

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

MONDAY, NOVEMBER 26, 2012

7:00 PM

MAYOR.....RONALD A. D'EPIFANIO
COUNCILMEMBER 1ST WARD.....ADAM B. JONES
COUNCILMEMBER 2ND WARD.....JEFFREY L. HOLTEGEL
COUNCILMEMBER 3RD WARD.....DEBBIE PENNINGTON
COUNCILMEMBER 4TH WARD.....TERRY SENGER

COUNCILMEMBER AT-LARGE...TIM ABBOTT
COUNCILMEMBER AT-LARGE...TIMOTHY M. MEYERS
COUNCILMEMBER AT-LARGE...MICHAEL OLER
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. **Public Hearing(s)**
7. **Special Presentations and Citizen Comments**
 - a) Beautiful Fairfield Presentation
 - b) Keep Fairfield Strong Committee Recognition
 - c) United States Post Office Fairfield Branch 50th Anniversary Proclamation
8. **Mayor/Council Reports**
9. **Approval of Minutes**
 - a) Regular Meeting Minutes of October 22, 2012
10. **OLD BUSINESS**
 - (A) **PUBLIC UTILITIES COMMITTEE**
Adam Jones, Chairman; Tim Meyers, Vice Chairman, Jeff Holtegel, Member
 - (1) Ordinance to authorize the City Manager to execute a Memorandum of Understanding (Marketing Agreement) with Utility Service Partner Private Label, Inc. DBA Service Line Warranties of America (SLWA) for a National League of Cities (NLC) endorsed residential service line warranty.
 - Ordinance – Second Reading

11. **NEW BUSINESS**

(A) **PUBLIC SAFETY COMMITTEE**

Mike Oler, Chairman; Debbie Pennington, Vice Chairman, Terry Senger, Member

- (1) Ordinance to adopt new sections 301.031, 301.161, 301.181, 301.361, 333.11, 335.032 and 513.121 and amend various other sections of the Traffic and General Offenses Codes of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(B) **PUBLIC WORKS COMMITTEE**

Tim Meyers, Chairman; Mike Oler, Vice Chairman, Tim Abbott, Member

- (1) Ordinance to declare two (2) city vehicles as surplus and authorize the City Manager to sell the vehicles on GovDeals.com.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption
- (2) Ordinance to authorize the City Manager to enter into a contract with Miller Pipeline Coporation for the 2012 Storm Sewer Lining.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption
 -
- (3) Ordinance to authorize the City Manager enter into a contract with Byers Chevrolet, LLC for purchase of three (3) police cruisers and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(C) **FINANCE & BUDGET COMMITTEE**

Tim Abbott, Chairman; Terry Senger, Vice Chairman, Mike Oler, Member

- (1) Appropriation Ordinance (Reconcile Accounts – See Ordinance for details)
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption
- (2) Appropriation Ordinance (Contractual Item) - \$35,000 for 2012 Storm Sewer Lining; \$83,285 for purchase of three (3) police cruisers.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(3) Appropriation Ordinance (Non-Contractual Item) - \$16,055 for Holiday Drive Headwall Replacement; \$6,285 for upgrades and maintenance at the Community Arts Center; \$15,000 for purchase of hydrants for Water Division; \$16,600 for deep well revitalization on Well #5 at the Water Treatment Facility; \$7,450 for repairs on Well #6 at the Water Treatment Facility; \$32,500 for replacement of frame rails on Quint 32; \$49,500 for upgrade to software application for Parks & Recreation Department.

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

(4) Appropriation Ordinance (Non-Contractual Item) - \$45,000 for Kolb Drive street lighting – Duke Energy.

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

12. Meeting Schedule

Monday, December 3	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, December 10	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, January 14	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

13. Executive Session of Council (if needed)

14. Adjournment

AGENDA

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

**MONDAY, NOVEMBER 26, 2012
5:30 P.M.**

1. Budget Reviews – Mary Hopton

MINUTES
REGULAR MEETING OF COUNCIL
OCTOBER 22, 2012

Call to Order

Mayor Ronald A. D'Epifanio called the Regular Meeting of Council to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Prayer/Pledge of Allegiance

Councilmember Senger led in prayer. Girl Scout Troop OH40867 led the Pledge of Allegiance.

Roll Call

Clerk Wilson called the roll of Council. Councilmember Holtegel, Councilmember Pennington, Councilmember Senger, Councilmember Abbott, Councilmember Oler, Councilmember Meyers, and Councilmember Jones.

Agenda Modifications

There were no agenda modifications.

Executive Session Requests

There were no requests for Executive Session.

Public Hearing(s)

There were no public hearings.

Special Presentations and Citizen Comments

APWA Accreditation presentation for Public Works and Public Utilities Departments

Ann Daniels, Director of Credentialing with American Public Works Association, presented a new accreditation to the Public Utilities Department and reaccreditation to the Public Works Department. She commented that accreditation is a testament to the quality of service provided to by each department to the citizens of the City of Fairfield. The Public Utilities Department is the 82nd accredited agency in the United States and Canada and the first Public Utility to be accredited in the State of Ohio, and there are only two others that are separately accredited Public Utility Departments.

City Manager Arthur Pizzano thanked Ann for presenting the accreditation and working with the Fairfield departments in obtaining their accreditations. He commended the staff for their hard work.

Mayor D'Epifanio recognized the hard work and dedication of the city employees and thanked them for their hard work for the citizens.

Jerome Kern, Director of Job and Family Services and Children's Services, spoke on Issue 24. Support of Issue 24 would result in continued funding of county programs, allowing Children's Services to maintain their current level of service and investigations in Butler County. Children's Services has decreased the administrative budget approximately \$450,000. Issue 24 is a renewal levy, not an additional tax levy. Mayor D'Epifanio spoke in support of Issue 24 and renewal of the tax levy.

Mike Snyder, 1 Cogswells Grant, spoke on Issue 3. Issue 3 is the Income Tax Reapportionment. Approval of this issue will allow the city to maintain their excellent bond rating and service levels to the city residents. Issue 3 is not a tax increase, but a reallocation of existing tax rates. The reallocation will increase the general fund portion of the current 1.5% income tax from 1.1% to 1.2%. The capital improvement and street funds will decrease from 0.2% each to 0.15% each. City Charter requires voter approval to change tax allocation. Mayor D'Epifanio and Councilmember Tim Abbott spoke in support of Issue 3.

Mayor/Council Reports

Councilmember Meyers noted that leaf collection starts in one week. Residents can also continue to schedule a brush box.

Councilmember Abbott reported that the utility billing website will have new features in 2013 to allow residents to see and compare their usage on a monthly and annual basis. The federal government will likely decrease interest paid on Build America Bonds and Recovery Zone Bonds to local governments by 7%, which could result in up to another \$15,000/year revenue loss for Fairfield.

Councilmember Senger commented in support of Issue 3. He reported that Saturday, October 27 is the Huffman Park dedication

from 11:00 AM to 1:00 PM. There will be harvest food and beverages and nature-inspired activities. He commented that there was a presentation for Fairfield Youth Baseball Association at the last Parks and Recreation Board meeting, in which it was reported that there were 801 registered players in Spring 2012, 80 recreational league teams, 14 girls fast-pitch and slow-pitch teams, 66 boys t-ball and baseball teams for ages 4 to 16 years old.

Councilmembers Pennington and Holtegel welcomed the Girl Scout troop to the meeting.

Councilmember Jones welcomed the Girl Scout troop to the meeting. He commended Dave Crouch, Public Utilities Director, for attaining the Public Works Accreditation and turned the report over to him.

Public Utilities Director Dave Crouch thanked the city and council for their support in attaining the accreditation and thanked Nick Castellini from Public Works for his help through the accreditation process.

Mayor D'Epifanio reported that the Fairfield Choraliers are raising money for a national competition, and there will be a fundraiser on October 28, Dancing with the Choraliers. He and Fire Chief Don Bennett will be participating in the competition.

Approval of Minutes

Regular Meeting Minutes of October 9, 2012

- The Regular Meeting Minutes of October 9, 2012 were approved as written.

OLD BUSINESS

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Debbie Pennington, Chairman; Jeff Holtegel, Vice Chairman, Adam Jones, Member

Simple Motion: Motion to appoint the Clerk of Council as designee for mandatory training required by House Bill 9, Ohio's Public Records Act.

Councilmember Pennington, seconded by Councilmember Meyers moved to appoint Clerk of Council as designee for mandatory training required by House Bill 9, Ohio Public Records Act. Motion carried 7-0. SIMPLE MOTION NO.26-12. APPROVED 7-0.

PUBLIC SAFETY COMMITTEE

Mike Oler, Chairman; Debbie Pennington, Vice Chairman, Terry Senger, Member

Simple Motion: Motion to approve a liquor permit application in the name of Gordos At Fairfield, Inc. DBA Gordos Pub & Grill & Patio, 5502 Dixie Highway, Unit B, Fairfield, OH 45014 (Permit Classes: D5).

Councilmember Oler, seconded by Councilmember Abbott moved to approve a liquor permit application in the name of Gordos At Fairfield, Inc. Motion Carried 7-0. SIMPLE MOTION 27-12. APPROVED 7-0.

Simple Motion: Motion to approve a liquor permit application in the name of Mireles Entertainment, LLC DBA El Nuevo Rodeo & Patio, 7245 Dixie Highway, Fairfield, OH 45014 (Permit Classes: D1, D2, D3, D3A and D6).

Councilmember Oler, seconded by Councilmember Holtegel moved to approve a liquor permit application in the name of Mireles Entertainment, LLC. Motion Carried 7-0. SIMPLE MOTION 28-12. APPROVED 7-0.

DEVELOPMENT SERVICES COMMITTEE

Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member

Councilmember Holtegel, seconded by Councilmember Abbott moved to read the following two (2) ordinances by title only. Motion Carried 7-0.

Ordinance to authorize the City Manager to execute an Assignment and Amendment to a Community Reinvestment Agreement with OCS IntelliTrak, Inc. for property tax incentives and declaring an emergency.

Background: City Manager Pizzano recommended execution of an Assignment and Amendment to a Community Reinvestment Agreement with OCS IntelliTrak, Inc. for property tax incentives. OCS IntelliTrak will purchase the existing Devoroos facility on Seward Road that has been empty for some time now and this will extend the current agreement with the Devoroos to OCS IntelliTrak. OCS IntelliTrak will make the remaining payments to the schools. They are moving from Forest Park with 15 current employees, with plans for expansion over time. Legislative Action: Councilmember Holtegel presented the first reading of this ordinance.

Councilmember Holtegel, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Holtegel, seconded by Councilmember Abbott moved to adopt . Motion Carried 7-0. ORDINANCE NO. 100-12. APPROVED 7-0.

Tom Robertson, President of OCS IntelliTrak, thanked the city for their support in moving the company to Fairfield. Mr. Robertson is a 1985 Fairfield Graduate and returned to Fairfield after attending West Point and serving in the US Army.

Ordinance to authorize the City Manager to execute a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement, with the Western States Machine Company and WSMC Properties, LLC, which will provide property tax incentives for the construction of a new manufacturing headquarters facility on Commerce Center Drive and declaring an emergency.

Background: City Manager Pizzano recommended execution of a Community Reinvestment Area Agreement and a Community Reinvestment Area Compensation Agreement, with the Western States Machine Company and WSMC Properties, LLC, which will provide property tax incentives for the construction of a new manufacturing headquarters facility on Commerce Center Drive. Western States Machine Company was founded in 1917 in Hamilton and is in need of a larger facility. They are bringing 67 new jobs and will create 24 new jobs over the next few years. Legislative Action: Councilmember Holtegel presented the first reading of this ordinance.

Councilmember Holtegel, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Holtegel, seconded by Councilmember Oler moved to adopt . Motion Carried 7-0. ORDINANCE NO. 101-12. APPROVED 7-0.

Doug Buckner, President of Western States Machine Company, thanked the city for their support in moving the company to Fairfield. He is excited about the opportunities that the move presents for Western States.

PUBLIC UTILITIES COMMITTEE

Adam Jones, Chairman; Tim Meyers, Vice Chairman, Jeff Holtegel, Member

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

Ordinance to authorize the City Manager to execute a Memorandum of Understanding (Marketing Agreement) with Utility Service Partner Private Label, Inc. DBA Service Line Warranties of America (SLWA) for a National League of Cities (NLC) endorsed residential service line warranty.

Background: City Manager Pizzano recommended execution of a Memorandum of Understanding with Utilitie Service Partner Private Lablel, Inc. for a National League of Cities (NLC) endorsed residential service line warranty. This is similar to the prescription card program that was endorsed by NLC. The program is voluntary insurance for private water and sewer lines. Legislative Action: Councilmember Jones presented the first reading of this ordinance.

FINANCE & BUDGET COMMITTEE

Tim Abbott, Chairman; Terry Senger, Vice Chairman, Mike Oler, Member

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

Appropriation Ordinance (Non-Contractual Item) - \$5,500.00 for concrete and masonry repairs at the Water Treatment Plant; \$7,059.00 for purchase of one (1) Toro Z Master G3 mower; \$3,357.00 for purchase of a beverage cooler for the Fairfield Greens South Trace Clubhouse; \$20,000.00 for purchase of SCADA computer hardware; \$37,232.50 for the purchase of twenty-two (22) 800 Mhz radios in conjunction with a bulk purchase with Butler County; \$40,000.00 for the Kolb Drive Street Lighting Project.

Background: City Manager Pizzano recommended \$5,500.00 for concrete and masonry repairs at the Water Treatment Plant; \$7,059.00 for purchase of one (1) Toro Z Master G3 mower; \$3,357.00 for purchase of a beverage cooler for the Fairfield Greens South Trace Clubhouse; \$20,000.00 for purchase of SCADA computer hardware; \$37,232.50 for the purchase of twenty-two (22) 800 Mhz radios in conjunction with a bulk purchase with Butler County; \$40,000.00 for the Kolb Drive Street Lighting Project. The Kolb Drive Street Lighting Project funding does not involve Duke Energy. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Holtegel moved to adopt . Motion Carried 7-0. ORDINANCE NO. 102-12. APPROVED 7-0.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Monday, November 26 Council-Manager Briefing, 5:30 p.m.; Regular Meeting, 7:00 p.m.
- Monday, December 3 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, December 10 Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Adjournment

The Regular Meeting of Council adjourned at 7:56PM.

ATTEST:

Clerk of Council

Date Approved _____

Mayor's Approval

August 16, 2012

Arthur Pizzano
City Manager
City of Fairfield
5350 Pleasant Avenue
Fairfield, OH 45014

**RE: Marketing Agreement with Utility Service Partners Private Label, Inc. d/b/a
Service Line Warranties of America ("SLWA")**

Dear Mr. Pizzano:

We have discussed entering into a marketing agreement between the City of Fairfield (the "City") and SLWA.

SLWA provides affordable utility service line warranties to consumers. It is SLWA's understanding that, in consideration of the License Fee (as defined below) to be paid by SLWA to City, City has agreed to cooperate with SLWA in marketing SLWA's services to City's residents and homeowners (the "Residents") as described below:

1. City hereby grants to SLWA a non-exclusive license to use City's name and logos on letterhead and marketing materials to be sent to the Residents from time to time, and to be used in advertising, all at SLWA's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld.
2. As consideration for such license, SLWA will be liable to pay to City, within 30 days of the end of the final calendar quarter, 10% of the revenue from USP warranty subscriptions collected from the Residents during such calendar year (the "License Fee"), together with a statement certifying collections of such USP revenue, so long as this marketing agreement remains in effect. City will have the right, at its expense, to conduct an annual audit, upon reasonable notice and during normal business hours, of SLWA's books and records pertaining to sales and rentals to the Residents while this marketing agreement is in effect and for one year after any termination of this marketing agreement.
3. The term of this marketing agreement will be for one year from the date of the execution of the acknowledgement below and this agreement will then renew on an annual basis unless one of the parties gives the other advance written notice of at least 90 days that it does not intend to renew this marketing agreement. City may terminate this marketing agreement 30 days after giving notice to SLWA that SLWA is in material breach of this agreement if such breach is not cured during such 30-day period. SLWA will be permitted to complete any marketing initiative initiated or planned prior to the effective date of any termination of this marketing agreement and shall pay the License Fee to the City for the calendar year in which this marketing agreement is terminated after which time, except for SLWA'S obligation to permit City to conduct an audit as described above, neither party will have any further obligations to the other and the license described in this letter will terminate.

4. SLWA shall indemnify, hold harmless, and defend City, its elected officials, appointed officials, and employees from and against any loss, claim, liability, damage, or expense that any of them may suffer, sustain or become subject to in connection with any third party claim (each a "Claim") resulting from the negligence or willfulness of SLWA in connection with, arising out of or by reason of this marketing agreement, provided that the applicable indemnitee notifies SLWA of any such Claim within a time that does not prejudice the ability of SLWA to defend against such Claim. Any indemnitee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

If City agrees that the foregoing fully and accurately describes the agreement between City and SLWA, please arrange to have a duly authorized representative of City execute and date the acknowledgement below in each of the duplicate original versions of this letter and return one to me in the enclosed self-addressed stamped envelope.

If you have any questions or wish to further discuss this marketing agreement, please do not hesitate to contact Mike Chambers via email at mchambers@utilitysp.net or by phone at (724) 678-6075

Very truly yours,

Utility Service Partners Private Label, Inc.

By: _____

Print Name: Philip E. Riley, Jr.

Title: President & CEO

By: _____

Print Name: Brad H. Carmichael

Title: Vice President

Acknowledged and Agreed:

City hereby acknowledges and agrees that the foregoing letter fairly and accurately describes the agreement between City and SLWA as of the date of this acknowledgement.

City of Fairfield:

By: _____ Date: _____

Print Name: _____

Title: _____

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MARKETING AGREEMENT) WITH UTILITY SERVICE PARTNER PRIVATE LABEL, INC. DBA SERVICE LINE WARRANTIES OF AMERICA (SLWA) FOR A NATIONAL LEAGUE OF CITIES (NLC) ENDORSED RESIDENTIAL SERVICE LINE WARRANTY PROGRAM.

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

Section 1. The City Manager is hereby authorized to execute a Memorandum of Understanding with Utility Service Partner Private Label, Inc. dba Service Line Warranties of America (SLWA) for a National League of Cities (NLC) endorsed residential service line warranty program in accordance with the Memorandum of Understanding (Marketing Agreement) on file in the office of the City Manager.

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

ORDINANCE NO. _____

ORDINANCE TO ADOPT NEW SECTIONS 301.031, 301.161, 301.181, 301.361, 333.11, 335.032 and 513.121 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 301.031, 301.161, 301.181, 301.361, 333.11, 335.032 and 513.121 are adopted and sections 301.17, 301.26, 301.45, 301.46, 301.47, 303.01, 303.041, 303.99, 313.03, 313.04, 313.05, 313.06, 331.12, 335.07, 335.072, 335.074, 337.01, 337.09, 337.18, 337.23, 337.29, 339.01, 339.03, 339.06, 339.07, 339.08, 341.05, 351.04, 501.11, 513.12, 529.021, 529.04, 529.07, 533.08, 533.09, 545.05 and 549.12 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"

CHAPTER 301 Definitions

- 301.01 Meaning of words and phrases.
- 301.02 Agricultural tractor.
- 301.03 Alley.
- 301.031 BEACON; BYBRID BEACON.**
- 301.04 Bicycle; motorized bicycle.
- 301.05 Bus.
- 301.06 Business district.
- 301.07 Commercial tractor.
- 301.08 Controlled-access highway.
- 301.09 Crosswalk.
- 301.10 Driver or operator.
- 301.11 Emergency vehicle.
- 301.12 Explosives.
- 301.13 Expressway.
- 301.14 Flammable liquid.
- 301.15 Freeway.
- 301.16 Gross weight.
- 301.161 HIGHWAY TRAFFIC SIGNAL.**
- 301.17 Intersection.
- 301.18 Laned street or highway.
- 301.181 MEDIAN.**
- 301.19 Motorcycle.
- 301.20 Motor vehicle.
- 301.201 Operate
- 301.21 Park or parking.
- 301.22 Pedestrian.
- 301.23 Person.
- 301.24 Pole trailer.
- 301.25 Police officer.
- 301.251 Predicate motor vehicle or traffic offense.
- 301.26 Private road or driveway.
- 301.27 Public safety vehicle.
- 301.28 Railroad.
- 301.29 Railroad sign or signal.
- 301.30 Railroad train.
- 301.31 Residence district.
- 301.32 Right of way.
- 301.321 Road service vehicle.
- 301.33 Roadway.
- 301.34 Safety zone.
- 301.35 School bus.
- 301.36 Semitrailer.

301.361 SHARED-USE PATH.

- 301.37 Sidewalk.
- 301.38 State route.
- 301.39 Stop (when required).
- 301.40 Stopping or standing.
- 301.41 Stop intersection.
- 301.42 Street or highway; arterial street.
- 301.43 Through street or highway.
- 301.44 Thruway.
- 301.45 Traffic.
- 301.46 Traffic control device[s].
- 301.47 Traffic control signal.
- 301.48 Trailer.
- 301.49 Truck.
- 301.50 Urban district.
- 301.51 Vehicle.
- 301.52 Wheelchair, motorized.

301.031 BEACON; HYBRID BEACON.

(a) "BEACON" MEANS A HIGHWAY TRAFFIC SIGNAL WITH ONE OR MORE SIGNAL SECTIONS THAT OPERATE IN A FLASHING MODE. (ORC 4511.01(KKK))

(b) "HYBRID BEACON" MEANS A TYPE OF BEACON THAT IS INTENTIONALLY PLACED IN A DARK MODE BETWEEN PERIODS OF OPERATION WHERE NO INDICATIONS ARE DISPLAYED AND, WHEN IN OPERATION, DISPLAYS BOTH STEADY AND FLASHING TRAFFIC CONTROL SIGNAL INDICATIONS. (ORC 4511.01(LL))

301.161 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. (ORC 4511.01(MMM))

301.17 INTERSECTION.

"Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways ~~[which]~~ **THAT** join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways **THAT** join~~[ing]~~ at any other angle ~~[may]~~ **MIGHT** come in**TO** conflict. **THE JUNCTION OF AN ALLEY OR DRIVEWAY WITH A ROADWAY OR HIGHWAY DOES NOT CONSTITUTE AN INTERSECTION UNLESS THE ROADWAY OR HIGHWAY AT THE JUNCTION IS CONTROLLED BY A TRAFFIC CONTROL DEVICE.**

(b) ~~[Where]~~ **IF** a highway includes two roadways **THAT ARE** thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway ~~[shall be regarded as]~~ **CONSTITUTES** a separate intersection. If ~~[an]~~ **BOTH** intersecting highway**S** ~~[also]~~ include~~[s]~~ two roadways thirty feet or more apart, then every crossing of **ANY** two roadways of such highways ~~[shall be regarded as]~~ **CONSTITUTES** a separate intersection.

(c) ~~[The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.]~~ AT A LOCATION CONTROLLED BY A TRAFFIC CONTROL SIGNAL, REGARDLESS OF THE DISTANCE BETWEEN THE SEPARATE INTERSECTIONS AS DESCRIBED IN SUBSECTION (b) OF THIS SECTION:

- (1) IF A STOP LINE, YIELD LINE, OR CROSSWALK HAS NOT BEEN DESIGNATED ON THE ROADWAY WITHIN THE MEDIAN BETWEEN THE SEPARATE INTERSECTIONS, THE TWO INTERSECTIONS AND THE ROADWAY AND MEDIAN CONSTITUTE ONE INTERSECTION.
- (2) WHERE A STOP LINE, YIELD LINE, OR CROSSWALK LINE IS DESIGNATED ON THE ROADWAY ON THE INTERSECTION APPROACH, THE AREA WITHIN THE CROSSWALK AND ANY AREA BEYOND THE DESIGNATED STOP LINE OR YIELD LINE CONSTITUTE PART OF THE INTERSECTION.
- (3) WHERE A CROSSWALK IS DESIGNATED ON A ROADWAY ON THE DEPARTURE FROM THE INTERSECTION, THE INTERSECTION INCLUDES THE AREA THAT EXTENDS TO THE FAR SIDE OF THE CROSSWALK. (ORC 4511.01 (KK))

301.181 MEDIAN.

“MEDIAN” MEANS THE AREA BETWEEN TWO ROADWAYS OF A DIVIDED HIGHWAY, MEASURED FROM EDGE OF TRAVELED WAY TO EDGE OF TRAVELED WAY, BUT EXCLUDING TURN LANES. THE WIDTH OF A MEDIAN MAY BE DIFFERENT BETWEEN INTERSECTIONS, BETWEEN INTERCHANGES, AND AT OPPOSITE APPROACHES OF THE SAME INTERSECTION. (ORC 4511.01(NNN))

301.26 PRIVATE ROAD OR DRIVEWAY.

(a) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

(b) “PRIVATE ROAD OPEN TO PUBLIC TRAVEL” MEANS A PRIVATE TOLL ROAD OR ROAD, INCLUDING ANY ADJACENT SIDEWALKS THAT GENERALLY RUN PARALLEL TO THE ROAD, WITHIN A SHOPPING CENTER, AIRPORT, SPORTS ARENA, OR OTHER SIMILAR BUSINESS OR RECREATION FACILITY THAT IS PRIVATELY OWNED BUT WHERE THE PUBLIC IS ALLOWED TO TRAVEL WITHOUT ACCESS RESTRICTIONS. “PRIVATE ROAD OPEN TO PUBLIC TRAVEL” INCLUDES A GATED TOLL ROAD BUT DOES NOT INCLUDE A ROAD WITHIN A PRIVATE GATED PROPERTY WHERE ACCESS IS RESTRICTED AT ALL TIMES, A PARKING AREA, A DRIVING AISLE WITHIN A PARKING AREA, OR A PRIVATE GRADE CROSSING. (ORC 4511.01(OOO))

301.361 SHARED-USE PATH.

“SHARED-USE PATH” MEANS A BIKEWAY OUTSIDE THE TRAVELED WAY AND PHYSICALLY SEPARATE FROM MOTORIZED VEHICULAR TRAFFIC BY AN OPEN SPACE OR BARRIER AND EITHER WITHIN THE HIGHWAY RIGHT-OF-WAY OR WITHIN AN INDEPENDENT ALIGNMENT. A SHARED-USE PATH ALSO MAY BE USED BY PEDESTRIANS, INCLUDING SKATERS, JOGGERS, USERS OF MANUAL AND MOTORIZED WHEELCHAIRS, AND OTHER AUTHORIZED MOTORIZED AND NON-MOTORIZED USERS. (ORC 4511.01(PPP))

301.45 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using **FOR PURPOSES OF TRAVEL** any street or highway **OR PRIVATE ROAD OPEN TO PUBLIC** ~~[for purposes of]~~ travel. (ORC 4511.01(TT))

301.46 TRAFFIC CONTROL DEVICE[§].

"Traffic control device[§]" means ~~[all]~~ **A** flagger[§], sign[§], signal[§], marking[§] [and] **OR OTHER device[§] USED TO REGULATE, WARN OR GUIDE TRAFFIC, placed ON, OVER, or ADJACENT TO A STREET, HIGHWAY, PRIVATE ROAD OPEN TO PUBLIC TRAVEL, PEDISTRIAN FACILITY, OR SHARED-USE PATH BY AUTHORITY OF A PUBLIC AGENCY** ~~[erected by authority of a public body or official]~~ having jurisdiction, ~~[for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways.]~~ **OR, IN THE CASE OF A PRIVATE ROAD OPEN TO PUBLIC TRAVEL, BY AUTHORITY OF THE PRIVATE OWNER OR PRIVATE OFFICIAL HAVING JURISDICTION.** (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any ~~[device, whether manually, electrically or mechanically operated,]~~ **HIGHWAY TRAFFIC SIGNAL** by which traffic is alternately directed to stop[;] **AND PERMITTED** to proceed[, ~~to change direction or not to change direction~~]. (ORC 4511.01(RR))

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

[No changes to this Section until paragraph (d)]

(d) In addition to any other sanction imposed for a violation of **SUBSECTION (a) OF** this section **OR A MISDEMEANOR VIOLATION OF SUBSECTION (b) OF THIS SECTION**, the court shall impose a class ~~[two]~~ **FIVE** suspension from the range specified in ~~[division (A)(2) of]~~ Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, **IN ADDITION TO ANY OTHER SANCTION IMPOSED FOR THE OFFENSE**, the court shall impose a class one suspension as described in division (A)(1) of that section. The court ~~[shall not]~~ **MAY** grant limited driving privileges to the offender **ON A SUSPENSION IMPOSED FOR A MISDEMEANOR VIOLATION OF THIS SECTION AS SET FORTH IN OHIO R.C. 4510.021**. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit, or privilege required by this ~~[subsection]~~ **DIVISION** on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection. (ORC 2921.331)

303.041 EMERGENCY VEHICLES OR PUBLIC SAFETY VEHICLES EXEMPT.

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, ~~[4511.15,]~~ 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not

relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

[No further changes to this Section]

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor ~~[on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree].~~ (ORC 4513.99)

CHAPTER 313 Traffic Control Devices

- 313.01 Obedience to traffic control devices.
- 313.02 Through streets; stop and yield right-of-way signs.
- 313.03 Traffic ~~[control]~~ signal ~~[terms and lights]~~ INDICATIONS.
- 313.04 Lane-use control signal~~[s]~~ ~~[over individual lanes]~~ INDICATIONS.
- 313.05 **SPECIAL [P]**pedestrian control signals.
- 313.06 Flashing traffic signals. **(REPEALED)**
- 313.07 Unauthorized signs and signals, hiding from view, advertising.
- 313.08 Alteration, injury, removal of traffic control devices.
- 313.09 Driver's duties upon approaching ambiguous or non-working traffic signal.
- 313.10 Unlawful purchase, possession or sale.
- 313.11 Portable signal preemption devices prohibited.

313.03 TRAFFIC ~~[CONTROL]~~ SIGNAL ~~[TERMS AND LIGHTS]~~ INDICATIONS.

~~[Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying words or symbols. The lights shall indicate and apply to drivers of vehicles and to pedestrians as follows]~~ HIGHWAY TRAFFIC SIGNAL INDICATIONS FOR VEHICLES, AND PEDESTRIANS SHALL HAVE THE FOLLOWING MEANINGS:

(a) STEADY Green SIGNAL Indication:

- (1) A. Vehicular traffic facing a circular green signal INDICATION ~~[may]~~ IS PERMITTED TO proceed straight through or turn right or left, OR MAKE A U-TURN MOVEMENT IS MODIFIED BY A LANE-USE SIGN, TURN PROHIBITION SIGN, LANE MARKING, ROADWAY DESIGN, SEPARATE TURN SIGNAL INDICATION, OR OTHER TRAFFIC CONTROL DEVICE. ~~[unless a sign at such place prohibits either such turn.]~~ ~~[But]~~ SUCH vehicular traffic, including vehicles turning right or left~~;~~ OR MAKING A U-TURN MOVEMENT shall yield the right-of-way to BOTH OF THE FOLLOWING:
 - 1. ~~[other vehicles and]~~ ~~[p]~~ Pedestrians lawfully within AN ASSOCIATED ~~[the intersection or an adjacent]~~ crosswalk ~~[at the time such signal is exhibited.];~~
 - 2. OTHER VEHICLES LAWFULLY WITHIN THE INTERSECTION.

- B. IN ADDITION, VEHICULAR TRAFFIC TURNING LEFT OR MAKING A U-TURN MOVEMENT TO THE LEFT SHALL YIELD THE RIGHT-OF-WAY TO OTHER VEHICLES APPROACHING FROM THE OPPOSITE DIRECTION SO CLOSELY AS TO CONSTITUTE AN IMMEDIATE HAZARD DURING THE TIME WHEN SUCH TURNING VEHICLE IS MOVING ACROSS OR WITHIN THE INTERSECTION.**
- (2) Vehicular traffic facing a green arrow signal **INDICATION**, ~~[shown]~~ **DISPLAYED** alone or in combination with another **SIGNAL** indication, ~~[may]~~ **IS PERMITTED TO** cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications ~~[shown]~~ **DISPLAYED** at the same time. Such vehicular traffic, **INCLUDING VEHICLES, TURNING RIGHT OR LEFT OR MAKING A U-TURN MOVEMENT**, shall yield the right-of-way to **BOTH OF THE FOLLOWING**:
- A. ~~[p]~~ Pedestrians lawfully within an ~~[adjacent]~~ ASSOCIATED crosswalk.**
- B. ~~[and to]~~ [e] Other traffic lawfully using the intersection.**
- (3) **A. Unless otherwise directed by a pedestrian~~[-control]~~ signal INDICATION, as provided in Section 313.05, pedestrians facing ~~[any]~~ A CIRCULAR green signal INDICATION ARE PERMITTED TO ~~[, except when the sole green signal is a turn arrow, may]~~ proceed across the roadway within any marked or unmarked ASSOCIATED crosswalk. THE PEDESTRIAN SHALL YEILD THE RIGHT-OF-WAY TO VEHICLES LAWFULLY WITHIN THE INTERSECTION OR SO CLOSE AS TO CREATE AN IMMEDIATE HAZARD AT THE TIME THAT THE GREEN SIGNAL INDICATION IS FIRST DISPLAYED.**
- B. PEDESTRIANS FACING A GREEN ARROW SIGNAL INDICATION, UNLESS OTHERWISE DIRECTED BY A PEDESTRIAN SIGNAL INDICATION OR OTHER TRAFFIC CONTROL DEVICE, SHALL NOT CROSS THE ROADWAY.**
- (b) Steady Yellow SIGNAL Indication:
- (1) Vehicular traffic facing a steady circular yellow ~~[or yellow arrow]~~ signal **INDICATION** is thereby warned that the related green movement **OR THE RELATED FLASHING ARROW MOVEMENT** is being terminated or that a **STEADY** red **SIGNAL** indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. **THE PROVISIONS GOVERNING VEHICULAR OPERATION UNDER THE MOVEMENT BEING TERMINATED SHALL CONTINUE TO APPLY WHILE THE STEADY CIRCULAR YELLOW SIGNAL INDICATION IS DISPLAYED.**
- (2) **VEHICULAR TRAFFIC FACING A STEADY YELLOW ARROW SIGNAL INDICATION IS THEREBY WARNED THAT THE RELATED GREEN ARROW MOVEMENT OR THE RELATED FLASHING ARROW MOVEMENT IS BEING TERMINATED. THE PROVISIONS GOVERNING VEHICULAR OPERATION UNDER THE MOVEMENT BEING TERMINATED SHALL CONTINUE TO APPLY WHILE THE STEADY YELLOW ARROW SIGNAL INDICATION IS DISPLAYED.**
- ~~[(2)]~~(3) **Pedestrians facing a steady circular yellow or yellow arrow signal INDICATION, unless otherwise directed by a pedestrian~~[-control]~~ signal INDICATION as provided in Section 313.05 OR OTHER TRAFFIC CONTROL DEVICE, ~~[are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian]~~ shall ~~[then]~~ NOT start to cross the roadway.**

(c) Steady Red SIGNAL Indication:

- (1) A. Vehicular traffic facing a steady **CIRCULAR** red signal **INDICATION**, **UNLESS ENTERING THE INTERSECTION TO MAKE ANOTHER MOVEMENT PERMITTED BY ANOTHER SIGNAL INDICATION**, [~~alone~~] shall stop at a clearly marked stop line; but if [~~none,~~] **THERE IS NO STOP LINE, TRAFFIC SHALL STOP** before entering the crosswalk on the near side of the intersection, or if [~~none,~~] **THERE IS NO CROSSWALK, BEFORE** then before entering the intersection; and shall remain [~~standing~~] **STOPPED** until [~~an~~] **A SIGNAL** indication to proceed is [~~shown~~] **DISPLAYED** except as provided in subsections (c)(1), (2) and (3) [~~hereof~~] **OF THIS SECTION.**
- B. **EXCEPT WHEN A TRAFFIC CONTROL DEVICE IS IN PLACE PROHIBITING A TURN ON RED OR A STEADY RED ARROW SIGNAL INDICATION IS DISPLAYED, VEHICULAR TRAFFIC FACING A STEADY CIRCULAR RED SIGNAL INDICATION IS PERMITTED TO ENTER THE INTERSECTION TO TURN RIGHT, OR TO TURN LEFT FROM A ONE-WAY STREET, AFTER STOPPING. THE RIGHT TO PROCEED WITH THE TURN SHALL BE SUBJECT TO THE PROVISIONS THAT ARE APPLICABLE AFTER MAKING A STOP AT A STOP SIGN.**
- (2) A. [~~Unless a sign is in place prohibiting a right turn as provided in subsection (c)(5) hereof,~~] [~~v~~] Vehicular traffic facing a steady red **ARROW** signal **INDICATION** [~~may cautiously~~] **SHALL NOT** enter the intersection to make [~~a right turn after stopping as required by subsection (c)(1) hereof. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.~~] **THE MOVEMENT INDICATED BY THE ARROW AND, UNLESS ENTERING THE INTERSECTION TO MAKE ANOTHER MOVEMENT PERMITTED BY ANOTHER SIGNAL INDICATION, SHALL STOP AT A CLEARLY MARKED STOP LINE; BUT IF THERE IS NO STOP LINE, BEFORE ENTERING THE CROSSWALK ON THE NEAR SIDE OF THE INTERSECTION; OR IF THERE IS NO CROSSWALK, THEN BEFORE ENTERING THE INTERSECTION; AND SHALL REMAIN STOPPED UNTIL A SIGNAL INDICATION OR OTHER TRAFFIC CONTROL DEVICE PERMITTING THE MOVEMENT INDICATED BY SUCH RED ARROW IS DISPLAYED.**
- B. **WHEN A TRAFFIC CONTROL DEVICE IS IN PLACE PERMITTING A TURN ON A STEADY RED ARROW SIGNAL INDICATION, VEHICULAR TRAFFIC FACING A STEADY RED ARROW INDICATION IS PERMITTED TO ENTER THE INTERSECTION TO MAKE THE MOVEMENT INDICATED BY THE ARROW SIGNAL INDICATION, AFTER STOPPING. THE RIGHT TO PROCEED WITH THE TURN SHALL BE LIMITED TO THE DIRECTION INDICATED BY THE ARROW, AND SHALL BE SUBJECT TO THE PROVISIONS THAT ARE APPLICABLE AFTER MAKING A STOP AT A STOP SIGN.**
- ~~[(3) Unless a sign is in place prohibiting a left turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal on a one way street that intersects another one way street on which traffic moves to the left may cautiously enter the intersection to make a left turn into the one way street~~

~~after stopping as required by subsection (c)(1) hereof, and yielding the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.]~~

~~[(4)](3)~~ Unless otherwise directed by a pedestrian~~[-control]~~ signal INDICATION as provided in Section 313.05 OR OTHER TRAFFIC CONTROL DEVICE, pedestrians facing a steady CIRCULAR red OR STEADY RED ARROW signal INDICATION ~~[alone]~~ shall not enter the roadway.

~~[(5)](4)~~ ~~[Council may]~~ LOCAL AUTHORITIES by ordinance, or the ~~[authorized local authority]~~ DIRECTOR OF TRANSPORTATION ON STATE HIGHWAYS may ~~[by rule,]~~ prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(d) **FLASHING GREEN SIGNAL INDICATION.** A FLASHING GREEN SIGNAL INDICATION HAS NO MEANING AND SHALL NOT BE USED.

(e) **FLASHING YELLOW SIGNAL INDICATION:**

(1) A. VEHICULAR TRAFFIC, ON AN APPROACH TO AN INTERSECTION, FACING A FLASHING CIRCULAR YELLOW SIGNAL INDICATION, IS PERMITTED TO CAUTIOUSLY ENTER THE INTERSECTION TO PROCEED STRAIGHT THROUGH OR TURN RIGHT OR LEFT OR MAKE A U-TURN MOVEMENT EXCEPT AS SUCH MOVEMENT IS MODIFIED BY LANE-USE SIGNS, TURN PROHIBITION SIGNS, LANE MARKINGS, ROADWAY DESIGN, SEPARATE TURN SIGNAL INDICATIONS, OR OTHER TRAFFIC CONTROL DEVICES. SUCH VEHICULAR TRAFFIC, INCLUDING VEHICLES TURNING RIGHT OR LEFT OR MAKING A U-TURN MOVEMENT, SHALL YIELD THE RIGHT-OF-WAY TO BOTH OF THE FOLLOWING:

1. PEDESTRIANS LAWFULLY WITHIN AN ASSOCIATED CROSSWALK;
2. OTHER VEHICLES LAWFULLY WITHIN THE INTERSECTION.

B. IN ADDITION, VEHICULAR TRAFFIC TURNING LEFT OR MAKING A U-TURN TO THE LEFT SHALL YIELD THE RIGHT-OF-WAY TO OTHER VEHICLES APPROACHING FROM THE OPPOSITE DIRECTION SO CLOSELY AS TO CONSTITUTE AN IMMEDIATE HAZARD DURING THE TIME WHEN SUCH TURNING VEHICLE IS MOVING ACROSS OR WITHIN THE INTERSECTION.

(2) A. VEHICULAR TRAFFIC, ON AN APPROACH TO AN INTERSECTION, FACING A FLASHING YELLOW ARROW SIGNAL INDICATION, DISPLAYED ALONE OR IN COMBINATION WITH ANOTHER SIGNAL INDICATION, IS PERMITTED TO CAUTIOUSLY ENTER THE INTERSECTION ONLY TO MAKE THE MOVEMENT INDICATED BY SUCH ARROW, OR OTHER SUCH MOVEMENT AS IS PERMITTED BY OTHER SIGNAL INDICATIONS DISPLAYED AT THE SAME TIME. SUCH VEHICULAR TRAFFIC, INCLUDING VEHICLES TURNING RIGHT OR LEFT OR MAKING A U-TURN, SHALL YIELD THE RIGHT-OF-WAY TO BOTH OF THE FOLLOWING:

1. PEDESTRIANS LAWFULLY WITHIN AN ASSOCIATED CROSSWALK;
2. OTHER VEHICLES LAWFULLY WITHIN THE INTERSECTION.

B. IN ADDITION, VEHICULAR TRAFFIC TURNING LEFT OR MAKING A U-TURN TO THE LEFT SHALL YIELD THE RIGHT-OF-WAY TO OTHER

VEHICLES APPROACHING FROM THE OPPOSITE DIRECTION SO CLOSELY AS TO CONSTITUTE AN IMMEDIATE HAZARD DURING THE TIME WHEN SUCH TURNING VEHICLE IS MOVING ACROSS OR WITHIN THE INTERSECTION.

- (3) PEDESTRIANS FACING ANY FLASHING YELLOW SIGNAL INDICATION AT AN INTERSECTION, UNLESS OTHERWISE DIRECTED BY A PEDESTRIAN SIGNAL INDICATION OR OTHER TRAFFIC CONTROL DEVICE, ARE PERMITTED TO PROCEED ACROSS THE ROADWAY WITHIN ANY MARKED OR UNMARKED ASSOCIATED CROSSWALK. PEDESTRIANS SHALL YIELD THE RIGHT-OF-WAY TO VEHICLES LAWFULLY WITHIN THE INTERSECTION AT THE TIME THAT THE FLASHING YELLOW SIGNAL INDICATION IS FIRST DISPLAYED.
- (4) WHEN A FLASHING CIRCULAR YELLOW SIGNAL INDICATION IS DISPLAYED AS A BEACON TO SUPPLEMENT ANOTHER TRAFFIC CONTROL DEVICE, ROAD USERS ARE NOTIFIED THAT THERE IS A NEED TO PAY ADDITIONAL ATTENTION TO THE MESSAGE CONTAINED THEREON OR THAT THE REGULATORY OR WARNING REQUIREMENTS OF THE OTHER TRAFFIC CONTROL DEVICE, WHICH MIGHT NOT BE APPLICABLE AT ALL TIMES, ARE CURRENTLY APPLICABLE.

(f) FLASHING RED SIGNAL INDICATION:

- (1) VEHICULAR TRAFFIC, ON AN APPROACH TO AN INTERSECTION, FACING A FLASHING CIRCULAR RED SIGNAL INDICATION, SHALL STOP AT A CLEARLY MARKED STOP LINE; BUT IF THERE IS NO STOP LINE, BEFORE ENTERING THE CROSSWALK ON THE NEAR SIDE OF THE INTERSECTION; OR IF THERE IS NO CROSSWALK, AT THE POINT NEAREST THE INTERSECTING ROADWAY WHERE THE DRIVER HAS A VIEW OF APPROACHING TRAFFIC ON THE INTERSECTING ROADWAY BEFORE ENTERING THE INTERSECTION. THE RIGHT TO PROCEED SHALL BE SUBJECT TO THE PROVISIONS THAT ARE APPLICABLE AFTER MAKING A STOP AT A STOP SIGN.
- (2) PEDESTRIANS FACING ANY FLASHING RED SIGNAL INDICATION AT AN INTERSECTION, UNLESS OTHERWISE DIRECTED BY A PEDESTRIAN SIGNAL INDICATION OR OTHER TRAFFIC CONTROL DEVICE, ARE PERMITTED TO PROCEED ACROSS THE ROADWAY WITHIN ANY MARKED OR UNMARKED ASSOCIATED CROSSWALK. PEDESTRIANS SHALL YIELD THE RIGHT-OF-WAY TO VEHICLES LAWFULLY WITHIN THE INTERSECTION AT THE TIME THAT THE FLASHING RED SIGNAL INDICATION IS FIRST DISPLAYED.
- (3) WHEN A FLASHING CIRCULAR RED SIGNAL INDICATION IS DISPLAYED AS A BEACON TO SUPPLEMENT ANOTHER TRAFFIC CONTROL DEVICE, ROAD USERS ARE NOTIFIED THAT THERE IS A NEED TO PAY ADDITIONAL ATTENTION TO THE MESSAGE CONTAINED THEREON OR THAT THE REGULATORY REQUIREMENTS OF THE OTHER TRAFFIC CONTROL DEVICE, WHICH MIGHT NOT BE APPLICABLE AT ALL TIMES, ARE CURRENTLY APPLICABLE. USE OF THIS SIGNAL INDICATION SHALL BE LIMITED TO SUPPLEMENTING STOP, DO NOT ENTER, OR WRONG WAY SIGNS, AND TO APPLICATIONS WHERE COMPLIANCE WITH THE SUPPLEMENTED TRAFFIC CONTROL DEVICE REQUIRES A STOP AT A DESIGNATED POINT.

~~[(d)]~~(g) ~~[Signals, Locations Other Than Intersections:]~~ GENERAL APPLICATION: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be

made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

- (h) **EXCEPTION. THIS SECTION DOES NOT APPLY AT RAILROAD GRADE CROSSINGS. CONDUCT OF DRIVERS OF VEHICLES APPROACHING RAILROAD GRADE CROSSINGS SHALL BE GOVERNED BY OHIO R.C. 4511.61 AND 4511.62. (ORC 4511.13)**

313.04 LANE-USE CONTROL SIGNAL[S] ~~OVER INDIVIDUAL LANES~~ INDICATIONS.

(a) ~~When~~ THE MEANINGS OF lane-use control signal[s] INDICATIONS are ~~placed over individual lanes of a street or highway, such signals shall indicate and apply to drivers of vehicles~~ as follows:

- (1) A ~~[S]steady [D]downward [G]green [A]arrow~~: ~~[Vehicular traffic]~~ A ROAD USER IS PERMITTED TO DRIVE ~~[may travel]~~ in ~~[any]~~ THE lane over which ~~[a green]~~ THE arrow signal INDICATION is ~~[shown]~~ LOCATED.
- (2) A ~~[S]steady [Y]yellow "X"~~: ~~[Vehicular traffic is warned]~~ A ROAD USER IS TO PREPARE to vacate ~~[in a safe manner any]~~ THE lane over which ~~[such]~~ THE signal INDICATION is LOCATED BECAUSE A LANE CONTROL CHANGE IS BEING MADE TO ~~[shown to avoid occupying that lane when]~~ a steady red "X" signal ~~[is shown]~~ INDICATION.
- (3) **A STEADY WHITE TWO-WAY LEFT-TURN ARROW:** A ROAD USER IS PERMITTED TO USE A LANE OVER WHICH THE SIGNAL INDICATION IS LOCATED FOR A LEFT TURN, BUT NOT FOR THROUGH TRAVEL, WITH THE UNDERSTANDING THAT COMMON USE OF THE LANE BY ONCOMING ROAD USERS FOR LEFT TURNS ALSO IS PERMITTED.
- (4) **A STEADY WHITE ONE-WAY LEFT-TURN ARROW:** A ROAD USER IS PERMITTED TO USE A LANE OVER WHICH THE SIGNAL INDICATION IS LOCATED FOR A LEFT TURN, WITHOUT OPPOSING TURNS IN THE SAME LANE, BUT NOT FOR THROUGH TRAVEL.
- ~~[(3) — A Flashing Yellow "X": Vehicular traffic may use with proper caution any lane over which such signal is shown for only the purpose of making a left turn.]~~
- ~~[(4)](5)~~ A ~~[S]steady [R]red "X"~~: [Vehicular traffic shall] A ROAD USER IS not [enter or travel in any] PERMITTED TO USE THE lane over which [such] THE signal INDICATION is [shown] LOCATED AND THAT THIS SIGNAL INDICATION SHALL MODIFY ACCORDINGLY THE MEANING OF OTHER TRAFFIC CONTROLS PRESENT. (ORC 4511.131)

(b) 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 4511.99)

313.05 SPECIAL PEDESTRIAN CONTROL SIGNALS.

(a) Whenever special pedestrian signals exhibiting the words "walk" or "don't walk," or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:

- (1) A STEADY [~~"Walk" or the symbol of a~~] walking person[~~;~~] SIGNAL INDICATION, WHICH SYMBOLIZES "WALK", MEANS THAT A [~~P~~]pedestrian[~~s~~] facing [~~such~~] THE signal INDICATION IS PERMITTED TO START TO CROSS [~~may proceed across~~] the roadway in the direction of the signal INDICATION, POSSIBLY IN CONFLICT WITH TURNING [~~and shall be given the right of way by the operators of all~~] vehicles. THE PEDESTRIAN SHALL YIELD THE RIGHT-OF-WAY TO VEHICLES LAWFULLY WITHIN THE INTERSECTION AT THE TIME THAT THE WALKING PERSON SIGNAL INDICATION IS FIRST SHOWN.
- (2) A STEADY [~~"Don't walk" or the symbol of an~~] upraised [~~palm;~~] HAND SIGNAL INDICATION, WHICH SYMBOLIZES "DON'T WALK", MEANS THAT A [~~No~~] pedestrian shall NOT start to cross the roadway in the direction of the signal INDICATION, BUT THAT ANY PEDESTRIAN WHO HAS ALREADY STARTED TO CROSS ON A STEADY WALKING PERSON SIGNAL INDICATION SHALL PROCEED TO THE FAR SIDE OF THE TRAVELED WAY OF THE STREET OR HIGHWAY, UNLESS OTHERWISE DIRECTED BY A TRAFFIC CONTROL DEVICE TO PROCEED ONLY TO THE MEDIAN OF A DIVIDED HIGHWAY OR ONLY TO SOME OTHER ISLAND OR PEDESTRIAN REFUGE AREA.
- (3) A STEADY UPRAISED HAND SIGNAL INDICATION MEANS THAT A PEDESTRIAN SHALL NOT ENTER THE ROADWAY IN THE DIRECTION OF THE SIGNAL INDICATION.
- ~~[(3)]~~(4) Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to March 28, 1985.
- (5) A FLASHING WALKING PERSON SIGNAL INDICATION HAS NO MEANING AND SHALL NOT BE USED. (ORC 4511.14)

(b) 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 4511.99)

313.06 FLASHING TRAFFIC SIGNALS.

(FORMER OHIO R.C. 4511.15 FROM WHICH SECTION 313.06 WAS DERIVED WAS REPEALED BY HOUSE BILL 349, EFFECTIVE APRIL 20, 2012.)

331.12 "U" TURNS RESTRICTED.

(a) Except as provided in **SECTION 313.03 AND** subsection (b) hereof, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if the vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction.

[No further changes to this Section]

CHAPTER 333
OVI; Willful Misconduct; Speed

- 333.01 Driving or physical control while under the influence.
- 333.02 Operation in willful or wanton disregard of safety.
- 333.03 Maximum speed limits; assured clear distance ahead.
- 333.031 Approaching a stationary public safety, emergency or road service vehicle.
- 333.04 Stopping vehicle; slow speed; posted minimum speeds.
- 333.05 Speed limitations over bridges.
- 333.06 Speed exceptions for emergency or safety vehicles.
- 333.07 Street racing prohibited.
- 333.08 Operation without reasonable control.
- 333.09 Reckless operation on streets, public or private property.
- 333.10 Operation in violation of immobilization order.
- 333.11 TEXTING WHILE DRIVING PROHIBITED.**

333.11 TEXTING WHILE DRIVING PROHIBITED.

(a) NO PERSON SHALL DRIVE A MOTOR VEHICLE ON ANY STREET, HIGHWAY, OR PROPERTY OPEN TO THE PUBLIC FOR VEHICULAR TRAFFIC WHILE USING A HANDHELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICE TO WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION.

(b) SUBSECTION (a) OF THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

- (1) A PERSON USING A HANDHELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICE IN THAT MANNER FOR EMERGENCY PURPOSES, INCLUDING AN EMERGENCY CONTACT WITH A LAW ENFORCEMENT AGENCY, HOSPITAL OR HEALTH CARE PROVIDER, FIRE DEPARTMENT, OR OTHER SIMILAR EMERGENCY AGENCY OR ENTITY;
- (2) A PERSON DRIVING A PUBLIC SAFETY VEHICLE WHO USES A HANDHELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICE IN THAT MANNER IN THE COURSE OF THE PERSON'S DUTIES;
- (3) A PERSON USING A HANDHELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICE IN THAT MANNER WHOSE MOTOR VEHICLE IS IN A STATIONARY POSITION AND WHO IS OUTSIDE A LANE OF TRAVEL;
- (4) A PERSON READING, SELECTING, OR ENTERING A NAME OR TELEPHONE NUMBER IN A HANDHELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICE FOR THE PURPOSE OF MAKING OR RECEIVING A TELEPHONE CALL;
- (5) A PERSON RECEIVING WIRELESS MESSAGES ON A DEVICE REGARDING THE OPERATION OR NAVIGATION OF A MOTOR VEHICLE; SAFETY-RELATED INFORMATION, INCLUDING EMERGENCY, TRAFFIC OR WEATHER ALERTS; OR DATA USED PRIMARILY BY THE MOTOR VEHICLE;
- (6) A PERSON RECEIVING WIRELESS MESSAGES VIA RADIO WAVES;
- (7) A PERSON USING A DEVICE FOR NAVIGATION PURPOSES;
- (8) A PERSON CONDUCTING WIRELESS INTERPERSONAL COMMUNICATION WITH A DEVICE THAT DOES NOT REQUIRE MANUALLY ENTERING LETTERS, NUMBERS, OR SYMBOLS OR READING TEXT MESSAGES, EXCEPT TO ACTIVATE, DEACTIVATE, OR INITIATE THE DEVICE OR A FEATURE OR FUNCTION OF THE DEVICE;
- (9) A PERSON OPERATING A COMMERCIAL TRUCK WHILE USING A MOBILE DATA

- TERMINAL THAT TRANSMITS AND RECEIVES DATA;
- (10) A PERSON USING A HANDHELD ELECTRONIC WIRELESS COMMUNICATIONS DEVICE IN CONJUNCTION WITH A VOICE-OPERATED OR HANDS-FREE DEVICE FEATURE OR FUNCTION OF THE VEHICLE.

(c) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NO LAW ENFORCEMENT OFFICER SHALL CAUSE AN OPERATOR OF AN AUTOMOBILE BEING OPERATED ON ANY STREET OR HIGHWAY TO STOP THE AUTOMOBILE FOR THE SOLE PURPOSE OF DETERMINING WHETHER A VIOLATION OF SUBSECTION (a) OF THIS SECTION HAS BEEN OR IS BEING COMMITTED OR FOR THE SOLE PURPOSE OF ISSUING A TICKET, CITATION OR SUMMONS FOR A VIOLATION OF THAT NATURE OR CAUSING THE ARREST OF OR COMMENCING A PROSECUTION OF A PERSON FOR A VIOLATION OF THAT NATURE, AND NO LAW ENFORCEMENT OFFICER SHALL VIEW THE INTERIOR OR VISUALLY INSPECT ANY AUTOMOBILE BEING OPERATED ON ANY STREET OR HIGHWAY FOR THE SOLE PURPOSE OF DETERMINING WHETHER A VIOLATION OF THAT NATURE HAS BEEN OR IS BEING COMMITTED.

(d) WHOEVER VIOLATES SUBSECTION (a) OF THIS SECTION IS GUILTY OF A MINOR MISDEMEANOR.

(e) AS USED IN THIS SECTION:

- (1) "ELECTRONIC WIRELESS COMMUNICATIONS DEVICE" INCLUDES ANY OF THE FOLLOWING:
- A. A WIRELESS TELEPHONE;
 - B. A TEXT-MESSAGING DEVICE;
 - C. A PERSONAL DIGITAL ASSISTANT;
 - D. A COMPUTER, INCLUDING A LAPTOP COMPUTER AND A COMPUTER TABLET;
 - E. ANY OTHER SUBSTANTIALLY SIMILAR WIRELESS DEVICE THAT IS DESIGNED OR USED TO COMMUNICATE TEXT.
- (2) "VOICE-OPERATED OR HANDS-FREE DEVICE" MEANS A DEVICE THAT ALLOWS THE USER TO VOCALLY COMPOSE OR SEND, OR TO LISTEN TO A TEXT-BASED COMMUNICATION WITHOUT THE USE OF EITHER HAND EXCEPT TO ACTIVATE, OR DEACTIVATE A FEATURE OR FUNCTION.
- (3) "WRITE, SEND OR READ A TEXT-BASED COMMUNICATION" MEANS TO MANUALLY WRITE OR SEND, OR READ A TEXT-BASED COMMUNICATION USING AN ELECTRONIC WIRELESS COMMUNICATIONS DEVICE, INCLUDING MANUALLY WRITING OR SENDING, OR READING COMMUNICATIONS REFERRED TO AS TEXT MESSAGES, INSTANT MESSAGES, OR ELECTRONIC MAIL. (ORC 4511.204)

CHAPTER 335

Licensing; Accidents

335.01 Driver's license or commercial driver's license required.

335.02 Permitting operation without valid license; one license permitted.

335.03 Driving with temporary instruction permit; curfew.

335.031 Driving with probationary license; curfew.

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

335.04 Certain acts prohibited.

335.05 Wrongful entrustment of a motor vehicle.

- 335.06 Display of license.
- 335.07 Driving under suspension or license restriction.
- 335.071 Driving under OVI suspension.
- 335.072 Driving under financial responsibility law suspension or cancellation; **DRIVING UNDER A NONPAYMENT OF JUDGMENT SUSPENSION.**
- 335.073 Driving without complying with license reinstatement requirements.
- 335.074 Driving under license forfeiture or child support suspension.
- 335.08 Operation or sale without certificate of title.
- 335.09 Display of license plates.
- 335.10 Expired or unlawful license plates.
- 335.11 Use of illegal license plates; transfer of registration.
- 335.12 Stopping after accident upon streets; collision with unattended vehicle.
- 335.13 Stopping after accident upon property other than street.
- 335.14 Vehicle accident resulting in damage to realty.
- 335.15 Gathering at the scene of an accident.
- 335.16 Prohibition against failure to report accident.
- 335.17 Display of certificates of registration.
- 335.18 Display of placards issued to manufacturers or dealers.
- 335.19 Improper use of noncommercial motor vehicle.

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

(a) **NO HOLDER OF A TEMPORARY INSTRUCTION PERMIT WHO HAS NOT ATTAINED THE AGE OF EIGHTEEN YEARS AND NO HOLDER OF A PROBATIONARY DRIVER'S LICENSE SHALL DRIVE A MOTOR VEHICLE ON ANY STREET, HIGHWAY, OR PROPERTY USED BY THE PUBLIC FOR PURPOSES OF VEHICULAR TRAFFIC OR PARKING WHILE USING IN ANY MANNER AN ELECTRONIC WIRELESS COMMUNICATIONS DEVICE.**

(b) **SUBSECTION (a) OF THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:**

- (1) **A PERSON USING AN ELECTRONIC WIRELESS COMMUNICATIONS DEVICE FOR EMERGENCY PURPOSES, INCLUDING AN EMERGENCY CONTACT WITH A LAW ENFORCEMENT AGENCY, HOSPITAL OR HEALTH CARE PROVIDER, FIRE DEPARTMENT, OR OTHER SIMILAR EMERGENCY AGENCY OR ENTITY;**
- (2) **A PERSON USING AN ELECTRONIC WIRELESS COMMUNICATIONS DEVICE WHOSE MOTOR VEHICLE IS IN A STATIONARY POSITION AND THE MOTOR VEHICLE IS OUTSIDE A LANE OF TRAVEL;**
- (3) **A PERSON USING A NAVIGATION DEVICE IN A VOICE-OPERATED OR HANDS-FREE MANNER WHO DOES NOT MANIPULATE THE DEVICE WHILE DRIVING.**

(c) (1) **EXCEPT AS PROVIDED IN SUBSECTION (c)(2) OF THIS SECTION, WHOEVER VIOLATES SUBSECTION (a) OF THIS SECTION SHALL BE FINED ONE HUNDRED FIFTY DOLLARS (\$150.00). IN ADDITION, THE COURT SHALL IMPOSE A CLASS SEVEN SUSPENSION OF THE OFFENDER'S DRIVER'S LICENSE OR PERMIT FOR A DEFINITE PERIOD OF SIXTY DAYS.**

(2) **IF THE OFFENDER PREVIOUSLY HAS BEEN CONVICTED OF A VIOLATION OF THIS SECTION, WHOEVER VIOLATES THIS SECTION SHALL BE FINED THREE HUNDRED DOLLARS (\$300.00). IN ADDITION, THE COURT SHALL IMPOSE A CLASS SEVEN SUSPENSION OF THE OFFENDER'S DRIVER'S LICENSE OR PERMIT FOR A DEFINITE PERIOD OF ONE YEAR.**

(d) **AS USED IN THIS SECTION, "ELECTRONIC WIRELESS COMMUNICATIONS DEVICE"**

INCLUDES ANY OF THE FOLLOWING:

- (1) A WIRELESS TELEPHONE;
- (2) A PERSONAL DIGITAL ASSISTANT;
- (3) A COMPUTER, INCLUDING A LAPTOP COMPUTER AND A COMPUTER TABLET;
- (4) A TEXT-MESSAGING DEVICE;
- (5) ANY OTHER SUBSTANTIALLY SIMILAR ELECTRONIC WIRELESS DEVICE THAT IS DESIGNED OR USED TO COMMUNICATE VIA VOICE, IMAGE, OR WRITTEN WORD. (ORC 4511.205)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) Except as provided under subsection (b) hereof **AND SECTIONS 335.072 AND 335.074**, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges. (Ord. 102-11. Passed 10-11-11.)

[No changes to this Section until paragraph (h)]

(h) ANY PERSON WHOSE DRIVER'S OR COMMERCIAL DRIVER'S LICENSE OR PERMIT OR NONRESIDENT OPERATING PRIVILEGES ARE SUSPENDED AS A REPEAT TRAFFIC OFFENDER UNDER THIS SECTION AND WHO, DURING THE SUSPENSION, OPERATES ANY MOTOR VEHICLE UPON ANY PUBLIC ROADS AND HIGHWAYS IS GUILTY OF DRIVING UNDER A TWELVE-POINT SUSPENSION, A MISDEMEANOR OF THE FIRST DEGREE. THE COURT SHALL SENTENCE THE OFFENDER TO A MINIMUM TERM OF THREE DAYS IN JAIL. NO COURT SHALL SUSPEND THE FIRST THREE DAYS OF JAIL TIME IMPOSED PURSUANT TO THIS SUBSECTION. (ORC 4510.037)

335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW SUSPENSION OR CANCELLATION; DRIVING UNDER A NONPAYMENT OF JUDGMENT SUSPENSION.

[No changes to this Section until paragraph (d)]

(d) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection ~~(s)~~ (d) ~~[to (i) of this section]~~ HEREOF. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsections (d) ~~[to (i) of this section]~~ HEREOF.

[No further changes to this Section until paragraph (d)(2)]

(d) (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the ~~[first]~~ **FOURTH** degree. (ORC 4510.16)

~~[(e) — The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is~~

~~sentenced under this section.~~

~~(f) — The court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range of time specified in division (A)(7) of Ohio R.C. 4510.02.~~

~~(g) — (1) — If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to division (A) of Ohio R.C. 4510.16 or former division (B)(1) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to either of those divisions, the court, in addition to or independent of any sentence that it imposes upon the offender for the offense may do whichever of the following is applicable:~~

~~A. — If the vehicle is registered in the offender's name and if, within three years of the current offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.161 or Ohio R.C. 4510.11, 4510.111, or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.~~

~~B. — If the vehicle is registered in the offender's name and if, within three years of the current offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.161 or any combination of two violations of Ohio R.C. 4510.161 or Ohio R.C. 4510.11, 4510.111, or 4510.16 or a substantially equivalent municipal ordinance, the court in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization for sixty days of the vehicle involved in the offense and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.~~

~~C. — If the vehicle is registered in the offender's name and if, within three years of the current offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.161 or any combination of three or more violations of Ohio R.C. 4510.161 or Ohio R.C. 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the motor vehicle as determined by publications of national automobile dealer's association. The proceeds from any fine so imposed shall be distributed in accordance with division (C)(2) of that section.~~

~~(2) — An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.~~

~~(3) — An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.~~

~~(h) — Any order for immobilization and impoundment under this section shall be issued and~~

~~enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.~~

~~(i) — An order for criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.]~~

~~[(j)](e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Any person who violates this subsection [(j)](e) hereof is guilty of falsification, a misdemeanor of the first degree. [(Ord. 102-11, Passed 10-11-11.)] (ORC 4509.102)~~

335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT SUSPENSION.

(a) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 OR 4510.33 ~~[for failing to appear in court or to pay a fine, resulting in license forfeiture].~~

~~[(b) — No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 3123.58 for being in default in payment of child support.]~~

~~[(c)](b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) [or (b)] of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) [or (b)] of this section. The person charged with a violation of subsection (a) [or (b)] of this section may offer evidence to rebut this prima-facie evidence.~~

~~[(d)](c) Whoever violates subsection (a) [or (b)] of this section is guilty of driving under suspension and shall be punished as provided in subsection [(d)](c) of this section.~~

(1) Except as otherwise provided in subsection [(d)](c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) ~~[or (B)]~~ of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) ~~[or (B)]~~ of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the ~~[first]~~ FOURTH degree. ~~(ORC 4510.111) [The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section.]~~

(3) In all cases, the court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range of time specified in division (A)(7) of Ohio R.C. 4507.02.

(4) A. In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of Ohio R.C. 4510.111 or Ohio R.C. 4510.11 or 4510.16, or a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.

B. In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of Ohio R.C. 4510.111, or any combination of two violations of division (A) or (B) of Ohio R.C. 4510.111 or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.

C. In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.111 or any combination of three or more violations of Ohio R.C. 4510.111 or Ohio R.C. 4510.11 or 4510.16 or a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes upon the offender, may order the criminal forfeiture of the vehicle involved in the offense to the State.

~~[(e)](d)~~ An order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a motor vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that motor vehicle.

~~[(f)](e)~~ An order for criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (Ord. 102-11. Passed 10-11-11.)

337.01 DRIVING UNSAFE VEHICLES

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery.

(d) ~~[Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section,]~~ ~~[w]~~Whoever violates this section is guilty of a **MINOR** misdemeanor ~~[of the third degree]~~. (ORC 4513.02)

337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed. (ORC 4513.10)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99) ~~[on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.10)]~~

337.18 MOTOR VEHICLE AND MOTORCYCLE BREAKS.

[No changes to this Section until paragraph (a)(10)]

(a) (10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (ORC 4513.10)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99) ~~[on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (Ord. 139-07, Passed 11-19-07.)]~~

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

(a) No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.021) ~~[on a first offense; on a second offense within one year after the first offense, the person is guilty of a~~

~~misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.30)]~~

337.29 BUMPER HEIGHTS.

[No changes to this Section until paragraph (d)]

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.021) ~~[If the offender has previously been convicted of a violation of this section, the offender is guilty of a misdemeanor of the third degree. (Ord. 110 10. Passed 12 6 10.)]~~

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

(a) No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any State route within the Municipality, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in Section 339.02. (ORC 4513.34)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99) ~~[on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.34)]~~

339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

(a) No vehicle shall be operated upon the public highways, streets, bridges and culverts within the Municipality, whose dimensions exceed those specified in this section.

(b) No such vehicle shall have a width in excess of:

- (1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;
- (2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions ~~[thereof]~~ **OF ROADS** over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;
- (3) 132 inches for traction engines;
- (4) 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;
- (5) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions

[thereof] OF STATE HIGHWAYS as the Director designates.

- (c) No such vehicle shall have a length in excess of:
 - (1) 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54;
 - (2) 45 feet for all other passenger bus type vehicles;
 - (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State **[routes] HIGHWAYS** or portions **[thereof] OF STATE HIGHWAYS** as the Director designates;
 - (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State **[routes] HIGHWAYS** or portions **[thereof] OF STATE HIGHWAYS** as the Director designates;
 - (5) A. 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
B. 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
 - (6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (c)(3) and (4) and in subsection (e) hereof;
 - (7) 45 feet for recreational vehicles.
 - (8) 40 feet for all other vehicles except trailers and semitrailers, with or without load.
- (d) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.
- (e) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion **[thereof] OR ANY STATE HIGHWAY** that the Director designates.
- (f) The widths prescribed in subsection (b) shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

The width prescribed in subsection (b)(5) shall not include automatic covering devices, tarp and

tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle.

The lengths prescribed in subsections (c)(2) to (8) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, **NONPROPERTY CARRYING DEVICES OR COMPONENTS THAT DO NOT EXCEED MORE THAN TWENTY-FOUR INCHES BEYOND THE REAR OF THE VEHICLE AND ARE NEEDED FOR LOADING OR UNLOADING**, B-train assembly used between the first and second semitrailer of a commercial tractor-semi-trailer-semi-trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semi-trailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.

(g) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, **[which] THAT** the Director may adopt. Ohio R.C. 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission **[thereof] OF THE RULES**, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.

(h) As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01. (ORC 5577.05)

(i) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense or subsequent offense, the person is guilty of a misdemeanor of the fourth degree. **[(Ord. 139-07. Passed 11-19-07.)] ORC 5577.99**

339.06 VEHICLES TRANSPORTING EXPLOSIVES.

(a) Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

(1) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.

(2) Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle. **(ORC 4513.29)**

(b) Whoever violates this section is guilty of a minor misdemeanor. **(ORC 4513.99)** ~~on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.29)]~~

339.07 TOWING REQUIREMENTS.

[No changes to this Section until paragraph (d)(2)]

(d) (2) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle. **(ORC 4513.32)**

(e) Whoever violates this section is guilty of a minor misdemeanor. **(ORC 4513.99)** ~~on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.32)]~~

339.08 LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD.

[No changes to this Section until paragraph (d)]

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street, highway or other public place to immediately remove the same or cause it to be removed. **(ORC 4513.31)**

(e) Whoever violates this section is guilty of a minor misdemeanor. **(ORC 4513.99)** ~~on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.31)]~~

341.05 CRIMINAL OFFENSES.

(a) No person **WHO HOLDS A COMMERCIAL DRIVER'S LICENSE OR OPERATES A MOTOR VEHICLE FOR WHICH A COMMERCIAL DRIVER'S LICENSE IS REQUIRED** shall do any of the following:

- (1) Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;
- (2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;
- (3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;
- (4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;
- (5) Drive a motor vehicle while under the influence of a controlled substance;
- (6) **DRIVE A MOTOR VEHICLE IN VIOLATION OF OHIO R.C. 4511.19 OR A MUNICIPAL OVI ORDINANCE AS DEFINED IN OHIO R.C. 4511.181;**
- ~~[(6)]~~(7) Use a motor vehicle in the commission of a felony;
- ~~[(7)]~~(8) Refuse to submit to a test under Ohio R.C. 4506.17 **OR 4511.191;**
- ~~[(8)]~~(9) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;
- ~~[(9)]~~(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide,

vehicular homicide, and vehicular manslaughter;

(11) **FAIL TO STOP AFTER AN ACCIDENT IN VIOLATION OF SECTIONS 335.12 TO 335.14;**

~~[(10) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in Ohio R.C. 3719.01 or the possession with intent to manufacture, distribute, or dispense a controlled substance;]~~

~~[(11)]~~(12) Drive a commercial motor vehicle in violation of any provision of Ohio R.C. 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;

~~[(12) Violate any prohibition described in subsections (a)(2) to (11) of this section while transporting hazardous materials.]~~

(13) **USE A MOTOR VEHICLE IN THE COMMISSION OF A FELONY INVOLVING THE MANUFACTURE, DISTRIBUTION, OR DISPENSING OF A CONTROLLED SUBSTANCE AS DEFINED IN OHIO R.C 3719.01 OR THE POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE A CONTROLLED SUBSTANCE.**

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

~~[(Ord. 133-06. Passed 10-23-06.)]~~ (ORC 4506.15)

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

[No changes to this Section until paragraph (e)]

(e) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (C) shall be mounted on a fixed or movable post, and the distance from the ground to the ~~top~~ **BOTTOM** edge of the sign shall measure **NOT LESS THAN** five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

[No further changes to this Section]

501.11 ORGANIZATIONAL CRIMINAL LIABILITY.

(a) An organization may be convicted of an offense under any of the following circumstances:

(1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of ~~his~~ **THE OFFICER'S, AGENT'S OR EMPLOYEE'S** office or employment, except that if the section defining the offense designates the officers, agents or employees for

whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.

- (2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of ~~[his]~~ **THE OFFICER'S, AGENT'S OR EMPLOYEE'S** office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, ~~[such]~~ **THOSE** provisions shall apply.
- (3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.
- (4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of ~~[his]~~ **SUCH A BOARD'S OR PERSON'S** office or employment.

(b) ~~[When]~~ **IF** strict liability is imposed for the commission of an offense, a purpose to impose organizational liability shall be presumed, unless the contrary plainly appears.

(c) In a prosecution of an organization for an offense other than one for which strict liability is imposed, it is a defense that the high managerial officer, agent or employee having supervisory responsibility over the subject matter of the offense exercised due diligence to prevent its commission. This defense is not available if it plainly appears inconsistent with the purpose of the section defining the offense.

(d) As used in this section, "organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated **NONPROFIT** association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program. (ORC 2901.23)

CHAPTER 513 Drug Abuse Control

- 513.01 Definitions.
- 513.02 Gift of marihuana.
- 513.03 Drug abuse; controlled substance possession or use.
- 513.04 Possessing drug abuse instruments.
- 513.05 Permitting drug abuse.
- 513.06 Illegal cultivation of marihuana.
- 513.07 Possessing or using harmful intoxicants.
- 513.08 Illegally dispensing drug samples.
- 513.09 Controlled substance or prescription labels.
- 513.10 Hypodermic possession, display and dispensing.
- 513.11 Harmful intoxicants; possessing nitrous oxide in motor vehicle.
- 513.12 Drug paraphernalia.

513.121 MARIHUANA DRUG PARAPHERNALIA.

~~[513.13 Possession of prescription drugs prohibited.]~~

513.~~14~~13 Counterfeit controlled substances.

~~[513.15 Soliciting a controlled substance transaction.]~~

513.14 OFFENDER MAY BE REQUIRED TO PAY FOR CONTROLLED SUBSTANCE TESTS.

513.99 Penalty; mandatory fines.

513.12 DRUG PARAPHERNALIA.

[No changes to this Section until paragraph (c)]

- (c) (1) **SUBJECT TO SUBSECTION (d)(2) OF THIS SECTION, [N]no person shall knowingly use, or possess with purpose to use, drug paraphernalia.**
- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
- (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
- (2) **SUBSECTION (c)(1) OF THIS SECTION DOES NOT APPLY TO A PERSON'S USE, OR POSSESSION WITH PURPOSE TO USE, ANY DRUG PARAPHERNALIA THAT IS EQUIPMENT, A PRODUCT, OR MATERIAL OF ANY KIND THAT IS USED BY THE PERSON, INTENDED BY THE PERSON FOR USE, OR DESIGNED FOR USE IN STORING, CONTAINING, CONCEALING, INJECTING, INGESTING, INHALING OR OTHERWISE INTRODUCING INTO THE HUMAN BODY MARIHUANA.**

[No further changes to this Section]

513.121 MARIHUANA DRUG PARAPHERNALIA.

(a) **AS USED IN THIS SECTION, "DRUG PARAPHERNALIA" HAS THE SAME MEANING AS IN SECTION 513.12.**

(b) **IN DETERMINING IF ANY EQUIPMENT, PRODUCT, OR MATERIAL IS DRUG PARAPHERNALIA, A COURT OR LAW ENFORCEMENT OFFICER SHALL CONSIDER, IN ADDITION TO OTHER RELEVANT FACTORS, ALL FACTORS IDENTIFIED IN SUBSECTION (b) OF SECTION 513.12.**

(c) **NO PERSON SHALL KNOWINGLY USE, OR POSSESS WITH PURPOSE TO USE, ANY DRUG PARAPHERNALIA THAT IS EQUIPMENT, A PRODUCT, OR MATERIAL OF ANY KIND THAT IS USED BY THE PERSON, INTENDED BY THE PERSON FOR USE, OR DESIGNED FOR USE IN STORING, CONTAINING, CONCEALING, INJECTING, INGESTING, INHALING OR OTHERWISE INTRODUCING INTO THE HUMAN BODY MARIHUANA.**

(d) **THIS SECTION DOES NOT APPLY TO ANY PERSON IDENTIFIED IN SUBSECTION (d)(1) OF SECTION 513.12 AND IT SHALL NOT BE CONSTRUED TO PROHIBIT THE POSSESSION OR USE OF A HYPODERMIC AS AUTHORIZED BY SECTION 513.10.**

(e) **SUBSECTION (e) OF SECTION 513.12 APPLIES WITH RESPECT TO ANY DRUG PARAPHERNALIA THAT WAS USED OR POSSESSED IN VIOLATION OF THIS SECTION.**

(f) **WHOEVER VIOLATES SUBSECTION (c) OF THIS SECTION IS GUILTY OF ILLEGAL USE OR POSSESSION OF MARIHUANA DRUG PARAPHERNALIA, A MINOR MISDEMEANOR.**

(g) IN ADDITION TO ANY OTHER SANCTION IMPOSED UPON AN OFFENDER FOR A VIOLATION OF THIS SECTION, THE COURT SHALL SUSPEND FOR NOT LESS THAN SIX MONTHS OR MORE THAN FIVE YEARS THE OFFENDER'S DRIVER'S OR COMMERCIAL DRIVER'S LICENSE OR PERMIT. IF THE OFFENDER IS A PROFESSIONALLY LICENSED PERSON, IN ADDITION TO ANY OTHER SANCTION IMPOSED FOR A VIOLATION OF THIS SECTION, THE COURT IMMEDIATELY SHALL COMPLY WITH OHIO R.C. 2925.38. (ORC 2925.141)

529.021 PURCHASE BY MINOR; MISREPRESENTATION.

[No changes to this Section until paragraph (d)(3)C.]

(d)(3)C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. **EXCEPT AS PROVIDED IN THIS SUBSECTION, [T]he court also [shall] MAY** impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court, **IN LIEU OF SUSPENDING THE OFFENDERS TEMPORARY INSTRUCTION PERMIT, PROBATIONARY DRIVER'S LICENSE OR DRIVER'S LICENSE, INSTEAD [also]** may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform. (ORC 4301.99[; ~~Ord. 87-05. Passed 5-9-05.~~])

529.04 LIQUOR CONSUMPTION IN MOTOR VEHICLE.

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in Section 529.07(d). (ORC 4301.64)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(c) If an offender who violates this section was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. **IN LIEU OF SUSPENDING THE OFFENDER'S TEMPORARY INSTRUCTION PERMIT, PROBATIONARY DRIVER'S LICENSE OR DRIVER'S LICENSE, THE COURT MAY INSTEAD REQUIRE THE OFFENDER TO PERFORM COMMUNITY SERVICE FOR A NUMBER OF HOURS TO BE DETERMINED BY THE COURT.** If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years. (ORC 4301.99[; ~~Ord. 87-05. Passed 5-9-05.~~])

529.07 OPEN CONTAINER PROHIBITED.

[No changes to this Section until paragraph (c)]

- (c) (1) A person may have in the person's possession an opened container of any of the following:
- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D- 5l, D-5m, D-5n, D-5o, D-7, D8, E, F, F-2, F-5, F-7 or F-8 permit;
 - B. Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
 - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
 - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
 - E. **SPIRITUOUS LIQUOR TO BE CONSUMED FOR PURPOSES OF A TASTING SAMPLE, AS DEFINED IN OHIO R.C. 4301.171.**
- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.
- (3) A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.
- B. As used in subsection (c)(3)A. of this section:
- 1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
 - 2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.
- (4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or

intoxicating liquor in certain predesignated areas of that outdoor location.

- (5) **A PERSON MAY HAVE IN THE PERSON'S POSSESSION ON AN F-9 LIQUOR PERMIT PREMISES AN OPENED OR UNOPENED CONTAINER OF BEER OR INTOXICATING LIQUOR THAT WAS NOT PURCHASED FROM THE HOLDER OF THE F-9 PERMIT IF THE PERSON IS ATTENDING AN ORCHESTRAL PERFORMANCE AND THE HOLDER THE F-9 PERMIT GRANTS PERMISSION FOR THE POSSESSION AND CONSUMPTION OF BEER OR INTOXICATING LIQUOR IN CERTAIN PREDESIGNATED AREAS OF THE PREMISES DURING THE PERIOD FOR WHICH THE F-9 PERMIT IS ISSUED.**

AS USED IN SUBSECTION (c)(5) HEREOF, "ORCHESTRAL PERFORMANCE" HAS THE SAME MEANING AS IN SUBSECTION (c)(3)B. OF THIS SECTION.

[No further changes to this Section]

533.08 PROCURING.

- (a) No person, knowingly and for gain, shall do either of the following:
- (1) Entice or solicit another to patronize a prostitute or brothel;
 - (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.
- (b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.
- (c) Whoever violates this section is guilty of procuring~~[, a misdemeanor of the first degree]~~. **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (c), PROCURING IS A MISDEMEANOR OF THE FIRST DEGREE. IF THE PROSTITUTE WHO IS PROCURED, PATRONIZED OR OTHERWISE INVOLVED IN A VIOLATION OF SUBSECTION (a)(2) OF THIS SECTION IS UNDER SIXTEEN YEARS OF AGE AT THE TIME OF THE VIOLATION, REGARDLESS OF WHETHER THE OFFENDER WHO VIOLATES SUBSECTION (a)(2) OF THIS SECTION KNOWS THE PROSTITUTE'S AGE, OR IF A PROSTITUTE WHO ENGAGES IN SEXUAL ACTIVITY FOR HIRE IN PREMISES USED IN VIOLATION OF SUBSECTION (b) OF THIS SECTION IS UNDER SIXTEEN YEARS OF AGE AT THE TIME OF THE VIOLATION, REGARDLESS OF WHETHER THE OFFENDER WHO VIOLATES SUBSECTION (b) OF THIS SECTION KNOWS THE PROSTITUTE'S AGE, PROCURING IS A FELONY AND SHALL BE PROSECUTED UNDER APPROPRIATE STATE LAW. IF THE PROSTITUTE WHO IS PROCURED, PATRONIZED OR OTHERWISE INVOLVED IN A VIOLATION OF SUBSECTION (a)(2) OF THIS SECTION IS SIXTEEN OR SEVENTEEN YEARS OF AGE AT THE TIME OF THE VIOLATION OR IF A PROSTITUTE WHO ENGAGES IN SEXUAL ACTIVITY FOR HIRE IN PREMISES USED IN VIOLATION OF SUBSECTION (b) OF THIS SECTION IS SIXTEEN OR SEVENTEEN YEARS OF AGE AT THE TIME OF THE VIOLATION, PROCURING IS A FELONY AND SHALL BE PROSECUTED UNDER APPROPRIATE STATE LAW. (ORC 2907.23)**

533.09 SOLICITING.

- (a) No person shall solicit another to engage with such other person in sexual activity for hire.
- (b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree.
- (c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit,

probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. **IN LIEU OF IMPOSING UPON THE OFFENDER THE CLASS SIX SUSPENSION, THE COURT INSTEAD MAY REQUIRE THE OFFENDER TO PERFORM COMMUNITY SERVICE FOR A NUMBER OF HOURS DETERMINED BY THE COURT.** [~~ORC 2907.24; Ord. 87-05. Passed 5-9-05.~~] (ORC 2907.24)

545.05 PETTY THEFT.

[No changes to this Section until paragraph (c)]

(c) In addition to the penalties described in subsection (b) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

- (1) Unless subsection (c)(2) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
- (2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to subsection (c)(1) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be for at least six months.
- (3) **THE COURT, IN LIEU OF SUSPENDING THE OFFENDER'S DRIVER'S OR COMMERCIAL DRIVER'S LICENSE, PROBATIONARY DRIVER'S LICENSE, TEMPORARY INSTRUCTION PERMIT, OR NONRESIDENT OPERATING PRIVILEGE PURSUANT TO SUBSECTIONS (c)(1) OR (2) OF THIS SECTION, INSTEAD MAY REQUIRE THE OFFENDER TO PERFORM COMMUNITY SERVICE FOR A NUMBER OF HOURS DETERMINED BY THE COURT.**

549.12 POSSESSING REPLICIA FIREARM IN SCHOOL.

[No changes to this Section until paragraph (d)]

- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of Ohio R.C. 4510.02 and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of Ohio R.C. 4510.02.

- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that subsection, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that subsection, **BUT THE COURT, IN ITS DISCRETION, INSTEAD MAY REQUIRE THE OFFENDER TO PERFORM COMMUNITY SERVICE FOR A NUMBER OF HOURS DETERMINED BY THE COURT.**

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

ITEM:

DATE: November 26, 2012

Declaration of city vehicles as surplus

FINANCIAL IMPACT:

In order to sell a capital asset such as a vehicle or piece of equipment it must first be declared as surplus, proceeds from the sale will be placed in the general fund.

SYNOPSIS:

Once an asset is declared as surplus by the city it can be sold at public auction. The city will place the items to be sold on the on-line auction site Govdeals.com which is open to the general public. Once sold Govdeals.com collects the sale price from the highest bidder and issues a check to the city for 92.5% of the sale price. The remaining balance of 7.5% is retained by Govdeals.com for their services.

BACKGROUND:

The following vehicles have been retired due to age, and/or condition:

<u>Unit#</u>	<u>Description</u>	<u>VIN #</u>	<u>Dept.</u>
8-M33	2004 Chevrolet Silverado Ambulance	1GBJC34294E384799	Fire
8-C74	1997 Chevrolet Suburban	1GNGC26R6VJ335196	Fire

RECOMMENDATION:

It is recommended that the City Council authorize and direct legislation declaring these vehicles as surplus and authorizing their sale.

Rules Suspension is being requested to facilitate the sale of the vehicles.

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]*

ORDINANCE NO. _____

ORDINANCE TO DECLARE TWO (2) CITY VEHICLES AS SURPLUS AND
AUTHORIZE THE CITY MANAGER TO SELL THE VEHICLES ON
GOVDEALS.COM.

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

Section 1. Two (2) city vehicles as shown on the list on file in the office of the Clerk of Council are hereby declared surplus and not needed for municipal purposes and the City Manager is hereby authorized to execute the agreement on file in his office with Govdeals.com for sale of such vehicles.

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

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MILLER PIPELINE CORPORATION FOR THE 2012 STORM SEWER LINING.

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

Section 1. The City Manager is hereby authorized to enter into a contract with Miller Pipeline Corporation for the 2012 Storm Sewer Lining in accordance with the bid on file in the office of the City Manager.

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

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BYERS CHEVROLET, LLC FOR THE PURCHASE OF THREE (3) POLICE CRUISERS 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 a contract with Byers Chevrolet, LLC for the purchase of three (3) police cruisers in accordance with the bid 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 purchase be completed by the end of the year; 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**

November 26, 2012

ITEM

It is necessary for the City Council to pass appropriations to reconcile accounts.

FINANCIAL IMPACT

Supplemental appropriations to reconcile accounts are needed in the amount of \$6,100 for the General Fund, \$73,000 from the Recreation Facilities Fund, \$135,000 from the General Bond Retirement Fund and \$221,000 from the Special Assessments Fund.

SYNOPSIS

Supplemental appropriations are needed at year end to cover unforeseen expenditures. Given the economic constraints put on the City's finances, personnel line items in 2012 were budgeted as accurate as possible. During the month of June, a General Fund position was held by two persons to allow for training during the transition, unfortunately, the current budget does not have additional funds to cover the cost. The Golf Course and Golf Maintenance divisions saw a longer season and increased revenue due to the mild winter in early 2012. The additional costs were incurred for personnel, bank charges, concessions and utilities. The General Bond Retirement Fund had additional expenditures due to the refinancing of the Community Arts Center bonds which are callable in 2013. Finally, the additional funds for the Special Assessment Fund are to cover monies paid to the City through property taxes for the Cincinnati Mills project.

BACKGROUND

The following adjustment in the annual appropriation budget should be made to fund the remainder of 2012:

From:	Unappropriated	General Fund	<u>6,100</u>
To:	10011021-211000	Salary & Wages	6,100
From:	Unappropriated	Recreation Facilities Fund	<u>73,000</u>
To:	64051521-211000	Salary & Wages	15,000
	64051523-239800	Bank Charges	25,500
	64051524-242800	Concessions	16,500
	64052021-211000	Salary & Wages	6,000
	64052023-231100	Utilities	10,000
From:	Unappropriated	General Bond Retirement Fund	<u>135,000</u>
To:	30116026-262000	Principal	135,000
From	Unappropriated	Special Assessment Fund	<u>221,000</u>
To	50116026-262000	Principal	221,000

ITEM NO. _____

STAFF RECOMMENDATION

It is recommended that City Council authorize and direct the preparation of legislation amending the annual operating budget.

LEGISLATIVE ACTIONS:	Suspension of Rules & Adoption Requested?	Yes
	Emergency Provision Needed?	No

Prepared by: May Hoxa
Approved for Content by: May Hoxa
Financial Review (where applicable) by: May Hoxa
Legal Review (where applicable) by: John D. Clemmons
Accepted by Council Agenda: Mark Wilson

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-11 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, 2012, AND ENDING DECEMBER 31, 2012."

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

Section 1. Ordinance No. 127-11, the 2012 Appropriation Ordinance, is hereby amended in the following respects:

From: Unappropriated General Fund	\$6,100
To: 10011021-21100 Salary & Wages	6,100

From: Unappropriated Recreation Facilities Fund	\$73,000
To: 64051521-211000 Salary & Wages	15,000
64051523-239800 Bank Charges	25,500
64051524-242800 Concessions	16,500
64052021-211000 Salary & Wages	6,000
64052023-231100 Utilities	10,000

From: Unappropriated General Bond Retirement Fund	\$135,000
To: 30116026-262000 Principal	135,000

From: Unappropriated Special Assessment Fund	\$221,000
To: 50116026-262000 Principal	221,000

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\2012\Reconcile Accounts – Ord

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-11 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, 2012, AND ENDING DECEMBER 31, 2012."

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

Section 1. Ordinance No. 127-11, the 2012 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated .2% Capital Improvement Fund	\$118,285
To:	40216023-233900 Other Professional Services <i>(Remainder of 2012 Storm Sewer Lining Project)</i>	\$35,000
To:	40216025-253100 Automotive Equipment <i>(Purchase of 3 Police Cruisers)</i>	\$83,285

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

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

November 26, 2012

Request for appropriation for non-contractual agenda items.

FINANCIAL IMPACT:

\$143,390.00 from noted funding source.

SYNOPSIS:

The following appropriations have been requested:

\$16,055.00	Holiday Drive Headwall Replacement
\$6,285.00	Upgrades and maintenance at Community Arts Center
\$15,000.00	Purchase of hydrants for Water Division
\$16,600.00	Deep well revitalization on Well #5 at Water Treatment Facility
\$7,450.00	Repairs on Well #6 at Water Treatment Facility
\$32,500.00	Replacement of frame rails on Quint 32
\$49,500.00	Software upgrade for Parks & Recreation

BACKGROUND:

Please refer to specific Council Communications dated November 26, 2012 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 abovePrepared by: Alisha WilsonApproved for Content by: Alisha WilsonFinancial Review (where applicable) by: Mary AyjaLegal Review (where applicable) by: Sam ClemmonsAccepted by Council Agenda: Alisha Wilson

Quotation

HALCOMB CONCRETE CONSTRUCTION, INC.
1409 VETERAN DR.
FAIRFIELD, OH 45014

Quote Number:
HOLIDAY DR HEADWALL

Quote Date:
Nov 6, 2012

Page:
1

Quoted to:

FAIRFIELD PUBLIC WORKS
5350 PLEASANT AVE
FAIRFIELD, OH 45014

Customer ID	Good Thru	Payment Terms	Sales Rep
FAIRFIELD PUBLIC	12/6/12	Net 10 Days	

Quantity	Item	Description	Unit Price	Extension
1.00	MISC LABOR	FTG, WALL LABOR	8,500.00	8,500.00
1.00	CONCRETE	SUPPLY CONCRETE, REBAR	5,980.00	5,980.00
9.00	C.D.F.	CONTROLLED DENSITY FILL	75.00	675.00
1.00	MISC LABOR	FILL DIRT, TRUCKING	900.00	900.00
		OPTION OF EXTENDING PIPES APPROX 4 FT		
		EXCAVATION, SUPPLY NEW PIPES BY OTHERS		
			Subtotal	16,055.00
			Sales Tax	
			Total	16,055.00

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

ITEM:DATE: 11/26/12

It is necessary for City Council to authorize an appropriation for upgrades and maintenance at the Community Arts Center.

FINANCIAL IMPACT:

An appropriation of \$6,285.00 will be necessary to fund this proposal.

SYNOPSIS:

It is necessary for City Council to authorize an appropriation for upgrades and maintenance at the Community Arts Center.

BACKGROUND:

In the Parks and Recreation Board's 2012-2016 Capital Improvement Program, the Board identified a series of upgrades and/or maintenance items for the Community Arts Center (PRK-12-002). These items include the repair of the Community Room's in-ceiling projector lift unit and the relocation of a first floor security door. The repair is necessary to allow the project unit to lift into the ceiling thereby improving the rental experience and professional presentations at the Community Arts Center. This correspondence also request funds for the relocation of a security door, to allow patron's easy access to the exercise studio and senior shuffle board courts in the basement area. The access door is currently electronically locked and prohibits access to the basement level.

A variety of vendors, listed below, are being used for the purchase of these items and the proposals are attached:

VENDOR	ITEMS	AMOUNT
ICB Audio/Video	Miscellaneous A/V	\$4,700.00
Sonitrol	Security Door Relocation	1,585.00
TOTAL		\$6,285.00

RECOMMENDATION:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing an appropriation for upgrades and maintenance at the Community Arts Center.

LEGISLATIVE ACTION:

Suspension of Rules/Adoption Requested: YES () NO (X) If yes, explain above.

Emergency Provision Needed: YES () NO (X) If yes, explain above.

Prepared by: Heidi Schiller
Approved for Content by: [Signature]
Financial Review (where applicable): Mary Harty
Legal Review (where applicable): [Signature]
Accepted for Council Agenda: [Signature]

Project Number: PRK-12-002
Dept: PARKS

Bid Date: 04/01/2011
Priority: Minor
Need: Improve Current Service Level

Community Arts Center

Renovations / Upgrades at the Community Arts Center: 2012 - Sound/Light Contingency, Fans, Entry Carpet, and routine floor/wall maintenance; 2013-2016 Sound/Light Contingency and FF&E



2012	2013	2014	2015	2016
\$35,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00

City Funding Source:

.2% Capital Improvement Fund

Amount:

\$135,000.00

Planning / Engineering / Legal: \$0.00
Acquisition of Property / ROW: \$0.00
Construction: \$0.00
Equipment / Vehicle: \$135,000.00

Impact On Operating
Personnel Costs: \$0.00
Other Costs: \$0.00
Total Operating Costs: \$0.00

City's Cost: \$135,000.00 **Outside Funding:** \$0.00 **Total Cost:** \$135,000.00

February 1, 2012

11/11/11

November 6, 2012

The City of Fairfield

ATTN: Mr. Chris Schuster

REGARDING: Access control for inner door

CIP

Dear Chris,

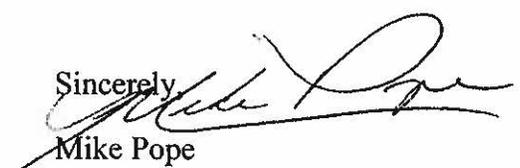
Allow me to present our revised estimate for installing an inner door access control for the Community Arts Center. We will eliminate one existing access control door port in the present Keyscan access panel located behind the main entry desk. The new inner door access control will replace the door port we eliminate on the existing Keyscan control panel.

1 Keyscan CPB-10 communication module:	\$258.00
130ft of 18awg 6 conductor wire:	\$39.00
130ft of 18awg 2 conductor wire:	\$17.00
Electronic door strike and appropriate door hardware (install by Fortress Lock)	\$845.00
Labor: run cable, mount reader, interface strike, program panel (5.5hrs)	\$378.00
1 1640 transformer to power strike and reader:	\$28.00
Misc hardware:	\$20.00

TOTAL: \$1585.00

Chris, please call me at 868.6600 (direct line) if you have questions. If you need immediate help please call 868.1777 (ext 4) (customer service). Thank you again for your consideration.

Sincerely,


Mike Pope

Sonitrol Systems Butler County, Inc

Southwestern Ohio Security Systems



524 NE Third Street • P.O. Box 230
Paoli, Indiana 47454
(812) 723-2108 • FAX (812) 723-5140

October 11, 2012

Quote No. 101112-5

Andy Eddy, Public Utilities Superintendent
City of Fairfield
5021 Groh Lane
Fairfield, OH 45014
Tel: 513-858-8328
Email: eddy@fairfield-city.org

RE: Deep Well Revitalization – Well #5

Dear Mr. Eddy;

Pursuant to our discussion and your request, National Water Services, LLC is pleased to submit a proposal for **Deep Well Revitalization**. A description as follows;

Twin Disk Surge Process

Twin disk surge equipment is lowered into the well and operated in an up and down motion in the casing and screen. This is similar to a piston in a cylinder. On the down stroke, water is forced outward into the formation. Water, silt and fine sand are then pulled into the well screen during the upstroke. Air is then used to lift the sediment out of the well. Detail description as follows:

- Mobilize 2-man crew, crane and misc. equipment to site.
- Check motor amperage.
- Check the pump settings and check valve.

- Pull motor and pump.
- Mobilize pump and motor to the shop for disassembly and inspection. Repairs, if needed, will be advised at this time. A separate quote will be submitted and work on the pump will halt until purchase of replacement/repair parts are approved.
- Perform Video Inspection (optional).
- Install the twin dish surge equipment in the well.
- Position the surge pads in the upper 5' of the well.
- Insert the chemical cocktail.
- Agitate the well per 5' foot sections of screen and continue until the entire screen is cleaned.
- Neutralize the chemical.
- Air-Lift the debris and neutralized chemical out of the well.
- Position the surge pads in the upper 5' of the screen,
- Air-Lift the debris and neutralized chemical out of the well.
- Remove twin disk surge equipment.
- Perform Video Inspection (optional).
- Install motor and pump.
- Perform Flow Test
- Bring deep well back on-line.
- Demobilize 2-man crew, crane, and misc. equipment from site.

Cost for this service.....\$16,544.00

National Water Services, LLC is looking forward to providing these water supply services for the City of Fairfield. If you have any questions or would like to discuss this proposal in more detail, please do not hesitate to contact us.

Sincerely,

Dave

David Walker
National Water Services, LLC
 812-653-1185



November 19, 2012

Quote No. 12-REC-2090

Mr. Andreas Eddy
Public Utilities Superintendent
City of Fairfield, Ohio
5021 Groh Lane
Fairfield, OH 45014

Subject: Quote to Clean Well 5

Mr. Eddy:

Layne is pleased to provide you with this quote to clean Well 5. The well will be cleaned in accordance with the attached protocol. Our price for the work is **\$19,250**.

Our scope of work includes a minimum of 50 hours of actual surging of the well, ten 55-gallon drums of inhibited muriatic acid, and five 53-gallon drums of sodium hypochlorite (the chemicals will be introduced in separate applications). We will also have acid- and chlorine-neutralizing chemicals on site.

As stated in the request for quote, pump repairs are not included in this price. Recommended repairs will be forwarded to you, in writing, immediately upon completing the inspection.

Thank you for giving us the opportunity to submit this quote. If you have any questions, please feel free to call me.

Cordially,
Layne

Bob Curley
Account Manager

WATER RESOURCES

6451 Germantown Rd., Middletown, OH 45042 | Office: 513.424.7287 | Fax: 513.424.1189 | layne.com

Boone Water Systems, Inc.

Estimate

Well Drilling Contractors "Since 1868"
 1001 Van Eaton Road
 Xenia, OH 45385
 1-937-376-4572

Date	Estimate #
11/18/2012	89-76

Name / Address
City of Fairfield, Oh. 5021 Groh Ln. Fairfield, Oh. 45014

Ship To
WTP Groh Ln. Wellfield

Terms	Project

Item	Description	Qty	Cost	Total
Mobilization	2 man crew w/ crane, rehab rig, tooling and equipment on/off	1	2,800.00	2,800.00
Labor	check motor amps, check pump settings and check valve, conduct pre rehab test, pull motor and pump	1	2,000.00	2,000.00
Labor	mob/ pump motor to our shop, clean and disassemble and inspect	1	450.00	450.00
Video Inspect	video-inspect before re-hab	1	1,000.00	1,000.00
Rehab	install air surge equipment, air surge well est. 1.5 hrs. per ft. of screen (50 ft. x 1.5)	75	145.00	10,875.00
Acid	550 gal. acid	550	4.00	2,200.00
HTH	110 gal chlorine	110	3.00	330.00
Video Inspect	video inspect after rehab	1	1,000.00	1,000.00
Labor	Re-install pump, conduct step-test any machine work, pump components required, a written estimate will be submitted and approved by Fairfield before continuing w/ pump rebuild	1	2,000.00	2,000.00
			Total	\$22,655.00



3949 Dayton Park Drive
Suite E
Dayton, OH 45414
812-653-1185

September 27, 2012

Via Hand Delivery

Mr. Andy Eddy
City of Fairfield
5350 Pleasant Avenue
Fairfield, OH 45014

RE: Well #6 - Tower Repair

Dear Mr. Eddy:

Pursuant to your request, National Water Services, LLC is pleased to submit a proposal for Tower Repair at your Well # 6, as follows;

Crew and Equipment

- A. Crew, Service Truck, Welders, Tooling**
- B. Backhoe furnished by City of Fairfield**

Total Cost for these services.....\$7,450.00

National Water Services, LLC is looking forward to providing these services for the City of Fairfield. If you have any questions or would like to discuss this proposal in more detail, please do not hesitate to contact us.

Sincerely,

NATIONAL WATER SERVICES, LLC

David Walker, Vice President

November 26, 2012

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

Item:

Contract with E One Inc. of Ocala, Florida for the replacement of frame rails on Quint 32 and declaring an emergency.

Financial Impact:

Financial legislation in the amount of \$32,500 is requested to support this project.

Synopsis:

Several months ago a crack in the outer frame rail of Quint 32, due to corrosion, was detected and reported to the Fire Department. Immediate steps were taken to initiate a warranty claim with the current sales representative under the "life time" warranty issued by E One at the time of purchase. Although the warranty did specifically exclude corrosion, the Fire Department felt the failure was quite premature for a twelve year old vehicle.

Initially the overall cost of repairs represented approximately \$57,000 which included the cost of the frame rails and the labor to replace them. E One did initially offer to provide the frame rails at no cost, but provided an estimate of for installation at approximately \$48,000.

Efforts were initiated by the Fire Department to meet with E One representatives to negotiate the cost of repairs due to the perceived premature failure of the components as well as the economic impact on the city. E One has agreed to complete the repairs absorbing \$24,297.50 of the cost as they view the City of Fairfield as a very good and long term customer of their fire apparatus.

In addition to the completion of the work, E One has agreed to test the frame rails and should there be a deficiency in the steel they have agreed to complete the work at no charge to the city. In addition, any cost savings experienced by E One will be passed on to the City of Fairfield.

It should be noted that approximately \$4,800 is represented in the cost of this project for transportation of the unit to the facility in Florida. Due to the condition of the frame E One is strongly opposed to the vehicle being driven to their facility.

E One has agreed to initiate the work as soon as we can arrange for the vehicle to arrive at their facility and it is anticipated the work will take approximately six (6) weeks to complete.

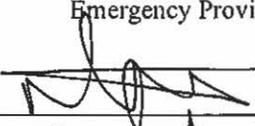
The vehicle is currently out of service pending repair of the frame rails.

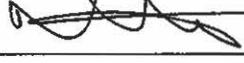
Recommendations:

It is recommended that City Council adopt legislation authorizing the City Manager to enter into a contract with E One of Ocala, Florida, in accordance with the proposal on file. Financial legislation in the amount of \$32,500.00 will be required to support this project.

Legislative Actions: Suspension of Rules and Adoption Requested? Yes No

Emergency Provision Needed? Yes No

Prepared by: 

Reviewed by: 

Fleet Review: _____

Financial Review (where applicable) by: May Hyatt

Legal Review (where applicable) by: John Clemmons, Jr.

Accepted for agenda: Alison Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

November 26, 2012

ITEM

City Council is requested to enter into agreement with R.C. Systems (^{RecPro}RecWare), and to pass an appropriation in the amount of ~~\$52,683.00~~ (which includes a 5% contingency), from the .2% Capitol Improvement Fund for 2012.
~~\$49,500~~

FINANCIAL IMPACT

An appropriation in the amount of ~~\$52,683.00~~ ^{\$49,500} from the .2% Capital Improvement Fund for project FIN-12-002 from the 2012 Capital Improvement Program.

BACKGROUND

The main software application that controls all functions of the Parks and Recreation day-to-day business will be upgraded to a version of software that affords for all necessary Parks employees to access the network to serve customers, allows for a greater use of the software and records for internal tracking and also allows for better customer service to the citizens of the City as well as all other customers to the Parks department. This software will allow us to market more services to new and existing customers while tracking more information to better promote the department and to calculate ROI for goods and services sold.

This software was evaluated and tested by a committee of personnel made up from IT and the Parks departments against three other similar products (Sportsman SQL, RecTrac and ActiveNet), and was found to be the best fit for both IT and Parks.

STAFF RECOMMENDATION

It recommended City Council authorize and direct the preparation of legislation for the appropriation of ~~\$52,683.00~~ ^{\$49,500} from the .2% Capital Improvement Fund and suspend the rules requiring the second and third reading.

LEGISLATIVE ACTIONS:	Suspension of Rules & Adoption Requested?	Yes
	Emergency Provision Needed?	No

Prepared by: Joseph Waldmann ^{juw}

Financial Review (where applicable) by: Mary Hopton

Legal Review (where applicable) by: [Signature]

Accepted by Council Agenda: [Signature]



ReCPro™ Software Cost Summary

Description	Fee
<i>ReCPro™ Software with <u>20</u> Concurrent User Licenses</i>	\$15,000.00
<i>ReCPro™ Professional Installation</i>	\$0.00(*)
<i>ReCPro™ Professional On-Line Training – 30 Hours</i>	\$0.00(*)
<i>ReCPro™ Annual Support & Maintenance</i>	\$3,750.00
Per Transaction or Convenience Fees – 0.00% (N/A)	\$0.00
(15) Complete POS Workstations @ \$2,095.00 each	\$31,425.00
Shipping	\$0.00
Grand Total Upfront Cost	\$50,175.00

(*) Incentive Discounts have been applied to these amounts and will be effective if purchased by 12/31/2012.



ReCPro™ Software, Annual Support & Training

Description	Fee
ReCPro™ Software Modules / Features with 20 Concurrent User Licenses	
<ul style="list-style-type: none"> ▪ Base Package(1) + Activity Registration ▪ Web Module with Online Registration/Reservation ▪ Facility Reservation / Rentals ▪ Membership Management ▪ Child Care / Day Camp Management ▪ Point of Sale / Inventory Management ▪ Electronic Payment Processing (Credit Card/ ACH) ▪ League Scheduling with Auto Draft ▪ Locker Rentals 	
Sub-Total for "One Time" Software Fee	\$15,000.00
ReCPro™ Additional Fees for Installation, Training, Support & Maintenance	
<ul style="list-style-type: none"> ▪ Professional Installation (performed remotely) ▪ Professional Training – 30 Hours – On-Line ▪ Annual Support & Maintenance(2) – 25.0% of Software Cost ▪ Per Transaction or Convenience Fees(3) – 0.00% (N/A) 	\$750.00 \$3,000.00 \$3,750.00 \$0.00 =====
Sub-Total for Additional Fees	\$7,500.00
ReCPro™ Incentive Discounts(4)	
<ul style="list-style-type: none"> ▪ Installation Discount – 100.0% ▪ Training Discount – 100.0% - Applies to On-Line ONLY 	-\$750.00 -\$3,000.00 =====
Sub-Total for Incentive Discounts	-\$3,750.00
Grand Total Upfront Cost	\$18,750.00

- (1) Base Package Includes: (SQL 2008 Express Edition, Customer Account Management, Merchandise Sales, E-mail Marketing and System Admin Features for User Management and System Setup).
- (2) Annual Support (\$3,750.00) is billed annually and will increase a maximum of 10% every 3 years.
- (3) ReCPro™ does **NOT** charge any per transaction fees. You will only pay your merchant services vendor.
- (4) Incentive Discounts will expire on 12/31/2012.



Point of Sale Equipment

Complete POS Workstation – We can sell a complete POS Workstation as listed below or sell the individual components based on your needs. The Workstation below will give you the ability to utilize a Touch Screen, Process Credit Cards, Print Tape Receipts and store Cash, Checks, etc. in the Cash Drawer.

#	Complete POS Workstation	Description	Price Each
1	POS-X EVO-TP4 Touch Screen PC	All-In-One PC & 15" Touch Screen Monitor	\$1,250.00
2	MagTek IPAD Credit Card Reader	PCI Compliant Credit Card Reader	\$285.00
3	POS-X EVO-PT3-1HU	EVO HiSpeed Thermal Receipt Printer	\$285.00
4	POS-X EVO-CD16B	16" Cash Drawer	\$125.00
5	EVO-CD-USB – Cash Drawer Cable	USB Cable for Cash Drawer / PC	\$50.00
6	XWP-T220 Thermal Receipt Paper	1 Case – 50 Rolls Thermal Receipt Paper	\$100.00
	Grand Total (for "Each" Station)		\$2,095.00

- (1) POS-X EVO-TP4 Touch Screen PC – This PC/Touch Screen combo will give you top of the line technology to operate your POS system. Dual-Core Atom 1.8 GHz Processor, 2 GB RAM, 160 GB HD, Windows 7 O/S. Exact Model – EVO-TP4A-B2H7 .
- (2) MagTek IPAD Credit Card Reader – The MagTek IPAD is a multi-functional handheld POS terminal with keypad input, graphics display output on a 128x64 pixel screen, and magnetic card stripe reading with the included Magnesafe SCRA peripheral. The MagTek IPAD is the most comprehensive, end-to-end security solution available. IPAD immediately encrypts data at the point of swipe so personal information is never "in the clear." This means the City can maintain their PCI Compliance with this unit which synchronizes with **ReCPro™** Software.
- (3) POS-X EVO-PT3-1HU – This EVO HiSpeed Receipt Printer will print quality thermal receipts and connects to the Cash Drawer.
- (4) POS-X EVO-CD16B Cash Drawer – This Cash Drawer will sit on top of the counter and allow you to have a secure place to keep all cash, check and credit card receipts. The Cash Drawer connects to Receipt Printer and opens when a receipt prints.
- (5) EVO-CD-USB Cable – In the event you disable Receipt Printing, you will need this USB Cable to have the PC open the Cash Drawer.
- (6) Thermal Receipt Paper – 50 Rolls Thermal Receipt Paper.

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-11 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, 2012, AND ENDING DECEMBER 31, 2012."

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

Section 1. Ordinance No. 127-11, the 2012 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated .2% Capital Improvement Fund	\$54,840
To:	40216025-252500 Drainage Improvements <i>(Holiday Drive Headwall Replacement)</i>	\$16,055
To:	40216025-252000 Improvements Other Than Building <i>(Community Arts Center Upgrades and Maintenance)</i>	\$6,285
To:	40216025-253100 Automotive Equipment <i>(Replacement Frame Rails for Fire Apparatus Quint 32)</i>	\$32,500
From:	Unappropriated Water Surplus Fund	\$39,050
To:	60516025-253200 Capital Equipment <i>(Purchase of Fire Hydrants (\$15,000), Well #5 Revitalization (\$16,600) and Repairs at Well #6 (\$7,450))</i>	\$39,050
From:	Unappropriated .2% Capital Improvement Fund	\$49,500
To:	40216025-253400 Computer Equipment <i>(Parks & Recreation Department Software)</i>	\$49,500

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\2012\Non Contractual 11-26 – Ord 2

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

ITEM:

November 26, 2012

Request for appropriation for non-contractual agenda items.

FINANCIAL IMPACT:

\$45,000.00 from noted funding source.

SYNOPSIS:

The following appropriations have been requested:

\$45,000.00	Kolb Drive Street Lighting – Duke Energy
-------------	------------------------------------------

BACKGROUND:

Please refer to specific Council Communications dated November 26, 2012 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/> If yes, explain
		yes	no above
	Emergency Provision Needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/> If yes, explain
		yes	no above

Prepared by: Alicia Wilson

Approved for Content by: Alicia Wilson

Financial Review (where applicable) by: Mary Hight

Legal Review (where applicable) by: John H. Clemons

Accepted by Council Agenda: Alicia Wilson

Agreement Information	Equipment, Energy and Maintenance			20-1791899		10/05/2012	
	Agreement Coverage			Agreement Number		Current Date	
	117192	75023	S485	V462	OLE110H	UOLP	
Customer Account Number	Request Number	Corp.	CP Center	LOC	Work Code	Rate Code	

OUTDOOR LIGHTING SERVICE AGREEMENT



139 East Fourth Street, Cincinnati, OH 45202

Business Name	City of Fairfield			This Agreement has an Initial Term selected by Customer.
Customer Name	Ben Mann			
Service Location or Subdivision				The Initial Term begins when Service is in operation; after expiration thereof, Service continues, with annual renewals, until either party terminates with written notice to the other party.
Service Address	Kolb Dr			
Service Address				
Service City, State, Zipcode	Fairfield	OH	45014	
Mailing Name	Ben Mann			Notes:
Mailing Business Name	City of Fairfield			
Mailing Address	5350 Pleasant Ave			
Mailing Address				
Mailing City, State, Zipcode	Fairfield	OH	45014	

**PROPOSALS BELOW ARE VALID FOR 90 DAYS FROM THE CURRENT DATE. PROPOSAL EXPIRATION IS 01/03/2013
AGREEMENT MUST BE SIGNED AND RETURNED BEFORE THE EXPIRATION DATE.**

After the Initial Term expires, the monthly equipment charges will no longer be reflected on the monthly bill, though and energy and maintenance charges continue for the life of the lighting system covered by this agreement.

CHOOSE THE EQUIPMENT PAYMENT AMOUNT AND ASSOCIATED INITIAL TERM.	EQUIPMENT Monthly Amount for System Per Option	MAINT. & Operating System Amount Per Month	ENERGY USE *Estimated Monthly TOTAL	TOTAL NUMBER OF LIGHTS in Project	*ESTIMATED SYSTEM CHARGE TOTAL DURING INITIAL TERM	**AVERAGED Estimated Monthly Charge PER LIGHT	
						DURING Initial Term	AFTER Initial Term
Option A - Onetime Lump Sum for Equipment	\$34,505.68	\$98.75	\$65.97	9	\$164.72	\$18.30	\$18.30
Option B - 1 Year Agreement Initial Term	\$3,005.02	\$98.75	\$65.97	9	\$3,169.73	\$352.19	\$18.30
Option C - 3 Year Agreement Initial Term	\$1,041.87	\$98.75	\$65.97	9	\$1,206.59	\$134.07	\$18.30
Option D - 5 Year Agreement Initial Term	\$714.48	\$98.75	\$65.97	9	\$879.20	\$97.69	\$18.30
Option E - 7 Year Agreement Initial Term	\$577.70	\$98.75	\$65.97	9	\$742.42	\$82.49	\$18.30
Option F - 10 Year Agreement Initial Term	\$480.07	\$98.75	\$65.97	9	\$644.79	\$71.64	\$18.30

* Estimated Energy is based on current charge per kWh and does not include taxes and energy rate tariff riders which will cause slight fluctuation in monthly costs.

** The ENERGY portion may cover more than one luminaire wattage size which results in estimated Averaged Monthly costs shown above. The ENERGY may also be METERED. If this option is chosen the Energy usage information above is superceded by the METERED usage and charges.

See Section I, page 2 for further lighting equipment and cost detail. Requests for changes in number of lights and poles, pole locations, equipment or other requests will result in a recalculation of the amounts above. Please see attached drawing or Exhibit 'A' for the proposed placement of lighting equipment.

PLEASE INDICATE INITIAL AGREEMENT TERM CHOICE FROM OPTIONS ABOVE (A,B,C,D,E,F)

DECLINE

IN WITNESS WHEREOF, the parties hereto have caused two copies of this Agreement to be executed by a duly authorized representative(s), effective the Current Date first written above. This Lighting Service Agreement ("Agreement") is made and entered into by the subsidiary of Duke Energy Corporation, a Delaware corporation, named above (hereafter, "Company"). Neither Duke Energy Corp. nor any of its other affiliated companies are parties to this Agreement.

Duke Energy Representative

AND

Customer / Representative

Signature _____

Signature _____

Printed Name _____

Printed Name _____

Date

10/05/2012

Date _____

If more space is required for additional Customer signatures, please attach a dated letter with signatures on it and reference this Agreement.

Ben Mann

Subject: FW: Kolb Drive Plans
Attachments: Scanned from a Xerox multifunction device001.pdf

From: Scherer, Michelle [<mailto:Michelle.Scherer@duke-energy.com>]
Sent: Friday, October 05, 2012 7:48 AM
To: Ben Mann
Subject: RE: Kolb Drive Plans

Ben,

The estimated cost for aid to construction is \$4,619.02.
Please see above attachment for street light cost.

Please let me know if you will proceed with this project. As of now it is on hold. These prices are good for 6 months.

Thanks,

Michelle Scherer



Customer Project Coordinator
Fairfield District - EF355
1199 Nilles Rd, Fairfield, OH 45014
michelle.scherer@duke-energy.com
513 287-4721 office
513 532-4054 cell

ORDINANCE NO. _____

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Section 1. Ordinance No. 127-11, the 2012 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated .2% Street Improvement Fund	\$45,000
To:	40116025-252000 Improvements Other Than Buildings <i>(Kolb Street Light Replacement)</i>	\$45,000

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