

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

Monday, November 24, 2014

7:00 PM

MAYOR.....STEVE MILLER
COUNCILMEMBER 1ST WARD.....ADAM B. JONES
COUNCILMEMBER 2ND WARD.....MARTY JUDD
COUNCILMEMBER 3RD WARD.....DEBBIE PENNINGTON
COUNCILMEMBER 4TH WARD.....TERRY SENGER

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

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.

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) Beautiful Fairfield Presentation
- b) David Brown, Butler County Auditor's Office

7. Public Hearing(s)

- a) Joint Public Hearing – Patterson Place Planned Unit Development

8. Mayor/Council Reports

9. Approval of Minutes

- a) Regular Meeting Minutes of November 10, 2014

10. OLD BUSINESS

**(A) DEVELOPMENT SERVICES COMMITTEE
Bill Woeste, Chairman; Adam Jones, 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 amended concept plan for the Patterson Place Planned Unit Development by approving the Final Development Plan for Senior Housing on Patterson Drive.

- Ordinance – Hold Second Reading for Planning Commission Recommendation

11. **NEW BUSINESS**

(A) **DEVELOPMENT SERVICES COMMITTEE**

Bill Woeste, Chairman; Adam Jones, Vice Chairman, Mike Snyder, Member

- (1) Ordinance to authorize the City Manager to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement which will provide property tax incentives for Calvary Industries, Inc. and Palmer Grant Corporation for the construction of an addition to a warehouse and distribution facility at 9233 Seward Road and declaring an emergency.

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

(B) **PUBLIC SAFETY COMMITTEE**

Adam Jones, Chairman; Marty Judd, Vice Chairman, Terry Senger, Member

- (1) Ordinance to adopt new sections 301.161 and 533.21 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

(C) **PUBLIC UTILITIES COMMITTEE**

Marty Judd, Chairman; Chad Oberson, Vice Chairman, Adam Jones, Member

- (1) Ordinance to authorize the City Manager to enter into an amended agreement for the purchase of electricity for municipal use with Duke Energy Retail Sales and declaring an emergency.

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

(D) **FINANCE & BUDGET COMMITTEE**

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Chad Oberson, Member

- (1) Non-Contractual Appropriations - \$35,000 for Wastewater Treatment Facility Laboratory remodel; \$47,000 for replacement of multi-function printing devices for Public Works, Finance and Municipal Building; \$12,000 for the Raised Pavement Marker Reflectors.

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

12. **Meeting Schedule**

Monday, December 1	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, December 8	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, January 12	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, NOVEMBER 24, 2014
5:30 P.M.**

1. 2015 Operating Budget



Public Hearing Notice

Fairfield City Council
November 7, 2014

JOINT PUBLIC HEARING NOTICE CITY OF FAIRFIELD, OHIO

All property owners and citizens of Fairfield, OH are hereby notified that a joint public hearing between the Planning Commission and City Council has been scheduled for 7:00 PM Monday, November 24, 2014 at the Fairfield Municipal Building at 5350 Pleasant Avenue, Fairfield OH 45014. The purpose of the hearing is to solicit citizen input regarding a Final Development Plan for a Planned Unit Development to allow a three story, 119 unit senior housing complex on approximately 6.5 acres of land located on the north side of Patterson Drive.

Parties wishing to review the application may do so by visiting the Development Services Department located at the Fairfield Municipal Building. Questions may be directed to the Department by telephone at (513) 867-5345 or via e-mail at development@fairfield-city.org. The Department is open business days between the hours of 8:00 AM and 5:00 PM.

Alisha Wilson
Clerk of Council

For insertion in the Journal News Friday, November 7, 2014.

MINUTES
REGULAR MEETING OF COUNCIL
NOVEMBER 10, 2014

Call to Order

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

Prayer/Pledge of Allegiance

Councilmember Oberson led in prayer and the Pledge of Allegiance.

Roll Call

Clerk Wilson called the roll of Council. Present members were Councilmember Adam Jones, Councilmember Marty Judd, Councilmember Debbie Pennington, Councilmember Terry Senger, Councilmember Chad Oberson, Councilmember Mike Snyder, and Councilmember Bill Woeste.

Agenda Modifications

Councilmember Terry Senger, seconded by Councilmember Debbie Pennington moved to remove the ordinance under 10(A)(1) regarding the Village Green Planned Unit Development from the agenda. Motion Carried 7-0.

Executive Session Requests

Councilmember Judd, seconded by Councilmember Jones, moved for Executive Session to discuss employment of personnel. Motion carried 7-0.

Public Hearing(s)

The public hearing was cancelled, per the motion above to remove the ordinance from the agenda.

Special Presentations and Citizen Comments

Michelle Hubbard, Cincinnati VA Medical Center re: Medical Foster Home Program

Mrs. Hubbard shared a video by NBC News regarding Medical Foster Homes and explained that before the Cincinnati VA can launch the program, they need to have people signed up and homes ready for the veterans to be placed in. She encouraged anyone interested in having their home vetted as a Medical Foster Home to contact the Cincinnati VA.

Mayor/Council Reports

Councilmember Jones reported that on Halloween, the Police Department participated with other police agencies in "Operation Shield," a traffic enforcement blitz on Route 4 throughout the state. Officers arrested two (2) drivers for OVI, six (6) for driving under suspension, one (1) felony and three (3) misdemeanor drug arrests, and opened five (5) other criminal investigations. Officers made a total of fifty (50) stops for various traffic violations during that operation. He also reported that Fire Captain Greg Cifuentes was honored as Firefighter of the Year at Fairfield Rotary Club. Capt. Cifuentes began his career in 1981 as a paid on-call firefighter/EMT and was hired in 1993 as one of the first career Fire Captains.

Councilmember Pennington reported that Fairfield Footlighters will perform "House of Blue Leaves" at the Community Arts Center on November 14-16 and 21-23. Also, Fairfield Greens South Trace Golf Course will remain open throughout the fall and winter seasons. Contact the Pro Shop for more

information. She also reported that the Fairfield Historical Society meeting will be held on November 13 at Elisha Morgan Mansion, and Pete Groh will discuss the history of supplying water to the Wright Plant, which is the General Electric Plant in Evondale.

Councilmember Senger reported that the city received a certificate of achievement from the Government Financial Officers Association for excellence in financial reporting for fiscal year 2013. He congratulated Finance Director Mary Hopton and her staff for a job well done. This marks the 28th year the city has received this award for financial responsibility. He also reported that he, Ben Strickler (Parks & Recreation Dept.) and Councilmember Adam Jones ran in the Taylor Prazynski Memorial Run on Saturday, November 8, and it was the tenth (10th) annual run to honor and remember LCpl. Prazynski, who was killed May 9, 2005 in Iraq. He thanked everyone involved in the event for making it successful. Councilmember Senger also noted that today marks the 239th birthday of the United States Marine Corps. and this past weekend was the tenth (10th) anniversary of the second Battle of Fallujah, where the United States and coalition forces overtook the city of Fallujah, which was infiltrated with over 5,000 terrorists. He also wished the veterans a Happy Veteran's Day and thanked veterans for their service.

Councilmember Oberson reported that Public Works is working on leaf pick-up and residents can request a dumpster for brush removal. He also noted that the department is gearing up for winter.

Councilmember Snyder reported that the Fairfield High School Marching Band competed at the 33rd annual Tecumseh Showcase of Bands on October 25 and was awarded the Best Percussion and First Place in class AA, as well as earning Best Overall Music, Best Overall Visual Effect, Best Overall General Effect, People's Choice and Grand Champion. He also reported that Big Brothers Big Sisters will host their annual celebration on November 18 at Oscar Event Center at Jungle Jim's. Several awards will be given out and reservations for the free event can be made by calling 513-867-1227 or 513-424-3397.

Councilmember Woeste reminded residents to support local business during this shopping season. He also commended Public Works for the Winton Road project. He thanked veterans for their service and the Cincinnati VA for their support of local veterans.

Approval of Minutes

Regular Meeting Minutes of October 27, 2014

- The Regular Meeting Minutes of October 27, 2014 were approved as written

OLD BUSINESS

FINANCE & BUDGET COMMITTEE

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Chad Oberson, Member

Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, the City of Fairfield, Ohio, Zoning Code by approving amendments to the residential restrictions and requirements of the Final Development Plan for the Village Green Planned Unit Development to allow in-ground swimming pools for certain lots and modify the fence requirements for such pools.

This ordinance was removed from the agenda, see Agenda Modifications above.

NEW BUSINESS

DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chairman; Adam Jones, 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 amended concept plan for the Patterson Place Planned Unit Development by approving the Final Development Plan for Senior Housing on Patterson Drive.

Councilmember Bill Woeste, seconded by Councilmember Mike Snyder moved to read the following ordinance by title only. Motion Carried 7-0.

Background: City Manager Pizzano recommended an ordinance to approve the amended concept plan for the Patterson Place Planned Unit Development. The Final Development Plan for Senior Housing on Patterson Drive will go to Public Hearing on November 24, and the Planning Commission will make a recommendation to Council. Legislative Action: Councilmember Woeste presented the first reading of this ordinance.

PUBLIC WORKS COMMITTEE

Chad Oberson, Chairman; Mike Snyder, Vice Chairman, Bill Woeste, Member

Ordinance to declare ten (10) city motor vehicles and equipment as surplus and authorize the City Manager to sell the motor vehicles on GovDeals.com.

Councilmember Chad Oberson, seconded by Councilmember Adam Jones moved to read the following ordinance by title only. Motion Carried 7-0.

Background: City Manager Pizzano recommended an ordinance to declare city vehicles and equipment as surplus and authorize the sale on GovDeals.com. This is the procedure that is required to dispose of vehicles and equipment that is no longer of use to the city. Legislative Action: Councilmember Oberson presented the first reading of this ordinance.

Councilmember Chad Oberson, seconded by Councilmember Debbie Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Chad Oberson, seconded by Councilmember Adam Jones moved to adopt . Motion Carried 7-0. ORDINANCE NO. 101-14. APPROVED 7-0.

FINANCE & BUDGET COMMITTEE

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Chad Oberson, Member

Non-Contractual Appropriations - \$49,935 for Municipal Building South Wing Interior Improvements; \$14,500 for replacement of operations server used for video recordings of water and sewer lines; \$27,825 for repairs and upgrades to the Justice Center.

Councilmember Terry Senger, seconded by Councilmember Debbie Pennington moved to read the following ordinance by title only. Motion Carried 7-0.

Background: City Manager Pizzano recommended non-contractual appropriations. Legislative Action: Councilmember Senger presented the first reading of this ordinance.

Councilmember Terry Senger, seconded by Councilmember Mike Snyder moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Terry Senger, seconded by Councilmember Chad Oberson moved to adopt. Motion Carried 7-0. ORDINANCE NO. 102-14. APPROVED 7-0.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Monday, November 24 Council-Manager Briefing, 5:30 p.m.; Regular Meeting, 7:00 p.m.
- Monday, December 1 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, December 8 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:25 PM.

Adjournment

The Regular Meeting of Council adjourned at 7:40 PM.

ATTEST:

Clerk of Council
Date Approved _____

Mayor's Approval

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

Date 11-10-2014

Item:

An ordinance approving a Final Development Plan for a 119 unit senior apartment building on approximately 5.6 acres of land located on Patterson Drive.

Financial Impact:

None.

Synopsis:

The proposal is to construct a three story, 119 unit senior apartment building. The proposed density for the site is 21 units per acre. The development will consist of both one-bedroom and two-bedroom units. Plans and elevations will be located in City Council's workroom for viewing.

Background:

A Concept Plan, referred to as Patterson Place, was approved in 2010 for a three story senior apartment building and patio homes. The apartment building was proposed to be built in two phases with 120 total units using federal tax credits. The previous applicant was unable to obtain the tax credits for the \$18 million project.

Recommendation:

It is recommended that City Council have a first reading on this ordinance at the November 10, 2014 meeting and set the public hearing date for November 24, 2014.

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

No.
No.

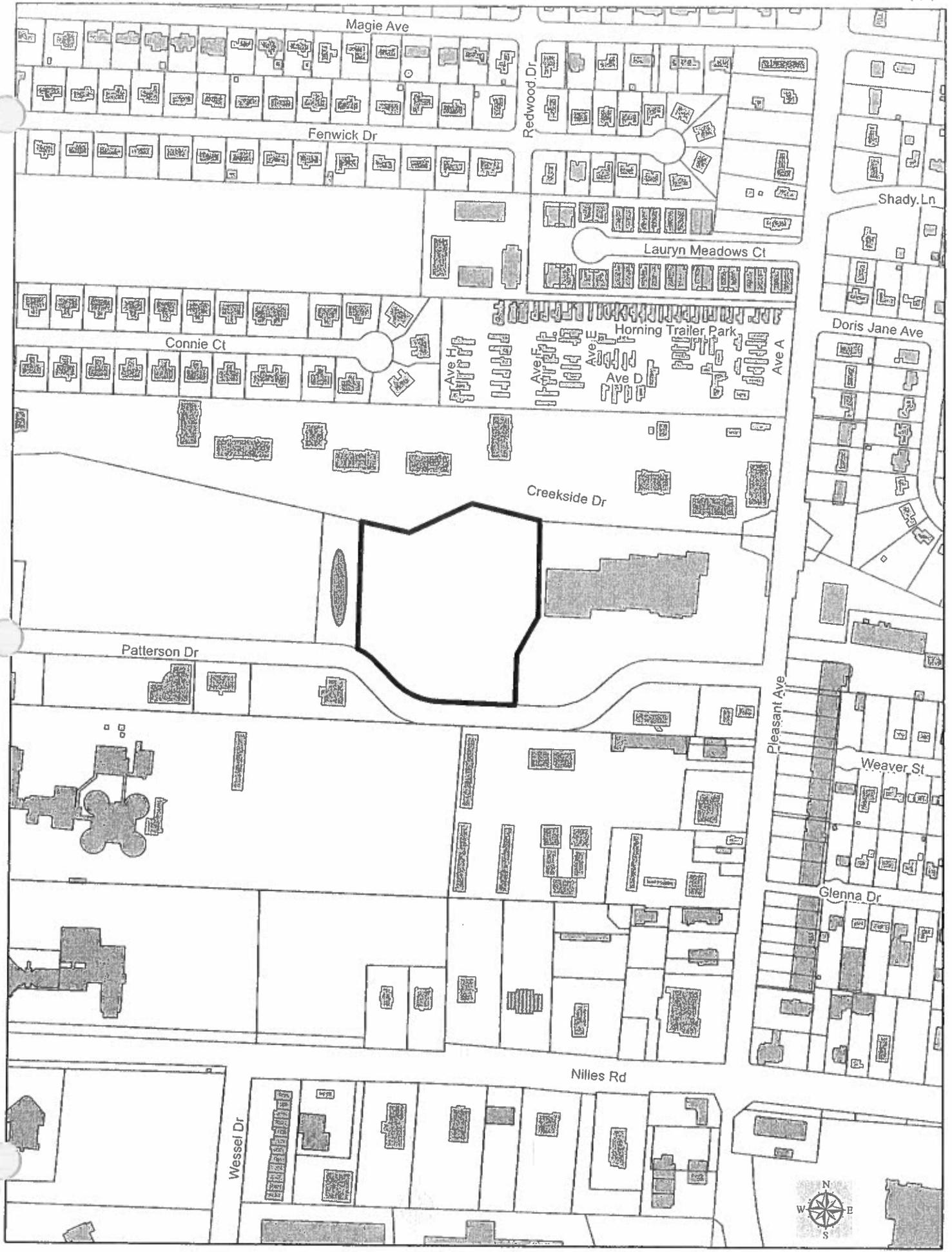
Prepared by: Pat Downer (Planning Manager)

Approved for Content by: Kimberly Buchanan

Financial Review (where applicable) M. Hopp

Legal Review (where applicable) John A. Clemmons

Accepted for Council Agenda: Alvin Wilson



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 AMENDED CONCEPT PLAN FOR THE PATTERSON PLACE PLANNED UNIT DEVELOPMENT BY APPROVING THE FINAL DEVELOPMENT PLAN FOR SENIOR HOUSING ON PATTERSON DRIVE.

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 5.6 acres located on Patterson Drive (Part Lot 198 of the City of Fairfield, Butler County, Ohio) from its present planned unit development concept plan residential classification by approving the amended concept plan for Patterson Place Planned Unit Development and the final development plan for Senior Housing on Patterson Drive, 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

Active Clients\City of Fairfield\Ordinances\2014\Patterson Drive PUD - Ord

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

Date: 11-24-14

Item:

An ordinance authorizing the City Manager to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement, which will provide property tax incentives for Calvary Industries, Inc. and Palmer Grant Corporation, for the construction of an addition to a warehouse and distribution facility at 9233 Seward Road.

Financial Impact:

Palmer Grant Corporation will construct a 16,000 square foot addition to its warehouse and distribution facility that it leases to Calvary Industries. The expansion will generate additional property taxes. Calvary will retain existing jobs and create new jobs in the City of Fairfield that will generate income taxes.

Synopsis:

Calvary Industries was founded in Fairfield in 1983 as a chemical compounding supplier and manufacturer. Since its founding, the company has grown to three locations (two in Ohio and one in Louisiana) with more than 100 employees. Calvary offers chemical formulating, custom processing, and toll blending for numerous industries, including food and dairy products, industrial applications, and janitorial products.

Due to recent growth and newly signed contracts, Calvary needs additional warehouse and distribution space. Calvary considered both its Fairfield facility and its Louisiana facility for this project. Should the expansion project proceed here, Palmer Grant will construct a 16,000 square foot addition and lease it to Calvary. Total new investment is estimated at more than \$1.3 million, which includes \$725,000 in new building construction. Calvary will retain its existing 38 jobs and will create at least 8 new jobs within two years of the completion of construction.

Approval of the ordinance would authorize the City Manager to enter into two agreements. The first is a three-party Community Reinvestment Area Agreement. The CRA Agreement would provide a four-year, 50% property tax incentive on the value of the new addition. The second agreement is a four-party Compensation Agreement. Calvary has agreed to compensate the Fairfield City School District in an amount of \$2,425 per year and Butler Tech in an amount of \$70 per year for the four-year term of the agreement. The Fairfield City School District Board of Education approved the two agreements at its meeting on November 20, 2014.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

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

Prepared by: *Greg Kethumy*
 Approved for Content by: *Timothy Hochman*
 Financial Review (where applicable): *Malcolm*
 Legal Review (where applicable): *John A. Clemmens*
 Accepted for Council Agenda: *David Wilson*

COMMUNITY REINVESTMENT AREA AGREEMENT

This agreement made and entered into by and between the City of Fairfield, Ohio, an Ohio municipal corporation, with its main offices located at 5350 Pleasant Avenue, Fairfield, Ohio 45014 (hereinafter referred to as "Fairfield"), Calvary Industries, Inc., an Ohio corporation, (hereinafter referred to as "Calvary") with its main office located at 9233 Seward Road, Fairfield, Ohio 45014, and Palmer Grant Corporation, (hereinafter referred to as "Palmer Grant") with its main office located at 9233 Seward Road, Fairfield, Ohio 45014.

WITNESSETH;

WHEREAS, Fairfield has encouraged the development of real property and the acquisition of personal property located in the area designated as the "City of Fairfield Community Reinvestment Area"; and

WHEREAS, Palmer Grant owns an office and manufacturing facility that it leases to Calvary and is desirous of constructing an approximate 16,000 square foot addition to the facility and Calvary is desirous of leasing the addition to expand its operation (hereinafter referred to as the "PROJECT") within the boundaries of the City of Fairfield Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Fairfield, Ohio by Ordinance No. 173-95 adopted November 27, 1995, designated the "City of Fairfield Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective January 4, 1996, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 173-95 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and certified said area as a Community Reinvestment Area under Chapter 3735; and

WHEREAS, Fairfield, having the appropriate authority to offer development incentives for the above-stated type of project, is desirous of providing Palmer Grant and Calvary with incentives available for the development of the PROJECT in said City of Fairfield Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Palmer Grant and Calvary have submitted a proposed agreement application (herein attached as Exhibit A) to Fairfield, said application is hereinafter referred to as "APPLICATION"; and

WHEREAS, Calvary has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded with the final agreement; and

WHEREAS, the Development Services Director of Fairfield as Housing Officer has investigated the application of Palmer Grant and Calvary and has recommended the same to the City Council of Fairfield on the basis that Palmer Grant and Calvary are qualified by financial responsibility and business experience to create and preserve employment opportunities in said City of Fairfield Community Reinvestment Area and improve the economic climate of the City of Fairfield; and

WHEREAS, the project site as proposed by Palmer Grant and Calvary is located in the Fairfield City School District and the Board of Education of the Fairfield City School District has been notified in accordance with Ohio Revised Code Sections 3735.671 and 5709.83 and been given a copy of the APPLICATION and this AGREEMENT; and

WHEREAS, pursuant to Ohio Revised Code Section 3735.67 (A), and in conformance with the format required under Section 3735.671 (B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Palmer Grant shall construct an approximate 16,000 square foot addition to the existing manufacturing facility at 9233 Seward Road, Fairfield, Ohio to house the operations of Calvary. Said addition shall be constructed on part of Parcels A0700015000099 and A0700201000008 as the same are known and designated on the Auditor's revised list of lots in the City of Fairfield, Butler County, Ohio (as shown in the attached Exhibit "B").

The PROJECT will involve a total investment in building of Seven Hundred Twenty Five Thousand Dollars (\$725,000.00).

The PROJECT will begin on or before December 1, 2014 and all construction and installation shall be completed by December 31, 2015.

2. Calvary estimates that it will retain 38 existing employees and create the equivalent of 8 new full time employees within a time period not exceeding twenty-four (24) months after the completion of the construction of the PROJECT, which is defined as the date of issuance of the conditional or final Certificate of Occupancy, and will maintain these employees for the remainder of the term of this AGREEMENT.
3. Calvary shall provide to the proper Tax Incentive Review Council any information reasonably required by the Council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the Council.

4. Fairfield hereby grants Palmer Grant and Calvary a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code for the following number of years and percentages:

<u>Years of Tax Exemption</u>	<u>Tax Exemption Amount (Percentage)</u>
4 years	50%

The exemption commences the first year for which the real property improvements would first be taxable were that property not exempted from taxation. No exemption shall extend beyond December 31, 2020 (for tax year 2019).

Palmer Grant and Calvary must file the appropriate tax forms (DTE 24) with the Butler County Auditor to effect and maintain the exemptions covered in the agreement.

5. Fairfield specifically agrees to waive the fee specified in Ohio Revised Code Section 3735.671 (D).
6. Calvary as part of this agreement, and as authorized in Section 3735.71 (A)(2)(c), shall enter into a Community Reinvestment Area Compensation Agreement with the Fairfield City School District and the Butler Technology and Career Development Schools detailing annual cash payments for each year it receives the above mentioned exemption.
7. Palmer Grant and Calvary shall pay such real and tangible personal property taxes as are not exempted under this agreement and as otherwise are required by law to be paid and are charged against such property and shall file all tax reports and returns as required by law. If Palmer Grant and Calvary fail to pay such taxes or file such returns and reports, all incentives and exemptions granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
8. Fairfield shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
9. If for any reason Fairfield revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Palmer Grant and Calvary materially fail to fulfill their obligations under this agreement and Fairfield terminated or modifies the exemptions from taxation pursuant to this agreement.

10. If Palmer Grant and Calvary materially fail to fulfill their obligations under this agreement, or if Fairfield determines that the certification as to delinquent taxes required by this agreement is fraudulent, Fairfield may terminate or modify the exemptions from taxation granted under this agreement. Fairfield may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.
11. Palmer Grant and Calvary hereby certify that at the time this agreement is executed, they do not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which it is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, Palmer Grant and Calvary currently are paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Palmer Grant and Calvary. For the purposes of the certification, delinquent taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the revised code governing payment of those taxes.
12. Palmer Grant and Calvary and Fairfield acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Fairfield, Ohio as a condition for the agreement to take effect. This agreement takes effect upon such approval.
13. Fairfield has developed a policy to ensure recipients of Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, Palmer Grant and Calvary are committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis or race, religion, disability, color, national origin, or ancestry.
14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that Palmer Grant and Calvary, any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or any of those sections.
15. This agreement is not transferable or assignable without the express written approval of Fairfield.

IN WITNESS WHEREOF, the City of Fairfield, Ohio, by Arthur E. Pizzano, its City Manager, and pursuant to Ordinance No. _____, has caused this instrument to be executed this _____ day of _____, 2014 and Calvary Industries, Inc., by Ivan Byers, its President, has caused this instrument to be executed this _____ day of _____, 2014 and Palmer Grant Corporation, by John Morelock, its Chairman, has caused this instrument to be executed this _____ day of _____, 2014.

Witness:

CITY OF FAIRFIELD, OHIO

By _____
Arthur E. Pizzano, City Manager

CALVARY INDUSTRIES, INC.

By _____
Ivan Byers, President

Palmer Grant Corporation

By _____
John Morelock, Chairman

Approved as to form:

Approved as to content:

John H. Clemmons
Fairfield City Law Director

Timothy Bachman
Fairfield Development Services Director

OHIO DEPARTMENT OF DEVELOPMENT

John Kasich
Governor

OHIO DEPARTMENT OF DEVELOPMENT
OHIO COMMUNITY REINVESTMENT AREA ZONE PROGRAM

PROPOSED AGREEMENT for Community Reinvestment Area tax incentives between the City of Fairfield located in the County of Butler and Calvary Industries, Inc located at 9233 Seward Road, Fairfield, OH 45014

1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Calvary Industries Inc.
enterprise name

Ivan Byers
contact person

513-874-1113
Telephone number

9233 Seward Rd, Fairfield, OH 45014
address

Ohio
State that company was incorporated in

1b. Project site:

Ivan Byers
contact person

513-874-1113
telephone number

9233 Seward Rd, Fairfield, OH 45014
address

2a. Nature of business (manufacturing, distribution, wholesale or other).

Manufacturing

2b. List primary 6 digit NAICS # 325611, 325612
Business may list other relevant SIC numbers.

2c. If a consolidation, what are the components of the consolidation? (Must itemize the location, assets, and employment positions to be transferred)

Not a consolidation

2d Form of business of enterprise (corporation, partnership, proprietorship, or other).

Corporation

3. Name of principal owner(s) or officers of the business (attach list if necessary).

John Morelock, Owner/CEO, Ivan Byers, President

4. Is business seasonal in nature? Yes _____ No X

5a. State the enterprise's current employment level at the proposed project site:

38

5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes _____ No X

5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

52 all full time

5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: Louisiana – 4 saved, 8 to be hired

Fairfield – 4 saved, 8 to be hired

5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

1 Supervisor (hire), 2 Lab/QC (saved), 1 Lab (hire) 2 Production (saved), 5 Production (hire), 1 Maintenance (hire)

6a. Has the Enterprise previously entered into a tax incentive agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes No X

6b. If yes, list the local legislative authorities, date, and term of the incentives for each tax incentive agreement: _____

7. Does the Enterprise owe:
- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes _____ No X
 - b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes _____ No X
 - c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
Yes _____ No X
 - d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).
-

8. Project Description (attach additional pages if necessary):

Installation of Expanded Manufacturing equipment (two mixing tanks plus two storage tanks)
Construction of 16,000 sq. ft. Warehouse and Distribution Center
Enhanced Employee and Truck access & parking (land purchase required)

9. Project will begin December 15, 2014 and be completed June 15, 2015 provided a tax exemption is provided.

- 10a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): 8
-

- 10b. State the time frame of this projected hiring: 3 years

- 10c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): _____
-

- 11a. Estimate the amount of annual payroll such new employees will add (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

\$266,240	_____	Full Time (permanent)
\$	_____	Part Time (temporary)
\$	_____	Permanent
\$	_____	Temporary

11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 133,120 (The annual payroll of existing Ohio jobs before expansion into a new facility in the City of Fairfield.)

12. Market value of the existing facility as determined for local property taxation.
\$ 1,832,610.00

13a. Business's total current investment in the facility as of the proposal's submission.
\$ 2,804,174

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average dollar value per most recent 12 month period) in which the agreement is entered into (baseline inventory):
\$ 895,054

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A.	Acquisition of Land/Buildings:	\$ _____
B.	Additions/New Construction:	\$ _____
C.	Improvements to existing buildings:	\$ _____
D.	Machinery & Equipment:	\$ _____
E.	Furniture & Fixtures:	\$ _____
F.	Inventory:	\$ _____
	Total New Project Investment:	\$ <u>1,367,000</u>

15. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

All financial incentives are a part of our determining Best Value for this expansion.

Submission of this application expressly authorizes the City of Fairfield of Butler County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Calvary Industries, Inc	October 16, 2014
Name of Enterprise	Date
	
Signature	John P. Morelock, Owner/CEO
	Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to final CRA Agreement as Exhibit A

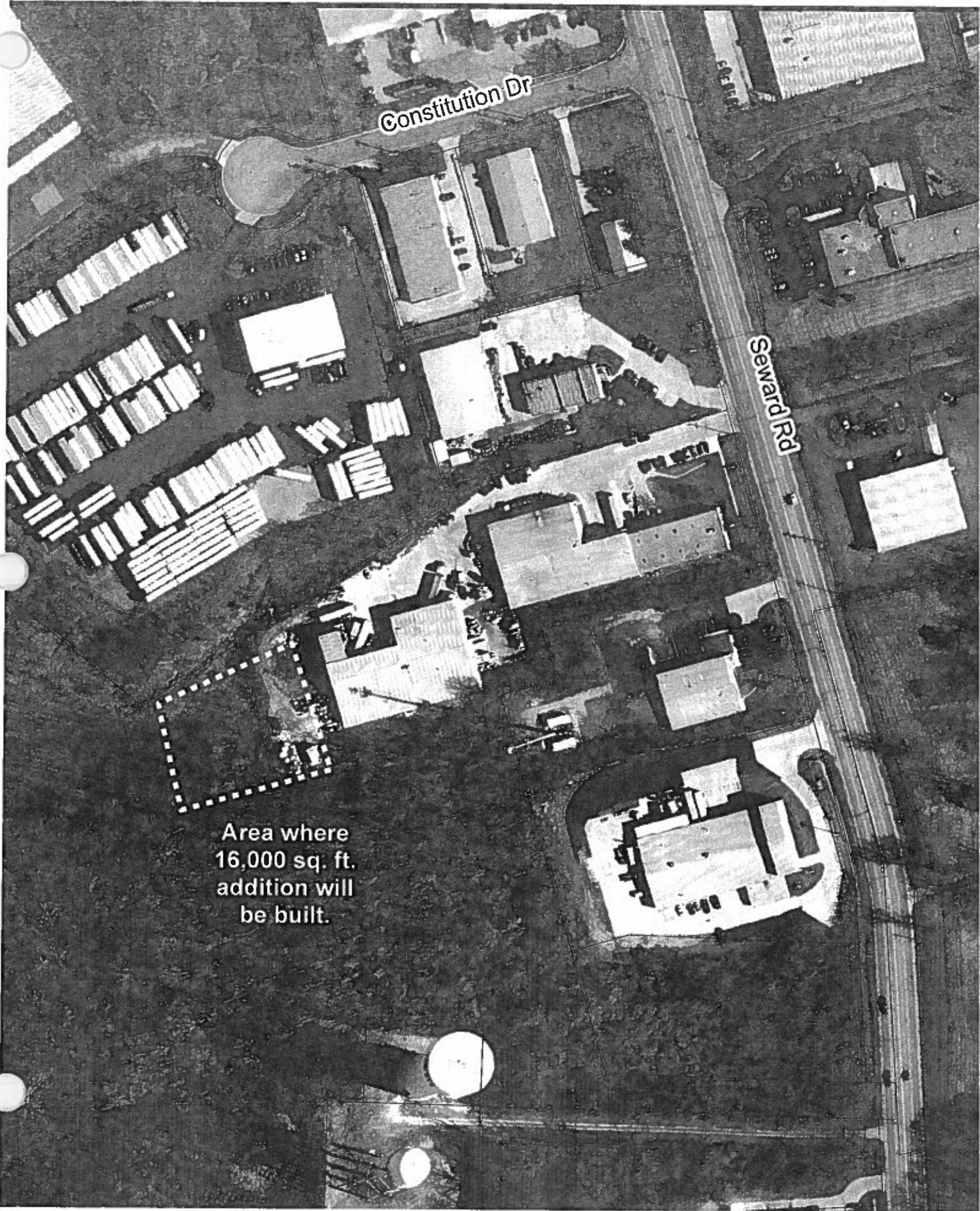
Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

Calvary Industries
9233 Seward Road
Exhibit B

Constitution Dr

Seward Rd

Area where
16,000 sq. ft.
addition will
be built.



COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT

This agreement between the City of Fairfield, a municipal corporation with its principal office at 5350 Pleasant Avenue, Fairfield, Ohio 45014 (hereinafter "City"), the Fairfield City School District Board of Education, a public school district with its principal offices at 4641 Bach Lane, Fairfield, Ohio 45014 (hereinafter "Schools"), Butler Technology and Career Development Schools, a public joint vocational school district with its principal offices at 3603 Hamilton Middletown Road, Hamilton, Ohio 45011 (hereinafter "Butler Tech"), and Calvary Industries, Inc., an Ohio corporation with its principal offices at 9233 Seward Road, Fairfield, OH 45014 (hereinafter "Calvary"), specifies the manner and procedure to be used pursuant Ohio Revised Code (ORC) Section 5709.82 authorizing general compensation relating to Calvary's Community Reinvestment Area project.

Whereas, the Ohio Community Reinvestment Area Program, pursuant to ORC Section 3735.66 authorizes municipalities to grant real property tax exemptions on eligible new investments; and

Whereas, the City of Fairfield, by Ordinance No. 173-95 adopted November 27, 1995 designated an area within the municipality as a Community Reinvestment Area;

Whereas, effective January 4, 1996, the Director of the Ohio Department of Development determined the area designated by the municipality contains the characteristics set forth in Section 3735.66 of the ORC and certified the area as a Community Reinvestment Area;

Whereas, City provided Schools and Butler Tech notice of the project prior to formal action as required within ORC section 3735.671 (A) (1) or 5709.83;

Whereas, City elects to grant a tax exemption to Calvary and enter into a formal Community Reinvestment Area Agreement; and

Whereas, City and Schools and Butler Tech and Calvary pursuant to ORC section 5709.82 elect to enter into a Compensation Agreement concerning the benefits relating to the aforementioned project.

Now Therefore, in consideration of the foregoing and of the mutual promises, covenants and agreements hereinafter set forth, City and Schools and Butler Tech and Calvary agree as follows:

Section 1. Schools Compensation. Calvary shall make an annual cash payment in the amount of Two Thousand Four Hundred Twenty Five Dollars (\$2,425.00) to Schools by January 31 of each calendar year subsequent to an exemption year in which the business received a real property tax benefit. Upon mutual agreement of Schools and Calvary, alternative payment may be paid from Calvary to Schools in the form of products or services in an amount equal or greater to the cash payment amount.

Section 2. Butler Tech Compensation. Calvary shall make an annual cash payment in the amount of Seventy Dollars (\$70.00) to Butler Tech by January 31 of each calendar year subsequent to an exemption year in which the business received a real property tax benefit.

Section 3. Waiver of Notice Provision. Schools and Butler Tech hereby waive any notice or approval provisions pursuant to ORC 3735.671 (A) (1) or 5709.83.

Section 4. Amendments. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes. Should the State of Ohio significantly alter the manner in which funding is provided to local and joint vocational school districts, then all parties agree to reconsider the terms of this agreement for possible amendment.

Section 5. Entire Agreement. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this agreement.

Section 6. Notices. All payments, certificates, reports and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

City:	City Manager 5350 Pleasant Avenue, Fairfield, Ohio 45014
Schools:	Treasurer 4641 Bach Lane, Fairfield, Ohio 45014
Butler Tech:	Chief Financial Officer 3603 Hamilton Middletown Road, Hamilton, Ohio 45011
Calvary:	President 9233 Seward Road, Fairfield, Ohio 45014

Any party may change its contact or address for receiving notices and reports by giving written notice of such change to the other parties.

Section 7. Severability of Provisions. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness thereof, the City of Fairfield by Arthur E. Pizzano, its City Manager, and pursuant to Ordinance No. _____, has caused this instrument to be executed this _____ day of _____, 2014, the Fairfield City School District Board of Education by Nancy Lane, its Treasurer, has caused this instrument to be executed this _____ day of _____, 2014, Butler Technology and Career Development School Board of Education by Ed Pokora, its Chief Financial Officer, has caused this instrument to be executed this _____ day of _____, 2014, and Calvary Industries, Inc. by Ivan Byers, its President, has caused this instrument to be executed this _____ day of _____, 2014.

Witness:

FAIRFIELD CITY SCHOOL DISTRICT
BOARD OF EDUCATION

By _____
Nancy Lane, Treasurer

CALVARY INDUSTRIES, INC.

By _____
Ivan Byers, President

BUTLER TECHNOLOGY AND CAREER
DEVELOPMENT BOARD OF
EDUCATION

By _____
Ed Pokora, Chief Financial Officer

CITY OF FAIRFIELD

By _____
Arthur E. Pizzano, City Manager

Approved as to content:

Timothy Bachman
Fairfield Director of Development Services

Approved as to form:

John H. Clemmons
City of Fairfield Law Director

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A COMMUNITY REINVESTMENT AREA AGREEMENT AND A COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT WHICH WILL PROVIDE PROPERTY TAX INCENTIVES FOR CALVARY INDUSTRIES, INC. AND PALMER GRANT CORPORATION FOR THE CONSTRUCTION OF AN ADDITION TO A WAREHOUSE AND DISTRIBUTION FACILITY AT 9233 SEWARD ROAD AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement which will provide property tax incentives for Calvary Industries, Inc. and Palmer Grant Corporation for the construction of an addition to a warehouse and distribution facility at 9233 Seward Road in accordance with the agreements on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the project be authorized to proceed and create additional employment as soon as possible; wherefore, this ordinance 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 Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2014\Community Reinvestment Area Agr – Calvary & Palmer - Ord

11 (3) (c)

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

DATE: November 24, 2014

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, 2013.

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: John H. Clemmons

Approved for Content by: John H. Clemmons

Financial Review (where applicable): Mary Hayes

Legal Review (where applicable): John H. Clemmons

Accepted for Council Agenda: John H. Clemmons

ORDINANCE NO. _____

ORDINANCE TO ADOPT NEW SECTIONS 301.161 AND 533.21 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 301.161 and 533.21 are adopted and sections 301.162, 303.04, 333.01, 333.03, 333.031, 337.16, 337.17, 339.01, 351.03, 351.04, 505.071, 525.01, 525.05, 529.01, 529.07, 533.09, 537.03, 537.05, 537.051, 537.06, 537.12, 537.16, 537.17, 545.01, 545.02, 545.05, 545.15 and 533.03 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"

301.161 HIGHWAY MAINTENANCE VEHICLE.

"HIGHWAY MAINTENANCE VEHICLE" MEANS A VEHICLE USED IN SNOW AND ICE REMOVAL OR ROAD SURFACE MAINTENANCE, INCLUDING A SNOW PLOW, TRAFFIC LINE STRIPER, ROAD SWEEPER, MOWING MACHINE, ASPHALT DISTRIBUTING VEHICLE, OR OTHER SUCH VEHICLE DESIGNED FOR USE IN SPECIFIC HIGHWAY MAINTENANCE ACTIVITIES. (ORC 4511.01 (QQQ))

301.16[1]2 HIGHWAY TRAFFIC SIGNAL.

"Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement markers, warning light, or steady burning electric lamp. (Ord. 103-12. Passed 11-26-12.)

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

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

~~[(d) — As used in this section, "highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.04)]~~

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (h)(1) A. 1.]

(h)

(1)

A.

1. If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.
The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under Ohio R.C. ~~3793.10~~ **5119.38**.
The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to

attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter ~~[3793]~~ **5119** by the Director of ~~[Alcohol and Drug]~~ **MENTAL HEALTH AND** Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. ~~[3793.10]~~ **5119.38**. As used in this subsection, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, under a community control sanction imposed under Ohio R.C. 2929.25, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter ~~[3793]~~ **5119** by the Director of ~~[Alcohol and Drug]~~ **MENTAL HEALTH AND** Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

[NO MORE FURTHER CHANGES UNTIL PARAGRAPH (h) B. 1.]

B.

1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term

of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by ~~[an alcohol and drug treatment program]~~ **A COMMUNITY ADDICTION SERVICES PROVIDER** that is authorized by Ohio R.C. ~~[3793.02]~~ **5119.21**, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the ~~[program]~~ **SERVICES PROVIDER**. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the ~~[program]~~ **SERVICES PROVIDER** shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by ~~[an alcohol and drug treatment program]~~ **A COMMUNITY ADDICTION SERVICES PROVIDER** that is authorized by Ohio R.C. ~~[3793.02]~~ **5119.21**, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the ~~[program]~~ **SERVICES PROVIDER**. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the ~~[program]~~ **SERVICES PROVIDER** shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

[NO FURTHER CHANGES UNTIL PARAGRAPH (h) C. 6.]

C.

6. In all cases, the court shall order the offender to participate ~~in an alcohol and drug addiction program~~ **WITH A COMMUNITY ADDICTION SERVICES PROVIDER** authorized by Ohio R.C. ~~[3793.02] 5119.21~~, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the ~~[program] SERVICES PROVIDER~~. The operator of the ~~[program] SERVICES PROVIDER~~ shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the ~~[program] SERVICES PROVIDER~~ shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

[NO FURTHER CHANGES UNTIL PARAGRAPH (k)]

(k) Compliance With Ohio R.C. Chapter ~~[3793] 5119~~ Standards.

(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter ~~[3793] 5119~~ by the Director of ~~[Alcohol and Drug] MENTAL HEALTH AND~~ Addiction Services.

[NO FURTHER CHANGES TO THIS SECTION.]

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (b) (7)]

(b)

- (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)~~[(9),] (10) AND (12) [and (13)];~~
- (8) ~~[Fifty five] SIXTY~~ miles per hour **FOR OPERATORS OF ANY MOTOR VEHICLE AT ALL TIMES ON ALL PORTIONS OF RURAL DIVIDED HIGHWAYS** ~~[at all times on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus];~~
- (9) ~~[Fifty five] SIXTY-FIVE~~ miles per hour for operators of any motor vehicle ~~[weighing eight thousand pounds or less empty weight and any commercial bus]~~ at all times on **RURAL EXPRESSWAYS WITHOUT TRAFFIC CONTROL SIGNALS** ~~[all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under Ohio R.C. 4511.21(L)];~~
- (10) ~~[Sixty five] SEVENTY~~ miles per hour for operators of any motor vehicle ~~[weighing eight thousand pounds or less empty weight and any commercial bus]~~ at all times on all **RURAL FREEWAYS** ~~[portions of the following:~~
 - A. ~~Freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that~~

~~are part of the interstate system and that had such a speed limit established prior to October 1, 1995;~~

~~B. Freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under Ohio R.C. 4511.21(L);~~

~~C. Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995", 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under Ohio R.C. 4511.21(M)].~~

[NO FURTHER CHANGES UNTIL PARAGRAPH (d) (1)]

(d)

- (1) At a speed exceeding fifty-five miles per hour, except upon a **HIGHWAY, EXPRESSWAY OR** freeway as provided in subsection (b)(8), (9), (10) AND (12) ~~[and (13)]~~ hereof;
- (2) At a speed exceeding ~~[sixty-five]~~ **SIXTY** miles per hour upon a ~~[freeway]~~ **HIGHWAY** as provided in subsection (b)(8)~~[(12)]~~ hereof~~[, except upon a freeway as provided in subsection (b)(13) hereof];~~
- (3) At a speed exceeding ~~[seventy]~~ **SIXTY-FIVE** miles per hour upon ~~[a freeway]~~ **AN EXPRESSWAY** as provided in subsection (b)(9)~~[(13)]~~ hereof, **EXCEPT UPON A FREEWAY AS PROVIDED IN SUBSECTION (b)(10) HEREOF;**
- (4) ~~[If a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in subsection (b)(8) hereof, a]~~At a speed exceeding ~~[fifty-five]~~ **SEVENTY** miles per hour~~[, except]~~ upon a freeway as provided in subsection~~[s]~~ (b)(10)~~[(12) and (13)]~~ hereof;
- (5) At a speed exceeding the posted speed limit upon a **HIGHWAY, EXPRESSWAY OR** freeway for which the Director has determined and declared a speed limit ~~[of not more than sixty-five miles per hour]~~ pursuant to Ohio R.C. 4511.21~~(I)(2) OR (L)(2) [or (M)]~~.

[NO FURTHER CHANGES UNTIL PARAGRAPH (i) (3)]

(i)

- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
~~[(Ord. 145-09. Passed 12-14-09.)]~~
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
(Ord. 1-14. Passed 1-13-14.)
- (5) **"RURAL" MEANS OUTSIDE URBANIZED AREAS, AS DESIGNATED IN ACCORDANCE WITH 23 USC 101, AND OUTSIDE OF A BUSINESS OR URBAN DISTRICT.**

[NO FURTHER CHANGES TO THIS SECTION.]

333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, ~~[an]~~ emergency vehicle, ~~[or a]~~ road service vehicle, **VEHICLE USED BY THE PUBLIC UTILITIES COMMISSION TO CONDUCT MOTOR VEHICLE INSPECTIONS IN ACCORDANCE WITH OHIO R.C. 4923.04 AND 4923.06**

OR A HIGHWAY MAINTENANCE VEHICLE that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, ~~an~~ emergency vehicle, ~~or a~~ road service vehicle, **VEHICLE USED BY THE PUBLIC UTILITIES COMMISSION TO CONDUCT MOTOR VEHICLE INSPECTIONS IN ACCORDANCE WITH OHIO R.C. 4923.04 AND 4923.06 OR A HIGHWAY MAINTENANCE VEHICLE.**
- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle, ~~an~~ emergency vehicle, ~~or a~~ road service vehicle, **VEHICLE USED BY THE PUBLIC UTILITIES COMMISSION TO CONDUCT MOTOR VEHICLE INSPECTIONS IN ACCORDANCE WITH OHIO R.C. 4923.04 AND 4923.06, OR A HIGHWAY MAINTENANCE VEHICLE** from the duty to drive with due regard for the safety of all persons and property upon the highway.

[NO FURTHER CHANGES TO THIS SECTION.]

337.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.

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

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, ~~[traffic line strippers, snow plows,]~~ rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, ~~[Ohio Department of Transportation]~~ **HIGHWAY** maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.

[NO FURTHER CHANGES TO THIS SECTION.]

337.17 FOCUS AND AIM OF HEADLIGHTS.

(a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(ORC 4513.19)

(b) **THE HEADLIGHTS ON ANY MOTOR VEHICLE SHALL COMPLY WITH THE HEADLAMP COLOR REQUIREMENTS CONTAINED IN FEDERAL MOTOR VEHICLE SAFETY STANDARD NUMBER 108,**

49 C. F. R. 571.108. NO PERSON SHALL OPERATE A MOTOR VEHICLE IN VIOLATION OF THIS SUBSECTION.

~~[(b)]~~ (c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 145-09. Passed 12-14-09.)

339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT.

[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (b) (3)]

(b)

(3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer **OR AUTHORIZED AGENT OF THE ISSUING AUTHORITY.**

[NO FURTHER CHANGES TO THIS SECTION.]

351.03 PROHIBITED STANDING OR PARKING PLACES.

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

(a)

(1) On a sidewalk, curb or street lawn area, except ~~[a bicycle]~~ **AS PROVIDED IN SUBSECTION (b) HEREOF;**

[NO FURTHER CHANGES UNTIL PARAGRAPH (b)]

(b) **A PERSON SHALL BE PERMITTED, WITHOUT CHARGE OR RESTRICTION, TO STAND OR PARK ON A SIDEWALK, A MOTOR-DRIVEN CYCLE OR MOTOR SCOOTER THAT HAS AN ENGINE NOT LARGER THAN ONE HUNDRED AND FIFTY CUBIC CENTIMETERS, OR A BICYCLE, PROVIDED THAT THE MOTOR-DRIVEN CYCLE, MOTOR SCOOTER, OR BICYCLE DOES NOT IMPEDE THE NATURAL FLOW OF PEDESTRIAN TRAFFIC. THIS DIVISION DOES NOT AUTHORIZE ANY PERSON TO OPERATE A VEHICLE IN VIOLATION OF SECTION 331.37.**

~~[(b)]~~ (c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.68)

351.04 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

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

(c) (1) **A.** Except as provided in subsection (c)~~[(2)]~~**1B.** hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

~~[(2)]~~ **B.** The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

~~[(Ord. 102 11. Passed 10 11 11.)]~~

(2) **THE OPERATOR OF A MOTORCYCLE MAY BACK THE MOTORCYCLE INTO A PARKING SPACE THAT IS LOCATED ON THE SIDE OF, AND PARALLEL TO, A ROAD OR HIGHWAY. THE MOTORCYCLE MAY FACE ANY DIRECTION WHEN SO**

PARKED. NOT MORE THAN TWO MOTORCYCLES AT A TIME SHALL BE PARKED IN A PARKING SPACE AS DESCRIBED IN SUBSECTION (c)(2) OF THIS SECTION IRRESPECTIVE OF WHETHER OR NOT THE SPACE IS METERED.

[NO FURTHER CHANGES TO THIS SECTION.]

505.071 CRUELTY TO COMPANION ANIMALS.

[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (a) (7)]

(a)

(7) "DOG KENNEL" MEANS AN ANIMAL RESCUE FOR DOGS THAT IS REGISTERED UNDER OHIO R.C. 956.06, A BOARDING KENNEL OR A TRAINING KENNEL.

[NO FURTHER CHANGES UNTIL PARAGRAPH (c) (1)]

(c)

(1) ~~[Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty]~~ 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, 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 NEGLIGENCE 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;

~~(2)~~ (5) Deprive the companion animal of necessary sustenance, 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, confinement, or impoundment in any of those specified manners.

(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, 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 NEGLIGENCE 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) DEPRIVE THE COMPANION ANIMAL OF NECESSARY SUSTENANCE, CONFINED 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, CONFINEMENT, OR IMPOUNDMENT OR CONFINEMENT IN ANY OF THOSE SPECIFIED MANNERS.

~~[(d)]~~ (e) Subsections (b), ~~[and]~~ (c) **AND (d)** of this section do not apply to any of the following:

- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
- (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
- (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
- (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
- (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.
(ORC 959.131)

~~[(e)]~~ (f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) WHOEVER VIOLATES SUBSECTION (d) HEREOF IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.

- ~~[(3)]~~ (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
- B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

~~[(4)]~~ (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.

525.01 DEFINITIONS.

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

(i) "Provider agreement" ~~[and "medical assistance program" have]~~ **HAS** the same meaning[s] as in Ohio R.C. ~~[2913.40]~~ **5164.01.**

~~[- Ord. 65-01. Passed 5-14-01.]~~ **(ORC 2921.01)**

525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.

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

- (f) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, **LICENSED** professional clinical counselor, ~~[or]~~ **LICENSED** professional counselor, **INDEPENDENT MARRIAGE AND FAMILY THERAPIST OR MARRIAGE AND FAMILY THERAPIST** who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (g) (1)]

(g)

- (1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; **LICENSED PROFESSIONAL CLINICAL COUNSELOR, LICENSED PROFESSIONAL COUNSELOR, INDEPENDENT SOCIAL WORKER, SOCIAL WORKER, INDEPENDENT MARRIAGE AND FAMILY THERAPIST, OR MARRIAGE AND FAMILY THERAPIST AND CLIENT**; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

[NO FURTHER CHANGES UNTIL PARAGRAPH (g) (5)]

- (5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or ~~[organization]~~ **SERVICES PROVIDER** certified pursuant to Ohio R.C. ~~[3793.06]~~ **5119.36.**

[NO FURTHER CHANGES TO THIS SECTION.]

529.01 DEFINITIONS.

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

(b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether the same are medicated, proprietary or patented. Such phrase includes ~~[wine as defined in Ohio R.C. 4301.01 even if it contains less than four percent (4%) of alcohol by volume, mixed beverages as defined in Ohio R.C. 4301.01 even if they contain less than four~~

~~percent (4%) of alcohol by volume,] CIDER AND alcohol and all solids and confections which contain~~
~~[any] ONE-HALF OF ONE PERCENT OR MORE OF alcohol BY VOLUME.~~
[NO FURTHER CHANGES TO THIS SECTION.]

529.07 OPEN CONTAINER PROHIBITED.

[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (c)(6)]

(c)

- (6) A. A PERSON MAY HAVE IN THE PERSON'S POSSESSION ON THE PROPERTY OF AN OUTDOOR MOTORSPORTS FACILITY AN OPENED OR UNOPENED CONTAINER OF BEER OR INTOXICATING LIQUOR THAT WAS NOT PURCHASED FROM THE OWNER OF THE FACILITY IF BOTH OF THE FOLLOWING APPLY:
1. THE PERSON IS ATTENDING A RACING EVENT AT THE FACILITY; AND
 2. THE OWNERS OF THE FACILITY GRANTS PERMISSION FOR THE POSSESSION AND CONSUMPTION OF BEER OR INTOXICATING LIQUOR ON THE PROPERTY OF THE FACILITY;
- B. AS USED IN SUBSECTION (c)(6)A. OF THIS SECTION:
1. "RACING EVENT" MEANS A MOTOR VEHICLE RACING EVENT SANCTIONED BY ONE OR MORE MOTOR RACING SANCTIONING ORGANIZATIONS.
 2. "OUTDOOR MOTORSPORTS FACILITY" MEANS AN OUTDOOR RACETRACK TO WHICH ALL OF THE FOLLOWING APPLY:
 - a. IT IS TWO AND FOUR-TENTHS OR MORE IN LENGTH.
 - b. IT IS LOCATED ON TWO HUNDRED ACRES OR MORE OF LAND.
 - c. THE PRIMARY BUSINESS OF THE OWNER OF THE FACILITY IS THE HOSTING AND PROMOTING OF RACING EVENTS.
 - d. THE HOLDER OF A D-1, D-2 OR D-3 PERMIT IS LOCATED ON THE PROPERTY OF THE FACILITY.

[NO FURTHER CHANGES TO THIS SECTION.]

533.09 SOLICITING.

(a) No person shall solicit another **WHO IS EIGHTEEN YEARS OF AGE OR OLDER** to engage with such other person in sexual activity for hire.

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

(d) AS USED IN THIS SECTION, "SEXUAL ACTIVITY FOR HIRE" MEANS AN IMPLICIT OR EXPLICIT AGREEMENT TO PROVIDE SEXUAL ACTIVITY IN EXCHANGE FOR ANYTHING OF VALUE PAID TO THE PERSON ENGAGING IN SUCH SEXUAL ACTIVITY, TO ANY PERSON TRAFFICKING THAT PERSON, OR TO ANY PERSON ASSOCIATED WITH EITHER SUCH PERSON. (ORC 2907.24)

533.21 UNLAWFUL ADVERTISING OF MASSAGE.

(a) NO PERSON, BY MEANS OF A STATEMENT, SOLICITATION, OR OFFER IN A PRINT OR ELECTRONIC PUBLICATION, SIGN, PLACARD, STOREFRONT DISPLAY, OR OTHER MEDIUM, SHALL ADVERTISE MASSAGE, RELAXATION MASSAGE, ANY OTHER MASSAGE TECHNIQUE OR METHOD, OR ANY RELATED SERVICE, WITH THE SUGGESTION OR PROMISE OF SEXUAL ACTIVITY.

(b) WHOEVER VIOLATES THIS SECTION IS GUILTY OF UNLAWFUL ADVERTISING OF MASSAGE, A MISDEMEANOR OF THE FIRST DEGREE.

(c) NOTHING IN THIS SECTION PREVENTS THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION OR TOWNSHIP FROM ENACTING ANY REGULATION OF THE ADVERTISING OF MASSAGE FURTHER THAN AND IN ADDITION TO THE PROVISIONS OF SUBSECTIONS (a) AND (b) OF THIS SECTION.

(ORC 2927.17)

537.03 ASSAULT

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

(c) (1) Whoever violates this section is guilty of assault, a misdemeanor of the first degree, and the court shall sentence the offender as provided in subsection (c) hereof. If the assault was committed under the circumstances provided in subsection (c)(2), (3), (4), (5), (6), (7), ~~[(8)]~~ **OR (9)** hereof, assault is a felony and shall be prosecuted under appropriate State law.

(2) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.

(3) ~~[If the offense is committed in any of the following circumstances:]~~

~~[A.] IF ~~[(T)]~~ the offense occurs in or on the grounds of a State correctional institution or an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction~~[,]~~ **OR** the Department of Youth Services, ~~[or a probation department or is on the premises of the particular institution for business purposes or as a visitor,]~~ and the offense is committed by a person incarcerated in the State correctional institution~~[,]~~ **OR BY** a person institutionalized in the Department of Youth Services ~~[i]nstitution pursuant to a commitment to the Department of Youth Services. ~~[, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.]~~~~~~

(4) **IF THE OFFENSE IS COMMITTED IN ANY OF THE FOLLOWING CIRCUMSTANCES:**

~~[B.]~~ A. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.

~~[C.]~~ B. The offense occurs off the grounds of a State correctional institution and off the grounds of an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction, the Department of Youth Services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a State correctional institution or institutionalized in the Department

of Youth Services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

~~[D.]~~ C. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

~~[E.]~~ D. The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

~~[(4)]~~ (5) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.

~~[(5)]~~ (6) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation and if the victim suffered serious physical harm as a result of the commission of the offense.

~~[(6)]~~ (7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.

~~[(7)]~~ (8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital; a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers or officers, assault is one of the following:

A. Except as otherwise provided in subsection (c)~~[(7)]~~(8)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, in sentencing the offender under this subsection and if the court decides

to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).

B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony.

~~[(8)]~~ (9) If the victim of the offense is a judge, magistrate, prosecutor or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:

A. Except as otherwise provided in subsection (c)~~[(8)]~~(9)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this subsection, if the court decides to impose a fine, notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).

B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony.

~~[(9)]~~ (10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in Ohio R.C. 2941.1423 that was included in the indictment, count in the indictment or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of Ohio R.C. 2929.24. ~~[(Ord. 1-14. Passed 1-13-14.)]~~

[NO MORE CHANGES TO THIS SECTION.]

537.05 AGGRAVATED MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. **IN ADDITION TO ANY OTHER BASIS FOR THE OTHER PERSON'S BELIEF THAT THE OFFENDER WILL CAUSE SERIOUS PHYSICAL HARM TO THE PERSON OR PROPERTY OF THE OTHER PERSON, THE OTHER PERSON'S UNBORN, OR A MEMBER OF THE OTHER PERSON'S IMMEDIATE FAMILY, THE OTHER PERSON'S BELIEF 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.**

[NO FURTHER CHANGES UNTIL PARAGRAPH (c)]

(c) AS USED IN THIS SECTION, "ORGANIZATION" INCLUDES AN ENTITY THAT IS A GOVERNMENTAL EMPLOYER. (ORC 2903.21)

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 cause mental distress to 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 MENTAL DISTRESS, 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.

[NO FURTHER CHANGES TO THIS SECTION UNTIL PARAGRAPH (d) (1)]

(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 or receipts of information or data through the use of 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) (10)]

- (10) “ORGANIZATION” INCLUDES AN ENTITY THAT IS A GOVERNMENTAL EMPLOYER.

[NO FURTHER CHANGES TO THIS SECTION.]

537.06 MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family. **IN ADDITION TO ANY OTHER BASIS FOR THE OTHER PERSON’S BELIEF THAT THE OFFENDER WILL CAUSE PHYSICAL HARM TO THE PERSON OR PROPERTY OF THE OTHER PERSON, THE OTHER PERSON’S UNBORN, OR A MEMBER OF THE OTHER PERSON’S IMMEDIATELY FAMILY, THE OTHER PERSON’S BELIEF 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.**

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

(c) AS USED IN THIS SECTION, “ORGANIZATION” INCLUDES AN ENTITY THAT IS A GOVERNMENTAL EMPLOYER. (ORC 2903.22)

537.12 MISUSE OF 9-1-1 SYSTEM.

(a) “9-1-1 system” means a system through which individuals can request emergency service using the telephone number 9-1-1. **(ORC 128.01)**

(b) No person shall knowingly use the telephone number of the 9-1-1 system established under Ohio R.C. Chapter ~~5507~~ **128** to report an emergency if he knows that no emergency exists.

(c) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.

(d) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-

1 system established under Ohio R.C. Chapter ~~5507~~ **128**, except for any of the following purposes or under any of the following circumstances:

- (1) For the purpose of the 9-1-1 system;
 - (2) For the purpose of responding to an emergency call to an emergency service provider;
 - (3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;
 - (4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the ~~[Department of Public Safety]~~ **STEERING COMMITTEE**.
 - (5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the ~~[Department of Public Safety]~~ **STEERING COMMITTEE**. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the ~~[Department of Public Safety]~~ **STEERING COMMITTEE**. ~~[(Ord. 1-14, Passed 1-13-14.)]~~ **(ORC 128.32)**
- (e)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.
 - (2) Whoever violates subsection (c) or (d) hereof is guilty of a misdemeanor of the fourth degree on a first offense. For each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law. ~~[(Ord. 102-11, Passed 10-11-11.)]~~ **(ORC 128.99)**

537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, [OR] OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS.

- (a) As used in this section:
- (1) **“AGE VERIFICATION” MEANS A SERVICE PROVIDED BY AN INDEPENDENT THIRD PARTY (OTHER THAN A MANUFACTURER, PRODUCER, DISTRIBUTOR, WHOLESALER, OR RETAILER OF CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR PAPERS USED TO ROLL CIGARETTES) THAT COMPARES INFORMATION AVAILABLE FROM A COMMERCIALY AVAILABLE DATABASE, OR AGGREGATE OF DATABASES, THAT REGULARLY ARE USED BY GOVERNMENT AND BUSINESSES FOR THE PURPOSE OF AGE AND IDENTITY VERIFICATION TO PERSONAL INFORMATION PROVIDED DURING AN INTERNET SALE OR OTHER REMOTE METHOD OF SALE TO ESTABLISH THAT THE PURCHASER IS EIGHTEEN YEARS OF AGE OR OLDER.**
 - (2) **A. “ALTERNATIVE NICOTINE PRODUCT” MEANS, SUBJECT TO SUBSECTION (a)(2)B. OF THIS SECTION, AN ELECTRONIC CIGARETTE OR ANY OTHER PRODUCT OR DEVICE THAT CONSISTS OF OR CONTAINS NICOTINE THAT CAN BE INGESTED INTO THE BODY BY ANY MEANS, INCLUDING, BUT NOT LIMITED TO, CHEWING, SMOKING, ABSORBING, DISSOLVING OR INHALING.**
B. “ALTERNATIVE NICOTINE PRODUCT” DOES NOT INCLUDE ANY OF THE

FOLLOWING:

1. **ANY CIGARETTE OR OTHER TOBACCO PRODUCT;**
2. **ANY PRODUCT THAT IS A “DRUG” AS THAT TERM IS DEFINED IN 21 U.S.C. 321(g)(1);**
3. **ANY PRODUCT THAT IS A “DEVICE” AS THAT TERM IS DEFINED IN 21 U.S.C. 321(h);**
4. **ANY PRODUCT THAT IS A “COMBINATION PRODUCT” AS DESCRIBED IN 21 U.S.C. 353(g).**

~~[(1)]~~ (3) “Child” has the same meaning as in Ohio R.C. 2151.011.

~~[(2)]~~ (4) “Cigarette” includes clove cigarettes and hand-rolled cigarettes.

~~[(3)]~~ (5) “Distribute” means to furnish, give, or provide cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes.

- (6) A. **“ELECTRONIC CIGARETTE” MEANS, SUBJECT TO SUBSECTION (a)(6)B. OF THIS SECTION, ANY ELECTRONIC PRODUCT OR DEVICE THAT PRODUCES A VAPOR THAT DELIVERS NICOTINE OR ANY OTHER SUBSTANCE TO THE PERSON INHALING FROM THE DEVICE TO SIMULATE SMOKING AND THAT IS LIKELY TO BE OFFERED TO OR PURCHASED BY CONSUMERS AS AN ELECTRONIC CIGARETTE, ELECTRONIC CIGAR, ELECTRONIC CIGARILLO OR ELECTRONIC PIPE.**
- B. **“ELECTRONIC CIGARETTE” DOES NOT INCLUDE ANY ITEM, PRODUCT OR DEVICE DESCRIBED IN SUBSECTIONS (a)(2)B.1. TO 4. OF THIS SECTION.**

~~[(4)]~~ (7) “Proof of age” means a driver’s license, a commercial driver’s license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.

~~[(5)]~~ (8) “Tobacco product” means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, or snuff.

~~[(6)]~~ (9) “Vending machine” has the same meaning as “coin machine” in Ohio R.C. 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes, and no other person shall do any of the following:

- (1) Give, sell, or otherwise distribute cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes to any child;
- (2) Give away, sell or distribute cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;
- (3) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes for that child[-];

- (4) MANUFACTURE, SELL OR DISTRIBUTE IN THIS STATE ANY PACK OR OTHER CONTAINER OF CIGARETTES CONTAINING FEWER THAN TWENTY CIGARETTES OR ANY PACKAGE OF ROLL-YOUR-OWN TOBACCO CONTAINING LESS THAN SIX-TENTHS OF ONE OUNCE OF TOBACCO;
- (5) SELL CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS IN A SMALLER QUANTITY THAN THAT PLACED IN THE PACK OR OTHER CONTAINER BY THE MANUFACTURER;
- (6) GIVE, SELL OR OTHERWISE DISTRIBUTE ALTERNATIVE NICOTINE PRODUCTS, PAPERS USED TO ROLL CIGARETTES, OR TOBACCO PRODUCTS OTHER THAN CIGARETTES OVER THE INTERNET OR THROUGH ANOTHER REMOTE METHOD WITHOUT AGE VERIFICATION.

(c) No person shall sell or offer to sell cigarettes or other tobacco products **OR ALTERNATIVE NICOTINE PRODUCTS** by or from a vending machine, except in the following locations:

- (1) An area within a factory, business, office, or other place not open to the general public;
- (2) An area to which children are not generally permitted access;
- (3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:
 - A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, ~~and~~ other tobacco product **AND ALTERNATIVE NICOTINE PRODUCT** purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
 - B. The vending machine is inaccessible to the public when the place is closed.

(d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:

- (1) The child was accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child.
- (2) The person who gave, sold, or distributed cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes to a child under subsection (b)(1) of this section is a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

(e) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:

- (1) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol[.];
- (2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol[.];
- (3) The child is participating in the research protocol at the facility or location specified in the research protocol.

- (f) (1) Whoever violates subsection (b)(1), ~~[(e)] (2), (4), (5) OR (6)~~ or (c) of this section is guilty of illegal distribution of cigarettes or other tobacco products, **OR ALTERNATIVE NICOTINE PRODUCTS. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS IS** a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(1), ~~[(e)] (2), (4), (5) OR (6)~~ or (c) of this section, illegal distribution of cigarettes, ~~[(e)]~~ other tobacco products, **OR ALTERNATIVE NICOTINE PRODUCTS** is a misdemeanor of the third degree.
- (2) Whoever violates subsection (b)(3) of this section is guilty of permitting children to use cigarettes, ~~[(e)]~~ other tobacco products, **OR ALTERNATIVE NICOTINE PRODUCTS. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, PERMITTING CHILDREN TO USE CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS IS** a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(3) of this section, permitting children to use cigarettes, ~~[(e)]~~ other tobacco products, **OR ALTERNATIVE NICOTINE PRODUCTS** is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco products, **ALTERNATIVE NICOTINE PRODUCTS**, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a child in violation of this section and that are used, possessed, purchased, or received by a child in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981.

~~[(Ord. 139-07. Passed 11-19-07.)] (ORC 2927.02)~~

537.17 CRIMINAL CHILD ENTICEMENT.

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

(c) **NO PERSON, FOR ANY UNLAWFUL PURPOSE OTHER THAN, OR IN ADDITION TO, THAT PROSCRIBED BY SUBSECTION (a) OF THIS SECTION, SHALL ENGAGE IN ANY ACTIVITY DESCRIBED IN SUBSECTION (a) OF THIS SECTION.**

~~[(e)] (d)~~ It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

~~[(e)] (e)~~ Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of **THIS SECTION OR** Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

~~[(e)] (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.

~~[(Ord. 139-07. Passed 11-19-07.)] (ORC 2905.05)~~

545.01 DEFINITIONS

[NO CHANGES TO THIS SECTION UNTIL PARAGRAPH (II)]

(II) "ACTIVE DUTY SERVICE MEMBER" MEANS ANY MEMBER OF THE ARMED FORCES OF THE UNITED STATES PERFORMING ACTIVE DUTY UNDER TITLE 10 OF THE UNITED STATES CODE. (ORC 2913.01)

545.02 DETERMINING PROPERTY VALUE IN THEFT OFFENSE.

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

- (b) (1) When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06, or 545.08, 545.10(b)(1) or (2), or Section 545.15 or 545.20 involving a victim who is an elderly person or disabled adult, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. **WHEN A SERIES OF OFFENSES UNDER SECTION 545.05, OR A SERIES OF VIOLATIONS OF, ATTEMPTS TO COMMIT A VIOLATION OF, CONSPIRACIES TO VIOLATE, OR COMPLICITY IN VIOLATIONS OF SECTIONS 545.05 OR 545.15 INVOLVING A VICTIM WHO IS AN ACTIVE DUTY SERVICE MEMBER OR SPOUSE OF AN ACTIVE DUTY SERVICE MEMBER IS COMMITTED BY THE OFFENDER IN THE OFFENDER'S SAME EMPLOYMENT, CAPACITY OR RELATIONSHIP TO ANOTHER, ALL OF THOSE OFFENSES SHALL BE TRIED AS A SINGLE OFFENSE.** The value of the property or services involved in the series of offenses for the purpose of determining the value is the aggregate value of all property and services involved in all offenses in the series.
- (2) If an offender commits a series of offenses under Section 545.05 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06 or 545.08, Section 545.10(b)(1) or (2), or Section 545.15 or 545.20, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. **IF THE OFFENDER IS BEING TRIED FOR THE COMMISSION OF A SERIES OF VIOLATIONS OF ATTEMPTS TO COMMIT A VIOLATION OF, CONSPIRACIES TO VIOLATE, OR COMPLICITY IN VIOLATIONS OF SECTION 545.05 OR 545.15, WHETHER COMMITTED AGAINST ONE VICTIM OR MORE THAN ONE VICTIM, INVOLVING A VICTIM WHO IS AN ACTIVE DUTY SERVICE MEMBER OR SPOUSE OF AN ACTIVE DUTY SERVICE MEMBER PURSUANT TO A SCHEME OR COURSE OF CONDUCT, ALL OF THOSE OFFENSES MAY BE TRIED AS A SINGLE OFFENSE.** If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property and services involved in all of the offenses in the course of conduct. ~~[(Ord. 65-01. Passed 5-14-01.)]~~

[NO FURTHER CHANGES TO THIS SECTION.]

545.05 PETTY THEFT.

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

(b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree. Petty theft is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property or services stolen is one thousand dollars (\$1,000) or more; or (Ord. 102-11. Passed 10-11-11.)
- (2) The victim of the offense is an elderly person, ~~[or]~~ disabled adult, **ACTIVE DUTY SERVICE MEMBER, OR SPOUSE OF AN ACTIVE DUTY SERVICE MEMBER**, or
- (3) The property stolen is a firearm or dangerous ordnance, or
- (4) The property stolen is a motor vehicle~~[.]~~ , **OR**
- (5) The property stolen is any dangerous drug~~[.]~~ , **OR**
- (6) The property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog~~[.]~~ , **OR**
- (7) The property stolen is anhydrous ammonia~~[.]~~ , **OR**
(Ord. 145-09. Passed 12-14-09.)
- (8) The property stolen is a special purpose article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012. (Ord. 1-14. Passed 1-13-14.)

[NO FURTHER CHANGES TO THIS SECTION.]

545.15 SECURING WRITINGS BY DECEPTION.

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

(b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree. Securing writings by deception is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property or obligation involved is one thousand dollars (\$1,000) or more; or
- (2) The victim of the offense is an elderly person, ~~[or]~~ disabled adult, **ACTIVE DUTY SERVICE MEMBER OR SPOUSE OF AN ACTIVE DUTY SERVICE MEMBER.**
(**ORC 2913.43**; Ord.102-11. Passed 10-11-11.)

553.03 DUTIES OF LOCOMOTIVE ENGINEER.

(a) No person in charge of a locomotive shall ~~[do the following:~~

- ~~(1) — F] fail to bring the locomotive to a full stop at least 200 feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear[;] .~~
- ~~[(2) — When approaching a grade crossing, fail to sound the locomotive whistle at frequent intervals, beginning not less than 1,320 feet from such crossing and continuing until the locomotive has passed the crossing.]~~

[NO FURTHER CHANGES TO THIS SECTION.]

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11(2)(1)

ITEM:

DATE: 11/24/14

An ordinance to authorize the City Manager to execute an amendment to the existing agreement with Duke Energy Retail Services (DERS) to extend the City's participation in the purchase of electricity at discounted rates.

FINANCIAL IMPACT:

There will be no additional cost to the City and substantial savings will result as described below.

SYNOPSIS:

Duke Energy Retail Services (DERS), an affiliate of Duke Energy Corporation, is offering discounted rates for electric service to municipal customers in Ohio through the end of 2017. The existing agreement with DERS would expire at the end of November 2014.

An extended agreement with Duke Energy Retail Sales will serve to hold down costs during the 2015 - 2017 period by locking in a rate of 5.48 cents/kWh for the City's buildings. This savings will be spread aggregately to city of Fairfield electrical accounts, excluding the Wastewater Treatment Plant, which will remain on the Real Time Purchasing (RTP) program. The City's general rate will increase from the current 4.84 cents /kWh to the 5.48 cents/kWh. The city's street light and traffic signal electric accounts will increase from the current rate 3.99 cents/kWh, to 4.35 cents/kWh. These are very favorable rates when compared to the regulated energy market.

Currently Duke Retail Sales is finalizing a buyout deal with the Dynegy Power. The forecast for the completion of this deal is January 1, 2015. Once this occurs Dynegy Power will become this energy generator for the City. Dynegy will honor the terms and conditions of our DERS contract through end of 2017.

BACKGROUND:

The economic downturn previously affected electricity demand resulting in reduced power prices. However, with an improving economy, and closing of coal fired power plants electric prices are continuing to increase. Market conditions present an opportunity for the City to sustain energy costs by locking in lowest rates for another three (3) years.

RECOMMENDATION:

It is recommended that City Council authorize the City Manager to execute an amended agreement with Duke Energy Retail Sales to extend participation in the Retail Power Sales Agreement through 2017 at the rates described above. Rules suspension with emergency provisions is being requested in order to avoid market fluctuation in energy costs which could void this offer by DERS.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? **If yes, explain above.**
yes no

Emergency Provision Needed? **If yes, explain above.**
yes no

Prepared by: [Signature]
Approved for Content by: John Cleemann
Financial Review (where applicable): May Hoyer
Legal Review (where applicable): John Cleemann
Accepted for Council Agenda: [Signature]

Dave Crouch

From: Eyer, Chris A <Chris.Eyer@duke-energy.com>
Sent: Tuesday, November 18, 2014 11:26 AM
To: 'clemmons@cfairfield.com' (clemmons@cfairfield.com); Dave Crouch
Subject: 11/18 Price update

Gentlemen, As suspected with the cold weather pricing is up. Hopefully with the return to spring "like" temps this weekend prices will recede in time for the Council Meeting Monday

12- 5.76

24-5.55

36-5.48

DEC 11/18/14

Lighting 4.35

DEC 11/18/14

Chris



Duke Energy Retail
139 East Fourth Street
Room EN320
Cincinnati, Ohio 45202

Chris A. Eyer Tel: 513.287.2126
Cell: 513.219.1708
chris.eyer@duke-energy.com Fax: 513.529.5637

friend us on facebook follow us on twitter



Chris Eyer
Account Executive
139 EAST FOURTH STREET | CINCINNATI, OHIO 45202
Tel: 513 287-2126



ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT FOR THE PURCHASE OF ELECTRICITY FOR MUNICIPAL USE WITH DUKE ENERGY RETAIL SALES AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to enter into an amended agreement with Duke Energy Retail Sales for the purchase of electricity for municipal use for the period through 2017 in accordance with the amended agreement on file in the office of the City Manager. This amended agreement is authorized as an emergency without formal advertising or bidding because of the need to lock-in future lower electricity prices immediately while current favorable wholesale market conditions exist.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the lower electric rates can be locked-in during this favorable market pricing, wherefore, this ordinance 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 Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

November 24, 2014

Request for appropriation for non-contractual agenda items

FINANCIAL IMPACT:

\$94,000.00 from noted funding source

SYNOPSIS:

The following appropriations have been requested:

- \$35,000 for Wastewater Treatment Facility Laboratory remodel;
- \$47,000 for replacement of multi-function printing devices for Public Works, Finance and Municipal Building;
- \$12,000 for the Raised Pavement Marker Reflectors

BACKGROUND:

Please refer to specific Council Communications dated November 24, 2014 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: Alexis Wilson

Approved for Content by: Alexis Wilson

Financial Review (where applicable) by: May Hoop

Legal Review (where applicable) by: Jan G. Edmunds

Accepted by Council Agenda: Alexis Wilson

Iroquois Hoods
2176 E. Laketon Ave.
Muskegon, MI 49442
(231) 767-1301
fax (231) 767-1302

Quotation no. 11-163-REV-3
Page 1 of 2

QUOTATION

To: CITY OF FAIRFIELD WWTP
4799 GROH LANE
FAIRFIELD, OH 45014
(513) 858-8348

Date: October 22, 2014

Ref.:

Attention: JASON HUNOLD jhunold@fairfield-city.org

We are pleased to submit the following quotation, subject to conditions below.
ALL ITEMS QUOTED ARE IROQUOIS STANDARDS AND SIZES UNLESS OTHERWISE NOTED.

CASEWORK (REFER TO IROQUOIS CASEWORK CATALOG FOR MODEL # DESCRIPTION)
ITEM #'S BELOW CORRESPOND TO CABINET #'S IN ATTACHED DRAWINGS

- 1) 1 - BASE35(h)30(w)-20S
W/ 18" X 14" X 10 1/2"D EPOXY SINK
DECK-MTD H&C WATER GOOSENECK
1 - L-FILLER35(h)7(d)
- 2) 1 - BASE35(h)36(w)-150R
- 3) 1 - BASE35(h)36(w)-100(R)SP
- 4) 1 - BASE35(h)48(w)-140A(L)
1 - L-FRTFILLER35(h)2(w)
- 5) 1 - BASE35(h)48(w)-100(L)SP
- 6) 1 - BASE35(h)36(w)-140A(L)
- 7) 1 - BASE35(h)52(w)-20SI
W/ 24" X 16" X 10"D EPOXY SINK
DECK-MTD H&C WATER GOOSENECK
PEGBD - 30" X 30"H W/ STN STL DRIP TROUGH
- 8) 1 - BASE35(h)36(w)-140A(R)
- 9) 1 - BASE35(h)48(w)-100(R)SP
- 10) 1 - BASE35(h)48(w)-140A(R)
- 11) 1 - BASE35(h)48(w)-110(R)SP
- 12) 1 - BASE35(h)42(w)-20S
W/ 24" X 16" X 10"D EPOXY SINK
PANEL-MTD H&C WATER GOOSENECK
DECK-MTD EMER. EYE WASH/DRENCH HOSE
- 13) 1 - BASE35(h)42(w)-080
1 - C-FILLER35(h)8(w)
- 14, 16) 2 - BASE35(h)18(w)-040
- 15) 1 - APRON30(w)22(d)-001
1 - KSP-2930
- 17) 1 - BASE35(h)48(w)-140A(R)
1 - L-FRTFILLER35(h)1(d)

WALL CASES:

- 2 - WALL36(h)36(w)-2SH
- 4 - WALL36(h)36(w)-2GH
- 1 - WALL15(h)36(w)-2SH
- 2 - WALL24(h)36(w)-2GH
- 1 - WALL24(h)30(w)-2GH

SHELVING (MIDDLE PENINSULA):

- 3 - RSUpright8(h)16(w)
- 1 - WALL24(h)48(w)16(d)-DblEntry-X
X = -GH ON I SIDE, -GS ON OTHER
- 2 - ELEC. PEDESTAL - SGL GANG, DBL. FACE

STN STL COUNTERTOPS:

16 GA. T-316 #4 STN STL - 1 1/4" THICK, FLAT, REINFORCED, SOUND DEADENING UNDERCOAT,
W/ INTEGRAL 4" BACKSPLASH AT WALL
(3) 18 GA. T-316 STN STL SINK W/ OUTLET - WELDED & FINISHED FLUSH W/ COUNTERTOP
FABRICATED IN (6) SECTIONS W/ BOLT-TOGETHER JOINTS

CRATED FOR SHIPPING

TOTAL PRICE: \$31,149.00

FREIGHT TO FAIRFIELD, OH: \$1175.00

PRICE DOES NOT INCLUDE: TAXES, BONDING, DRAWINGS, INSTALLATION.

DELIVERY:

IROQUOIS HOODS, INC.

F.O.B.: Muskegon, Michigan

TERMS: NET 30 DAYS

By: _____
Michael A. Gross, Pres.



PROPOSAL # 14-00585

October 29, 2014

City of Fairfield
5350 Pleasant Avenue
Fairfield, OH 45014

Attn: Jason Hunold, Public Utilities Superintendent
Office: (513) 858-8348
JHunold@fairfield-city.org

Project: Water Laboratory Renovation

Construction documents: For Permit Drawings as produced by Decker & Associates - Floor Plan A3.1 and Elevation Drawing A3.2, dated September 11, 2011. Project Manual and Specifications were not received.

Our proposal is predicated on furnishing standard Hamilton Scientific Painted Steel Casework, in the manufacturer's standard construction details, hardware and colors. Please take time to review out clarifications on the following pages.

Base Bid:

Net Total Material, Delivered

\$31,655.00

Labor and Taxes are not included in the above price.

Alternate Bid:

To provide Type 316 stainless steel IN LIEU OF Type 304,

Net Total Material, Delivered

\$32,400.00

Labor and Taxes are not included in the above price.

Bid Qualification: Our bid price is based on providing the following:

Tradition™ Inset Steel Casework

- ❖ Base cabinets, wall cases, knee space rails, knee space panel, and filler panels for a complete installation.
 - Casework Product Options:
 - Drawer suspension – Self-closing, self-centering, hold open feature, 100 lb. full-extension
 - Hinges – Stainless steel, five knuckle
 - Pulls – Horizontal on drawers, vertical on doors
 - Pull type – Brushed aluminum rectangular style bar pull
 - Door catches – Roller catch
 - Locks – None provided
 - Label holders – None provided
 - Base unit shelf – One piece
 - Removable access panel – At cupboard areas only
 - Security panels – None provided
 - Reagent shelf uprights at Peninsula #1

Stainless steel

- ❖ Manufactured in accordance with the manufacturer's fabrication standards
 - Base Bid = Type 304. Alternate Bid = Type 316. Both Types with #4 polished finish
 - Countertops, 14 gauge. 1" thick with 4" high integral splash. Prepped for mechanical field joints.
 - Sinks integral with countertop, 16 gauge
 - Shelves, 16 gauge

Pegboard

- ❖ Black epoxy resin with finished back, 30x30x1" thick
- ❖ Stainless steel drip trough, 4" deep

Laboratory Fixtures

- ❖ As manufactured by Water Saver Faucet Company.
 - Faucets are polished chrome-plated brass construction
 - Emergency shower is all polished chrome-plated brass construction, including shower head
 - Electrical fixtures are brushed satin aluminum finish
 - L412VB, Mixing faucet, deck-mounted, 6" swing gooseneck, four-arm handles, vacuum breaker
 - L1712WS-VB, Mixing faucet, panel-mounted, 6" swing gooseneck, four-arm handles, vacuum breaker
 - E658PCC, Emergency shower, semi-concealed, ceiling-mounted, 10" diameter shower head, pull rod.
 - E533GF-SA-WS, Electrical pedestal, single-gang, double-face, 20 amp, 120V, GFI
 - E2333-GF-SA, Electrical duplex, single-gang, flush-mount, 20 amp, 120V, GFI

Delivery to jobsite – Freight will be shipped directly from manufacturers to jobsite dock, only.

Exclusions:

1. Appliances
2. Emergency eye wash
3. Off-loading and in-lab delivery of materials
4. Labor of any nature
5. Base molding and cabinet corner guards
6. Thermostatic mixing valves
7. Plumbing supplies, outlets, traps, drain assemblies, pipe carriers, drain lines, piping, and related accessories
8. Dumpsters
9. Taxes
10. Bonds

Clarifications:

- ❖ **Validity:** This quotation is valid for 60 days.
- ❖ This quotation is based on completion in one phase, before December 31, 2015.
- ❖ This quotation is based on the total project. Any increase or decrease in scope of work may affect the pricing structure.
- ❖ Sales tax is **EXCLUDED** from our pricing. If this project is tax exempt, you must supply proper State Tax Exception certificate at time of order. If not received, Laboratory Solutions of the Atlantic (LSoA) is mandated by law to charge sales tax for this project.
- ❖ Labor is **EXCLUDED** from our pricing. We will gladly provide a labor quote upon request.
- ❖ **Project Delays:** In the event the project is delayed, through no fault of LSoA, LSoA shall be entitled to reimbursement for the cost of storage and double handling of material unless LSoA is notified of the delay at least eight weeks prior to a scheduled ship date (Fourteen weeks for non-standard product). In the event that storage space is made available at the project site to store materials which cannot be installed through no fault of LSoA, then LSoA shall be entitled to reimbursement for double handling of material and off-site storage charges.

We look forward to working with you on this project. If you have any questions, please do not hesitate to call, email or fax me at any time. We remain at your service.

Sincerely,

Jennifer Hopper, Account Representative
Mobile: (615) 804-4160
jennifer.hopper@hamiltonscientific.com



850 S. MERIDIAN ST.
INDIANAPOLIS, INDIANA 46225-1335
(317) 632-4393
1-(800) 366-4393
FAX (317) 396-0173
www.mca-midwest.com

NOVEMBER 14, 2014

To: JASON HUNOLD
Co: CITY OF FAIRFIELD

From: TOM DALE
Re: QUOTE

QUOTATION

<u>Item</u>	<u>Qty.</u>	<u>Description</u>	<u>Total</u>
1)	1LOT	SYMBIOTE LAB FURNITURE PER DRAWINGS SENT ON OCTOBER 16TH, 2014. INCLUDES THE FOLLOWING: 1) STAINLESS STEEL COUNTERTOPS AND SINKS 2) STEEL UNDERSTRUCTURE 3) STEEL CABINETS AND COMPONENTS	\$42,000.00

INSTALLATION BY CITY OF FAIRFIELD

FREIGHT N/C

TOTAL PRICE : \$42,000.00

PRICE INCLUDES FREIGHT AND DELIVERY

'EASING TENSION BETWEEN MAN AND MACHINE'



Customer Quote

City of Fairfield

State Term Schedule Number: 800215

Date

8/29/2014

Model	Description	Qty	Unit MSRP	State Term -	Amount
Konica Minolta C284e	28ppm b/w & color DF-701 single pass Duplex scan Dk-510 Copy Desk FS-534 50-sheet staple finisher			\$6,451.00 \$854.00 \$106.00 \$879.00	\$6,451.00 \$854.00 \$106.00 \$879.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	Service 3,500 b/w images @ .0095 900 color images @ .0737 Help Desk support for 1 year set-up delivery and removal Hard Drive Removal and Sanitize		(no charge)	\$495.00 \$200.00	\$495.00 \$200.00 \$0.00 \$0.00
Totals:				\$8,985.00	\$8,985.00



Customer Quote
 City of Fairfield
 State Term Schedule Number: 800215

Date
 11/3/2014

Model	Description	Qty	Unit MSRP	State Term	Amount
Konica Minolta C654e	60 ppm b/w & color DF-701 single pass Duplex scan FS-535 100-sheet staple finisher			\$15,914.00 \$854.00 \$1,431.00 \$0.00	\$15,914.00 \$854.00 \$1,431.00 \$0.00
	Service 11,700 b/w images @ .0080				\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	Help Desk support for 1 year set-up delivery and removal Hard Drive Removal and Sanitize		(no charge)	\$495.00 \$200.00	\$0.00 \$495.00 \$200.00 \$0.00
Totals:				\$18,894.00	\$18,894.00

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11-0103A

ITEM:

DATE: 11/24/2014

Raised Pavement Marker Reflectors for the 2014 Program.

FINANCIAL IMPACT:

\$12,000.00 (\$9,991.04 for the application of roadway pavement markings plus a contingency of \$2,008.96) from the Street Improvement Fund.

SYNOPSIS:

Installation of new RPM reflectors under the 2014 RPM Program for various locations throughout the City. Locations include Mack Road from Winton to Route 4, Route 4 from Woodridge to Crescentville, Woodridge from Route 4 to Ross, and South Gilmore Road from Mack to Old Gilmore.

BACKGROUND:

This program is setup up to install replacement lenses on selected streets. The 2014-2018 Capital Improvement Program has the RPMs programmed (with the pavement marking program) as PWA-14-009, in the amount of \$100,000.00. \$80,000.00 was previously encumbered from PWA-14-009 for the pavement marking program.

Prices were solicited from AA Safety, Lake Erie Construction, and Traffic Specialists. Proposals were received from AA Safety and Lake Erie Construction. The proposals received were as follows:

<i>Contractors</i>	<i>Total</i>
A&A Safety Inc. – Cincinnati, OH	\$9,991.04
Lake Erie Construction – Norwalk, OH	\$16,594.50
Traffic Specialists – Shandon, OH	No Proposal

Public Works is recommending A&A Safety Inc. of Cincinnati, Ohio.

STAFF RECOMMENDATION:

It is recommended that City Council approve legislation for an appropriation in the amount of \$12,000.00 from the Street Improvement Fund for RPM reflector replacement to be performed by A&A Safety, Inc. of Cincinnati, Ohio.

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: [Signature]
Approved for Content by: [Signature]
Financial Review (where applicable): [Signature]
Legal Review (where applicable): [Signature]
Accepted for Council Agenda: [Signature]

CITY OF FAIRFIELD, OHIO

PROPOSAL FORM

2014 RAISED PAVEMENT MARKERS

REF NO.	ITEM NO.	ITEM	EST. QTY.	UNIT	UNIT PRICE	TOTAL PRICE
1	614	Maintaining Traffic	1	L.S.	1,250 00	1,250 00
2	621	RPM Reflector	1694	Ea.	5. 16	8,741 04

THE CITY OF FAIRFIELD RESERVES THE RIGHT TO DELETE OR CHANGE THE QUANTITY OF ANY ITEM LISTED ABOVE.

TOTAL BASE BID \$ 9,991.04

CONSIDERATION FOR MATERIAL \$ 2,762.00

CONSIDERATION FOR LABOR \$ 7,229.04

TOTAL LABOR AND MATERIAL \$ 9,991.04

TOTAL AMOUNT WRITTEN IN WORDS Nine thousand Nine Hundred Ninety One and 04/100

Norm Obert Signature

Norm Obert Name

Assistant Secretary Title

to A Safety, Inc. Company

1126 Ferris Road Address

Amelia, OH 45102 City/State/Zip

(513)943-6100 / (513) 943-6106 Telephone/Fax

CITY OF FAIRFIELD, OHIO

PROPOSAL FORM

2014 RAISED PAVEMENT MARKERS

REF NO.	ITEM NO.	ITEM	EST. QTY.	UNIT	UNIT PRICE		TOTAL PRICE	
1	614	Maintaining Traffic	1	L.S.	5,160.	00	5,160.	00
2	621	RPM Reflector	1694	Ea.	6.	75	11,434.	50

THE CITY OF FAIRFIELD RESERVES THE RIGHT TO DELETE OR CHANGE THE QUANTITY OF ANY ITEM LISTED ABOVE.

TOTAL BASE BID \$16,594.50

CONSIDERATION FOR MATERIAL 2,594.50

CONSIDERATION FOR LABOR 14,000.00

TOTAL LABOR AND MATERIAL 16,594.50

TOTAL AMOUNT WRITTEN IN WORDS Sixteen thousand five hundred
ninety four dollars and fifty cents


 _____ Signature
 David P. Bleile _____ Name
 President _____ Title
 Lake Erie Construction Company _____ Company
 25 S. Norwalk Rd., PO Box 777 _____ Address
 Norwalk, OH 44857 _____ City/State/Zip
 (419) 668-3302 / 668-3314 _____ Telephone/Fax

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 109-13 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, 2014, AND ENDING DECEMBER 31, 2014."

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

Section 1. Ordinance No. 109-13, the 2014 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Capital Improvement Fund	\$47,000
To:	40216025-253200 Capital Equipment <i>(Copier/Printer for Public Works, Municipal Building and Municipal Building Annex)</i>	\$47,000

From:	Unappropriated Street Improvement Fund	\$12,000
To:	40116025-252000 Improvements Other Than Building <i>(Raised Pavement Marker Program)</i>	\$12,000

From:	Unappropriated Sewer Surplus Fund	\$35,000
To:	62416025-252000 Improvements Other Than Building <i>(Remodel Wastewater Treatment Laboratory)</i>	\$35,000

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

Active Clients\City of Fairfield\Ordinances\2014\Non Contractual 11-24 - Ord