTOXICATING LIQUOR WITHIN THE DEFINED F-8 PERMIT PREMISES;
  - 2. THE MARKET IS HOSTING AN EVENT PURSUANT TO AN F-8 PERMIT AND THE MARKET HAS NOTIFIED THE DIVISION OF LIQUOR CONTROL ABOUT THE EVENT IN ACCORDANCE WITH DIVISION (A)(3) OF OHIO R.C. 4303.208.
- B. AS USED IN SUBSECTION (c)(8) OF THIS SECTION, MARKET MEANS A MARKET, FOR WHICH AN F-8 PERMIT IS HELD, THAT HAS BEEN IN OPERATION SINCE 1860.

**[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (f)(1)C.]**

(f)...

(1)...

- C. The person has in their possession on the commercial quadricycle ~~as~~ AN opened container of beer or wine.

**[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (g)]**

(g) THIS SECTION DOES NOT APPLY TO A PERSON THAT HAS IN THE PERSON'S POSSESSION AN OPENED CONTAINER OF BEER OR INTOXICATING LIQUOR ON THE PREMISES OF A MARKET IF THE BEER OR INTOXICATING LIQUOR HAS BEEN PURCHASED FROM A D LIQUOR PERMIT HOLDER THAT IS LOCATED IN THE MARKET.

AS USED IN SUBSECTION (g) OF THIS SECTION, "MARKET" MEANS AN ESTABLISHMENT THAT:

- (1) LEASES SPACE IN THE MARKET TO INDIVIDUAL VENDORS, NOT LESS THAN FIFTY PERCENT OF WHICH ARE RETAIL FOOD ESTABLISHMENTS OR FOOD SERVICE OPERATIONS LICENSED UNDER OHIO R.C. CHAPTER 3717;
  - (2) HAS AN INDOOR SALES FLOOR AREA OF NOT LESS THAN TWENTY-TWO THOUSAND SQUARE FEET;
  - (3) HOSTS A FARMER'S MARKET ON EACH SATURDAY FROM APRIL THROUGH DECEMBER.
- (ORC 4301.62)

~~[(g)](h)~~ Whoever violates this section is guilty of a minor misdemeanor. (ORC 4301.99(A)~~]; Ord. 99-15, Passed 11-23-15.~~)

537.051 MENACING BY STALKING.

- (a) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or **A FAMILY OR HOUSEHOLD MEMBER OF THE OTHER PERSON** OR cause mental distress to the other person **OR A FAMILY OR HOUSEHOLD MEMBER OF THE OTHER PERSON**. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's **FAMILY OR HOUSEHOLD MEMBER** OR mental distress~~],~~ **TO THE OTHER PERSON OR** the other person's **FAMILY OR HOUSEHOLD MEMBER**, **THE OTHER PERSON'S** belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association or other organization that employs the other person or to which the other person belongs.
- (2) No person, through the use of any **FORM OF WRITTEN COMMUNICATION OR ANY** electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, ~~or~~ computer system~~],~~ **OR TELECOMMUNICATION DEVICE** shall post a message **OR USE ANY INTENTIONALLY WRITTEN OR VERBAL GRAPHIC GESTURE** with purpose to **DO EITHER OF THE FOLLOWING:**
  - A. ~~[urge or incite another to commit a violation of]~~ **VIOLATE** subsection (a)(1) of this section;
  - B. **URGE OR INCITE ANOTHER TO COMMIT A VIOLATION OF SUBSECTION (a)(1) OF THIS SECTION.**

**[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)]**

- (d) As used in this section:
  - (1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages, **USE OF INTENTIONALLY WRITTEN OR VERBAL GRAPHIC GESTURES**, or receipts of information or data through the use of **ANY FORM OF**

**WRITTEN COMMUNICATION OR** an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct".

**[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (d)(11)]**

- (11) "FAMILY OR HOUSEHOLD MEMBER" MEANS ANY OF THE FOLLOWING:
- A. ANY OF THE FOLLOWING WHO IS RESIDING OR HAS RESIDED WITH THE PERSON AGAINST WHOM THE ACT PROHIBITED IN SUBSECTION (a)(1) OF THIS SECTION IS COMMITTED:
    - 1. A SPOUSE, A PERSON LIVING AS A SPOUSE, OR A FORMER SPOUSE OF THE PERSON;
    - 2. A PARENT, A FOSTER PARENT, OR A CHILD OF THE PERSON, OR ANOTHER PERSON RELATED BY CONSANGUINITY OR AFFINITY TO THE PERSON;
    - 3. A PARENT OR A CHILD OF A SPOUSE, PERSON LIVING AS A SPOUSE, OR FORMER SPOUSE OF THE PERSON, OR ANOTHER PERSON RELATED BY CONSANGUINITY OR AFFINITY TO A SPOUSE, PERSON LIVING AS A SPOUSE, OR FORMER SPOUSE OF THE PERSON.
  - B. THE NATURAL PARENT OF ANY CHILD OF WHOM THE PERSON AGAINST WHOM THE ACT PROHIBITED IN SUBSECTION (a)(1) OF THIS SECTION IS COMMITTED IS THE OTHER NATURAL PARENT OR IS THE PUTATIVE OTHER NATURAL PARENT.
- (12) "PERSON LIVING AS A SPOUSE" MEANS A PERSON WHO IS LIVING OR HAS LIVED WITH THE PERSON AGAINST WHOM THE ACT PROHIBITED IN SUBSECTION (a)(1) OF THIS SECTION IS COMMITTED IN A COMMON LAW MARITAL RELATIONSHIP, WHO OTHERWISE IS COHABITING WITH THAT PERSON, OR WHO OTHERWISE HAS COHABITED WITH THE PERSON WITHIN FIVE YEARS PRIOR TO THE DATE OF THE ALLEGED COMMISSION OF THE ACT IN QUESTION.

**[NO FURTHER CHANGES TO THIS SECTION.]**

**537.10 TELECOMMUNICATION HARASSMENT.**

(a) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

- (1) ~~[Fails to identify the caller to the recipient of the telecommunication and]~~  
**[m]Makes the telecommunication with purpose to harass, INTIMIDATE, or abuse, any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;**

**[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (a)(6).]**

- (6) **KNOWINGLY MAKES ANY COMMENT, REQUEST, SUGGESTION, OR PROPOSAL TO THE RECIPIENT OF THE TELECOMMUNICATION THAT IS THREATENING, INTIMIDATING, MENACING, COERCIVE, OR OBSCENE WITH THE INTENT TO ABUSE, THREATEN OR HARASS THE RECIPIENT;**
- (7) **WITHOUT A LAWFUL BUSINESS PURPOSE, KNOWINGLY INTERRUPTS THE TELECOMMUNICATION SERVICE OF ANY PERSON;**

- (8) WITHOUT A LAWFUL BUSINESS PURPOSE, KNOWINGLY TRANSMITS TO ANY PERSON, REGARDLESS OF WHETHER THE TELECOMMUNICATION IS HEARD IN ITS ENTIRETY, ANY FILE, DOCUMENT OR OTHER COMMUNICATION THAT PREVENTS THAT PERSON FROM USING THE PERSON'S TELEPHONE SERVICE OR ELECTRONIC COMMUNICATION DEVICE;
  - (9) KNOWINGLY MAKES ANY FALSE STATEMENT CONCERNING THE DEATH, INJURY, ILLNESS, DISFIGUREMENT, REPUTATION, INDECENT CONDUCT, OR CRIMINAL CONDUCT OF THE RECIPIENT OF THE TELECOMMUNICATION OR FAMILY OR HOUSEHOLD MEMBER OF THE RECIPIENT WITH PURPOSE TO ABUSE, THREATEN, INTIMIDATE, OR HARASS THE RECIPIENT;
  - (10) KNOWINGLY INCITES ANOTHER PERSON THROUGH A TELECOMMUNICATION OR OTHER MEANS TO HARASS OR PARTICIPATE IN THE HARASSMENT OF A PERSON;
  - (11) KNOWINGLY ALARMS THE RECIPIENT BY MAKING A TELECOMMUNICATION WITHOUT A LAWFUL PURPOSE AT AN HOUR OR HOURS KNOWN TO BE INCONVENIENT TO THE RECIPIENT AND IN AN OFFENSIVE OR REPETITIVE MANNER.
- (b) (1) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person. ~~[(Ord. 65-01. Passed 5-14-01.)]~~
  - (2) NO PERSON SHALL KNOWINGLY POST A TEXT OR AUDIO STATEMENT OR AN IMAGE ON AN INTERNET WEB SITE OR WEB PAGE FOR THE PURPOSE OF ABUSING, THREATENING, OR HARASSING ANOTHER PERSON.
- (c) (1) Whoever violates this section is guilty of telecommunication harassment.
  - (2) A violation of subsections (a)(1), (2), (3), ~~[or] (5), (6), (7), (8), (9), (10) OR (11)~~ or (b) hereof is a misdemeanor of the first degree on a first offense. Each subsequent offense is a felony and shall be prosecuted under appropriate State law.
  - (3) Whoever violates subsection (a)(4) hereof is guilty of a misdemeanor of the first degree for a first offense. For each subsequent offense or if a violation of subsection (a)(4) hereof results in economic harm of one thousand dollars (\$1,000) or more, a violation of subsection (a)(4) hereof is a felony and shall be prosecuted under appropriate State law. ~~[(Ord. 102-11. Passed 10-11-11.)]~~
- (d) No cause of action may be asserted in any court of this State against any provider of a telecommunications service, **INTERACTIVE COMPUTER SERVICE AS DEFINED IN SECTION 230 OF TITLE 47 OF THE UNITED STATES CODE**, or information service, or against any officer, employee, or agent of a telecommunication service, **INTERACTIVE COMPUTER SERVICE AS DEFINED IN SECTION 230 OF TITLE 47 OF THE UNITED STATES CODE**, or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service, **INTERACTIVE COMPUTER SERVICE AS DEFINED IN SECTION 230 OF TITLE 47 OF THE UNITED STATES CODE**, or information service, or an officer, employee, or agent of a telecommunications service, **INTERACTIVE COMPUTER SERVICE AS DEFINED IN SECTION 230 OF TITLE 47 OF THE UNITED STATES CODE**, ~~or~~ OF information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's

provision of information, facilities or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

~~[(Ord. 110-10, Passed 12-6-10.)]~~

- (e) (1) THIS SECTION DOES NOT APPLY TO A PERSON SOLELY BECAUSE THE PERSON PROVIDED ACCESS OR CONNECTION TO OR FROM AN ELECTRONIC METHOD OF REMOTELY TRANSFERRING INFORMATION NOT UNDER THAT PERSON'S CONTROL, INCLUDING HAVING PROVIDED CAPABILITIES THAT ARE INCIDENTAL TO PROVIDING ACCESS OR CONNECTION TO OR FROM THE ELECTRONIC METHOD OF REMOTELY TRANSFERRING THE INFORMATION, AND THAT DO NOT INCLUDE THE CREATION OF THE CONTENT OF THE MATERIAL THAT IS THE SUBJECT OF THE ACCESS OR CONNECTION. IN ADDITION, ANY PERSON PROVIDING ACCESS OR CONNECTION TO OR FROM AN ELECTRIC METHOD OF REMOTELY TRANSFERRING INFORMATION NOT UNDER THAT PERSON'S CONTROL SHALL NOT BE LIABLE FOR ANY ACTION VOLUNTARILY TAKEN IN GOOD FAITH TO BLOCK THE RECEIPT OR TRANSMISSION THROUGH ITS SERVICE OF ANY INFORMATION THAT THE PERSON BELIEVES IS, OR WILL BE SENT, IN VIOLATION OF THIS SECTION.
- (2) SUBSECTION (e)(1) OF THIS SECTION DOES NOT CREATE AN AFFIRMATIVE DUTY FOR ANY PERSON PROVIDING ACCESS OR CONNECTION TO OR FROM AN ELECTRONIC METHOD OF REMOTELY TRANSFERRING INFORMATION NOT UNDER THAT PERSON'S CONTROL TO BLOCK THE RECEIPT OR TRANSMISSION THROUGH ITS SERVICE OF ANY INFORMATION THAT IT BELIEVES IS, OR WILL BE SENT, IN VIOLATION OF THIS SECTION EXCEPT AS OTHERWISE PROVIDED BY LAW.
- (3) SUBSECTION (e)(1) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO CONSPIRES WITH A PERSON ACTIVELY INVOLVED IN THE CREATION OR KNOWING DISTRIBUTION OF MATERIAL IN VIOLATION OF THIS SECTION OR WHO KNOWINGLY ADVERTISES THE AVAILABILITY OF MATERIAL OF THAT NATURE.
- (4) A PROVIDER OR USER OF AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN SECTION 230 OF TITLE 47 OF THE UNITED STATES CODE, SHALL NEITHER BE TREATED AS THE PUBLISHER OR SPEAKER OF ANY INFORMATION PROVIDED BY ANOTHER INFORMATION CONTENT PROVIDER, AS DEFINED IN SECTION 230 OF TITLE 47 OF THE UNITED STATES CODE, NOR HELD CIVILLY OR CRIMINALLY LIABLE FOR THE CREATION OR DEVELOPMENT OF INFORMATION PROVIDED BY ANOTHER INFORMATION CONTENT PROVIDER, AS DEFINED IN SECTION 230 OF TITLE 47 OF THE UNITED STATES CODE. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROTECT A PERSON FROM LIABILITY TO THE EXTENT THAT THE PERSON DEVELOPED OR CREATED ANY CONTENT IN VIOLATION OF THIS SECTION.

(f) SUBSECTIONS (a)(5) TO (11) AND (b)(2) OF THIS SECTION DO NOT APPLY TO A PERSON WHO, WHILE EMPLOYED OR CONTRACTED BY A NEWSPAPER, MAGAZINE, PRESS ASSOCIATION, NEWS AGENCY, NEWS WIRE SERVICE, CABLE CHANNEL OR CABLE OPERATOR, OR RADIO OR TELEVISION STATION, IS GATHERING, PROCESSING, TRANSMITTING, COMPILING, EDITING OR DISSEMINATING INFORMATION FOR THE GENERAL PUBLIC, WITHIN THE SCOPE OF THE PERSON'S EMPLOYMENT IN THAT CAPACITY OR THE PERSON'S CONTRACTUAL AUTHORITY IN THAT CAPACITY.

~~[(e)](g)~~ As used in this section:

- (1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:
- A. All wages, salaries, or other compensation lost as a result of the criminal conduct;
  - B. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
  - C. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
  - D. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- (2) "Caller" means the person described in subsection (a) hereof who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.
- (3) "Telecommunication" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
- (4) "Sexual activity" has the same meaning as in Ohio R.C. 2907.01.
- (5) **"FAMILY OR HOUSEHOLD MEMBER" MEANS ANY OF THE FOLLOWING:**
- A. **ANY OF THE FOLLOWING WHO IS RESIDING OR HAS RESIDED WITH THE RECIPIENT OF THE TELECOMMUNICATION AGAINST WHOM THE ACT PROHIBITED IN SUBSECTION (a)(9) OF THIS SECTION IS COMMITTED:**
    - 1. **A SPOUSE, A PERSON LIVING AS A SPOUSE, OR A FORMER SPOUSE OF THE RECIPIENT;**
    - 2. **A PARENT, A FOSTER PARENT, OR A CHILD OF THE RECIPIENT, OR ANOTHER PERSON RELATED BY CONSANGUINITY OR AFFINITY TO THE RECIPIENT;**
    - 3.. **A PARENT OR A CHILD OF A SPOUSE, PERSON LIVING AS A SPOUSE, OR FORMER SPOUSE OF THE RECIPIENT, OR ANOTHER PERSON RELATED BY CONSANGUINITY OR AFFINITY TO A SPOUSE, PERSON LIVING AS A SPOUSE, OR FORMER SPOUSE OF THE RECIPIENT.**
  - B. **THE NATURAL PARENT OF ANY CHILD OF WHOM THE RECIPIENT OF THE TELECOMMUNICATION AGAINST WHOM THE ACT PROHIBITED IN SUBSECTION (A)(9) OF THIS SECTION IS COMMITTED IS THE OTHER NATURAL PARENT OR IS THE PUTATIVE OTHER NATURAL PARENT.**
- (6) **"PERSON LIVING AS A SPOUSE" MEANS A PERSON WHO IS LIVING OR HAS LIVED WITH THE RECIPIENT OF THE TELECOMMUNICATION AGAINST WHOM THE ACT PROHIBITED IN SUBSECTION (a)(9) OF THIS SECTION IS COMMITTED IN A COMMON LAW MARITAL RELATIONSHIP, WHO OTHERWISE IS COHABITING WITH THE RECIPIENT, OR WHO OTHERWISE HAS COHABITED WITH THE RECIPIENT WITHIN FIVE YEARS PRIOR TO THE DATE OF THE ALLEGED COMMISSION OF THE ACT IN QUESTION.**
- (7) **"CABLE OPERATOR" HAS THE SAME MEANING AS IN OHIO R.C. 1332.21.**

~~(f)~~ (h) Nothing in this section prohibits a person from making a telecommunication call to a debtor that is in compliance with the "Fair Debt Collection Practices Act", 91 Stat. 874 (1977), 15 U.S.C.

1692, as amended, or the "Telephone Consumer Protection Act", 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. (ORC 2917.21; Ord. 65-01. Passed 5-14-01.)

537.17 CRIMINAL CHILD ENTICEMENT.

**[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (f)]**

- (f) As used in this section:
  - (1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
  - (2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
  - (3) "Vessel" has the same meaning as in Ohio R.C. ~~[1547.01]~~ **1546.01.**  
~~[(Ord. 104-14, Passed 11-24-14,)]~~ **(ORC 2905.05)**

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.**

**[NO FURTHER CHANGES TO THIS SECTION.]**

541.10 VEHICULAR VANDALISM.

- (a) As used in this section:
  - (1) "Highway" means any highway as defined in Section 301.42 of the Traffic Code or any lane, road, street, alley, bridge, or overpass.
  - (2) "Alley", "street", and "vehicle" have the same meanings as in Chapter 301 of the Traffic Code.
  - (3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. ~~[1547.01]~~ **1546.01.**

**[NO FURTHER CHANGES TO THIS SECTION.]**

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATION

DATE: December 5, 2016

**ITEM:**

Resolution to levy the additional 2.5 mill fire/ems tax levy approved by the electors at the November 8, 2016 election.

**FINANCIAL IMPACT:**

The additional levy is expected to generate approximately 2.3 million dollars for the fire fund.

**SYNOPSIS:**

The legislation will formally levy the additional tax approved by the electors of the City of Fairfield at the November 8, 2016 election.

**BACKGROUND:**

The issue was placed on the ballot by previous resolution of this Council.

**RECOMMENDATION:**

It is recommended that the Council adopt a resolution levying the additional 2.5 mill tax for fire and emergency medical services as approved by the electors of the City. Rules suspension and the emergency clause are requested so that the resolution can be certified to the appropriate authorities for tax year 2016, payable in 2017.

**LEGISLATIVE ACTION:**

Suspension of Rules and Adoption Requested?       X   Yes          No  
If **yes**, explain above.

Emergency Provision Needed?       X   Yes          No  
If **yes**, explain above.

Prepared by: John H. Clemmons

Approved for Content by: John H. Clemmons

Financial Review (where applicable): Maya Hogue

Legal Review (where applicable): John H. Clemmons

Accepted for Council Agenda: Kevin Wilson

RESOLUTION NO. \_\_\_\_\_

RESOLUTION LEVYING AN ADDITIONAL TAX OF TWO AND ONE-HALF (2.5) MILLS IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FUNDS FOR THE OPERATIONAL AND CAPITAL EXPENSES OF THE FIRE DEPARTMENT OF THE CITY OF FAIRFIELD, OHIO AND OTHER PURPOSES AUTHORIZED UNDER OHIO REVISED CODE §5705.19(I) AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Resolution No. 8-16 adopted by this Council on July 25, 2016 an election was held on November 8, 2016 on the question of levying a tax outside of the ten-mill limitation, to be an additional tax of two and one-half (2.5) mills to run for a continuing period of time for the benefit of the people of the City of Fairfield, Ohio, and for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of fire fighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or fire fighting company; and

WHEREAS, at the election a majority of the electors voting on the question voted in favor of the tax levy; and

WHEREAS, it is now considered necessary to levy an additional tax within the City of Fairfield, Ohio, outside of the ten-mill limitation, as authorized by the voters.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Fairfield, Ohio, that:

Section 1. There is hereby levied on all the taxable property in the City of Fairfield, Ohio, an additional tax outside of the ten-mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of fire fighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or fire fighting company at a rate of two and one-half mills (\$0.0025) for each one dollar (\$1.00) of valuation, which amounts to twenty five cents (\$0.25) for each one hundred dollars (\$100.00) of valuation, for a continuous period of time commencing in January, 2016 for tax year 2016, first due in calendar year 2017.

Section 2. The Clerk of this Council is directed to certify copies of this resolution to the

Ohio Tax Commission and the County Auditor of Butler County, Ohio.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the urgent benefit and protection of the City and its inhabitants for the reason that this resolution be certified to the Ohio Tax Commissioner and Butler County Auditor in a timely manner; wherefore, this Resolution shall take effect immediately upon its passage.

|                |       |                       |
|----------------|-------|-----------------------|
| Passed         | _____ | _____                 |
|                |       | Mayor's Approval      |
| Posted         | _____ |                       |
| First Reading  | _____ | Rules Suspended _____ |
| Second Reading | _____ | Emergency _____       |
| Third Reading  | _____ |                       |

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Resolution has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL COMMUNICATION

ITEM:

December 5, 2016

Request for appropriation for **non-contractual** agenda items

FINANCIAL IMPACT:

\$22,000.00 from noted funding source

SYNOPSIS:

The following appropriations have been requested:

\$22,000 for purchase of materials and installation services for isolation gate inside primary wet well at City's Wastewater Treatment Plant.

BACKGROUND:

Please refer to specific Council Communications dated December 5, 2016 for a description of these items.

RECOMMENDATIONS:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested?

yes

If yes, explain  
no above

Emergency Provision Needed?

yes

If yes, explain  
no above

Prepared by: Alisia Wilson

Approved for Content by: Alisia Wilson

Financial Review (where applicable) by: Mary Hagan

Legal Review (where applicable) by: Steve H. Commons

Accepted by Council Agenda: Alisia Wilson





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300 Milford Parkway • Milford, OH 45150  
(513) 965-5300 Phone • (513) 965-5314 Fax • (800) 543-7180 Toll-free  
[www.rawdonmyers.com](http://www.rawdonmyers.com)

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October 28, 2016

City of Fairfield, OH WWTP

Attn: Brad Abner

Re: AUMA Electric Motor Operator / Gate Retro Pricing

Brad,

We are pleased to offer the following quote:

Qty. (1) New 30' Stainless Steel Stem with Stem Block, (4) Stem Guides to match new stem, New Steel Floorstand to match existing support bracket, AUMA Modulating Service Electric Motor Operator, 480V-3Ph. Power, Open and Close Limit Switches, Open and Close Torque Switches, Mechanical Dial Position Indicator, Local Controls w/ 3 Pushbuttons/3 Lights/ Local-Off-Remote Selector Switch, 4-20 mA Positioner and 4-20 mA Feedback, Stem Tube Adapter w/ Plastic Stem Cover  
...\$13,100.00 including shipping costs

Qty. (1) AUMA Open/Close Service Electric Motor Operator for use with existing 48"X72" Fontaine Gate, 480V-3Ph. Power, Open and Close Limit Switches, Open and Close Torque Switches, Mechanical Dial Position Indicator, Local Controls w/ 3 Pushbuttons/3 Lights/ Local-Off-Remote Selector Switch, Stem Tube Adapter w/ 6ft. Plastic Stem Cover – All machining and mounting parts are included.  
...\$5,375.00 includes shipping to plant.. NOTE ::: THIS PRICE IS INCLUDED IN ABOVE INFORMATION :::

The price does not include labor to install the new stem, floorstand, stem guides, electric operator, wiring or software work. The price does include start-up and calibration of the electric motor operator. I would recommend Allied Technical Services for installation. I know that they have done a number of stem and operator replacements for Cincinnati MSD. They can be reached at (513) 793-0499.

Let me know if you have any questions or concerns.

Jim Steele

Rawdon Myers, Inc.  
(513) 965-5300 Phone  
(513) 965-6693 Direct  
(513) 600-6817 Mobile  
(513) 965-5314 Fax  
[jsteele@rawdonmyers.com](mailto:jsteele@rawdonmyers.com)



5607 W. Douglas Ave  
Milwaukee, WI 53218  
Web: <http://www.rotork.com>  
Tel: 740-517-6877

Date: November 8, 2016

To: City of Fairfield, OH WWTP

Att: Bradley Abner

From: Duane Hazen  
Great Lakes Regional Manager

Reference: 42" Gate Stem, pedestal,  
actuator

---

Brad,

For the 42" gate we discussed, we are pleased to offer our equipment as outlined below, and trust that it will meet with your requirements.

This project pricing is based on our discussions, and site review/inspection.

**ESTIMATED SHIPMENT**

8-10 weeks from receipt of order with full specifications.

**PRICING**

\$23681.00

Pricing is US Dollars. Net 30. No taxes have been added.

**DELIVERY**

Freight to site included.

**EQUIPMENT SCHEDULE**

Application - For existing 42"x42" gate.

- New, 2 piece stems, SS. New SS stem coupler. New thrust block. All designed to OEM standards.
- New pedestal. Welded steel. Painted.
- New Rotork electric actuator. Rotork Model IQ3/IB.
- New stem guides.
- New clear stem cover tube.
- Startup assistance.

**Actuator application details:**

- 480 supply
- Nema 6 enclosure
- Open/Close application
- 4 feedback limits for remote indication. Each programmable.

I've attached the following information for your review:

- Rotork IQ3 electric actuator flyer
- Wiring Diagram 100B-0000

Again, our many thanks for taking time with us to review your application needs.

We trust we have interpreted your requirements correctly and look forward to being of further service to you in the future. Should you have any further questions, please call me.

Kindly,



Duane Hazen  
Great Lakes Regional Manager  
Rotork Controls, Inc.  
Email: [Duane.Hazen@rotork.com](mailto:Duane.Hazen@rotork.com)



October 26, 2016,

Bradley Abner

City of Fairfield

Wastewater Division

4799 Groh Ln.

Fairfield, OH 45014

RE: Slide Gate shaft replacement

Dear Mr. Abner,

Thank you for the opportunity to quote the slide gate shaft replacement work.

The work for the slide gate shaft replacement would include the following:

1. Perform Confined Space air monitoring and provide additional ventilation.
2. Remove the existing shaft and wall brackets.
3. Remove top valve pedestal and manual operator.
4. Install the new slide gate shaft with new wall brackets per manufacturer's instructions.
5. Align the new shaft and wall brackets.
6. Install new operating pedestal and actuator and connect to the slide gate shaft per manufacturer's instructions.

The cost for the above work is **\$6654.00**.

This quote does not include any electrical work for the new actuator. If that is needed, we would provide a qualified electrician at the standard prevailing wage rate.

This quote assumes Fairfield is providing all new equipment, hardware and any necessary technical support to insure proper equipment installation. This quote also assumes that Fairfield is providing the scaffolding required for this project.

The old equipment that is removed can be disposed of by Winelco or left for Fairfield.

This quote is not based on prevailing wage rates and does not include any sales tax.

Winelco has been in the wastewater business for over 50 years and in particular, we have had extensive experience with water and wastewater treatment system upgrade work. We have worked with many of the municipalities in the Greater Cincinnati area and beyond. Please visit us at [www.winelco.com](http://www.winelco.com) to learn more about Winelco's long history in the water and wastewater industry.

We have experienced personnel who provide quality craftsmanship. We follow standard OSHA practices especially for confined space entry.

We appreciate the opportunity to quote this project and look forward to working with you. Please feel free to call or e-mail with any questions.

***ThomasBoeing***

Thomas Boeing

Project Manger – cell # 513 374-6860

Winelco Inc.

6141 Centre Park Dr.

West Chester, Ohio 45069

Date: 10/21/2016

To: Brad Abner  
City of Fairfield  
Wastewater Treatment Plant

From: Andy Buis  
Cell: 513-913-1639  
Office: 877-98-PUMPS (78677)  
Email : andy.buis@alliedpumprentals.com

Re: Fairfield Pump station #1 Wet- well Shaft

Thank you for your interest in Allied. Per your request, we are pleased to provide this quote for  
Pump station #1 Wet- well Shaft Replacement.

Labor..... \$ 12,850.00  
Materials (anchors bolts/Hilti epoxy) ..... \$ 1,200.00

Allied will provide all safety equipment needed to safely remove and install new shafts, blocks and brackets,

As well your shaft pedestal and operator, all material needed for the completion of this project other than anchors and bolts will be provided by the City of Fairfield. Electric and control work will need to be provided by the city as well,

If the city cannot provide electrical work, please notify Allied Technical Services for an additional quote for electrician.

If any additional repairs are found our field supervisor will notify plant manager with findings.

Federal, State, Local and other applicable taxes are not included.

If you are tax exempt please send a copy of the tax exemption certificate.

Thank you for the opportunity to submit this quote, which is valid for 30 days. Please call with questions.

Signature of Acceptance: \_\_\_\_\_ P.O No: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AMEND ORDINANCE NO. 107-15 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 107-15, the 2016 Appropriation Ordinance, is hereby amended in the following respects:

|       |  |          |
|-------|--|----------|
| From: | Unappropriated Sewer Surplus Fund  | \$22,000 |
| To:   | 62416025-252000 Improvements Other Than Building<br><i>(Repair of Wet Well Isolation Gate at the Wastewater Treatment Plant)</i> | \$22,000 |

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

|                |       |                       |
|----------------|-------|-----------------------|
| Passed         | _____ | _____                 |
|                |       | Mayor's Approval      |
| Posted         | _____ |                       |
| First Reading  | _____ | Rules Suspended _____ |
| Second Reading | _____ |                       |
| Third Reading  | _____ |                       |

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council