LORAIN CITY COUNCIL
Regular Meeting Agenda
Monday, December 15, 2025 @ 6:00 p.m.

1. **OPENING OF COUNCIL:** Prayer and the Pledge of Allegiance.
2. **ROLL CALL:**
3. **DISPOSITION OF MINUTES:**
   a. December 1, 2025 Regular Meeting Minutes
4. **CORRESPONDENCE AND/OR COMMUNICATIONS FROM THE MAYOR:**
   a. Correspondence from Mayor Bradley to Members of Council sharing a values statement.
   b. Mayor Bradley's request for Council to approve the appointment of Kristen Massey to the Sewer and Water Advisory Board effective immediately through December 4, 2029.
5. **CORRESPONDENCE FROM DIRECTORS, BOARDS, COMMISSIONS, ETC.: None.**
6. **CORRESPONDENCE FROM OTHER GOVERNMENTAL AGENCIES:**
   a. Correspondence received from the Ohio Division of Liquor Control advising of a D1 D3 Permit Transfer Application received for Crystal Rock Inn located at 2215 E. 28th St., Lorain, from Tammy & Michael Losiewicz located at 2215 E. 28th St., (6th Ward).
7. **CORRESPONDENCE FROM THE GENERAL PUBLIC: None.**
8. **PUBLIC COMMENTS:** (The sign-in sheet will be collected prior to commencement of the meeting) The two (2) minute per person limit and twenty (20) minute max will be observed.
9. **COMMITTEE REPORTS:**
   a. Police, Fire and Legislative Committee.
10. **LEGISLATION - FIRST READING:**
    a. ____ Reso. recognizing & commending JoAnne Moon for outstanding public service as a member of Lorain City Council.
    b. ____ Reso. recognizing & commending Beth Henley for outstanding public service as a member of Lorain City Council.
    c. ____ Reso. recognizing & commending Dan Nutt for outstanding public service as a member of Lorain City Council.
    d. ____ Reso. recognizing & commending Sylvia DuVall for outstanding public service as a member of Lorain City Council.
    e. ____ Reso. recognizing & commending Mary Spellacy for outstanding public service as a member of Lorain City Council.
    f. ____ Reso. recognizing the month of December as National Impaired Driving Prevention Month.
    g. ____ Reso. concurring with the proposed subdivision of city-owned property at PPN 02-02-028-105-001, for the future development of single-family dwellings.
    h. ____ Ord. approving current replacement pages to the Lorain Codified Ordinances from July 2024- July 2025.

i. ____ Ord. repealing Ord. 266-74, Chapter 509.12 of the Codifieds and adopting new Chapter 509.12.

j. ____ Ord. approving the Police Chief, through the Mayor, to accept the award of the 2026 Safety First Grant from Norfolk Southern.

k. ____ Ord. auth the S/S Director to enter into a contract for the purchase of 10- L3 Harris Radios not to exceed $46,466.00.

l. ____ Ord. auth the Clerk of Court to accept a grant from the OAG to fund the implementation of Integrated Elec. Reporting of Dispositions to the Ohio BCI & execute all necessary docs associated to its award.

m. ____ Ord. auth the S/S Director to accept the donation of $75,000 for the Second Harvest Food Bank, "Harvest for Hunger" Prog. from Brilliant Source Cares.

n. ____ Ord. auth the S/S Director to enter into an agmt with Coldwater Consulting, for prof. svcs related to the Black River Dredge Material Reuse Facility - 2026 Facility Mgmt.

o. ____ Ord. amending Ord. 127-25.

p. ____ Ord. auth the S/S Director to enter into an agreement for the acquisition of real property.

q. ____ Ord. auth the S/S Director to purchase gasoline, fuel, oil and other petroleum products needed for various depts. commencing January 1, 2026 and ending December 31, 2026.

r. ____ Ord. assessing the cost of abating nuisance by removing litter & deposit of garbage, rubbish, junk etc.

s. ____ Ord. auth the S/S Director to enter into a 1-year agreement with Clariti Cloud, Inc. for prof. services & software implementation.

t. ____ Ord. auth the City of Lorain to enter into a CRA Tax Abatement with Absolute Machine Tools Holdings.

u. ____ Ord. amending Ord. 76-24, establishing the compensation of the Auditor.

v. ____ Transfer.

w. ____ Appropriation.

11. **LEGISLATION - SECOND READING:**

a. ____ Ord. amending Ord. 266-74 which establishes Chapter 509.12- Curfew- of Chapter 509 of the Lorain Codified Ordinances.

12. **LEGISLATION - THIRD READING: None.**

13. **COMMITTEE CALLS:**

14. **MISCELLANEOUS CONCERNS FROM COUNCIL:**

15. **ADJOURNMENT.**

City Council Regular Meeting **3. a.**
Meeting Date: 12/15/2025
Submitted by: Maggie Partin, Deputy Clerk

PURPOSE AND BACKGROUND
December 1, 2025 Regular Meeting Minutes

Administration only
December 1, 2025 Regular Meeting Minutes

Attachments

Minutes

Form Review

Form Started By: Maggie Partin Started On: 12/12/2025 10:16 AM
Final Approval Date: 12/12/2025

Chaplain Sylvia DuVall led council in the prayer and President Pro-Tem Dimacchia led the Pledge of Allegiance and then called the regular meeting to order at 6:03pm.

ROLL CALL:

REMARKS: COUNCILMEMBER SPRINGOWSKI: I was wondering if we could take a moment of silence for former Mayor Krasienko.

PRESENT- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

ABSENT - 1 President Arredondo

Moved by Mr. Springowski, supported by Mr. Thornsberry, to excuse the absent member. Motion carried unanimously.

DISPOSITION OF MINUTES:

a.) November 17, 2025 Regular Meeting Minutes

Moved by Mrs. Springowski, supported by Ms. DuVall, to dispense with the reading of the minutes and accept them as written. The motion carried unanimously.

CORRESPONDENCE AND/OR COMMUNICATIONS FROM THE MAYOR:

a.) Mayor Bradley's request for Council to approve the reappointment of Joseph Smith to the Civil Service Commission effective January 1, 2026 through December 31, 2031.

REMARKS: PRESIDENT PRO-TEM DIMACCHIA: Thank you and I know Mr. Smith is in the room so I just want to thank him for his service on the Civil Service.

COUNCILMEMBER SPRINGOWSKI: I would make a motion to concur with that. Mr. Smith has serviced this city well for his time on the Civil Service Commission and he is definitely an asset and I for one, am very happy to see that continue.

Moved by Mrs. Springowski, supported by Mr. Thornsberry, to concur with the appointment.

COUNCILMEMBER DUVALL: Would Mr. Smith please stand up so I can see him?

JOSEPH SMITH: I think you would recognize me Ms. DuVall, we are practically neighbors.

Motion to concur with the appointment carries unanimously.

CORRESPONDENCE FROM DIRECTORS, BOARDS AND COMMISSIONS, ETC.: None.

CORRESPONDENCE FROM OTHER GOVERNMENTAL AGENCIES:

a.) Correspondence received from the Ohio Division of Liquor Control advising of a New C1 permit application received for Nothing But Growth LLC, Green Store, located at 912 West 9th St., 44052 (2nd Ward). Moved by Ms. Kempton, supported by Mrs. Springowski, to request a 30-day extension.

REMARKS: COUNCILMEMBER MOON: I hope everybody, this is a young man who… he is very good and he works at the Ford Plant, I had him in school and even though it is a neighborhood store, and they have claimed some problems, the BP Gas Station on 28th Street had a shooting and they got licensed, Sunoco on Broadway had a killing and they got licensed, and this is an old pops neighborhood store, he gives the kids candy when their grades are good and he also, when the family needs, he gives out. This is a nice, African American young man, so I hope we pass this liquor license for him and try to keep our youth in the neighborhood because we just need small business and that is the big thing everybody talks about so hopefully this will pass.

PRESIDENT PRO-TEM DIMACCHIA: Ms. Moon, just for the conversation, we received a correspondence from Mr. Carrion that stated that this business has been closed for over a year and per our city ordinance, a business is required to submit a special inspection application and have an inspection done on the business, so I think, I don't want to speak for Ms. Kempton, but I think that is one of the reasons

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for the delay in allowing this to go through, per Mr. Faciana, he would like us to hold off until the proper inspections are all taken care of for this business.
COUNCILMEMBER MOON: Thank you for the information.
Motion to request a 30-day extension carried unanimously.

CORRESPONDENCE FROM THE GENERAL PUBLIC: None.

PUBLIC COMMENTS: Clerk Dull announced that there are three members of the public signed up to speak this evening.

MIKE D'ANGELO, 4749 Oberlin Ave. Apt. 5: I go past the old South Lorain Hills mostly every other day and the old Hills is like an eyesore. I see kids going into the garage and that kind of concerns me. The other concern is the old St. Joes property because I see homeless people in the parking garage, I see flames going up, I know they are homeless and going in there, starting fires, and at that point in time my cell phone was dead so I couldn't call the cops. The gate is broken, you can walk in, in the back, and there are people in there spray painting and stuff because I see kids going through there with spray cans. That is my second concern. My other, congratulations to the Oakwood Park, _____ guys to thank them for the memorial fund, you guys did a great job and keep South Lorain, Oakwood Park, keep on going. You guys do a great job, thank you.

AARON KNAPP, 4220 Talbot, 6th Ward: Dear President Pro-Tem Dimacchia and members of council. I want to address the October 20th minutes and explain why this is not a personal issue, it is not political, it is a legal matter involving accuracy, transparency and the rights of a disabled resident under federal law. The audio from that night is clear, it captures my quiet comment to a person seated next to me, it captures the Safety/Service Director repeatedly yelling across the room, it captures Councilmember Springowski trying to stop the escalation, which I appreciate very much, thank you, and none of that appears in the minutes, only my replies appear, that creates a version of the events that is incomplete and misleading, and anyone who listens to the audio can hear the difference. I have asked twice now that the minutes be corrected, I provided the recordings. When the Clerk of Council was given an opportunity to correct the omissions, she has refused on video, at that point it ceased being a simple clerical oversight. Ohio law requires the minutes to be accurate. The Public Records Act prohibits creating a record that fails to include key facts that alter the meeting. Once the clerk refused to fix the minutes, the law required me to take the next steps because the official record does not match the actual recording, and because the city has refused to correct it, I issued a formal litigation hold. This requires the city preserve all versions of the minutes, all drafts, all emails about all edits, all audio backups and the video that shows the refusal of the correct record. This is a standard legal step when a government record is in dispute and protects both sides, ensuring nothing is changed or destroyed. I need the council to understand also that this situation affects me as a person with disabilities, when a meeting narrative is altered in a way that casts me as a source of the disruption, when an actual recording proves otherwise is in fact how I am treated by this government. It implies and impacts how officers respond to me, how my concerns are dismissed. Under Title 2 of the ADA, a government cannot create or maintain an inaccurate record that harms the participation or credibility of a disabled resident. That is why this issue matters. I am not here to argue with anyone, I am here because the record of the government must reflect the truth, the audio shows what happened, the minutes should match the audio.

AMBER BRONISH, 1235 Schaffer Dr.: Thank you for allowing me to speak before you today. I stand here as a daughter who is exhausted, exhausted from witnessing my innocent mother, Nancy Smith, be pulled through a level of pain that feels endless and exhausting, from watching her wake up every single morning with fear in her eyes as she quietly wonders what are they going to do to me now? For more than 30 years, my siblings and I have watched our mother survive a

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nightmare she never deserved. We grew up in courtrooms, we grew up in the shadow of accusations that ultimately have proven false and we grew up carrying an unbearable weight of something she did not do. To the mayor who is not here today, I know it is recorded, I want to be completely clear, I did not come here to attack you, I do not carry any anger toward you anymore, I forgave you a long time ago and I truly believe in my heart that you ____ in the way of what happened, that you hold regrets and that you genuinely do not want to see my mother harmed again, but I am frustrated, I am tired, and I am standing here today begging you to help us. My mother is 68-years old now, she deserves peace, she deserves mornings where she can sip her Pepsi without wondering if someone, somewhere is preparing to come after her again. She deserves afternoons with her grandchildren where she can ____ instead of burying ____ behind her smile. As her children, we are left asking when do we finally get to enjoy our mother without pain in her face? The situation is not about politics, it is not about strategy, it is about human life, a woman who was cleared ____ endured injustice after injustice and a woman who is now threatened with another blow. Mayor, at the time you held influence over the decisions that profoundly shaped the course of my mothers life and by extension, the ____ I am extending of our entire family. I do not believe you intended harm, I do believe compassion still exists in your heart, which is actually why I am standing here today. I am asking you to help us, tell the public what is happening is wrong, help us stand together and say this is unethical, this is unnecessary, this is causing real and lasting human suffering and may not have real authority over the prosecutor, but your voice, your voice of a mayor carries weight, when a mayor speaks, a community listens, it can shift perspective, eliminates ____, move people toward empathy and give my mother something she has been denied for decades, a genuine chance to heal. I am asking you, as her daughter, begging my mother's peace, please help us, please speak up, please give us community permission to care again, we are exhausted, we are hurting and we are desperate asking for compassion from the leaders who represent us. Thank you for this and please, from the bottom of my heart, help us bring this injustice to an end so that my family can finally breathe again.

COMMITTEE REPORTS:

a.) The Finance Committee met this evening to begin 2026 budget discussions, the committee recommended to consider the item this evening, as it is already on the agenda. Moved by Mrs. Springowski, supported by Mrs. Carter, to concur with the committee report. Motion carried unanimously.

LEGISLATION – FIRST READING:

Ordinance 181-25 a.) Introduced by Mr. Thornsberry, an ordinance authorizing the Director of Public Service of the City of Lorain, Ohio, to enter into contract with the lowest & best bidder for all services & actions associated with the installation of a new fence at the Fulton Water Tower and declaring an emergency.

Moved by Mr. Thornsberry, supported by Mrs. Springowski, to suspend the statutory three reading rule.

AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

NAYS- 0 None. The rule was suspended.

REMARKS: COUNCILMEMBER DUVALL: I noticed in the information provided with this that the fence will be smaller than… it'll be a smaller area, what I am wondering is, has the Water Department already… are they going to be looking out for a fence that maybe will… I hate to say this, but childproof? There are a lot of children in that area, and I would hate to see us put a fence around there that, while it is aesthetically beautiful, really protects the children from themselves.

UTILITIES DIRECTOR CARBONARO: We are going to get rid of the chain link fence and we are not going to do barbed wire, especially with the chain link also, it

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can cut people with their hands. We are going to go with a black aluminum fence, it is a little smoother finish, it is not going to have any… I guess barbed wire that can be available to children should they touch it.

COUNCILMEMBER DUVALL: I wasn't so concerned about them hurting themselves, as maybe being able to get into that area, or decide that this is where they are going to practice their superman thing and climb to the top and jump off. Children are different than they used to be and I just want you to make sure that whatever fence we put in cannot potentially, in the future, have us in court again about somebody's wild child that did something they weren't supposed to. I am sure there are some safety things that can be put in place.

DIRECTOR CARBONARO: Yes, we can work with the Law Department on something that would cover the liability of the city around the fence.

Moved by Mr. Thornsberry, supported by Mrs. Springowski, to pass the ordinance.

AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

NAYS- 0 None. The ordinance passed unanimously.

Ordinance 182-25 b.) Introduced by Mr. Dimacchia, an ordinance authorizing the Mayor through the Lorain Law Director to accept the 2025/2026 Victims of Crime Act Grant (VOCA) as awarded by the Ohio Attorney General.

Moved by Mr. Dimacchia, supported by Mrs. Springowski, to suspend the statutory three reading rule.

AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

NAYS- 0 None. The rule was suspended.

REMARKS: COUNCILMEMBER DUVALL: I noticed in reading through this, that we are decreasing from two victim advocates to one; in reading that this grant would support one victim advocate? I wondered if maybe we could just let the public know what a victim advocate does.

LAW DIRECTOR RILEY: City Council decides through its appropriating authority the amount of dollars to be funded to the Prosecutor's Office, which includes the victim advocate. It is through the budget hearing process, the appropriations of monies that you decide are appropriate that allows us to function in the office, whatever it is that you appropriate for us, we will allocate it accordingly. As to the public's information about victim advocate, as you are aware, each October is dedicated to the domestic violence, unfortunate circumstance, that we find in our community. I do believe, ma'am, it has been properly publicized, but in the event that… I will talk with Mallory, who is my Chief Prosecutor downstairs, in the event that we decide it necessary to have additional information disseminated to the public, we would be happy to do that through a public service announcement.

Moved by Mr. Dimacchia, supported by Mrs. Springowski, to pass the ordinance.

AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

NAYS- 0 None. The ordinance passed unanimously.

Ordinance 183-25 c.) Introduced by Mr. Dimacchia, an ordinance (1) adopting a cybersecurity program for the City of Lorain pursuant to Ohio Revised Code Section 9.64, (2) authorizing the Lorain Safety/Service Director to enter into an agreement with a vendor for the provision of cybersecurity services to comply with Ohio Revised Section 9.64, and declaring an emergency.

Moved by Mr. Dimacchia, supported by Mrs. Springowski, to suspend the statutory three reading rule.

AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

NAYS- 0 None. The rule was suspended.

Moved by Mr. Dimacchia, supported by Mrs. Springowski, to pass the ordinance.

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AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.
NAYS- 0 None. The ordinance passed unanimously.

Ordinance 184-25 d.) Introduced by Mr. Nutt, an ordinance appropriating funds for current expenses and other expenditures of the City of Lorain, State of Ohio as passed by Ordinance #35-25 beginning January 1, 2025, and ending December 31, 2025 and declaring an emergency.
Moved by Mr. Nutt, supported by Mrs. Springowski, to suspend the statutory three reading rule.
AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.
NAYS- 0 None. The rule was suspended.
Moved by Mr. Nutt, supported by Mrs. Springowski, to pass the ordinance.
AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.
NAYS- 0 None. The ordinance passed unanimously.

Ordinance 185-25 e.) Introduced by Mr. Nutt, an ordinance appropriating money for current expenses and other expenditures of the City of Lorain, State of Ohio beginning January 1, 2026 and ending March 31, 2026 and declaring an emergency.
Moved by Mr. Nutt, supported by Mrs. Springowski, to suspend the statutory three reading rule.
AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.
NAYS- 0 None. The rule was suspended.
REMARKS: COUNCILMEMBER NUTT: We did have our subcommittee finance meeting prior to this meeting, I appreciate everyone showing up and coming to that, we had some good conversations, and questions asked. There are or is, as we went over, projected budget deficits there, but I do believe that the administration in conjunction with the new council that is coming in, can go ahead without too much of a problem, and take care of those issues, fill those gaps if need be, and doing it in a way that allows us as a city to still function properly and still supply all the critical services that it does. I do appreciate the conversation earlier.
PRESIDENT PRO-TEM DIMACCHIA: Just keep in mind that our budget, and this temporary, is a living, working document that we are all constantly working on, so we do need a budget in place.
COUNCILMEMBER SPRINGOWSKI: I am going to support that, but I would also like to extend my thanks to Auditor Koziura because it has been his leadership, his experience and knowledge that has helped us with this budget and we really do owe him. He stepped up and he filled a tremendous need in the City Administration, and I do appreciate everything he has done.
Moved by Mr. Nutt, supported by Mrs. Springowski, to pass the ordinance.
AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.
NAYS- 0 None. The ordinance passed unanimously.

LEGISLATION – SECOND READING:

Proposed Ordinance a.) Introduced by Mrs. Henley and Mr. Dimacchia, an ordinance authorizing the Safety/Service Director to enter into an agreement with Flock Group, Inc, for the provision of equipment, hardware, software services, and professional services for the deployment of unmanned drones and declaring an emergency.
Moved by Mr. Dimacchia, supported by Mrs. Henley, to suspend the statutory three reading rule.
AYES- 7 Messrs. Dimacchia, Springowski, Henley, Nutt, Moon, Arroyo, Thornsberry.

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NAYS- 4 Ms. DuVall, Ms. Kempton, Mrs. Carter, Ms. Spellacy. The rule was not suspended, them item will move to a third reading.

LEGISLATION – THIRD READING: None.

COMMITTEE CALLS:

- December 4th, 8th, 9th Finance Committee will continue 2026 budget review discussions.

COUNCILMEMBER NUTT: Due to the passage, I don't think those are necessary. Those will be canceled.

PRESIDENT PRO-TEM DIMACCHIA: I will be holding, on December 8th, Monday December 8th at 5:30pm, a Legislation, Police and Fire Committee Meeting to deal with a couple agenda items. One of them is… I am trying to think of what we want to call it; curfew is one, Council Rules and Agenda… I thought there was one more...

COUNCILMEMBER DUVALL: What is the date for the discussion about the e-bike issue? Summer is going to roll around again. We had talked about this last summer. I think it would be good to have rules and regulations set in place so people will know what can they ride in the street and what can they ride on the sidewalk. Is there going to be some discussion of that?

PRESIDENT PRO-TEM DIMACCHIA: Not in this meeting, but I will say this, we do have rules and regulations in place currently, as I was researching it with Chief Failing and his department, we do have things in place already for those motorized vehicles that are classified in that bracket of the e-bikes. They are no different than a moped, and I don't want to misspeak, but legislation is currently existing in this city that prohibits them in certain places. That is what the delay was, because I don't know what more we could discuss, but the Police Department and the city does have legislation in place for those things.

COUNCILMEMBER DUVALL: Thank you, maybe we could discuss the enforcement of those laws then? I know we spread the auxiliary out into a way that is really helping the city, enforcement of those bicycles being licensed and being inappropriate places and ridden by inappropriate people. I think that it has been expressed on this council several times about almost hitting a child, and I would hate for that to be, as a result of the… of anything the city did or did not do.

COUNCILMEMBER CARTER: I was hoping that we could have some kind of discussion regarding the Flock Group. I would like to have a better understanding of this… if it goes to a third reading, we can't ask questions.

PRESIDENT PRO-TEM DIMACCHIA: Mrs. Carter, let me just say this, currently we are talking about committee calls. I would encourage you to bring that up in miscellaneous concerns because I do have a couple of comments about that as well. I will just hold you off until miscellaneous. Any other committee calls?

MISCELLANEOUS CONCERNS FROM COUNCIL:

COUNCILMEMBER CARTER: Can we have a committee and a conversation about the Flock, please? When it gets a third reading, we can't ask questions.

PRESIDENT PRO-TEM DIMACCHIA: We could, yes, and I can add that to my December 8th agenda if you would like. I do know that, unfortunately, pushing this to a third reading is going to put this particular… it might put this in jeopardy because it is on a timeline, which is unfortunate. I encourage folks, if you are not understanding what the Flock cameras do, or… they are not even cameras, I misspeak when I call them cameras, they are not cameras, they are reading devices that have assisted our Police Department a great deal in this city in pursuing vehicles that may have been stolen or committed violent crimes, assisted other communities, they are not cameras. They are not really recording anything, but I will say that unfortunately that has been pushed to a third reading, which I don't know what the… if we need to make a special call because of the timeline of that

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contract, it is certainly something we can discuss. And yes, to help folks understand a little bit better what they do and what they are, and what a great asset they are to our city, I think it would be a good conversation. I know Chief Failing has been open to answering any questions and he has been pretty receptive to folks when we have questions. That would be a definitely a good conversation, but yes, I can add that to December 8th if a representative of the Police Department can be here to join us in that conversation and explain a little more in depth those devices and how they affect our community as a whole.

COUNCILMEMBER CARTER: Am I allowed to ask you a question?

PRESIDENT PRO-TEM DIMACCHIA: Sure.

COUNCILMEMBER CARTER: Are those the items that we see sitting on the side of the road that look like panels?

PRESIDENT PRO-TEM DIMACCHIA: Yes.

COUNCILMEMBER CARTER: Okay, so these are things that we have passed before?

PRESIDENT PRO-TEM DIMACCHIA: Yes, we already…

COUNCILMEMBER CARTER: Is it the exact same thing? No?

PRESIDENT PRO-TEM DIMACCHIA: No, it is not.

COUNCILMEMBER CARTER: I think that is where the confusion is coming from; we need clarification.

PRESIDENT PRO-TEM DIMACCHIA: I am going to invite Chief Failing up here to have a discussion about them.

POLICE CHIEF FAILING: You are correct, the Flock system are those little ones that you see on the side of the road. That is not what we are purchasing this time. This is what we are purchasing on… this is a first responder drone, where if we get a call for shots fired, we get calls for a fight, we get calls for a fire, all the dispatcher does is hit a button, these drones will automatically deploy and be over site in seconds so that we can see what is going on before those officers get there. That is what this is. These drones will have a… they will be able to cover the city, and they will also be able to cover out into the lake about a mile, so that we can… for all of the drownings and people lost along the lakeside, we can deploy drones out there. They are simply a… if a serious crime is happening, we will deploy the drone first before the officers get there. In the Wagner case, Payne and Gale would not have been shot, the drone would have been up in the air telling them where that guy is, they would never have drove down there. It is a totally different system.

COUNCILMEMBER CARTER: I didn't have an opportunity to call you and talk to you about it, so now that I understand that, I don't know if anybody else has questions but those were my… I wanted to have clarification.

CHIEF FAILING: That is why it is a separate contract.

COUNCILMEMBER CARTER: I guess if anybody else has questions, they should be asking them right now. I mean, I don't know, is that proper…

PRESIDENT PRO-TEM DIMACCHIA: This body can certainly reconsider that piece of legislation if that is what…

COUNCILMEMBER CARTER: I would think for the safety of our community, it is probably worth having this conversation now instead of waiting, if you have questions, let's get them out, on the floor, so that we can move on.

PRESIDENT PRO-TEM DIMACCHIA: The only folks in this body that can make the motion to reconsider would be those that voted against the legislation and pushed it to a third reading.

Moved by Mrs. Carter to reconsider moving the item 11a to a third reading.

COUNCILMEMBER DUVALL: I am not going to second that because I think there is a lot more information that needs to be gathered.

PRESIDENT PRO-TEM DIMACCHIA: There is no second, so no motion. Mrs. Carter, your light is still on?

COUNCILMEMBER CARTER: ____ on the 8th, in committee.

PRESIDENT PRO-TEM DIMACCHIA: If it is even relevant at that time, yes.

COUNCILMEMBER CARTER: If?

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PRESIDENT PRO-TEM DIMACCHIA: If we miss the timeline, we missed the timeline, I am not going to put it on the agenda to discuss something that is irrelevant at that time. I will talk to Chief Failing and see what the timeline of that contract currently is.

COUNCILMEMBER ARROYO: That was my question. What is the timeline, because if it is that important, it is good for us to know what the timeline is. Chief Failing, when is the timeline?

CHIEF FAILING: We have to have this done before the end of the year *(inaudible, not speaking in mic).*

PRESIDENT PRO-TEM DIMACCHIA: Yes, please.

CHIEF FAILING: One of the reasons we have to get this in before the end of the year is due to the tariffs. You will not be able to buy a Chinese drone. Flock is purchasing an American company to do their own American drones, but for right now, we would be buying a Chinese drone. However, once Flock gets their American drones up, they will replace our drone with an American drone, which is going to cost significantly more money; however they are going to do it for free. Also, they are cutting us a huge deal on this because we are already a customer, we are signing a contract with them… this is about $170,000, we are getting it for $100,000.

COUNCILMEMBER HENLEY: I may be out of order, or out of line, but we cannot reconsider this vote at this point?

PRESIDENT PRO-TEM DIMACCHIA: Only if I have a motion and a second from those that voted against it.

COUNCILMEMBER DUVALL: In terms of this timeline, if this goes to a third reading, it would be on December 15th that the decision is made so if we have a meeting on December 8th, it will answer all the questions that we have, and then we can move forward on the December 15th decision? Or it has to go back to a first reading?

LAW DIRECTOR RILEY: *(inaudible)* If it passes on the 15th, you have 30 days.

PRESIDENT PRO-TEM DIMACCHIA: It is an emergency.

AUDITOR KOZIURA: What if it is…

PRESIDENT PRO-TEM DIMACCHIA: It is an emergency.

LAW DIRECTOR RILEY: It is an emergency, okay, but if it is not passed with 8 votes, it would be 30 days. Through the Chair to council, if you wait until the 15th… the meeting on the 15th, and it doesn't pass with 8 votes or more, it will not become effective law until 30 days thereafter, which would place you beyond the effective date of the contract, as I understand it to be in place, to otherwise receive the benefits of these discounts and so forth. Just so that you know, passage on the 15th does not guarantee it to be in place by the end of the year, unless the number of votes is 8 in number or more, because it is an emergency legislation, otherwise it will simply not be in effect until after the 1st of the year, thereby, as I understand it from the Chief, not sufficiently pass to take advantage of these claim discounts.

PRESIDENT PRO-TEM DIMACCHIA: Ms. DuVall, your light is still on?

COUNCILMEMBER DUVALL: I am trying to make sure I understand the legalese that if we have the meeting on the 8th and we have our questions answered, then on the 15th, can we go ahead and vote this in and that would give him sufficient time to do whatever he needed to do.

PRESIDENT PRO-TEM DIMACCHIA: We just answered that.

COUNCILMEMBER DUVALL: I think if people's questions are answered, there is no doubt that we are going to support the Police Department. We just need our questions answered, especially about things that may affect the budget. There are some requirements in there that, for example, it said that the operator, if I understood this correctly, had to be FAA certified pilot. Do we provide that financing for that? If so, what does it cost? If we hire somebody with that, what does it cost? I think there are some questions in there that as I listen to the budget thing, I just want to make sure the city knows what they are getting into.

DRAFT

CHIEF FAILING: We have 11 FAA pilots. These drones do not have to have an FAA pilot. The dispatcher can hit the button to launch the drone, and this is all paid out of levy money, it does not affect the General Fund at all. It is paid out of this year's levy money.
COUNCILMEMBER DUVALL: These poles that need to be put up…
CHIEF FAILING: There are no poles.
COUNCILMEMBER DUVALL: It says in item, one-time fees, relocation fee, Flock pole and/or ac powered. So, we don't need any of that?
CHIEF FAILING: All of that, Flock is doing for free for us. And moving the current Flock cameras that we have, that has nothing to do with the drones that are going in the air.
COUNCILMEMBER DUVALL: The software that they have for 911 calls, is that syncing with everything else the city has?
CHIEF FAILING: Yes, that is so the dispatcher can push a button.
COUNCILMEMBER DUVALL: I am not supposed to be asking questions, so stop me, Tony. It says that the customer assumes and shall bear the entire risk of loss, damage to theft or destruction of all Flock hardware. Loss or damage to the Flock hardware or any part of it shall not relieve customer of any obligation under the agreement; so that is saying we pay for it whether we tear it up or not, right?
CHIEF FAILING: The drones in the air are insured.
COUNCILMEMBER DUVALL: They are insured by the city or by Flock?
CHIEF FAILING: The city. All of our drones are insured.
COUNCILMEMBER DUVALL: Does this add to the cost of insurance for those drones? Like…
CHIEF FAILING: No, we have an insurance policy already for all of the drones that we have.
COUNCILMEMBER DUVALL: You have drones already?
CHIEF FAILING: Yes, we have about 8 or 9 little ones.
COUNCILMEMBER DUVALL: Adding these Flock drones will not increase the insurance?
CHIEF FAILING: No.
COUNCILMEMBER DUVALL: They will assist the customer in acquiring any required FAA regulatory waivers, do you have any idea if there are any waivers that we need to…
CHIEF FAILING: The drones that we are purchasing, these two big ones, do not have to have FAA requirements. They are being flown under 200 feet, if we were to fly them up to 400 feet we would have to get a radar system, which would cost an extra $200,000. We are not doing that.
COUNCILMEMBER DUVALL: When you put it all together, you don't foresee any extra cost to the city, outside of the purchase of these.
CHIEF FAILING: Correct.
COUNCILMEMBER DUVALL: Then I would like to move that we reconsider the vote on passing this.
Moved by Ms. DuVall, supported by Mrs. Carter, to reconsider item 11a.

AYES- 9 Messrs. Dimacchia, DuVall, Springowski, Henley, Carter, Nutt, Moon, Arroyo, Thornsberry.

NAYS- 2 Ms. Kempton, Ms. Spellacy. The item will be reconsidered.

LEGISLATION – SECOND READING:

Ordinance 186-25 a.) Introduced by Mrs. Henley and Mr. Dimacchia, an ordinance authorizing the Safety/Service Director to enter into an agreement with Flock Group, Inc, for the provision of equipment, hardware, software services, and professional services for the deployment of unmanned drones and declaring an emergency.
Moved by Mr. Dimacchia, supported by Mrs. Henley, to suspend the statutory three reading rule.

DRAFT

AYES- 9 Messrs. Dimacchia, DuVall, Springowski, Henley, Carter, Nutt, Moon, Arroyo, Thornsberry.

NAYS- 2 Ms. Kempton, Ms. Spellacy. The rule was suspended.

REMARKS: PRESIDENT PRO-TEM DIMACCHIA: I will ask since we have had an extensive conversation, but is there discussion?

COUNCILMEMBER NUTT: I think it was referenced, the funding amount required for this is $500,000, with that discount, so it is $100,000, is that a five-year contract? Then we will apply in another five-years, it will be the new rate of $160,000 in five-years, if the city… or is it $100,000?

CHIEF FAILING: No, we are locked in at $100,000.

COUNCILMEMBER NUTT: For as long the city____these devices…

CHIEF FAILING: We will get the $100,000 rate.

COUNCILMEMBER NUTT: You said this is coming out of the police levy, on here it shows as ARPA funds?

CHIEF FAILING: ARPA funds for that first year, and then we are going police levy.

COUNCILMEMBER NUTT: ARPA funds for the first $100,000 worth of fiscal year 2026?

CHIEF FAILING: Yes, because it runs out…

COUNCILMEMBER NUTT: That is what I was going to ask, if we had $500,000 of…

CHIEF FAILING: We are using up the last of ARPA.

COUNCILMEMBER NUTT: Going forward with… assuming that we want to re-up the contract in five-years, the police levy… you don't see any concerns or issues with that funding, coming from that source?

CHIEF FAILING: No.

COUNCILMEMBER NUTT: In future years?

CHIEF FAILING: No.

COUNCILMEMBER SPELLACY: What is the difference between the five smaller ones than the two larger ones? What do they do differently?

CHIEF FAILING: The two larger ones are deployed by dispatch and will be hovering 200 feet over a call. The small ones are what they use… like SWAT uses them when they enter a call, officers can deploy those when they go on a call if they are searching for somebody in a neighborhood or something like that. The smaller ones they deploy when they get there. These are just a touch of a button and they deploy in seconds. These large ones will hit speeds of 50-some mph, that is why they will get there in seconds.

COUNCILMEMBER SPELLACY: If one gets damaged, who pays the cost to re…

CHIEF FAILING: It is insured.

COUNCILMEMBER SPRINGOWSKI: I would ask anyone who doubts the need for this, to listen to the calls that were on social media from dispatch, about them calling for the drones and about our police that were out there and desperately trying to save the life of their coworker, their fellow officer. If anybody has ever doubted the desperate need for our police officers to have this protection, that call would dissipate any doubts you would ever have. We just recently had a parasailer out on the lake; they could have dispatched that drone and that would have saved us sending the guys out in the boats in that water. This is absolutely necessary. We have a requirement to keep our residents safe, but we also have a requirement to keep our police officers safe, and this is how we do that.

COUNCILMEMBER ARROYO: The dispatchers will be in charge of these drones, so will they be certified by the FAA to also…

CHIEF FAILING: You don't need a FAA for this; they are just hitting a button. Basically, they are typing in coordinates and hitting a button, if they say this street or this address, this cross-section, hit the button, the drone goes there automatically. Now, we do have guys on the ground who can take over the operation of the drone, but that dispatcher, they will launch it, it just goes according to what the catcall has the address in.

DRAFT

COUNCILMEMBER ARROYO: That is because it stays under 200 feet you said?
CHIEF FAILING: Yes.
COUNCILMEMBER NUTT: I didn't do thorough research on this, I assumed it was going to a third reading so I do have a few more questions. I am assuming these drones are obviously equipped with cameras?
CHIEF FAILING: Yes, they have a camera on them.
COUNCILMEMBER NUTT: I don't know how to thoroughly ask this question. My concern, or general question would be then, with the cameras on them, what is the… I guess what is the liability to the city on this if those cameras are filming the entire way to a location; are they filming over private property? Is there an issue with that? Is there stored data or stored video that can then be requested of PD? Is it saved for a certain amount of time? Is it auto deleted? I just… privacy.
CHIEF FAILING: There is a records retention on what they are. There is no… the privacy clause, you don't use up the 200 feet on your house, so we can fly over your house, just like any type of helicopter could right now. We are not peering into your house with them.
COUNCILMEMBER NUTT: Like I said, I didn't dive into this because I just wasn't prepared for this conversation today, but my concern is, is the retention of those records, and then if they are requested as they flew over someone's random house…
CHIEF FAILING: With this particular drone, we have the ability to put flight paths on our website, and that is what we will do, so that you can see that the drone flew here and came back and flew here and came back. That is one of the features that we like about it is we can publish exactly where this drone flew.
COUNCILMEMBER KEMPTON: Just like the public can request bodycam footage, can they request the footage from the drone?
CHIEF FAILING: ___ type of call, yes.
COUNCILMEMBER KEMPTON: If somebody is… if the drone would be to deploy for a domestic violence situation, and then someone in the public requested that, then they could take that footage and put it on social media? Potentially?
CHIEF FAILING: Technically, yes.
COUNCILMEMBER DUVALL: Being a product of the 60s and 70s, at one time, pictures were taken of people gathered in certain places and in some cases, that resulted in young men being classified as drug members, as gang members, which severely limited their access to government money, the Pell Grants and stuff, what is the protection against using that in that way? If you are surveying a large crowd, is it a possibility through face recognition you might see the same guy at several different things, and if he is put on a list… I don't know whether you still keep lists or not, but there used to be lists of people in the department who were affiliated gangs and sometimes this was without substantial evidence, it's just somebody thought he was a gang member, and…
CHIEF FAILING: Then they are not an official gang member. I don't know how the government… in order to be declared an official gang member, there is a whole list of things you have to go through. Usually, to be declared an official gang member, it is coming out of the prison system, it is not coming out of a police department.
COUNCILMEMBER DUVALL: I just know that some people had some bad experiences with these…
CHIEF FAILING: There is a whole system in order to officially list somebody as a gang member.
COUNCILMEMBER DUVALL: Okay, and you are going to adhere to it?
CHIEF FAILING: Like I said, they classify in prison now.
Moved by Mr. Dimacchia, supported by Mrs. Henley, to pass the ordinance.

AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Carter, Kempton, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

NAYS- 0 None. The ordinance passed unanimously.

DRAFT

EXECUTIVE SESSION:

Moved by Mr. Thornsberry, supported by Ms. DuVall, in accordance with ORC Section 121.22: G (2) to discuss the purchase of property.

AYES- 11 Messrs. Dimacchia, DuVall, Springowski, Henley, Kempton, Carter, Nutt, Moon, Arroyo, Spellacy, Thornsberry.

NAYS- 0 None. The motion carried unanimously, and the body recessed into Executive Session at 6:54pm.

President Pro-Tem Dimacchia reconvened the regular meeting at 7:28pm, nine members are present, absent are Mr. Arroyo and Mr. Thornsberry.

ADJOURNMENT Moved by Mrs. Springowski, supported by Mrs. Henley, to adjourn the meeting. The motion carried unanimously, the meeting adjourned at 7:28pm.

_____ PRESIDENT PRO-TEM OF COUNCIL

Brianna Dull
Clerk of Council

Accepted:

DRAFT

CITY OF LORAIN

City Council Regular Meeting **4. a.**
Meeting Date: 12/15/2025
Submitted by: Alonna Lopez, Executive Assistant

PURPOSE AND BACKGROUND
Correspondence from Mayor Bradley to Members of Council sharing a values statement.

RECOMMENDATION TO COUNCIL:
Recieve and file.

Attachments

Letter to Council

Form Review

Inbox	Reviewed By	Date
Mayor Bradley	Jack Bradley	12/09/2025 03:17 PM
Breanna Dull	Breanna Dull	12/09/2025 07:34 PM
Form Started By: Alonna Lopez		Started On: 12/09/2025 12:17 PM
Final Approval Date: 12/09/2025		

The City of Lorain, Ohio
Jack W. Bradley
Mayor

December 8, 2025

Correspondence to City Council

Dear Members of Lorain City Council:

At this time of year, I thought it appropriate to present to you a Values Statement. In Lorain, we should be guided by a simple but profound principle: every person has dignity, and every person belongs. As Mayor, I affirm that our city is strongest when we lead with integrity, listen with humility, and govern with fairness.

As a city, we must commit ourselves to:

- Respect every resident, visitor, business owner, and city employee.
- Ensure that no one is pushed to the margins because of race, religion, ethnicity, ability, identity, or economic circumstance.
- Earning trust through open communications and responsible stewardship of public resources.
- Remember that local government exists to solve problems, support families, and build opportunities for all.
- Courage, especially when decisions are difficult or when the easiest path is not the right one.
- Accountability, holding ourselves to the highest standards in conduct, ethics, and respect for the rule of law.

Our strength has always come from a wide range of cultures, languages, and traditions that make Lorain one of the most diverse cities in Ohio. Free speech is a fundamental right--but hate that threatens, isolates, or dehumanizes is not who we are.

Today and every day, I affirm:

- We will protect the dignity of all our residents.
- We will confront hate swiftly, clearly, and without hesitation.
- We will support those targeted by intimidation.
- We will create spaces for dialogue, understanding, and civic unity.

We are a city of union works, educators, small-business owners, veterans, artists, and families from every corner of the world. We know what it means to pull together. We know what it means to lift each other up. And we know that hate has no home here in Lorain.

As we move forward, together we will continue to build a Lorain that reflects our highest ideals. A city where opportunity grows, where compassion leads, and where every person is treated with dignity.

Sincerely,

Jack W. Bradley
Mayor

200 West Erie Avenue – 7th Floor, Lorain, Ohio 44052 / Phone: 440-204-2002 / Fax: 440-204-2542
www.cityoflorain.org

CITY OF LORAIN

City Council Regular Meeting **4. b.**

Meeting Date: 12/15/2025

Submitted by: Alonna Lopez, Executive Assistant

PURPOSE AND BACKGROUND

Mayor Bradley's request for Council to approve the appointment of Kristen Massey to the Sewer and Water Advisory Board effective immediately through December 4, 2029.

RECOMMENDATION TO COUNCIL:

Consider for appointment.

Attachments

Appt. Letter

Resume

Form Review

Inbox	Reviewed By	Date
Mayor Bradley	Jack Bradley	12/10/2025 03:21 PM
Breanna Dull	Maggie Partin	12/11/2025 01:20 PM
Form Started By: Alonna Lopez		Started On: 12/10/2025 02:36 PM
Final Approval Date: 12/11/2025		

The City of Lorain, Ohio
Jack W. Bradley
Mayor

December 10, 2025

Lorain City Council
200 West Erie Avenue- 1st Floor
Lorain, OH 44052

Dear Members of Council:

Please find attached the biographical information for Kristen Massey. I am requesting Council's approval to appoint Kristen Massey to the Sewer and Water Advisory Board. Kristen Massey would begin her four (4) year term immediately upon council approval.

Thank you in advance for your kind consideration of this appointment request.

Very truly yours,

Jack W. Bradley,
Mayor of Lorain

200 West Erie Avenue – 7th Floor, Lorain, Ohio 44052 / Phone: 440-204-2002 / Fax: 440-204-2542
www.cityoflorain.org

Kristen Massey

Elyria, Ohio | 440-537-6992 | kburline75@gmail.com

SUMMARY OF QUALIFICATIONS

Detail-oriented and adaptable professional with advanced transcription and voice-writing proficiency. Skilled in managing deadlines and building strong client relationships. Known for leveraging a proactive approach and commitment to continuous learning to deliver accurate and timely results in high-pressure environments.

EDUCATION

Cuyahoga Community College | Parma, Ohio **Graduated: Spring 2025 – Summa cum laude**
Associate of Applied Business GPA: 3.96
Major: Captioning and Court Reporting, Voice Writing Dean's List: Fall 2022 – Spring 2025

Relevant Coursework: *Voicewriting I, II, III; Speedbuilding 180, 225; Legal Terminology; Court Procedures; Court Reporting Technology; Using Captioning Technology; Editing Legal Documents; Advanced Technology; Internship; Transcript Production.*

TECHNICAL SKILLS

Voice Recognition Software:	Dragon Recognition
CAT Software:	Eclipse Vox
Virtual Meeting Platforms:	Zoom, Webex, Microsoft Teams
Microsoft Office:	Outlook, Word, PowerPoint, and basic Excel
Social Media Administration:	LinkedIn, Instagram, TikTok, Facebook, X
Google Platforms:	Docs, Sheets, Slides, Forms

TRANSCRIPTION PROJECTS

Cuyahoga Community College | Parma, Ohio October 2024
Library of Congress: WWII Veteran Transcription Project

- Produced a precise ASCII-formatted transcript from video interview, ensuring transcribed material captured words verbatim and was properly formatted for archival standards.

TRANSCRIPTION EXPERIENCE

Cuyahoga Community College | Parma, Ohio January 2025 – May 2025
Official, Freelance, CART, Captioning Intern

- Engaged in hands-on experience alongside a certified voice writer/court reporter, setting up equipment, transcribing legal proceedings, and adhering to professional court reporting standards.
- Observed and assisted in multiple in-person and virtual depositions, gaining real-time exposure to legal procedures, attorney interactions, and court reporter responsibilities.
- Worked closely with court reporters and attorneys in depositions covering diverse subjects, including personal injury cases, wrongful death claims, expert witness testimonies, and fraud investigations.
- Developed and refined dictionary entries in Eclipse and Dragon software to enhance speech recognition accuracy, particularly for legal, medical, and financial terminology.
- Conducted detailed transcript reviews, implementing proofreading and editing techniques for increased accuracy and efficiency in transcription workflows.
- Applied advanced editing techniques in Eclipse, including syncing audio files, using hyperkeys, and creating block files for streamlined transcript preparation.
- Collaborated with experienced court reporters on post-deposition editing and production, ensuring precise documentation and professional transcript formatting.

WORK EXPERIENCE

J Callahan Painting LLC | Lorain, OH April 2014 – Present
Painter/Laborer

- Managed project logistics, including scheduling, client communication, and team supervision, demonstrating exceptional organizational skills, attention to detail, and the ability to meet tight deadlines.

Olive Garden | Middleburg Heights, Ohio January 2012 – April 2017
Server

- Demonstrated strong listening and communication skills by accurately processing customer requests and addressing concerns in a high-pressure environment, ensuring clarity and efficiency under tight time constraints to enhance service outcomes.

LEADERSHIP EXPERIENCE & CAMPUS INVOLVEMENT

Cuyahoga Community College | Westlake, Ohio

Phi Theta Kappa International Honors Society Lifetime Member (Since 2023)

CITY OF LORAIN

City Council Regular Meeting **6. a.**

Meeting Date: 12/15/2025

Submitted by: Maggie Partin, Deputy Clerk

PURPOSE AND BACKGROUND

Correspondence received from the Ohio Division of Liquor Control advising of a D1 D3 Permit Transfer Application received for Crystal Rock Inn located at 2215 E. 28th St., Lorain, from Tammy & Michael Losiewicz located at 2215 E. 28th St., (6th Ward).

RECOMMENDATION TO COUNCIL:

Authorize the Clerk to notify the Board that no complaints have been received.

Attachments

Liq Control

Form Review

Form Started By: Maggie Partin Started On: 12/09/2025 01:30 PM

Final Approval Date: 12/09/2025

LORAIN CITY COUNCIL
ATTN CLERK
200 W ERIE AVE
LORAIN OH 44052

RECEIVED 12.4.25 Mpeton

NOTICE TO LEGISLATIVE AUTHORITY

TO

10008303-1 PERMIT NUMBER	TRFO TYPE	Crystal Rock Inn 2215 E 28th St Lorain OH 44055 Muni/Village/Twp: Lorain
ISSUE DATE:		
FILING DATE: 11/21/2025		
PERMIT CLASSES: D-1 D-3		
47088 TAX DISTRICT	OCT RECEIPT NO	

FROM 12/1/2025

05302751-1 PERMIT NUMBER	TYPE	TAMMY & MICHAEL LOSIEWICZ TAMMY & MICHAEL LOSIEWICZ 2215 E 28TH ST LORAIN OH 44055 Muni/Village/Twp: Lorain
ISSUE DATE:		
FILING DATE:		
PERMIT CLASSES:		
47088 TAX DISTRICT	OCT RECEIPT NO	

MAILED 12/2/2025 **RESPONSES MUST BE POSTMARKED NO LATER THAN** 1/2/2026

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES: OCT TRFO 10008303-1
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT ☐ IN COLUMBUS

WE DO NOT REQUEST A HEARING ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title) - ☐ Clerk of County Commissioner ☐ Clerk of City Council ☐ Township Fiscal Officer (Date)

(Printed Name) (Email Address) (Telephone No.)

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension. o Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **MUST** be faxed, emailed, or mailed to the Division no later than the postmark deadline date stated on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

FAX: (614) 644 – 3166

EMAIL: Liquordocs@com.ohio.gov

MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

To find out who has disclosed an ownership interest in the permit application to us you can:

- Visit com.ohio.gov/liquorinfo. Select the "Search who has disclosed an ownership interest" tab. Where asked, enter the permit number listed on the legislative notice; or
- Contact your police department or county sheriff (if you are a township fiscal officer or county clerk). We also sent them detailed ownership information to review for any criminal background issues involving the disclosed persons.

We have resources for you at com.ohio.gov/govhelp. Never miss out on when renewal objections are due! Sign-up for our emails at com.ohio.gov/stayinformed.

Thank you in advance for your cooperation,

Division Licensing Section

(rev. 2.12.25)

CITY OF LORAIN

City Council Regular Meeting **9. a.**
Meeting Date: 12/15/2025
Submitted by: Maggie Partin, Deputy Clerk

PURPOSE AND BACKGROUND

The Police, Fire and Legislative Committee met on Monday, December 8th to discuss a proposed ordinance amending Ord. 266-74 which establishes 509.12 - Curfew - of Chapter 509 of the codified ordinances. The committee recommended amendments be made to the proposed legislation by the Law Department and the matter was referred back to council for consideration. Also, the committee discussed the Rules of Council and the City Council Agenda. The committee referred the item back to council for consideration once all updates and amendments have been made.

RECOMMENDATION TO COUNCIL:

Form Review

Form Started By: Maggie Partin Started On: 12/05/2025 02:08 PM
Final Approval Date: 12/05/2025

CITY OF LORAIN

City Council Regular Meeting **10. a.**

Meeting Date: 12/15/2025

Submitted by: Maggie Partin, Deputy Clerk

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

A Resolution recognizing and commending JoAnne Moon for outstanding public service as a member of Lorain City Council.

PURPOSE AND BACKGROUND:

RECOMMENDATION TO COUNCIL:

Lorain City Council consider

Attachments

Resolution

Form Review

Form Started By: Maggie Partin Started On: 12/05/2025 01:52 PM

Final Approval Date: 12/05/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Resolution No. -25

A RESOLUTION RECOGNIZING AND COMMENDING
~ JOANNE MOON ~
FOR OUTSTANDING PUBLIC SERVICE AS A MEMBER OF
LORAIN CITY COUNCIL

WHEREAS, **JOANNE MOON** has exemplified outstanding civic spirit and devotion to the duties incumbent upon her while serving as the 5th Ward Councilwoman from 2016 through 2025, she is and has been a dedicated advocate for South Lorain in the City of Lorain; and

WHEREAS, **JOANNE MOON** served as a member of the Federal Programs Committee during the 2016/2017, 2018/2019, 2020/2021 and 2022/2023 terms, Vice-Chairperson during the 2024/25 term, a member of the Parks and Recreation Committee during the 2022/2023 term, a member of the Building and Lands Committee during the 2016/2017, 2018/2019, 2022/2023, 2024/2025 and Vice-Chairperson during the 2020/2021 term; and

WHEREAS, **COUNCILWOMAN JOANNE MOON'S** passion for the City of Lorain is reflected in her steadfast dedication to Lorain City Schools and the children she serves. Ms. Moon is a committed advocate for youth and works tirelessly to support their growth, development, and success; and

WHEREAS, during her tenure, Lorain City Council held approximately 588 meetings during which approximately 1977 Ordinances and 433 Resolutions were passed.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That Lorain City Council does hereby recognize and commend **COUNCILWOMAN JOANNE MOON** as the City of Lorain City 5th Ward Councilwoman and wishes her much success, health and prosperity in her future endeavors.

SECTION II. That Lorain City Council directs a certified copy of this Resolution be presented to **JOANNE MOON** to serve as a memento and tribute to her dedication and service to our community.

SECTION III**.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 ORC.

SECTION IV. That this resolution shall take effect at the earliest date provided by law.

Passed_____, 2025 _____
President of Council

Attest: _____ _____
Clerk of Council Mayor

CITY OF LORAIN

City Council Regular Meeting **10. b.**

Meeting Date: 12/15/2025

Submitted by: Maggie Partin, Deputy Clerk

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

A Resolution recognizing and commending Beth Henley for outstanding public service as a member of Lorain City Council.

PURPOSE AND BACKGROUND:

RECOMMENDATION TO COUNCIL:

Lorain City Council consider

Attachments

Resolution

Form Review

Form Started By: Maggie Partin Started On: 12/05/2025 01:54 PM

Final Approval Date: 12/05/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Resolution No. -25

A RESOLUTION RECOGNIZING AND COMMENDING
~ BETH HENLEY ~
FOR OUTSTANDING PUBLIC SERVICE AS A MEMBER OF
LORAIN CITY COUNCIL

WHEREAS, **BETH HENLEY** has exemplified outstanding civic spirit and devotion to the duties incumbent upon her while serving as the 1st Ward Councilwoman from 2018 through 2025, she is and has been a dedicated advocate for the East Side of Lorain in the City of Lorain; and

WHEREAS, **BETH HENLEY** served as a member of the Parks and Recreation Committee during the 2018/2019, 2020/2021, 2022/2023 and 2024/2025 terms, a member of the Building and Lands Committee during her 2018/2019, 2020/2021 term and Vice-Chairperson during the 2022/23 and 2024/2025 terms, and a member of the Police, Fire and Legislative Committee during her 2018/2019, 2020/2021 term and Vice-Chairperson during the 2022/23 and 2024/2025 terms; and

WHEREAS, **COUNCILWOMAN BETH HENLEY'S** passion for the City of Lorain is demonstrated through her unwavering dedication to the East Side, where she routinely drives throughout her ward and provides assistance to residents in need, all of whom know they can count on her to be their champion. Mrs. Henley serves as a steadfast advocate for the city's parks within her ward and for the children and families that utilize them; and

WHEREAS, during her tenure, Lorain City Council held approximately 461 meetings during which approximately 1688 Ordinances and 346 Resolutions were passed.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That Lorain City Council does hereby recognize and commend **COUNCILWOMAN BETH HENLEY** for her service as the City of Lorain City 1st Ward Councilwoman and wishes her much success, health and prosperity in her future endeavors.

SECTION II. That Lorain City Council directs a certified copy of this Resolution be presented to **BETH HENLEY** to serve as a memento and tribute to her dedication and service to our community.

SECTION III**.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 ORC.

SECTION IV. That this resolution shall take effect at the earliest date provided by law.

Passed_____, 2025 _____
President of Council

Attest: _____ _____
Clerk of Council Mayor

CITY OF LORAIN

City Council Regular Meeting **10. c.**

Meeting Date: 12/15/2025

Submitted by: Maggie Partin, Deputy Clerk

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

A Resolution recognizing and commending JoAnne Moon for outstanding public service as a member of Lorain City Council.

PURPOSE AND BACKGROUND:

RECOMMENDATION TO COUNCIL:

Lorain City Council consider

Attachments

Resolution

Form Review

Form Started By: Maggie Partin Started On: 12/05/2025 01:55 PM

Final Approval Date: 12/05/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Resolution No. -25

A RESOLUTION RECOGNIZING AND COMMENDING
~ DAN NUTT ~
FOR OUTSTANDING PUBLIC SERVICE AS A MEMBER OF
LORAIN CITY COUNCIL

WHEREAS**, DAN NUTT** has exemplified outstanding civic spirit and devotion to the duties incumbent upon him while serving as the 4th Ward Councilman from 2022 through 2025; and

WHEREAS, **DAN NUTT** served on the Federal Programs Committee and Police/Fire and Legislative Committee during the 2022/2023 term, Chairman of the Finance Committee and Building and Lands Committee during the 2024/25 term; and

WHEREAS, **COUNCILMAN DAN NUTT'S** dedication to the City of Lorain is evident through his commitment to strengthening the city's financial health by serving on the Finance Committee, as well as through his various business endeavors, including rehabilitating and preserving properties slated for demolition, opening new businesses, and creating employment opportunities for residents; and

WHEREAS, during his tenure, Lorain City Council held approximately 253 meetings during which approximately 918 Ordinances and 163 Resolutions were passed.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That Lorain City Council does hereby recognize and commend **COUNCILMAN DAN NUTT** as the City of Lorain City 4th Ward Councilman and wishes him much success, health and prosperity in his future endeavors.

SECTION II. That Lorain City Council directs a certified copy of this Resolution be presented to **DAN NUTT** to serve as a memento and tribute to his dedication and service to our community.

SECTION III**.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 ORC.

SECTION IV. That this resolution shall take effect at the earliest date provided by law.

Passed_____, 2025 _____
President of Council

Attest: _____ _____
Clerk of Council Mayor

CITY OF LORAIN

City Council Regular Meeting **10. d.**

Meeting Date: 12/15/2025

Submitted by: Maggie Partin, Deputy Clerk

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

A Resolution recognizing and commending Sylvia DuVall for outstanding public service as a member of Lorain City Council.

PURPOSE AND BACKGROUND:

RECOMMENDATION TO COUNCIL:

Lorain City Council consider

Attachments

Resolution

Form Review

Form Started By: Maggie Partin Started On: 12/05/2025 01:56 PM

Final Approval Date: 12/05/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Resolution No. -25

A RESOLUTION RECOGNIZING AND COMMENDING
~ SYLVIA DUVALL ~
FOR OUTSTANDING PUBLIC SERVICE AS A MEMBER OF
LORAIN CITY COUNCIL

WHEREAS, **SYLVIA DUVALL** has exemplified outstanding civic spirit and devotion to the duties incumbent upon her while serving as the Councilwoman-at-Large from 2024 through 2025; and

WHEREAS, **SYLVIA DUVALL** served as Chairperson of the Federal Programs Committee during the 2024-2025 term and served as a member of the Finance and Claims Committee; and

WHEREAS, **COUNCILWOMAN SYLVIA DUVALL'S** passion for the City of Lorain is demonstrated through her work with numerous non-profit organizations, including the Fraternal Order of Police Auxiliary, and through her commitment to providing transparency in local government and ensuring that constituents receive clear and timely answers to their questions; and

WHEREAS, during her tenure, Lorain City Council held approximately 103 meetings during which approximately 396 Ordinances and 68 Resolutions were passed.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That Lorain City Council does hereby recognize and commend **COUNCILWOMAN SYLVIA DUVALL** for her service as the City of Lorain Councilwoman-at-Large and wishes her much success, health and prosperity in her future endeavors.

SECTION II. That Lorain City Council directs a certified copy of this Resolution be presented to **SYLVIA DUVALL** to serve as a memento and tribute to her dedication and service to our community.

SECTION III**.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 ORC.

SECTION IV. That this resolution shall take effect at the earliest date provided by law.

Passed_____, 2025 _____
President of Council

Attest: _____ _____
Clerk of Council Mayor

CITY OF LORAIN

City Council Regular Meeting **10. e.**

Meeting Date: 12/15/2025

Submitted by: Maggie Partin, Deputy Clerk

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

A Resolution recognizing and commending Mary Spellacy for outstanding public service as a member of Lorain City Council.

PURPOSE AND BACKGROUND:

RECOMMENDATION TO COUNCIL:

Lorain City Council consider

Attachments

Resolution

Form Review

Form Started By: Maggie Partin Started On: 12/05/2025 02:05 PM

Final Approval Date: 12/05/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Resolution No. -25

A RESOLUTION RECOGNIZING AND COMMENDING
~ MARY SPELLACY ~
FOR OUTSTANDING PUBLIC SERVICE AS A MEMBER OF
LORAIN CITY COUNCIL

WHEREAS, **MARY SPELLACY** has exemplified outstanding civic spirit and devotion to the duties incumbent upon her while serving as the 7th Ward Councilwoman from 2024 through 2025; and

WHEREAS, **MARY SPELLACY** served on the Police, Fire and Legislative Committee, Streets & Utilities Committee and Parks and Recreation Committee during her 2024/2025 term; and

WHEREAS, **COUNCILWOMAN MARY SPELLACY'S** passion for the City of Lorain resounds with her work with the International Association Festival and Parade, and through her work in the local court system, she provides valuable insight into the courts and their inner workings; and

WHEREAS, during her tenure, Lorain City Council held approximately 103 meetings during which approximately 396 Ordinances and 68 Resolutions were passed.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That Lorain City Council does hereby recognize and commend **COUNCILWOMAN MARY SPELLACY** for her service as the City of Lorain City 7th Ward Councilwoman and wishes her much success, health and prosperity in her future endeavors.

SECTION II. That Lorain City Council directs a certified copy of this Resolution be presented to **MARY SPELLACY** to serve as a memento and tribute to her dedication and service to our community.

SECTION III**.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 ORC.

SECTION IV. That this resolution shall take effect at the earliest date provided by law.

Passed_____, 2025 _____
President of Council

Attest: _____ _____
Clerk of Council Mayor

CITY OF LORAIN

City Council Regular Meeting **10. f.**

Meeting Date: 12/15/2025

Submitted by: Maggie Partin, Deputy Clerk

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

A RESOLUTION RECOGNIZING THE MONTH OF DECEMBER AS NATIONAL IMPAIRED DRIVING PREVENTION MONTH IN THE CITY OF LORAIN.

PURPOSE AND BACKGROUND:

WHEREAS, impaired driving—whether caused by alcohol, illegal drugs, or misused prescription medications—remains a preventable and serious public safety concern across the nation and within the City of Lorain; and

WHEREAS, the Lorain Police Department, Lorain County Sheriff's Office, Lorain County Public Health, local hospitals, and community organizations such as MADD Ohio work year-round to reduce impaired driving through enforcement, education, and prevention efforts; and

WHEREAS, December is a month of increased travel and holiday gatherings, during which impaired-driving incidents historically rise, making awareness and prevention especially important; and

WHEREAS, designating December as National Impaired Driving Prevention Month will help the City of Lorain encourage responsible decision-making, support community prevention initiatives, and promote safer roadways for all residents and visitors.

RECOMMENDATION TO COUNCIL:

Lorain City Council consider

Attachments

Resolution

Form Review

Form Started By: Maggie Partin Started On: 12/09/2025 01:18 PM

Final Approval Date: 12/09/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Resolution No._____

A RESOLUTION RECOGNIZING THE MONTH OF DECEMBER AS NATIONAL IMPAIRED DRIVING PREVENTION MONTH IN THE CITY OF LORAIN.

WHEREAS, impaired driving—whether caused by alcohol, illegal drugs, or misused prescription medications—remains a preventable and serious public safety concern across the nation and within the City of Lorain; and

WHEREAS, the Lorain Police Department, Lorain County Sheriff's Office, Lorain County Public Health, local hospitals, and community organizations such as MADD Ohio work year-round to reduce impaired driving through enforcement, education, and prevention efforts; and

WHEREAS, December is a month of increased travel and holiday gatherings, during which impaired-driving incidents historically rise, making awareness and prevention especially important; and

WHEREAS, designating December as National Impaired Driving Prevention Month will help the City of Lorain encourage responsible decision-making, support community prevention initiatives, and promote safer roadways for all residents and visitors.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO

Section 1. That Lorain City Council, on behalf of all residents in the City of Lorain, recognizes December as **National Impaired Driving Prevention Month** in the City of Lorain. Residents, businesses, schools, and community organizations are encouraged to participate in awareness and prevention activities throughout the month.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 ORC.

Section 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed:_____, 2025

_____
PRESIDENT OF COUNCIL

Attest: _____
CLERK OF COUNCIL

_____
MAYOR

CITY OF LORAIN

City Council Regular Meeting **10. g.**
Meeting Date: 12/15/2025
Submitted by: Evelisse Atkinson, Planning & Zoning Administrator

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

Resolution for a Proposed Subdivision at Permanant Parcel No. 02-02-028-105-001.

PURPOSE AND BACKGROUND

The City of Lorain is proposing the creation of a subdivision at the former Lakeview school site.

RECOMMENDATION TO COUNCIL:

Consider for passage

Attachments

Resolution
Resolution - Exhibit A

Form Review

Inbox	Reviewed By	Date
M. Kusznir	Matt Kusznir	12/10/2025 03:53 PM
Carrion	Rey Carrion	12/10/2025 04:32 PM
Mayor Bradley	Jack Bradley	12/10/2025 08:44 PM
P. Riley	Michele Beko	12/11/2025 12:28 PM

Form Started By: Evelisse Atkinson Started On: 12/10/2025 02:41 PM
Final Approval Date: 12/11/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

RESOLUTION NO._____

A RESOLUTION CONCURRING WITH THE PROPOSED SUBDIVISON OF CITY OWNED PROPERTY AT PERMANANT PARCEL NO. 02-02-028-105-001, FOR THE FUTURE DEVELOPMENT OF SINGLE-FAMILY DWELLINGS.

WHEREAS, the City of Lorain Planning Commission has recommended approval of the proposed subdivision of Permanent Parcel No. 02-02-028-105-001; and

WHEREAS, the City of Lorain has a principled interest in creating opportunities for affordable home ownership; and

WHEREAS, in preparation of potential grant funding from the State of Ohio, Welcome Home Ohio (WHO) grant, the City of Lorain has prepared the conceptual subdivision plan attached hereto as "Exhibit A"; and

WHEREAS, the Lorain City Council wishes to concur with the conceptual subdivision plan attached hereto as "Exhibit A" outlining the proposed creation of eighteen (18) lots at the former Lakeview Elementary school site.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF LORAIN, STATE OF OHIO:

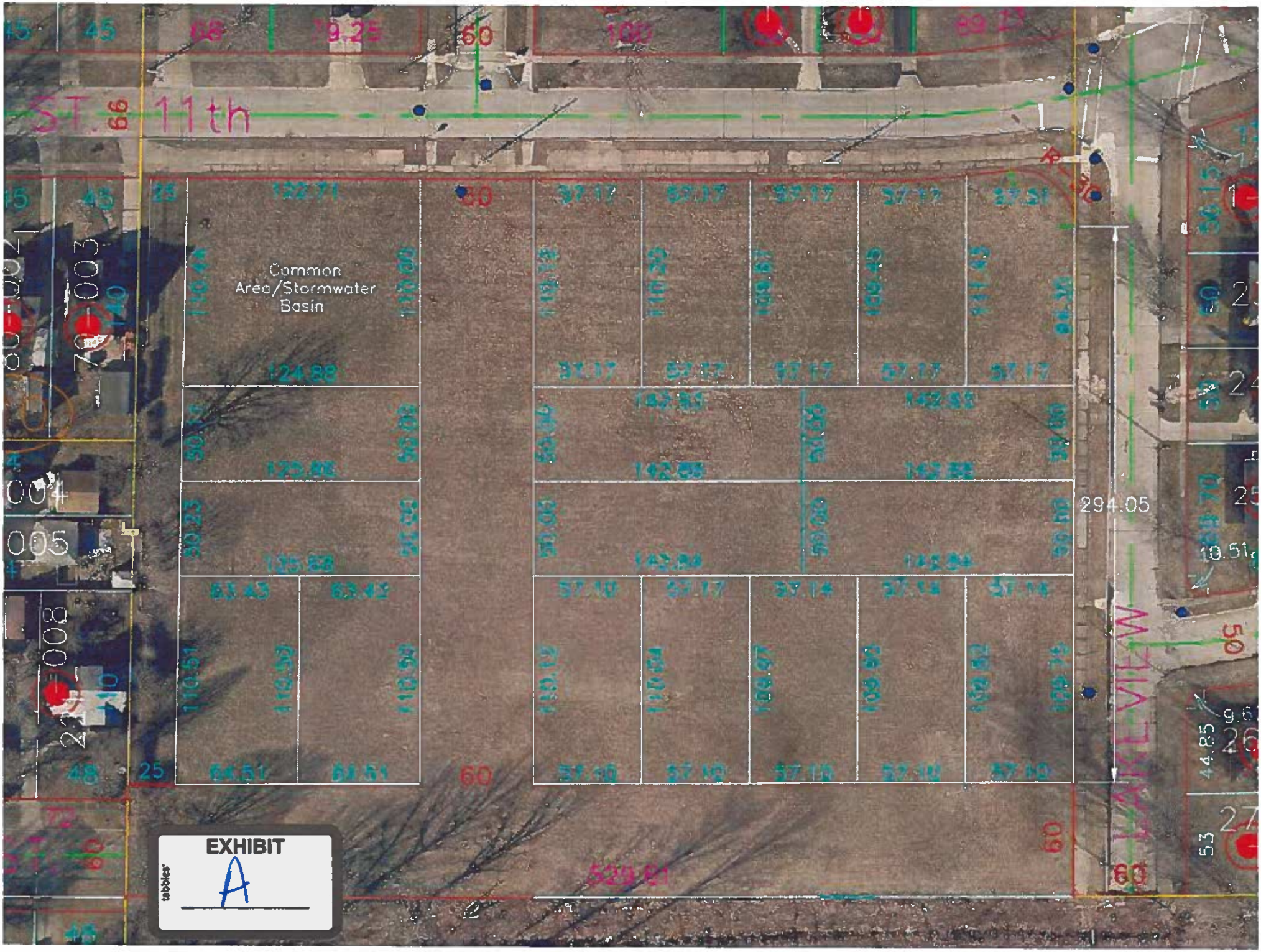
SECTION I: That the Lorain City Council hereby supports the subdivision of Permanent Parcel No. 02-02-028-105-001 for the potential development of owner-occupied single-family dwellings.

SECTION II: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal actions were in meetings open to the public and in compliance with Section 121.22 of the Ohio Revised Code.

PASSED: _____,2025 _____
PRESIDENT OF COUNCIL

ATTEST: _____,2025 _____
CLERK OF COUNCIL

APPROVED: _____, 2025 _____
MAYOR


ST. 11th
Common Area/Stormwater Basin
294.05
EXHIBIT
A

CITY OF LORAIN

City Council Regular Meeting **10. h.**

Meeting Date: 12/15/2025

Submitted by: Breanna Dull, Clerk of Council

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE LORAIN CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

PURPOSE AND BACKGROUND:

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and
WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and
WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council.

RECOMMENDATION TO COUNCIL:

Lorain City Council consider for passage.

Fiscal Impact

Funds Available In Current Year Budget (Y/N):	Y
Estimate of Total Expenditure:	$7284.00
List of Funding Source and/or Account Number:	1010.E100.1150.6300.1500
Estimate of Incoming Revenue (fees, grants, etc.):	N/A

Financing Requirements (Bonds, Loans, Lease, etc.):

Purchase approved by Board of Control November 26, 2025.

Attachments

Ordinance
Update Part 1
Update Part 2

Form Review

Inbox	Reviewed By	Date
Harper	Anita Harper	12/10/2025 03:57 PM
P. Riley	Michele Beko	12/11/2025 12:29 PM
Form Started By: Breanna Dull		Started On: 12/05/2025 11:45 AM

Final Approval Date: 12/11/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Ordinance _____

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE LORAIN CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Lorain City Council passed Ordinance 91-25 and authorized the Clerk of Lorain City Council to enter into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, OHIO:

SECTION I: That the ordinances of the City of Lorain, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2025 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION II: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.01 Meaning of words and phrases. (Added)
301.02 Agricultural tractor and traction engine. (Added)
301.03 Alley. (Added)
301.04 Arterial street or highway. (Added)
301.05 Autocycle. (Added)
301.06 Beacon. (Added)
301.07 Bicycle. (Added)
301.08 Bicycle box. (Added)
301.09 Bicycle lane. (Added)
301.10 Bicycle signal face. (Added)
301.11 Bicycle signal sign. (Added)
301.12 Bikeway. (Added)
301.13 Bus. (Added)
301.14 Business district. (Added)
301.15 Busway. (Added)
301.16 Cab-enclosed motorcycle. (Added)
301.17 Chauffeured limousine. (Added)

301.18 Child care center. (Added)
301.19 Commercial tractor. (Added)
301.20 Controlled-access highway. (Added)
301.21 Crosswalk. (Added)
301.22 Driver or operator. (Added)
301.23 Driveway. (Added)
301.24 Electric bicycle. (Added)
301.25 Electronic. (Added)
301.26 Emergency vehicle. (Added)
301.27 Explosives. (Added)
301.28 Expressway. (Added)
301.29 Farm machinery. (Added)
301.30 Flammable liquid. (Added)
301.31 Freeway. (Added)
301.32 Funeral escort vehicle. (Added)
301.33 Gross weight. (Added)
301.34 Highway maintenance vehicle. (Added)
301.35 Highway traffic signal. (Added)
301.36 Hybrid beacon. (Added)
301.37 In-road warning light. (Added)
301.38 Intersection. (Added)
301.39 Lane-use control signal. (Added)
301.40 Laned highway. (Added)
301.41 Limited driving privileges. (Added)
301.42 Local authorities. (Added)
301.43 Low-speed micromobility device. (Added)
301.44 Median. (Added)
301.45 Motor-driven cycle or motor scooter. (Added)
301.46 Motor vehicle. (Added)
301.47 Motorcycle. (Added)
301.48 Motorized bicycle or moped. (Added)
301.49 Motorized wheelchair. (Added)
301.50 Multi-wheel agricultural tractor. (Added)
301.51 Natural resources officer. (Added)
301.52 Operate. (Added)
301.53 Parked or parking. (Added)
301.54 Pedestrian. (Added)
301.55 Person. (Added)
301.56 Pole trailer. (Added)
301.57 Police officer. (Added)
301.58 Predicate motor vehicle or traffic offense. (Added)
301.59 Private road. (Added)
301.60 Public safety vehicle. (Added)
301.61 Railroad. (Added)
301.62 Railroad sign or signal. (Added)
301.63 Residence district. (Added)

301.64 Ridesharing arrangement. (Added)
301.65 Right-of-way. (Added)
301.66 Road service vehicle. (Added)
301.67 Roadway. (Added)
301.68 Roundabout. (Added)
301.69 Rural mail delivery vehicle. (Added)
301.70 Safety zone. (Added)
301.71 School bus. (Added)
301.72 Semitrailer. (Added)
301.73 Shared-use path. (Added)
301.74 Shoulder. (Added)
301.75 Sidewalk. (Added)
301.76 Site roadway open to public travel. (Added)
301.77 Standing. (Added)
301.78 State. (Added)
301.79 State highway. (Added)
301.80 State route. (Added)
301.81 Stop. (Added)
301.82 Stop intersection. (Added)
301.83 Stopping. (Added)
301.84 Street or highway. (Added)
301.85 Through highway. (Added)
301.86 Thruway. (Added)
301.87 Traffic. (Added)
301.88 Traffic control device. (Added)
301.89 Traffic control signal. (Added)
301.90 Trailer. (Added)
301.91 Train. (Added)
301.92 Truck. (Added)
301.93 Two-stage bicycle turn box. (Added)
301.94 Type A family child care home. (Added)
301.95 Urban district. (Added)
301.96 Vehicle. (Added)
301.97 Waste collection vehicle. (Added)
301.98 Wildlife officer. (Added)
303.01 Compliance with Lawful Order of Police Officer; Fleeing. (Amended)
303.083 Impounding Vehicles on Public Property. (Amended)
313.02 Through Highways; Stop and Yield Right-of-Way Signs. (Amended)
313.03 Traffic Signal Indications. (Amended)
313.04 Lane-Use Control Signal Indications. (Amended)
313.09 Driver's Duties Upon Approaching Ambiguous or Non-Working Traffic Signal. (Amended)
313.10 Unlawful Purchase, Possession or Sale. (Amended)
313.11 Portable Signal Preemption Devices Prohibited. (Amended)
313.12 Bicycle Symbol Signal Indications. (Added)
331.33 Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
331.38 Stopping for School Bus; Discharging Children. (Amended)
331.381 School Bus Operator to Report Violations. (Added)
331.39 Driving Across Grade Crossing. (Amended)

331.40 Stopping at Grade Crossing. (Amended)
331.401 Slow-Moving Vehicles or Equipment Crossing Railroad Tracks. (Added)
333.01 Driving or Physical Control While Under the Influence. (Amended)
333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.07 Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)
333.11 Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
335.04 Certain Acts Prohibited. (Amended)
335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
335.09 Display of License Plates or Validation Stickers; Registration. (Amended)
337.24 Motor Vehicle Stop Lights. (Amended)
337.26 Child Restraint System Usage. (Amended)
341.01 Commercial Drivers Definitions. (Amended)
351.03 Prohibited Standing or Parking Places. (Amended)
371.01 Right of Way in Crosswalk. (Amended)
371.03 Crossing Roadway Outside Crosswalk; Diagonal Crossings at Intersections. (Amended)
371.11 Persons Operating Motorized Wheelchairs. (Deleted)
371.12 Electric Personal Assistive Mobility Devices. (Amended)

General Offenses Code

513.01 Drug Abuse Control Definitions. (Amended)
513.02 Gift of Marihuana. (Amended)
513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04 Possessing Drug Abuse Instruments. (Amended)
513.05 Permitting Drug Abuse. (Amended)
513.07 Possessing or Using Harmful Intoxicants. (Amended)
513.08 Illegally Dispensing Drug Samples. (Amended)
513.12 Drug Paraphernalia. (Amended)
513.19 Pseudoephedrine Sales. (Added)
525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
533.01 Obscenity and Sex Offenses Definitions. (Amended)
533.03 Unlawful Sexual Conduct with a Minor. (Amended)
533.04 Sexual Imposition. (Amended)
533.24 Grooming. (Added)
537.02 Vehicular Homicide and Manslaughter. (Amended)
537.021 Vehicular Assault in a Construction Zone. (Amended)
537.14 Domestic Violence. (Amended)
537.20 Illegal Use of a Tracking Device or Application. (Added)
545.01 Theft and Fraud Definitions. (Amended)
545.05 Misdemeanor Theft. (Amended)
549.16 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended)

SECTION III: The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION IV: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION V: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements. Therefore, this Ordinance shall take effect and be in force from and immediately after its passage and approval of the Mayor, providing it meets the statutory requirements for passage.

PASSED: _____ , 2025

_____
President of Council

ATTEST: _____ , Clerk

_____
Mayor

APPROVED: _____ , 2025

CODIFIED ORDINANCES OF LORAIN OHIO

Local legislation current through September 2, 2025

State legislation current through June 5, 2025

We, Jack Bradley, Mayor and Breanna Dull, Clerk of Council, of Lorain, Ohio pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Lorain, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Lorain, Ohio, 1997, complete to September 2, 2025.

/s/ Jack Bradley
Mayor

/s/ Breanna Dull
Clerk of Council

Codified, edited and prepared for
publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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LORAIN, OHIO

ROSTER OF OFFICIALS

(2025)

COUNCIL

Joel Arredondo	President
Tony Dimacchia	At Large
Sylvia DuVall	At Large
Mary Springowski	At Large
Beth Henley	Ward 1
Victoria Kempton	Ward 2
Pamela Carter	Ward 3
Dan Nutt	Ward 4
Joanne Moon	Ward 5
Angel Arroyo, Jr.	Ward 6
Mary Spellacy	Ward 7
Joshua Thornsberry	Ward 8
Breanna Dull	Clerk of Council
Maggie Partin	Deputy Clerk of Council

ADMINISTRATION

Jack Bradley	Mayor
Patrick Riley	Law Director
Joseph Koziura	Auditor
Terri Soto	Treasurer

The publisher expresses its
appreciation to

BREANNA DULL
Clerk of Council

and all other City officials
who gave time and counsel
to the 1997 recodification of
the City's ordinances and preparation
of the 2025 Replacement Pages.

GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

(a) The Comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.

(b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.

(c) The cross references to related material following each chapter analysis.

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CODIFIED ORDINANCES OF LORAIN

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

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CHAPTER 301
Definitions

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301.01 MEANING OF WORDS AND PHRASES.
The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

301.02 AGRICULTURAL TRACTOR AND TRACTION ENGINE.
"Agricultural tractor" and "traction engine" means every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.
(ORC 4511.01(J))

301.03 ALLEY.
"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an "alley" by the Legislative Authority of the municipality in which the street or highway is located.
(ORC 4511.01(XX))

301.04 ARTERIAL STREET OR HIGHWAY.
"Arterial street or highway" means a street or highway primarily used by through traffic, usually on a continuous route or a street or highway designated as part of an arterial system. (ORC 4511.01(CCC))

301.05 AUTOCYCLE.
"Autocycle" has the same meaning as in Ohio R.C. 4501.01.
(ORC 4511.01(LLLL))

301.06 BEACON.
"Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

301.07 BICYCLE.
"Bicycle" means a pedal-powered vehicle upon which a human operator sits, including an electric bicycle. (ORC 4511.01(G))

301.08 BICYCLE BOX.
"Bicycle box" means a designated area on the approach to a signalized intersection, between an advance motorist stop line and the crosswalk or intersection, that is intended to provide bicyclists a visible location to wait in front of stopped motorists during the red signal phase. (ORC 4511.01(BBBB))

301.09 BICYCLE LANE.
"Bicycle lane" means a portion of a roadway that has been designated for preferential or exclusive use by bicyclists and is often delineated from the adjacent general purpose lanes by longitudinal pavement markings and either a bicycle lane symbol, words, or signs. The term includes all of the following:

(a) A buffer-separated bicycle lane, which is separated from the adjacent general-purpose lanes by a pattern of standard longitudinal pavement markings that are wider than a normal or wide-lane pavement marking;

(b) A counter-flow bicycle lane, which is a one directional bicycle lane that provides a lawful path of travel for bicycles in the opposite direction from the general traffic on a roadway that otherwise requires the general traffic to travel in only one direction. A counter-flow bicycle lane is designated by the traffic control devices used for other bicycle lanes;

(c) A separated bicycle lane, which is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from the motor vehicle traffic with a vertical element.
(ORC 4511.01(DDDD))

301.10 BICYCLE SIGNAL FACE.
"Bicycle signal face" means a signal face that displays only bicycle symbol signal indications in accordance with Ohio R.C. 4511.15 that exclusively controls a bicyclist's movement from a designated bicycle lane or from a separate facility, and that displays signal indications that are applicable only to a bicyclist's movement.
(ORC 4511.01(EEEE))

301.11 BICYCLE SIGNAL SIGN.

"Bicycle signal sign" means a sign meant to inform road users that the signal indications in the bicycle signal face are intended only for bicyclists, and to inform bicyclists which bicyclist movements are controlled by that bicycle signal face.
(ORC 4511.01(FFFF))

301.12 BIKEWAY.

"Bikeway" means any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether the facility is designated for the exclusive use of bicycles or if it is shared with other modes of transportation.
(ORC 4511.01(GGGG))

301.13 BUS.

"Bus" means every motor vehicle designed for carrying more than nine passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ride-sharing arrangement, designed and used for the transportation of persons for compensation.
(ORC 4511.01(L))

301.14 BUSINESS DISTRICT.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where fifty percent (50%) or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where fifty percent (50%) or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.
(ORC 4511.01(NN))

301.15 BUSWAY.

"Busway" means a traveled way that is used exclusively by buses.
(ORC 4511.01(HHHH))

301.16 CAB-ENCLOSED MOTORCYCLE.

"Cab-enclosed motorcycle" has the same meaning as in Ohio R.C. 4501.01.

301.17 CHAUFFEURED LIMOUSINE.

"Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in an chauffeured limousine. The term does not include any vehicle that is used exclusively in the business of funeral directing. (ORC 4511.01(LL))

301.18 CHILD CARE CENTER.

"Child care center" has the same meaning as set forth in Ohio R.C. 5104.01.
(ORC 4511.01(FFF))

301.19 COMMERCIAL TRACTOR.

"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.20 CONTROLLED-ACCESS HIGHWAY.

"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.
(ORC 4511.01(CC))

301.21 CROSSWALK.

"Crosswalk" means:

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the center line;

(b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface, which might be supplemented by contrasting pavement texture, style, or color;

(c) Notwithstanding subsections (a) and (b) of this definition, the term does not include an area where local authorities have placed signs indicating no crossing.
(ORC 4511.01(LL))

301.22 DRIVER OR OPERATOR.

"Driver" or "operator" means any person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

301.23 DRIVEWAY.

"Driveway" means an access from a roadway to a building, site, or abutting property.
(ORC 4511.01(IIII))

301.24 ELECTRIC BICYCLE.

"Electric bicycle" means a "class 1 electric bicycle", a "class 2 electric bicycle", or a "class 3 electric bicycle" as defined below.

(a) CLASS 1 ELECTRIC BICYCLE. Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(b) CLASS 2 ELECTRIC BICYCLE. Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.

(c) CLASS 3 ELECTRIC BICYCLE. Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.
(ORC 4511.01(SSS) - (VVV)

301.25 ELECTRONIC.
"Electronic" has the same meaning as in Ohio R.C. 4501.01.

301.26 EMERGENCY VEHICLE.
"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

301.27 EXPLOSIVES.
"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities of such nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, friction, concussion, percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches. (ORC 4511.01(T))

301.28 EXPRESSWAY.
"Expressway" means a divided arterial street or highway for through traffic with full or partial control of access with an excess of fifty percent (50%) of all crossroads separated in grade. (ORC 4511.01(ZZ))

301.29 FARM MACHINERY.
"Farm machinery" has the same meaning as in Ohio R.C. 4501.01.

301.30 FLAMMABLE LIQUID.
"Flammable liquid" means any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device.
(ORC 4511.01(U))

301.31 FREEWAY.
"Freeway" means a divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.
(ORC 4511.01(YY))

301.32 FUNERAL ESCORT VEHICLE.
"Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.
(ORC 4511.01(WW))

301.33 GROSS WEIGHT.
"Gross weight" means the weight of a vehicle plus the weight of any load thereon.
(ORC 4511.01(V))

301.34 HIGHWAY MAINTENANCE VEHICLE.

"Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.
(ORC 4511.01(QQQ))

301.35 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. The term includes a beacon, an in-road warning light, a lane-use control signal, and a traffic control signal. The term does not include a power-operated sign, steadily illuminated pavement marker, gate, flashing light signal, warning light, or steady burning electric lamp.
(ORC 4511.01(MMM))

301.36 HYBRID BEACON.

"Hybrid beacon" means a special type of beacon that is intentionally placed in a dark mode where no indications are displayed between periods of operation and, when operated, displays both steady and flashing highway traffic signal indications. The term includes both of the following:

(a) An emergency-vehicle hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist authorized emergency vehicles in entering or crossing a street or highway;

(b) A pedestrian hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk.
(ORC 4511.01(LLL))

301.37 IN-ROAD WARNING LIGHT.

"In-road warning light" means a special type of highway traffic signal that is installed in the roadway surface to warn road users that they are approaching a condition on or adjacent to the roadway that might not be readily apparent and might require the road users to reduce speed or come to a complete stop.
(ORC 4511.01(ZZZ))

301.38 INTERSECTION.

"Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley, driveway, or site roadway open to public travel with a public roadway or highway does not constitute an intersection, unless the public roadway or highway at the junction is controlled by a traffic control device.

(b) If a highway includes two roadways separated by a median, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle. As used in this division, "design vehicle" means the longest vehicle authorized under Ohio R.C. 5577.05 to operate on that roadway without a permit.

(c) At a location controlled by a highway traffic signal, regardless of the distance between the separate intersections as described in subsection (b) of this definition:
(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 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))

301.39 LANE-USE CONTROL SIGNAL.
"Lane-use control signal" means a signal face or comparable display on a full-matrix changeable message sign that displays indications to permit or prohibit the use of specific lanes of a roadway or a shoulder where driving is sometimes authorized or to indicate the impending prohibition of such use.
(ORC 4511.01(AAAA))

301.40 LANED HIGHWAY.
"Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
(ORC 4511.01(GG))

301.41 LIMITED DRIVING PRIVILEGES.
"Limited driving privileges" has the same meaning as in Ohio R.C. 4501.01.

301.42 LOCAL AUTHORITIES.
"Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.
(ORC 4511.01(AA))

301.43 LOW-SPEED MICROMOBILITY DEVICE.
"Low-speed micromobility device" means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor.
(ORC 4511.01(WWW))

301.44 MEDIAN.
"Median" means the portion of a highway separating opposing directions of the traveled way or the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The width of a median may be different between intersections, interchanges, and at opposite approaches of the same intersection.
(ORC 4511.01(NNN))

301.45 MOTOR-DRIVEN CYCLE OR MOTOR SCOOTER.
"Motor-driven cycle or motor scooter" has the same meaning as in Ohio R.C. 4501.01.

301.46 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
(ORC 4511.01(B))

301.47 MOTORCYCLE.

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

301.48 MOTORIZED BICYCLE OR MOPED.

"Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty miles per hour on a level surface. The terms do not include an electric bicycle.
(ORC 4511.01(H))

301.49 MOTORIZED WHEELCHAIR.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.
(ORC 4511.01(EEE))

301.50 MULTI-WHEEL AGRICULTURAL TRACTOR.

"Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.
(ORC 4511.01(GGG))

301.51 NATURAL RESOURCES OFFICER.

"Natural resources officer" means an officer appointed pursuant to Ohio R.C. 1501.24.
(ORC 4511.01(XXX))

301.52 OPERATE.

"Operator" means to cause or have caused movement of a vehicle.
(ORC 4511.01(HHH))

301.53 PARKED OR PARKING.

"Parked" or "parking" means the standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.

301.54 PEDESTRIAN.
"Pedestrian" means any person on foot, in a motorized or non-motorized wheelchair, or using another equivalent device, such as skates or a skateboard. The term includes a personal delivery device as defined in Ohio R.C. 4511.513 unless the context clearly suggests otherwise. (ORC 4511.01(X))

301.55 PERSON.
"Person" means every natural person, firm, partnership, association or corporation. (ORC 4511.01(W))

301.56 POLE TRAILER.
"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections. (ORC 4511.01(O))

301.57 POLICE OFFICER.
"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
(ORC 4511.01(Z))

301.58 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.
"Predicate motor vehicle or traffic offense" means any of the following:

(a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 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, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;

(b) A violation of Ohio R.C. 4511.17(A)(2), 4511.51(A) through (D), or 4511.74(A);

(c) A violation of any provision of Ohio R.C. 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(d) A violation of Ohio R.C. 4511.214;

(e) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in subsection (a), (b), (c) or (d) of this definition.

(ORC 4511.01(III))

301.59 PRIVATE ROAD.
"Private road" 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))

301.60 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

(a) Ambulances, including private ambulance companies under contract to a municipality, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under Ohio R.C. 4503.49;

(b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(c) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;

(d) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

(e) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether such vehicle has already passed a hospital;

(f) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34. (ORC 4511.01(E))

301.61 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails or tracks placed principally on a private right-of-way.
(ORC 4511.01(P))

301.62 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a train.
(ORC 4511.01(SS))

301.63 RESIDENCE DISTRICT.

"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.
(ORC 4511.01(OO))

301.64 RIDESHARING ARRANGEMENT.

"Ridesharing arrangement" includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes arrangements known as carpools, vanpools, and buspools.
(ORC 4511.01(DDD))

301.65 RIGHT-OF-WAY.

"Right-of-way" means either of the following, as the context requires:

(a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;

(b) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, "right-of-way" includes the roadway, shoulders or berm, ditch, and slopes extending to the rightof-way limits under the control of the state or local authority.

(ORC 4511.01(UU))

301.66 ROAD SERVICE VEHICLE.

"Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (ORC 4511.01(JJJ))

301.67 ROADWAY.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel and parking lanes, not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a highway includes two or more separate roadways, the term means any such roadway separately but not all such roadways collectively.
(ORC 4511.01(EE))

301.68 ROUNDABOUT.

"Roundabout" means a circular intersection with a yield control at each entry, which permits a vehicle on the circulatory roadway to proceed, with deflection of the approaching vehicles counter-clockwise around a central island.
(ORC 4511.01(JJJJ))

301.69 RURAL MAIL DELIVERY VEHICLE.

"Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.
(ORC 4511.01(VV))

301.70 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.
(ORC 4511.01(MM))

301.71 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function. The term does not include any of the following:

(a) A bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function;

(b) A van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time;

(c) An alternative vehicle as defined in Ohio R.C. 4511.76.
(ORC 4511.01(F))

301.72 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.
(ORC 4511.01(N))

301.73 SHARED-USE PATH.

"Shared-use path" means a bikeway outside the traveled way and physically separated 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 nonmotorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use.
(ORC 4511.01(PPP))

301.74 SHOULDER.

"Shoulder" means a longitudinal area contiguous with the traveled way that is used for accommodating vehicles that are stopped for an emergency and for lateral support of base and surface courses; graded for emergency stopping; either paved or unpaved; and when paved, may be open for parttime travel by some or all vehicles or may also be available for use by pedestrians or bicycles in the absence of other pedestrian or bicycle facilities.
(ORC 4511.01(KKKK))

301.75 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines or easements of private property, that is paved or improved, and is intended for the use of pedestrians.
(ORC 4511.01(FF))

301.76 SITE ROADWAY OPEN TO PUBLIC TRAVEL.

"Site roadway open to public travel" means a roadway or bikeway on site of a shopping center, office park, airport, school, university, sports arena, recreational park, or other similar business, government, or recreation facility that is publicly or privately owned but where the public is allowed to travel without full-time access restrictions. The term does not include a roadway where access is restricted at all times by gates or guards to residents, employees, or other specifically authorized persons, a parking area, a driving aisle within a parking area, or a private highway-rail grade crossing.
(ORC 4511.01(OOO))

301.77 STANDING.
"Standing" when prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

301.78 STATE.
"State" has the same meaning as in Ohio R.C. 4501.01.

301.79 STATE HIGHWAY.
"State highway" means a highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in Ohio R.C. 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by Ohio R.C. 4511.01 through 4511.79 and 4511.99. (ORC 4511.01(II))

301.80 STATE ROUTE.
"State route" means every highway which is designated with an official state route number and so marked. (ORC 4511.01(JJ))

301.81 STOP.
"Stop" when required, means a complete cessation of movement.

301.82 STOP INTERSECTION.
"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

301.83 STOPPING.
"Stopping" when prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

301.84 STREET OR HIGHWAY.
"Street or highway" means a general term for denoting a public way for purposes of travel by vehicles and vulnerable road users, including the entire area within the right-of-way. (ORC 4511.01(BB))

301.85 THROUGH HIGHWAY.
"Through highway" means every street or highway as provided in Ohio R.C. 4511.65, or a substantially equivalent municipal ordinance.
(ORC 4511.01(HH))

301.86 THRUWAY.
"Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.
(ORC 4511.01(AAA))

301.87 TRAFFIC.
"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or site roadway open to public travel.
(ORC 4511.01(TT))

301.88 TRAFFIC CONTROL DEVICE.

"Traffic control device" means a flagger, sign, signal, marking, channelization device, or other device that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a street, highway, site roadway open to public travel, pedestrian facility, bikeway, or pathway. (ORC 4511.01(QQ))

301.89 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means a highway traffic signal placed at an intersection, movable bridge, fire station, mid-block crosswalk, alternating one-way sections of a single lane road, private driveway, or other location that requires conflicting traffic to be directed to stop and permitted to proceed in an orderly manner. The term includes a vehicular signal indication, a pedestrian signal indication, and a bicycle symbol signal indication. The term does not include an emergency-vehicle hybrid beacon or a pedestrian hybrid beacon.
(ORC 4511.01(RR))

301.90 TRAILER.

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.
(ORC 4511.01(M))

301.91 TRAIN.

"Train" means one or more locomotives coupled, with or without cars, that operates on rails or tracks and to which all other traffic is required by law to yield the right-of-way at highway-rail grade crossings.
(ORC 4511.01(Q))

301.92 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

301.93 TWO-STAGE BICYCLE TURN BOX.

"Two-stage bicycle turn box" means a designated area at an intersection that is intended to provide bicyclists a place to wait for traffic to clear before proceeding in a different direction of travel. (ORC 4511.01(CCCC))

301.94 TYPE A FAMILY CHILD CARE HOME.

"Type A family child care home" has the same meaning as set forth in Ohio R.C. 5104.01.

301.95 URBAN DISTRICT.

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.
(ORC 4511.01(PP))

301.96 VEHICLE.

"Vehicle" means every device, including a bicycle, motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway. The term does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in Ohio R.C. 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device that is moved by human power.
(ORC 4511.01(A))

301.97 WASTE COLLECTION VEHICLE.

"Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.
(ORC 4511.01(RRR))

301.98 WILDLIFE OFFICER.

"Wildlife officer" means an officer designated pursuant to Ohio R.C. 1531.13.
(ORC 4511.01(YYY))

CHAPTER 303
Enforcement, Impounding and Penalty

303.01 Compliance with lawful order of police officer; fleeing.
303.02 Traffic direction in emergencies; obedience to school guard.
303.03 Officer may remove ignition key.
303.04 Road workers, motor vehicles and equipment excepted.
303.05 Application to persons riding, driving animals upon roadway.
303.06 Freeway use prohibited by pedestrians, bicycles and animals.
303.07 Application to drivers of government vehicles.
303.08 Impounding of vehicles; redemption.
303.081 Nuisance motor vehicle.
303.082 Private tow-away zones.
303.083 Impounding vehicles on public property.
303.09 Leaving junk and other vehicles on private or public property without permission or notification.
303.10 Leaving junk vehicles on private property with permission of owner.
303.11 Providing false information to police officer.
303.99 General Traffic Code penalties.
303.991 Committing an offense while distracted penalty.

CROSS REFERENCES

See sectional histories for similar State law
Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.
Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.
Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34
State point system suspension - see Ohio R.C. 4507.40
Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06
Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13
Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15
Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)

(c) (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of subsection (a) of this section is a misdemeanor of the first degree.

(3) Except as provided in subsections (c)(4) and (c)(5) of this section, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.

(4) A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5) A. A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:

1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.
2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

B. If a police officer pursues an offender who is violating subsection (b) of this section and subsection (c)(5)A. of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of subsection (b) of this section, shall consider, along with the factors set forth in Ohio R.C. 2929.12 and 2929.13 that are required to be considered, all of the following:

1. The duration of the pursuit;
2. The distance of the pursuit;
3. The rate of speed at which the offender operated the motor vehicle during the pursuit;
4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;
5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;
6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;
7. Whether the offender committed a moving violation during the pursuit;
8. The number of moving violations the offender committed during the pursuit;
9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under Ohio R.C. 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one

suspension as described in Ohio R.C. 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subdivision. (ORC 2921.331)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

(c) Whoever violates this section 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. (Ord. 123-18. Passed 9-17-18.)

303.03 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership. (Ord. 123-18. Passed 9-17-18.)

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

(a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

(c) (1) This section does not exempt a driver of as highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.

(2) This section does not exempt a driver of a vehicle who is not a state employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(d) As used in this section, "engaged in the performance of official duties" includes driving a highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting a highway maintenance vehicle, equipment, or materials to and from a work location. (Ord. 123-18. Passed 9-17-18.)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable.
(Ord. 123-18. Passed 9-17-18.)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

(1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

(2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles. (Ord. 123-18. Passed 9-17-18.)

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal and impounding of a vehicle under the following circumstances:

(1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations;

(2) When any motor vehicle, including an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, is left on private residential property, as defined in Ohio R.C. 4513.60, or on private agricultural property, for at least four consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place, except that when such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately;

When a person causes a motor vehicle to be towed, under this subsection, the responsibility for the towing and the cost for the towing shall be borne by the owner of such vehicle.

When the owner or person having control of the property causes a motor vehicle to be towed under this subsection, such person must notify the Police Division of the tow and of the license number of the motor vehicle being removed.

(Adopting Ordinance)

(3) When any vehicle has been stolen or operated without the consent of the owner;

(4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;

(5) When any vehicle has been used in or connected with the commission of a felony;

(6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property;

(7) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator;

(8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;

(9) When any vehicle has been operated by any person who is driving without a lawful license or while his or her license has been suspended or revoked;

(10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required.

(11) When any vehicle has been parked for more than one hour in excess of the time allowed for parking.

(12) When any vehicle lack equipment required by law.

(13) When any vehicle is left unattended upon any City parking lot under contract parking only.

(14) When any vehicle is left unattended upon any sidewalk and is so illegally parked as to constitute a hazard or obstruction to the normal movement of pedestrian traffic or to interfere with the movement to and from emergency, fire or other exits of any building.

(b) The Division of Police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the Division of Police to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima facie evidence that it was so removed by the owner or operator.

(d) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any cost incurred by the Municipality in disposing of such abandoned junk motor vehicle or nuisance motor vehicle, less any money accruing to the Municipality from disposal.
(Ord. 123-18. Passed 9-17-18.)

303.081 NUISANCE MOTOR VEHICLE.

(a) Notice to Abate; Compliance.

(1) No person shall suffer, permit or allow to exist within the City any act, thing or condition of a kind which has been or may hereafter be defined by ordinance as a nuisance motor vehicle.

(2) A nuisance motor vehicle is defined as a motor vehicle unlicensed or three years old or older, extensively damaged, such damage including but not limited to, missing wheels, tires, motor or transmission, apparently inoperable and having a fair market value of one thousand five hundred dollars ($1,500.00) or less upon public or private property for more than five days without being stored within an enclosed garage or obscured from public view. The notice required by division (a) of this section shall also be posted in a conspicuous place upon the motor vehicle. The appropriate City department or division directed by the Safety-Service Director to serve such notice shall be deemed to have permission to enter upon such premises to post the notice upon the motor vehicle. Posting of such notice upon the motor vehicle shall be deemed service upon the owner and the person having possession of the motor vehicle. Three days after service of notice as provided in division (a) of this section, such motor vehicle shall be deemed to be stored without permission of the person having the right to possession of the property and "a nuisance motor vehicle" under this section, subject to being impounded as provided in Section 303.08.

(3) Whenever a nuisance motor vehicle exists, the Safety-Service Director shall direct the appropriate City department or division to cause the owner, tenant or person in charge of such property upon which such public nuisance exists to be served with a notice to abate the public nuisance. Compliance shall be required within not less than three days after receipt of such notice. If notice and service of same is impossible as outlined in division (a) and (b) of this section, such notice shall be personally served

(3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.

(4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(h) No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(i) This section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.

(j) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.

(k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

(1) Any person who holds title to the property;

(2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;

(3) A person who is authorized to manage the property;

(4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section. (Ord. 123-18. Passed 9-17-18.)

303.083 IMPOUNDING VEHICLES ON PUBLIC PROPERTY.

(a) The chief of a law enforcement agency of the municipal corporation, within the chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the chief of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that:

(1) Has come into the possession of the chief, or state highway patrol trooper as a result of the performance of the chief's or trooper's duties; or

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;

B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the chief, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the chief, or state highway patrol trooper. If the chief, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the chief, or state highway patrol trooper shall order the removal of the vehicle.

(3) Subject to subsection (c) of this section, the chief shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the chief, or a state highway patrol trooper issues an order under subsection (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the chief not more than two hours after the time it is removed.

(c) (1) The chief shall cause a search to be made of the records of an applicable entity listed in Ohio R.C. 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the chief, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the chief shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.

(2) A. The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the chief, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;

2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

B. For purposes of subsection (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars ($25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at a public auction as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the chief, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the chief shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The chief shall retain the original of the affidavit for the chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section. (ORC 4513.61)

303.09 LEAVING JUNK AND OTHER VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(a) No person shall leave any vehicle or an "abandoned junk motor vehicle," as defined in Ohio R.C. 4513.63, on private property without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purpose of vehicular travel or parking, or upon or within the right-of-way of any road or highway, without notification to the Police Chief of the reason for leaving the vehicle in such place.

(b) No person shall leave any motor vehicle deemed a nuisance motor vehicle as provided in Section 303.081 on private property for more than three days without being stored within an enclosed garage or obscured from public view.

(c) For purposes of this section, the fact that a vehicle has been left without permission or notification is prima facie evidence of abandonment. For purposes of this section, the fact that a vehicle is deemed a nuisance motor vehicle as provided in Section 303.081 is prima facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating to prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality.

(d) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any cost incurred by the Municipality in disposing of such abandoned junk motor vehicle or nuisance motor vehicle, less any money accruing to the Municipality from disposal.
(Ord. 123-18. Passed 9-17-18.)

303.10 LEAVING JUNK VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.

(a) (1) For purposes of this section, "junk motor vehicle" means any motor vehicle which is three years old or older; extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; apparently inoperable; and having a fair market value of one thousand five hundred dollars ($1,500.00) or less, that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of Ohio R.C. 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(2) The Municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the Municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

(3) The Police Chief, the Council, or the zoning authority may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

(4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.

CHAPTER 313
Traffic Control Devices

313.01 Obedience to traffic control devices.
313.02 Through highways; stop and yield right-of-way signs.
313.03 Traffic signal indications.
313.04 Lane-use control signal indications.
313.05 Special 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.
313.12 Bicycle symbol signal indications.

CROSS REFERENCES

See sectional histories for similar State law
Designation of through streets or stop intersections - see Ohio R.C. 4511.07(F), 4511.65
Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)
Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11
Traffic control devices defined - TRAF. 301.88

313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.12)

313.02 THROUGH HIGHWAYS; STOP AND YIELD RIGHT-OF-WAY SIGNS.

(a) All State routes are hereby designated as through highways, provided that stop signs, yield signs or highway traffic signals shall be erected at all intersections with such through highways by the Department of Transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more State routes that are through highways intersect and no highway traffic signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by local authorities having jurisdiction, except as otherwise provided in this section.

Whenever the Ohio Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under the Director's jurisdiction. Before the Director either installs or removes a stop sign under this paragraph, the Director shall give notice, in writing, of that proposed action to the Municipality at least thirty days before installing or removing the stop sign.

(b) Other streets or highways, or portions thereof, are hereby designated through highways, if they are within the Municipality, if they have a continuous length of more than one mile between the limits of such street or highway or portion thereof, and if they have "stop" or "yield" signs or highway traffic signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of such street or highway, or portion thereof, shall be a municipal corporation line, the physical terminus of the street or highway or any point on the streets or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residence districts the Municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more streets or highways designated under this subsection (b) intersect and no highway traffic signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by Council or the authorized local authority, except as otherwise provided in this section.

(c) Stop signs need not be erected at intersections so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right of way to or merge with all traffic proceeding on the through highway.

(d) Council or the authorized local authority may designate additional through highways and shall erect stop signs, yield signs or highway traffic signals at all streets and highways intersecting such through highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection.
(ORC 4511.65)

313.03 TRAFFIC SIGNAL INDICATIONS.

Highway traffic signal indications for vehicles, and pedestrians shall have the following meanings:

(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.

(g) General Application: In the event an official highway traffic 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 INDICATIONS.

(a) The meanings of lane-use control signal indications are as follows:

(1) A steady downward green arrow means that the lane over which the arrow signal indication is located is open to vehicle travel in that direction.

(2) A steady yellow "X" means that the lane over which the signal indication is located is about to be closed to vehicle traffic in that direction and will be followed by a steady red "X" signal indication, either within the same signal face or in a downstream signal face.

(3) A steady white two-way left-turn arrow means that the lane over which the signal indication is located is open to traffic making a left turn from either direction of travel, but not for through travel.

(4) A steady white one-way left-turn arrow means that the lane over which the signal indication is located is open to traffic making a left turn in that direction, without opposing turns in the same lane, but not for through travel.

(5) A steady red "X" means that the lane over which the signal indication is located is closed to vehicle traffic in the direction viewed by the road user. (ORC 4511.131)

(2) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates subsection (a)(2) of 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 subsection (a)(2) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.17)

313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by highway traffic signals shall do all of the following if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right of way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle.

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(3) Exercise ordinary care while proceeding through the intersection.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.132)

313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.

(a) As used in this section, "traffic control device" means any sign, highway traffic signal or other device conforming to and placed or erected in accordance with the manual adopted under Ohio R.C. 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess or sell, a traffic control device, except when one of the following applies:

(1) In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;

(2) In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;

(3) For the purpose of demonstrating the design and function of a traffic control device to State or local officials;
(4) When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;
(5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Ohio R.C. 2913.02 or a municipal ordinance relating to theft, or for receiving stolen property in violation of Ohio R.C. 2913.51 or a municipal ordinance relating to receiving stolen property.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.18)

313.11 PORTABLE SIGNAL PREEMPTION DEVICES PROHIBITED.

(a) As used in this section:
(1) HIGHWAY MAINTENANCE VEHICLE. A vehicle used in snow and ice removal, including a snow plow, when it is owned by a political subdivision and operated by an employee of that political subdivision.
(2) PEACE OFFICER. Has the same meaning as in Ohio R.C. 109.71(A)(1), (A)(12), (A)(14), and (A)(19).
(3) PORTABLESIGNALPREEMPTION DEVICE. A device that, if activated by a person, is capable of changing a highway traffic signal to green out of sequence.
(4) PUBLIC SAFETY VEHICLE. Has the same meaning as in Ohio R.C. 4511.01(E)(1), (E)(3), and (E)(4).

(b) Except as provided in subsections (c) and (d) of this section:
(1) No person shall possess a portable signal preemption device.
(2) No person shall use a portable signal preemption device to affect the operation of the highway traffic signal.

(c) Subsection (b)(1) of this section does not apply to any of the following persons:
(1) A peace officer;
(2) A state highway patrol trooper;
(3) A person while occupying a public safety vehicle;
(4) The authorized employee operator of a highway maintenance vehicle.

(d) Subsection (b)(2) of this section does not apply under either of the following circumstances:
(1) When a person listed in subsections (c)(1) to (c)(3) of this section is responding to an emergency call;
(2) When a person listed in subsection (c)(4) of this section is responding to an emergency level two or level three weather event.

(e) Whoever violates subsection (b)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (b)(2) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.031)

313.12 BICYCLE SYMBOL SIGNAL INDICATIONS.

Bicycle symbol signal indications have the following meanings:

(a) A steady green bicycle signal indication means that bicyclists are permitted to enter the intersection only to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face. Bicyclists proceeding into the intersection during the display of the indication 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) A steady yellow bicycle signal indication means that bicyclists are warned that the related green movement is being terminated and that a steady red bicycle signal indication will be displayed immediately thereafter when bicyclists shall not enter the intersection. The provisions governing bicyclist operations under the movement being terminated continue to apply while the steady yellow bicycle signal indication is displayed.

(c) (1) A steady red bicycle signal indication means that bicyclists shall not enter the intersection to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face. Unless the bicyclist is entering the intersection to make another movement permitted by another bicycle symbol signal indication, the bicyclist shall stop at a clearly marked stop line; but if there is no stop line, shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, shall stop before entering the intersection; and shall remain stopped until a green bicycle signal indication to proceed is displayed.

  (2) Except when a traffic control device is in place prohibiting a turn on red, bicyclists facing a steady red bicycle signal indication are permitted to enter the intersection to turn right if there are no approach lanes for motor vehicle traffic to their right. The right to proceed with the turn is subject to the provisions that are applicable after making a stop at a stop sign.

(d) A flashing green bicycle signal indication and a flashing yellow bicycle signal indication have no meaning and shall not be used.

(e) A flashing red bicycle signal indication means that bicyclists shall stop at a clearly marked stop line; but if there is no stop line, shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, shall stop at the point nearest the intersecting roadway where the bicyclists have a view of approaching traffic on that roadway before entering the intersection. The right to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face is subject to the provisions that are applicable after making a stop at a stop sign.
(ORC 4511.15)

TITLE FIVE - Vehicles

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Chap. 333. OVI; Willful Misconduct; Speed.
Chap. 335. Licensing; Accidents.
Chap. 337. Safety and Equipment.
Chap. 339. Commercial and Heavy Vehicles.
Chap. 341. Commercial Drivers.
Chap. 343. Under-Speed Vehicles.

CHAPTER 331
Operation Generally

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331.02 Passing to right when proceeding in opposite directions.
331.03 Overtaking, passing to left; driver's duties.
331.04 Overtaking and passing upon right.
331.05 Overtaking, passing to left of center.
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331.45 Restrictions on the operation of school buses.

CROSS REFERENCES
See sectional histories for similar State law
Obedience to traffic control devices - see TRAF. 313.01
Operation of bicycles and motorcycles - see TRAF. 373.01 et seq.
School bus operation - see OAC Ch. 4501-3

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:

A. When overtaking and passing another vehicle proceeding in the same direction;

B. When preparing for a left turn;

C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.73)

331.29 DRIVING THROUGH SAFETY ZONE.

(a) No vehicle shall at any time be driven through or within a safety zone.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.60)

331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.32)

331.31 DRIVING UPON DIVIDED ROADWAYS.

(a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.35)

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

(a) No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

(b) Whoever violates this section 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.

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or trains, notwithstanding any highway traffic signal indication to proceed.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.712)

331.34 FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION.

(a) No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.

(b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.

(d) Whoever violates this section 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.

331.35 OCCUPYING TRAVEL TRAILER, FIFTH WHEEL VEHICLE, OR MANUFACTURED OR MOBILE HOME WHILE IN MOTION.

(a) Except as provided in subsection (b) of this section, no person shall occupy any travel trailer, fifth wheel trailer, or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) (1) Subsection (a) of this section does not apply to a fifth wheel trailer when both of the following apply:

A. Any child riding in the fifth wheel trailer is properly secured in the manner provided in Ohio R.C. 4511.81.

B. The operator of the vehicle towing the fifth wheel trailer has some means of viable communication with the passengers riding in the trailer.

(2) As used in this section, "viable communication" includes a cellular or satellite telephone, a radio or any other similar electronic wireless communications device.

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

(d) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.701)

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b) Whoever violates this section 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.

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

(a) (1) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(2) This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties.

(3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the Ohio Department of Education and Workforce, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Ohio Administrative Code.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child or person's residence side of the road.

(f) As used in this section:

(1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.

(2) "School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the Ohio Department of Education and Workforce, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.77, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

(g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars ($500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

331.381 SCHOOL BUS OPERATOR TO REPORT VIOLATIONS.

(a) Definition. As used in this section, "license plate" includes, but is not limited to, any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.

(b) Report by School Bus Driver. When the operator of a school bus believes that a motorist has violated Section 331.38(a), the operator shall report the license plate number and a general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred. The information contained in the report relating to the license plate number and to the general description of the vehicle and the operator of the vehicle at the time of the alleged violation may be supplied by any person with first-hand knowledge of the information. Information of which the operator of the school bus has first-hand knowledge also may be corroborated by any other person.

(c) Investigation. Upon receipt of the report of the alleged violation of Section 331.38(a), the law enforcement agency shall conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation. If the identity of the operator at the time of the alleged violation is established, the reporting of the license plate number of the vehicle shall establish probable cause for the law enforcement agency to issue a citation for the violation of Section 331.38(a). However, if the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency shall issue a warning to the owner of the vehicle at the time of the alleged violation, except in the case of a leased or rented vehicle when the warning shall be issued to the lessee at the time of the alleged violation. (ORC 4511.751)

331.39 DRIVING ACROSS GRADE CROSSING.

(a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.

B. A crossing gate is lowered.

C. A flagperson gives or continues to give a signal of the approach or passage of a train or other ontrack equipment.

D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or trains, notwithstanding any highway traffic signal indication to proceed.

E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

F. There is insufficient undercarriage clearance to safely negotiate the crossing.

G. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other on-track equipment.

H. Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(2) A. A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in subsections (a)(1)A. to F. of this section exist at the crossing.

B. A person who is driving a vehicle and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in subsections (a)(1)G. or H. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c) (1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(2) In lieu of a fine or jail term for a violation of this section, a court may instead order the offender to attend and successfully complete a remedial safety training or presentation regarding rail safety that is offered by an authorized and qualified organization that is selected by the court. The offender shall complete the presentation within a time frame determined by the court, not to exceed 180 days after the court issues the order. The offender shall notify the court of the successful completion of the presentation. When the offender notifies the court of the successful completion of the presentation, the court shall waive any fine or jail term that it otherwise would have imposed for a violation of this section. (ORC 4511.62)

331.40 STOPPING AT GRADE CROSSING.

(a) (1) Except as provided in subsection (b) of this section, the operator of any bus, any school vehicle, or any vehicle transporting a material or materials required to be placarded under 49 C.F.R. Parts 100 through 185, before crossing at grade any track of a railroad, shall stop the vehicle and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

(2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.

A. Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.

B. After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.

C. By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(3) As used in this section:

A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

B. " Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.

(4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)

(b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

331.401 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with subsections (a)(1) and (a)(2) of this section.

(1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a train or car or other on-track equipment.

(b) If the normal sustained speed of the vehicle, equipment, or structure is not more than three miles per hour, the person owning, operating, or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

(c) Except as otherwise provided in this division, 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.

(d) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991.
(ORC 4511.64)

331.41 SHORTCUTTING AT INTERSECTIONS; PARKS AND RESTRICTED PROPERTY.

(a) No person shall operate a motor vehicle through, across or over a service station, private parking lot or other private property, or across public property marked with signs "No Through Traffic", for the purpose of passing from one street to another, without stopping to use such private or public place or stopping for service or sales provided by the place of business owning such parking lot or other property.

(b) No person shall park or operate any motor vehicle through, upon or across any public park property or any restricted public property except as set aside and designated for such exclusive use. For purposes of this section, "restricted public property" means any public property other than streets and highways, or private property designated for use by the public for purposes of travel or parking. (Ord. 190-87. Passed 12-21-87.)

(c) Whoever violates any provision of this section 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.

331.42 LITTERING FROM MOTOR VEHICLE.

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4511.82)

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) As used in this section:

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

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

B. Provides hearing protection.

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

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

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

B. Provides hearing protection.

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

(c) This section does not apply to:

(1) Any person wearing a hearing aid;

(2) Law enforcement personnel while on duty;

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

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

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

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

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.84)

331.44 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE IN WATER LEVEL.

(a) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to two thousand dollars ($2,000).

(b) A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

(c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

(2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescurer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars ($2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.

(d) As used in this section:

(1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.

(2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization. (ORC 4511.714.)

331.45 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.

(a) No person shall operate a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety. No person, being the owner thereof, or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety.

(b) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the Ohio Department of Education and Workforce by rule and that is subject to O.A.C. Chapter 3301-83.

(c) 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 or pleaded guilty to one or more violations of this section or Ohio R.C. 4511.76, or Ohio R.C. 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.76(C), (H), (I))

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, stunt driving and street takeovers 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 Electronic wireless communication device use prohibited while driving.

CROSS REFERENCES
See sectional histories for similar State law
Drug of abuse defined - see Ohio R.C. 3719.011(A)
Alcohol defined - see Ohio R.C. 4301.01(B)(1)
Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(B), 4511.23
Failure to control vehicle - see TRAF. 331.34
Walking on highway while under the influence - see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

(a) (1) Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.

G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

(3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:

A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(e) Evidence; Tests.

(1) A. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

B. In any criminal prosecution for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this subsection (d)(1)B. shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

C. As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.

(2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of Ohio R.C. 4511.191, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of Ohio R.C. 4511.191, the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

B. The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.

C. The test or tests indicated that the offender had one of the following at the time of the offense:

1. A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine;

2. A drug of abuse or a metabolite of a drug of abuse in the offender's oral fluid.

(8) A court may warn any person who is convicted of or who pleads guilty to a violation of subsection (a) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under Ohio R.C. 2903.06. The court may warn the person of the applicable penalties for that violation under Ohio R.C. 2903.06 and 2929.142.

(9) As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(i) Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022. If the court grants unlimited driving privileges under Ohio R.C. 4510.022, the court shall suspend any jail term imposed under subsection (i)(1) of this section as required under that section.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.

(3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28, 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 violation of subsection (b) of this section.
(ORC 4511.19)

(j) Physical Control Penalty. Whoever violates subsection (d) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4511.194)

(k) Compliance With Ohio R.C. Chapter 5119 Standards.

(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.

(2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(l) Appeal Does Not Stay Operation of License Suspension. If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(m) Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(n) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(o) Conflict of Terms. All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C . 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section. (ORC 4511.19)

(p) Indigent Drivers Alcohol Treatment Fund. Twenty-five dollars ($25.00) of any fine imposed for a violation of subsection (a) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193. (ORC 4511.193)

(q) Definitions. As used in this section:

(1) "Equivalent offense" means any of the following:

A. A violation of division (A) of Ohio R.C. 4511.19;

B. A violation of a municipal OVI ordinance;

of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

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

1. Any school chartered under Ohio R.C. 3301.16;
2. Any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
3. Any special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs;
4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that either the Director of Transportation or the County Engineer, as applicable based on who has jurisdiction of the street or highway, to create a school zone at the location of that program. Upon receipt of such a written request, the Director of Transportation or the County Engineer shall create a school zone at that location by erecting the appropriate signs.

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

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

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

D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.21. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

(2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five, forty or forty-five miles per hour, as determined by the Safety/Service Director in his/her sound discretion, on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
(Ord. 214-98. Passed 10-19-98.)

(4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;

(5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(6) Fifteen miles per hour on all alleys within the Municipality;

(7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);

(8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;

(9) Sixty-five miles per hour on all rural expressways without traffic control signals;

(10) Seventy miles per hour on all rural freeways;

(11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;

(12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are 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 when the drivers thereof sound audible signals by bell, siren or exhaust whistle. 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 using the street or highway. (ORC 4511.24)

333.07 STREET RACING, STUNT DRIVING AND STREET TAKEOVERS PROHIBITED.

(a) As used in this section:

(1) BURNOUT. A maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

(2) DOUGHNUT. A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

(3) DRIFTING. A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

(4) STREET RACING. The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Ohio R.C. 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(5) STREET TAKEOVER. Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

(6) STUNT DRIVING. Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

(7) WHEELIE. A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(b) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway, or on private property that is open to the general public.

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon. (ORC 4511.251)

333.08 OPERATION WITHOUT REASONABLE CONTROL.

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor. (ORC 4511.202)

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 4503.236)

333.11 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE PROHIBITED WHILE DRIVING.

(a) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to any of the following:

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, 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 while using an electronic wireless communications device in the course of the person's duties.

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a highway traffic signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;

(4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

(5) A person receiving wireless messages on an electronic wireless communications 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, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:

A. Manually enter letters, numbers, or symbols into the device;

B. Hold or support the device with any part of the person's body;

(8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

A. Manually enter letters, numbers, or symbols into the device;

B. Hold or support the device wtih any part of the person's body;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person operating a utilty service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;

(11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:

A. Manually enter letters, numbers, or symbols into the device;

B. Hold or support the device with any part of the person's body;

(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(c) If a law enforcement officer issues an offender a ticket, citation or summons for a violation of subsection (a) of this section, the officer shall do both of the following:

(1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(2) Ensure that such report indicates the offender's race.

(d) (1) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

A. Except as provided in subsections (d)(1)B., (d)(1)C., (d)(1)D. and (d)(2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars ($150.00).

B. If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars ($250.00).

C. If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio R.C. 4511.204, or a substantially equivalent or municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars ($500.00). The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

D. Notwithstanding subsections (d)(1)A. to (d)(1)C. of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under subsections (d)(1)A., (d)(1)B., or (d)(1)C. of this section, as applicable.

(2) In lieu of payment of the fine of one hundred fifty dollars ($150.00) under subsection (d)(1)A. of this section and the assessment of points under subsection (d)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Section 303.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court.

(3) The court may impose any other penalty authorized under Ohio R.C. 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in subsection (d)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in subsection (d)(2) of this section, points shall be assessed for a violation of subsection (a) of this section in accordance with Ohio R.C. 4510.036.

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

(e) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of Ohio R.C. 4511.204 based on the same conduct. However, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(f) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for the purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle for a violation of subsection (a) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

A. Access the device without a warrant unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

B. Confiscate the device while awaiting the issuance of a warrant to access the device;

C. Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(g) 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 device capable of displaying a video, movie, broadcast television image, or visual image;

F. Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

(2) "Utility" means an entity specified in Ohio R.C. 4905.03(A), (C), (D), (E) or (G).

(3) "Utility service vehicle" means a vehicle owned or operated by a utility.

(4) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(ORC 4511.204)

(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 person previously has been adjudicated a delinquent child or a juvenile traffic offender for 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 person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) 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)

335.04 CERTAIN ACTS PROHIBITED.

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

(1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

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

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3), (4) or (5) of this section if any of the following applies:

(1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.

(3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;

B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.

(3) "Jail" has the same meaning as in Ohio R.C. 2929.01.

(4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:

A. Except as specifically authorized under this section, the term must be served in a jail.

B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(ORC 4510.14)

(i) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(ORC 4510.04)

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

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509.

(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 if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(c) 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 either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (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) 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 (d)(1) to (d)(3) 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 subsection (d)(1) to (d)(3) hereof.

(1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to 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 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 fourth degree.

(3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 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. (ORC 4510.16)

(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 or present to a peace officer an electronic wireless communications device that is displaying any text or images 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. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

(f) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(ORC 4510.04)

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(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) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

(1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to 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 a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

(d) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(ORC 4510.04)

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, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(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) 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) of this section. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

(1) Except as otherwise provided in subsection (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) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) 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 fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 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. (ORC 4510.111)

(d) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (ORC 4510.04)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

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

(1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;

(4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;

(6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;

(7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than ninety days, or both.
(ORC 4505.18)

335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.

(a) (1) Subject to Ohio R.C. 4503.211, no person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.

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

(3) Subject to Ohio R.C. 4503.211, no person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.

(4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
(ORC 4503.21(A))

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

(2) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(ORC 4503.21(B), (C))

335.091 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays a placard, except as provided in Ohio R.C. 4503.21, issued by the Director of Public Safety that displays the registration number of its manufacturer or dealer.

(b) Whoever violates subsection (a) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor. (ORC 4549.10)

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

(a) No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(b) No person shall operate, drive or park upon the public streets or highways a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12)

(d) No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

(e) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(f) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

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

(3) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor. (ORC 4549.11; 4549.12)

(3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if either of the following apply to the device:

A. It is a "vehicle safety technology" as defined in 49 C.F.R. §393.5 and complies with 49 C.F.R. §393.60(e)(1)(ii).

B. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals, and it is mounted not more than eight and one-half inches below the upper edge of the windshield.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.24)

337.221 WINDSHIELD STANDARDS.

(a) (1) No person shall operate, on any street or other public or private property open to the public for vehicular travel or parking, a motor vehicle in which the use of transparent, nontransparent, translucent and reflectorized materials in or on the windshields, side windows, sideways and side windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(2) The front windshield must have a light transmittance level of not less than seventy percent (70%) and the side and rear windows must have a light transmittance level of not less than fifty percent (50%).

(b) This section does not apply to:

(1) Manufacturer's tint on multipurpose vehicles, vehicles designed to carry ten persons or less which are constructed on a truck chassis or with special features for off road operation including: truck, vans, or mini vans, jeeps, recreational vehicles and four wheel drive vehicles on a truck chassis.

(2) Limousines for hire (i.e. not privately owned personal vehicles).

(3) Persons who carry a physicians affidavit with them while operating their vehicle which states because of a medical condition they are required to have tint which is not in compliance with our standards.

(4) A hearse or other vehicle used to transport corpses.

(5) Semitrucks, tractor trailers rigs, commercial buses, mass transit vehicles, school buses, farm vehicles, motorcycles, mopeds, construction vehicles, sun roofs or T-tops.

(c) No motor vehicle shall have windows tinted with a reflectorized tint.

(d) All motor vehicles equipped with blinds, curtains or louvers shall have the same open during vehicle operation. (Ord. 116-91. Passed 12-2-91.)

(e) Whoever violates any provision of this section 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.

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 4513.99)

337.24 MOTOR VEHICLE STOP LIGHTS.

(a) (1) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

(2) Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

(3) When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

(4) A historical motor vehicle that was not originally manufactured with stop lights or a replica motor vehicle that replicates a motor vehicle that was not originally manufactured with stop lights is not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

(c) Whoever violates this section 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.

337.26 CHILD RESTRAINT SYSTEM USAGE.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

(1) A child who is less than four years of age;
(2) A child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:
(1) A child who is less than four years of age;
(2) A child who weighs less than forty pounds.

(c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight years of age but not older than fifteen years of age and who is not otherwise required by subsection (a), (b) or (c) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) 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 subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 a clinical nurse specialist or certified nurse practitioner licensed to practice in this State under Ohio R.C. Chapter 4723, or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) Whoever violates subsection (a), (b), (c) or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars ($25.00) nor more than seventy-five dollars ($75.00).

(2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.(ORC 4511.81)

337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.

(a) As used in this section:

(1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.

(5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(b) No person shall do either of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) (1) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat.

(2) Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.

(3) Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states the following:

A. That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;

B. Whether the physical impairment is temporary, permanent or reasonably expected to be permanent;

C. If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.

(4) Subsections (b)(1) and (3) of this section do not apply to a person who has registered with the Registrar of Motor Vehicles in accordance with subsection (c)(5) of this section.

(5) A person who has received an affidavit under subsection (c)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the Registrar attesting to that fact. Upon such registration, the Registrar shall make that information available in the law enforcement automated data system. A person included in the database under subsection (c)(5) of this section is not required to have the affidavit obtained in accordance with subsection (c)(3) of this section in their possession while operating or occupying an automobile.

(6) A physician or chiropractor who issues an affidavit for the purposes of subsection (c)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton or reckless misconduct.

(7) The Registrar shall adopt rules in accordance with Ohio R.C. Chapter 119, establishing a process for a person to be included in the database under subsection (c)(5) of this section. The information provided and included in the database under subsection (c)(5) of this section is not a public record subject to inspection or copying under Ohio R.C. 149.43.

(d) 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 (b) hereof 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.

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

(f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

A. It seeks to recover damages for injury or death to the occupant.

B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.

C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars ($30.00).

(2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars ($20.00).

(3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree. (ORC 4513.263)

337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.

(a) Requirements.

(1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any sunscreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:

A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site http://www.gpo.gov.

B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.

C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.

D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light tranmsmittance of less than fifty per cent plus or minus three per cent.

E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.

(2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.

(3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.

(4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.

(5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.

(6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)

(b) Exemptions. The provisions of this section do not apply to:

(1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;

(2) The windows to the rear of the driver in chauffeured limousines as defined herein;

(3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and

(4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site http://www.gpo.gov. (OAC 4501-41-05)

(c) Definitions. As used in this section, certain terms are defined as follows:

(1) "Motor vehicle" has the same meaning as specified in Section 301.46.

(2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.

(3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.

(4) "Windshield" means the front exterior viewing device of a motor vehicle.

(5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.

(6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

(7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor. Whoever violates this section more than once in a twelve (12) month period from the first violation is guilty of a misdemeanor in the fourth degree. (Ord. 91-22. Passed 6-20-22.)

337.29 BUMPER HEIGHTS.

(a) Definitions.

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.

(4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.

(5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.

(6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.

(7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.

(8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

(9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

(1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State that does not conform to the requirements of this section.

(2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.

(3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.

(4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.

(5) Nothing contained in this section shall be construed to prohibit either of the following:

A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;

B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.

(7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway. (OAC 4501-43-03)

(c) Specifications.

(1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.

(2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	Front (inches)	Rear (inches)
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

(3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.

(4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	Front (inches)	Rear (inches)
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

(5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:

A. A motor vehicle is not equipped with a front and rear bumper.
B. The bumper height relative to the frame rails has been altered.
C. A supplemental bumper has been installed or an addition to the original or replacement has been made. (OAC 4501-43-04)

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.30 DIRECTIONAL SIGNALS REQUIRED.

(a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.

(2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.261)

337.31 LIGHTS AND SIGN ON TRANSPORTATION FOR PRESCHOOL CHILDREN.

(a) No person shall operate any motor vehicle owned, leased, or hired by a nursery school, kindergarten, or child care center, while transporting preschool children to or from such an institution unless the motor vehicle is equipped with and displaying two amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "caution - children", which shall be attached to the bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the Ohio Director of Public Safety.

(b) No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section. (ORC 4513.182)

(c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

CHAPTER 341
Commercial Drivers

341.01 Definitions.
341.02 Exemptions.
341.03 Prerequisites to operation of a commercial motor vehicle.
341.04 Prohibitions.
341.05 Alcohol and other prohibitions.
341.06 Employment of drivers of commercial vehicles.

CROSS REFERENCES

See sectional histories for similar State law
Disqualification - see Ohio R.C. 4506.16
Suspension or revocation of license - see Ohio R.C. 4507.16
Warning devices when disabled on freeways - see Ohio R.C. 4513.28
Arrest notice of driver - see Ohio R.C. 5577.14
Load limits - see TRAF. Ch. 339

341.01 DEFINITIONS.

As used in this chapter:

(a) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:
  (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
  (2) Two hundred ten liters of breath;
  (3) One hundred milliliters of urine.

(b) "Commercial driver's license" means a license issued in accordance with Ohio R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.

(c) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
  (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
  (2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;
  (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

(d) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;

(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;

(3) Any drug of abuse.

(e) "Disqualification" means any of the following:

(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

(f) "Drive" means to drive, operate or be in physical control of a motor vehicle.

(g) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

(h) "Driver's license" means a license issued by the Ohio Bureau of Motor Vehicles that authorizes an individual to drive.

(i) "Drug of abuse" means any controlled substance, dangerous drug as defined in Ohio R.C. 4729.01, harmful intoxicant as defined in Ohio R.C. 2925.01, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

(j) "Employer" means any person, including the Federal Government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

(k) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

(l) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this subsection and is not used in the operations of a motor carrier, as defined in Ohio R.C. 4923.01.

CHAPTER 343
Under-Speed Vehicles

343.01 Definition.
343.02 Approved routes.
343.03 Inspection certificate.
343.04 Insurance required.
343.05 Operation requirements.
343.99 Penalty.

343.01 DEFINITION.

For purposes of this chapter, the term "Under-Speed Vehicle" shall be understood to mean: a four-wheeled multi-passenger vehicle, with a seating capacity greater than eight (8) passengers and a maximum of twelve (12) passengers. Commonly known as a Peddle Pub, the Under-Speed Vehicle shall be primarily human powered and must be equipped with peddles at each passenger station. A small electric helper motor may also be equipped to provide power; however, it shall be limited to an attainable speed on a paved level surface of not more than twenty (20) miles per hour. The Under-Speed Vehicle must have a gross vehicle weight rating of less than three thousand (3,000) pounds. And shall hereafter be referred to as "Restricted Under-Speed Vehicle" ("RUSV").
(Ord. 111-22. Passed 7-18-22; Ord. 96-24. Passed 6-12-24.)

343.02 APPROVED ROUTES.

An RUSV shall be operated only upon certain streets and highways in the City of Lorain having an established speed limit of not greater than thirty-five (35) MPH and, as determined from time to time upon the recommendation of the Lorain Police Chief, or his designee, the Director of Public Safety, and Lorain City Council only upon certain streets and highways in the City of Lorain. Those certain streets and highways in the City of Lorain upon which a RUSV may be operated shall be known as the "RUSV-Approved Routes." The RUSV-Approved Routes are set forth in Exhibit A, below and made a part hereof by reference.

EXHIBIT-A

The RUSV-Approved Routes in the City of Lorain are as follows:

- Shipyard Way to Driftwood Drive;
- Driftwood Drive to Colorado Avenue;
- Colorado Avenue (from Kansas Avenue to Lakeside Avenue, include the marina/Erie Steakhouse);
- Lakeside A venue to Arkansas Avenue;
- Arkansas A venue to East Erie Avenue;
- East Erie Avenue (Colorado Avenue to Broadway, including the Bascule Bridge)
- Into/throughout the entire DORA boundary, as approved by the Lorain City Council.

Attached to original Ordinance 111-22 as Exhibit (A)(1) is a diagram mapping out the above RUSV-Approved Routes in the City of Lorain:
(Ord. 111-22. Passed 7-18-22; Ord. 96-24. Passed 6-12-24.)

343.03 INSPECTION CERTIFICATE.

The Lorain Police Department shall inspect all vehicles seeking designation as a RUSV and shall ensure that the RUSV complies with all applicable laws and regulations governing the operation of RUSVs upon streets and highways in the State of Ohio and such other additional requirements as are specifically set forth herein. Upon certification that a RUSV has passed inspection, the Lorain Police Department shall issue an "Inspection Certificate" verifying that the RUSV has passed inspection. A RUSV shall not operate upon the RUSV-Approved Route without the prominent display of the Inspection Certificate on the RUSV.
(Ord. 111-22. Passed 7-18-22; Ord. 96-24. Passed 6-12-24.)

343.04 INSURANCE REQUIRED.

Prior to the operation of a RUSV upon the City of Lorain RUSV-Approved Routes, the owner of a RUSV shall file with the office of the Director of Public Safety the Inspection Certificate and along therewith shall submit proof of automobile general liability insurance with limits of not less than five hundred thousand dollars ($500,000) per person and one million dollars ($1,000,000) per occurrence.
(Ord. 111-22. Passed 7-18-22; Ord. 96-24. Passed 6-12-24.)

343.05 OPERATION REQUIREMENTS.

The operation of a RUSV in the City of Lorain upon the RUSV-Approved Routes shall be subject to the following additional requirements;

(a) While operating a RUSV on the streets within the City of Lorain any owner or operator shall comply with any and all laws pertaining to motor vehicles including, without limitation, safety requirements and insurance requirements.

(b) The operator (driver) of the RUSV must be at least twenty-one (21) years old and have a valid Ohio Driver's License.

(c) The operator (driver) must maintain the RUSV within two (2) feet of the right side-curb giving right of way to passing passenger vehicles.

(d) Except as otherwise stated in this section, no RUSV shall be operated upon any street in the City where the posted speed limit is greater than thirty-five (35) MPH.

(e) A RUSV shall display the Inspection Certificate in a prominent place on the vehicle.

(f) Each passenger seat must have a lap safety belt that must be in use whenever the RUSV is in motion.
(g) Each passenger seat must have a handrail bolted securely to the vehicle where each passenger can easily grab on to it.
(h) No RUSV passenger shall be under twenty-one (21) years of age to consume alcohol.
(i) RUSV accessories shall not consist of glass bottles, glasses or other breakable items.
(j) RUSV shall consist of safety requirement lighting and shall not have any bright flashing entertainment lighting.
(k) No RUSV shall be operated on any sidewalk except to cross the sidewalk as may be necessary from time to time.
(Ord. 111-22. Passed 7-18-22; Ord. 96-24. Passed 6-12-24.)

343.99 PENALTY.

Whoever violates any section of this chapter is guilty of a minor misdemeanor on a first offense. A second offense within one year of the first offense, the person is guilty of a misdemeanor of the fourth degree. For each subsequent offense beyond two (2) offenses within one year, the person is guilty of a misdemeanor of the third degree.
(Ord. 111-22. Passed 7-18-22; Ord. 96-24. Passed 6-12-24.)

TITLE SEVEN - Parking

Chap. 351. Parking Generally.
Chap. 353. Parking Meters.
Chap. 355. Fire Lanes.
Chap. 357. Snow Emergencies.

CHAPTER 351
Parking Generally

351.01 Police may remove unattended vehicle which obstructs traffic.
351.02 Registered owner prima-facie liable for unlawful parking.
351.03 Prohibited standing or parking places.
351.04 Parking near curb; handicapped locations on public and private lots and garages.
351.05 Manner of angle parking.
351.06 Selling, washing or repairing vehicle upon roadway.
351.07 Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.
351.08 Opening vehicle door on traffic side.
351.09 Truck loading zones.
351.10 Bus stops and taxicab stands.
351.11 Parking in alleys and narrow streets; exceptions.
351.12 Prohibition against parking on streets or highways.
351.13 Parking on posted private property.
351.14 Commercial vehicle parking.
351.15 Lorain Police Auxiliary handicap parking enforcement.
351.99 Penalty.
Exhibit A

CROSS REFERENCES

See sectional histories for similar State law
Owner nonliability, lease defense - see Ohio R.C. 4511.071
Police may remove ignition key from unattended vehicle - see TRAF. 303.03
Parking near stopped fire apparatus - see TRAF. 331.27
Lights on parked or stopped vehicles - see TRAF. 337.09

351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (ORC 4511.67)

351.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

351.03 PROHIBITED STANDING OR PARKING PLACES.

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

(1) On a sidewalk, curb or street lawn area, except a bicycle;
(2) In front of a public or private driveway;
(3) Within an intersection;
(4) Within ten (10) feet of a fire hydrant;
(5) On a crosswalk;
(6) Within twenty (20) feet of a crosswalk at an intersection;
(7) Within thirty feet of, and upon the approach to, any yield sign, stop sign or highway traffic signal;
(8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
(9) Within fifty (50) feet of the nearest railroad crossing;
(10) Within twenty (20) feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance of any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs;
(11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
(12) Alongside any vehicle stopped or parked at the edge or curb of a street;
(13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
(14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
(15) Within one (1) foot of another parked vehicle;
(16) On the roadway portion of a freeway, expressway or thruway; (ORC 4511.68)
(17) Between the sidewalk and the curb;
(18) On any street adjacent to a school building or playground when such area is posted;
(19) Upon any drive within the grounds of a hospital or school when such parking would interfere with firefighting or other emergency equipment;
(20) In a designated fire lane on public or private property, whether such vehicle is attended or unattended;
(21) In an area designated for parking for the handicapped, either on private or public property, whether such vehicle is attended or unattended.
(22) Between the front building set back line and the curb, except completely on a legal driveway.

351.14 COMMERCIAL VEHICLE PARKING.

(a) No person shall cause or permit to stand, park or permit to be parked, any school bus, commercial tractor, agricultural tractor, bus, trailer, semitrailer, pole trailer, or any vehicle classified as Class 4 through Class 8 by the United States Department of Transportation Federal Highway Administration (see Chapter 351 Exhibit A) on any street within a Business District of the City of Lorain, Ohio.

(1) The foregoing prohibition shall not apply to a temporary purpose incidental to performing maintenance or repair services at or upon premises adjacent to the street or otherwise during the time reasonably necessary for loading or discharging property or passengers, emergencies, due to accidents, motor failure or acts of God for a period not to exceed eight (8) hours.

(2) For the purpose of the foregoing provision, "commercial vehicles" are hereby defined as:

A. Motor vehicles bearing the vehicle identification number as set forth in the most recent editions of the National Auto Theft Bureau Commercial Vehicle Identification Manual and the National Commercial Vehicle and Offroad Equipment Identification Manual; or

B. Any vehicle classified as Class 4 through Class 8 by the United States Department of Transportation Federal Highway Administration.

(b) No person shall cause or permit to stand, park or permit to be parked, any school bus, commercial tractor, agricultural tractor, bus, trailer, semitrailer, pole trailer, moving van, truck trailer or any vehicle classified as Class 4 through Class 8 by the United States Department of Transportation Federal Highway Administration, or vehicle bearing commercial vehicle license plates in or upon any driveway, side yard or rear yard unless enclosed within a garage or similar structure, or permitted to stand or park in or upon any public street or roadway within a Residential District in the City of Lorain, except commercial trucks used for moving (e.g., moving trucks used for persons moving from one residence to another) may remain in residential driveways for up to forty-eight (48) hours.

(1) The foregoing prohibition shall not apply to temporary parking of such vehicles for the purposes incidental to performing maintenance or repair, motor failure or acts of God, upon the premises or for loading or unloading or otherwise, for a period of time not to exceed four (4) hours, and the parking of such vehicles at commercial truck terminals, construction and demolition sites, retail/commercial places of business if they are parked in a loading dock or for emergency repairs shall be permitted.

(2) For the purpose of the foregoing provisions, "commercial vehicles" are hereby defined as:

A. Motor vehicles bearing the vehicle identification number as set forth in the most recent editions of the National Auto Theft Bureau Commercial Vehicle Identification Manual and the National Commercial Vehicle and Offroad Equipment Identification Manual; or

B. Any vehicle classified as Class 4 through Class 8 by the United States Department of Transportation Federal Highway Administration.

(c) The penalty for violations of this section shall be set forth in Section 351.99.
(Ord. 128-19. Passed 10-7-19.)

351.15 LORAIN POLICE AUXILIARY HANDICAP PARKING ENFORCEMENT.

(a) The Directors of Public Service and Safety are hereby granted the authority to appoint members of the Lorain Police Auxiliary for the purpose of assisting the Lorain Police Department in the enforcement of parking ordinances.

(b) Those members of the Lorain Police Auxiliary appointed under this section, shall be known as the "Lorain Police Auxiliary Parking Enforcement Unit", (Hereinafter referred to as the "Unit").

(c) The members of the Unit, each of whom shall be a member of the Lorain Police Auxiliary, shall be appointed by the Director of Public Service and Safety. Each member shall serve so long as the Director(s) may direct.

(d) The Chief of Police shall be the commanding officer of the Unit and shall have control of the assignment, training, stationing and directing of work of the Unit. The members of the Unit shall obey the chain of command of the City of Lorain Police Department and shall take orders from all regular appointed members thereof. The members of the Unit shall, and hereby do, have authority to issue citations for members thereof. The members of the Unit shall, and hereby do, have authority to issue citations, under this chapter, Chapter 351, Parking General.

(e) The Director of Public Service and Safety or the Chief of Police shall prescribe rules and regulations, not inconsistent with this section, for the organization, training, administration, conduct and control of the unit.
(Ord. 170-24. Passed 11-18-24.)

351.99 PENALTY.

(a) All parking violations unless otherwise indicated shall carry a penalty of fifty dollars ($50.00) if paid in full to the Lorain Municipal Court within seventy-two (72) hours from time of issuance; and if paid after seventy-two (72) hours the penalty shall be one hundred dollars ($100.00). The penalty for a violation of Section 351.03(a)(23) shall carry a penalty of one hundred dollars ($100.00) if paid in full to the Lorain Municipal Court within seventy-two (72) hours from time of issuance; and if paid after seventy-two (72) hours the penalty shall be two hundred dollars ($200.00). The penalty for a violation of Section 351.14 of the Lorain Codified Ordinances shall be two hundred fifty dollars ($250.00) if paid in full to the Lorain Municipal Court within seventy-two (72) hours from time of issuance; and if paid after seventy-two (72) hours the penalty shall be five hundred dollars ($500.00).

(b) Whoever has not paid such parking tickets after seventy-two (72) hours shall be notified by certified mail of such delinquency and cited into Court as provided by service of summons issued by the Lorain Municipal Court.

(c) Upon issuance of a third and any subsequent tickets for such violation, said vehicle shall be impounded by the City of Lorain.
(Ord. 128-18. Passed 10-7-19.)

TITLE NINE - Pedestrians, Bicycles and Motorcycles

Chap. 371. Pedestrians.
Chap. 373. Bicycles and Motorcycles.
Chap. 375. Snowmobiles, Off-Highway Motorcycles, and All Purpose Vehicles.
Chap. 377. Motorized Bicycles and Motorcycles.

CHAPTER 371
Pedestrians

371.01 Right of way in crosswalk.
371.02 Right of way of blind person.
371.03 Crossing roadway outside crosswalk; diagonal crossings at intersections.
371.04 Moving upon right half of crosswalk.
371.05 Walking along highways.
371.06 Use of highway for soliciting; riding on outside of vehicles.
371.07 Right of way on sidewalk.
371.08 Yielding to public safety vehicle.
371.09 Walking on highway while under the influence.
371.10 On bridges or railroad crossings.
371.11 Persons operating motorized wheelchairs.
371.12 Electric personal assistive mobility devices.
371.13 Operation of personal delivery device on sidewalks and crosswalks.
371.14 Low-speed micromobility devices.

CROSS REFERENCES
See sectional histories for similar State law
Pedestrian defined - see TRAF. 301.54
Pedestrian prohibited on freeways - see TRAF. 303.06
Obedience to traffic control devices - see TRAF. 313.01, 313.03
Pedestrian control signals - see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

(a) When highway traffic signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) hereof does not apply under the conditions stated in Section 371.03(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e) 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.

(f) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.46)

371.02 RIGHT OF WAY OF BLIND PERSON.

(a) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominately white or metallic in color, with or without a red tip.

(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white metallic cane, with or without a red tip.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.47)

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(c) Between adjacent intersections at which highway traffic signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(f) 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 4511.48)

371.04 MOVING UPON RIGHT HALF OF CROSSWALK.

(a) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(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 4511.49)

371.05 WALKING ALONG HIGHWAYS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Section 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

(e) 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 4511.50)

371.06 USE OF HIGHWAY FOR SOLICITING; RIDING ON OUTSIDE OF VEHICLES.

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) (1) Except as provided in subsection (b)(2) hereof, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(2) Council, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway, as provided in Ohio R.C. 4511.051(A), that is under the jurisdiction of the Municipality. The permit shall be valid for only one period or time, which shall be specified in the permit, in any calendar year. Council also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that Council considers advisable.

(3) As used herein, "charitable organization" means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Section 501(c)(3) of the "Internal Revenue Code."

(c) No person shall hang onto, or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in Ohio R.C. 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(f) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(g) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections (a) to (d) of 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 any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates subsection (e) or (f) of this section is guilty of a minor misdemeanor. (ORC 4511.51)

371.07 RIGHT OF WAY ON SIDEWALK.

(a) The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.441)

371.08 YIELDING TO PUBLIC SAFETY VEHICLE.

(a) Upon the immediate approach of a public safety vehicle as stated in Section 331.21, every pedestrian shall yield the right of way to the public safety vehicle.

(b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.452)

371.09 WALKING ON HIGHWAY WHILE UNDER THE INFLUENCE.

(a) A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(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 4511.481)

371.10 ON BRIDGES OR RAILROAD CROSSINGS.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.511)

371.11 PERSONS OPERATING MOTORIZED WHEELCHAIRS.

(EDITOR'S NOTE: Former Ohio R.C. 4511.491, from which Section 371.11 was derived was repealed by Amended Substitute House Bill No. 54, effective June 30, 2025.)

371.12 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(a) (1) Electric personal assistive mobility devices, as defined in Ohio R.C. 4501.01, may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.

(b) No operator of an electric personal assistive mobility device shall do any of the following:

(1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;

(2) Fail to give an audible signal before overtaking and passing a pedestrian;

(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

A. A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;

CHAPTER 373
Bicycles and Motorcycles

373.01 Code application to bicycles.
373.02 Riding upon seats; handle bars; helmets and glasses.
373.03 Attaching bicycle or sled to vehicle.
373.04 Riding bicycles and motorcycles abreast.
373.05 Signal device on bicycle.
373.06 Lights and reflector on bicycle; brakes.
373.07 Riding bicycle on right side of roadway; obedience to traffic rules; passing.
373.08 Reckless operation; control, course and speed.
373.09 Parking of bicycle.
373.10 Compliance with traffic control devices; right of way.
373.11 Riding bicycles and skateboards on sidewalks and piers.
373.12 Bicycle license required; fee and term.
373.13 License attachment and removal.
373.14 Inspection of bicycles.
373.15 Transfer of ownership; loss of license.
373.16 Bicycle dealers.
373.17 Impounding of bicycles.
373.18 Motorized bicycle operation, equipment and license.
373.19 Electric bicycles.

CROSS REFERENCES

See sectional histories for similar State law
Motorcycle protective equipment - see OAC Ch. 4501-17
Motorized bicycle equipment - see OAC Ch. 4501-23
Bicycle defined - see TRAF. 301.07
Motorcycle defined - see TRAF. 301.47
Bicycles prohibited on freeways - see TRAF. 303.06
Hand and arm signals - see TRAF. 331.15
Motorcycle operator's license required - see TRAF. 335.01(a)
Motorcycle headlight - see TRAF. 337.03
Motorcycle brakes - see TRAF. 337.18(b)

373.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code that are applicable to bicycles and electric bicycles apply whenever a bicycle or electric bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator or electric bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles or electric bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or electric bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator, electric bicycle operator, or motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders or electric bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator, electric bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles and electric bicycles except those which by their nature are not applicable.

373.02 RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES.

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) No person operating a bicycle or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or electric bicycle other than upon such a firmly attached and regular seat.

(c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(f) No person operating a bicycle or electric bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.

(g) No bicycle, electric bicycle, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

CHAPTER 375
Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles

375.01 Definitions.
375.02 Equipment.
375.03 Code application; prohibited operation.
375.04 Permitted operation.
375.05 Licensing requirements of operator.
375.06 Registration of vehicles.
375.07 Accident reports.
375.08 Certificate of title.

CROSS REFERENCES

See sectional histories for similar State law
Lights, brakes and muffler - see OAC Ch. 4501.29
Power of trial court of record to impound registration certificate for certain violations - see Ohio R.C 4519.47
Power to regulate; municipal licensing prohibited - see Ohio R.C. 4519.48
Street or highway defined - see TRAF. 301.84
Required usage of helmets and safety glasses - see TRAF. 373.02(f)

375.01 DEFINITIONS.

As used in this chapter:

(a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))

(b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in Ohio R.C. 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 301.46 of this Traffic Code. (ORC 4519.01(B))

(c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all purpose vehicle, or other right to the possession thereof. (ORC 4519.01(C))

(d) "Operator" means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle or all purpose vehicle.

(e) "Limited access highway" or "freeway" means a highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Ohio Director of Transportation. (ORC 5511.02)

(f) "Interstate highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, and amendments thereof.

(g) "Off-highway motorcycle" means every motorcycle, as defined in Ohio R.C. 4511.01, that is designed to be operated primarily on lands other than a street or highway. (ORC 4519.01)

375.02 EQUIPMENT.

(a) Equipment of snowmobiles, off-highway motorcycles, and all purpose vehicles shall include, but not necessarily be limited to requirements for the following items:

(1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;

(2) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;

(3) Adequate brakes. Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of twenty miles per hour, or locking its traction belt.

(4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty-two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September 1970).

(b) No person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle in violation of this section, except that equipment specified in subsections (a)(1) and (2) hereof shall not be required on snowmobiles, off-highway motorcycles, or all purpose vehicles operated during the daylight hours.

(c) Except as otherwise provided in this subsection, whoever violates subsection (b) of this section shall be fined not more than fifty dollars ($50.00). If the offender within the preceding year previously has committed a violation of subsection (b) of this section, whoever violates subsection (b) of this section shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100.00), imprisoned not more than three days, or both.
(ORC 4519.20)

CODIFIED ORDINANCES OF LORAIN

PART FIVE - GENERAL OFFENSES CODE

Chap. 501. General Provisions and Penalty.

Chap. 505. Animals and Fowl.

Chap. 506. Prohibition of Conversion Therapy on Minors.

Chap. 509. Disorderly Conduct and Peace Disturbance.

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Chap. 513. Drug Abuse Control.

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Chap. 560. Public Nuisances.

Chap. 561. Litter and Litter Removal.

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CHAPTER 506
Prohibition of Conversion Therapy on Minors

506.01 Definitions.
506.02 Efforts to change sexual orientation, gender identity or expression prohibited.
506.03 Enforcement.

506.01 DEFINITIONS.

As used in this chapter:

(a) "Conversion therapy" means any practice or procedure that seeks to change a person's sexual orientation or gender identity, including efforts to change behaviors or gender expressions, or to reduce or eliminate sexual or romantic attractions or feelings toward a person of the same gender or non-binary person. Conversion therapy includes, but is not limited to, practices commonly referred to as "reparative therapy."

(b) "Gender expression" means a person's representation of the person's genders through the person's name, choice of pronouns, clothing, haircut, behavior, voice, or other body characteristics.

(c) "Gender identity" means a person's internal, deeply held sense of the person's gender, which may be the same or different from the person's sex assigned at birth, and includes non-binary identities that are not solely male or female.

(d) "Healthcare professional" means an individual who is licensed, certified or registered to provide, to an individual or a group, mental health services, including but not limited to, the assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease. Healthcare professionals include, but are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services.

(e) "Minor" means a person less than eighteen (18) years of age.

(Ord. 139-24. Passed 9-3-24.)

506.02 EFFORTS TO CHANGE SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION PROHIBITED.

(a) It shall be unlawful for any healthcare professional to knowingly engage in conversion therapy with a minor, without regard to whether the healthcare professional is compensated or receives any form of remuneration for the healthcare professional's services.

(b) Nothing contained in this chapter shall be construed to prohibit a healthcare professional from engaging in any of the following:

(1) Assisting an individual who seeks to transition, is in the process of transitioning, or has transitioned from one gender to another;

(2) Providing an individual with acceptance, support, and understanding or facilitating an individual's coping, social support, or identity exploration and development, as long as such practices do not seek to change sexual orientation or gender identity;

(3) Providing an individual with sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such practices do not seek to change sexual orientation or gender identity.

(Ord. 139-24. Passed 9-3-24.)

506.03 ENFORCEMENT.

(a) Whoever violates Chapter 506 "Prohibition of Conversion Therapy on Minors" is guilty of a misdemeanor. The court shall sentence the offender to a minimum fine of five hundred dollars ($500.00) up to a maximum fine of one thousand dollars ($1,000) per occurrence and notwithstanding the terms of imprisonment set forth in Chapter 2929 of the Ohio Revised Code, a jail term not to exceed one (1) year.

(b) Upon conviction of a violation of Chapter 506 "Prohibition of Conversion Therapy on Minors" the relevant licensing board, commission, or entity tasked with review of professional conduct shall be notified of the aforementioned violation.

(Ord. 139-24. Passed 9-3-24.)

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.
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513.12 Drug paraphernalia.
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513.14 Sale, use and possession of nonbarbiturate sedative hypnotic drugs or substances.
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513.16 Offender may be required to pay for controlled substance tests.
513.17 Sale of dextromethorphan.
513.18 Adult use cannabis control; limitations on conduct by individuals.
513.19 Pseudoephedrine sales.
513.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19
Analysis report and notarized statement as evidence - see Ohio R.C 2925.51
Criteria for granting probation - see Ohio R.C 3719.70(B)
Adulterating food with drug of abuse - see GEN. OFF. 537.13
Using weapons while under the influence - see GEN. OFF. 549.03.

513.01 DEFINITIONS.

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

(a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.

(b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.

(c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

(d) "Bulk amount." Of a controlled substance, means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;

D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

F. An amount equal to or exceeding 120 grams or thity times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;

(2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

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

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

(uu) "Professionally licensed person." Any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;

(3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Ohio R.C. Chapter 4707;

(5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under R.C. Chapter 4709;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Chapter 4713;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;

(12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;

(13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;

(14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

(15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;

(16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;

(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;

(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Ohio R.C. Chapter 4732;

(19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;

(20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;

(21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;

(22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 3776;

(23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;

(24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;

(25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;

(28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;

(29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;

(31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;

(33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;

(35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;

(36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;

(37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.

(38) A person who has been issued a license to practice as a certified mental health assistant under Ohio R.C. Chapter 4772.

(vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.

(ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.

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

(yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.

(zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

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

(bbb) "School premises." Either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.

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

(ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

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

(fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(EDITOR'S NOTE: Former Ohio R.C. 2925.03 from which Section 513.02 was derived was superseded by the changes made to Ohio R.C. 3780.36 enacted by Initiative Petition. See "Section 513.18 Adult Use Cannabis Control; Limitations on Conduct by Individuals" for relevant provisions.)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

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

A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772;

B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

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

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.

(2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.

(3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

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

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

(a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772;

(2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(d) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.

(ORC 2925.12)

513.05 PERMITTING DRUG ABUSE.

(a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02, 2925.03, 2925.04 or 2925.041 as provided in Ohio R.C. 2925.13, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

(d) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.

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

B. Upon the filing of a motion under subsection (d)(3) of this section, the sentencing court, in its discretion, may terminate the suspension.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

513.06 ILLEGAL CULTIVATION OF MARIHUANA.

(a) No person shall knowingly cultivate marihuana.

(b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.

(c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.

(1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

513.07 POSSESSING OR USING HARMFUL INTOXICANTS.

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

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

(c) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.31)

513.08 ILLEGALLY DISPENSING DRUG SAMPLES.

(a) No person shall knowingly furnish another a sample drug.

(b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4725, 4729, 4730, 4731, 4741 and 4772.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:

(1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.

(2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

(d) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(a) As used in this section, "repackager" and "outsourcing facility" have the same meanings as in ORC 4729.01.

Whenever a manufacturer sells a controlled substance, and whenever a wholesaler, repackager, or outsourcing facility sells a controlled substance in a package the wholesaler, repackager or outsourcing facility has prepared, the manufacturer or the wholesaler, repackager or outsourcing facility, as the case may be, shall securely affix to each package in which the controlled substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person, except a pharmacist for the purpose of dispensing a controlled substance upon a prescription shall alter, deface or remove any label so affixed.

(b) Except as provided in subsection (c) of this section, when a pharmacist dispenses any controlled substance on a prescription for use by a patient, or supplies a controlled substance to a licensed health professional authorized to prescribe drugs for use by the professional in personally furnishing patients with controlled substances, the pharmacist shall affix to the container in which the controlled substance is dispensed or supplied a label showing the following:

(1) The name and address of the pharmacy dispensing or supplying the controlled substance;

(9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
(10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
(11) A container or device for storing or concealing a controlled substance;
(12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
(13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

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

(c) (1) Subject to subsection (d)(2), (d)(3) and (d)(4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

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

(3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.

(d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772. 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.

(3) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of subsection (c)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(4) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.

(e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.

(f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

(2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.14)

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) (1) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this subsection when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(f) (1) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

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

(g) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall do the following if applicable:

A. If the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

B. If the offender is a professionally licensed person, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.141)

513.13 COUNTERFEIT CONTROLLED SUBSTANCES.

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

(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)

(c) The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.37)

513.14 SALE, USE AND POSSESSION OF NONBARBITURATE SEDATIVE HYPNOTIC DRUGS OR SUBSTANCES.

(a) No person shall sell, offer for sale, barter, buy, give away, use or possess a nonbarbiturate sedative hypnotic drug or substance in any form. This section shall not apply to any person, or his employee or agent, authorized by an agency of the State or Federal government to use nonbarbiturate sedative hypnotic drugs or substances for controlled research purposes while engaged in such authorized and controlled research. As used in this section, "nonbarbiturate sedative hypnotic drugs or substances" includes methaqualone, MAOA, MTQ, Dormigoa, Dormutil, Dorsedin, Holodorm, Omnyl, hyminal, motolon, hypcol, hyptor cateudyl, ipnofil, melsedin, melsomin, mollinox, sopor, citexal, nebedorm, normi-nox, parminal, noctilene, optinoxan, ortonal, quaalude, renoval, somnium, RIC 272, rorer 148, rouqualone, sindesvel, sonal, soverin, somberol, somnoned, toquilone, toraflon, torinal, tuazolone, tuazole, and strasenburgh, including salts, derivatives or any compound containing any of the foregoing. (Ord. 103-72. Passed 6-19-72.)

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

513.15 SALE, TRANSFER OF POSSESSION OR USE OF TOXIC GLUE.

(a) The term "toxic glue" as used herein means any compound, narcotic, drug, solution, mixture or chemical or liquid containing any toluol, hexane, tricholoroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichoroathane, isopropaneol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone or any other substance containing volatile solvents releasing noxious or toxic vapors so as to cause a condition of excitement, intoxication, stupification, dizziness or changing or distorting the audio, visual or mental processes.

(b) No person shall inhale, drink, breathe, eat or otherwise introduce into his respiratory or circulatory system any toxic glue with the intention of becoming intoxicated, elated, paralyzed, irrational or in any manner changing, distorting or disturbing the eyesight, thinking process, judgment, balance or coordination. For the purpose of this section, any such condition so induced shall be deemed an intoxicated condition.

(c) No person shall for the purpose of violating or aiding another to violate any provision of this section intentionally possess, buy, sell, transfer possession or receive possession of any toxic glue.

Except as provided in this subsection, the court also 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 offender's temporary instruction permit, probationary driver's license, or driver's license, instead 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.

(4) An individual who is under twenty-one years of age and who solicits another individual to purchase adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of:
A. For a first violation, a misdemeanor of the fourth degree; and
B. For a second or subsequent violation, a misdemeanor of the second degree.

(5) An employee or agent of an adult use dispensary licensed under Ohio R.C. Chapter 3780 who knowingly sells cannabis to an individual under twenty-one years of age is guilty of a misdemeanor of the first degree.

(6) Any individual who violates Ohio R.C. 3780.10(A), or 3780.29(F), is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03 and the illegal manufacture of drugs under Ohio R.C. 2925.04.

(7) Any individual who violates subsection (b)(2) or (b)(3) of this section is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03.

(8) Any individual who violates Ohio R.C. 3780.20(B) is guilty of illegal dispensing of drug samples under Ohio R.C. 2925.36 or a substantially equivalent municipal ordinance.

(9) A. An individual who violates subsection (g) of this section is guilty of:
1. For a first violation, a misdemeanor of the third degree; and
2. For a second or subsequent violation, a misdemeanor of the first degree.

B. If a violation of subsection (g) of this section directly or indirectly results in great bodily harm or death to any individual, the individual violating subsection (g) is guilty of a felony to be prosecuted under appropriate state law.
(ORC 3780.99)

513.19 PSEUDOEPHEDRINE SALES.

(a) Unlawful Purchases.

(1) As used in subsections (a), (b), (c) and (d) of this section:
A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
B. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
C. "Ephedrine product." A consumer product that contains ephedrine.
D. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

E. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.

F. "Retailer." A place of business that offers consumer products for sale to the general public.

G. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.

H. "Terminal distributor of dangerous drugs." Has the same meaning as in Ohio R.C. 4729.01.

(2) A. 1. No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772:

a. Three and six tenths grams within a period of a single day;

b. Nine grams within a period of thirty consecutive days.

2. The limits specified in subsections (a)(2)A.1.a. and (a)(2)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.

B. It is not a violation of subsection (b)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in subsection (a)(2)A.1.a. or (a)(2)A.1.b. of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(3) A. No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product, or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.

B. Subsection (a)(3)A. of this section does not apply to an individual under eighteen years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:

1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;

2. A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;
3. A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;
4. A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(4) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.

(5) No individual shall knowingly fail to comply with the requirements of Ohio R.C. 3715.051(B).

(6) Whoever violates subsection (a)(2)A. of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(7) Whoever violates subsection (a)(3)A. of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.

(8) Whoever violates subsection (a)(4) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.

(9) Whoever violates subsection (a)(5) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.
(ORC 2925.55)

(b) Unlawful Retail Sales.

(1) A. 1. Except as provided in subsection (b)(1)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
   a. Three and six tenths grams within a period of a single day;
   b. Nine grams within a period of thirty consecutive days.

2. The maximum amounts specified in subsections (b)(1)A.1.a. and (b)(1)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

B. 1. Subsection (b)(1)A. of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.

2. It is not a violation of subsection (b)(1)A. of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in subsection (b)(1)A.1.a. or (b)(1)A.1.b. of this section under either of the following circumstances:

a. The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;

b. A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in Ohio R.C. 3715.052(A)(2).

(2) A. Except as provided in subsection (b)(2)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under eighteen years of age.

B. Subsection (b)(2)A. of this section does not apply to any of the following:

1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;

2. A parent or guardian of an individual under eighteen years of age who provides a pseudoephedrine product or ephedrine product to the individual;

3. A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age;

4. The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under eighteen years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(3) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.051(A) or Ohio R.C. 3715.052(A)(2).

(4) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.052(A)(1).

(5) Whoever violates subsection (b)(1)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(6) Whoever violates subsection (b)(2)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.

(7) Whoever violates subsection (b)(3) of this section is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree.

(8) Whoever violates subsection (b)(4) of this section is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than one thousand dollars ($1,000) per violation.
(ORC 2925.56)

(c) Transaction Scans.

(1) For the purpose of this subsection and subsection (d) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive any pseudoephedrine product or ephedrine product from the seller, agent or employee.

B. "Identification card" has the same meaning as in Ohio R.C. 2927.021.

C. "Seller." A retailer or terminal distributor of dangerous drugs.

D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks by means of a transaction scan device the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving any pseudoephedrine product or ephedrine product.

E. "Transaction scan device." Has the same meaning as in Ohio R.C. 2927.021.

(2) A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.

B. If the information deciphered by the transaction scan performed under subsection (c)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.

C. Subsection (c)(2)A. of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.

(3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (c) and subsection (d) of this section.

(4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:

1. The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;
2. The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.

B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (c)(4)A. of this section except for purposes of subsection (d) of this section, Ohio R.C. 2925.58, or Ohio R.C. 3715.052(A)(1).

C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.

D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (d) of this section or any other section of the Ohio Revised Code.

(5) Nothing in this subsection (c) or subsection (d) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of pseudoephedrine products or ephedrine products.

(6) Whoever violates subsection (c)(2)B. or (c)(4) of this section is guilty of engaging in an illegal pseudoephedrine product or ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars ($1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(ORC 2925.57)

(d) Affirmative Defenses.

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (b) of this section in which the age of the purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:

A. A card holder attempting to purchase or receive a pseudoephedrine product presented a driver's or commercial driver's license or an identification card.

B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

C. The pseudoephedrine product was sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (d)(1) of this section, the trier of fact in the action for the alleged violation of subsection (b) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (b) of this section. For purposes of subsection (d)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes a pseudoephedrine product is eighteen years of age or older;

B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by subsection (d)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(ORC 2925.58)

(e) Retailer's Duties.

(1) As used in subsections (e) and (f) of this section:

A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.

B. "Drug." Has the same meanings as in Ohio R.C. 4729.01.

C. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

D. "Ephedrine product." A consumer product that contains ephedrine.

E. "Law enforcement official." An officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

F. "Licensed health professional authorized to prescribe drugs." Has the same meanings as in Ohio R.C. 4729.01.

G. "National Precursor Log Exchange" or "Exchange." The electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the National Association of Drug Diversion Investigators or a successor organization.

H. "Pharmacist." A person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

I. "Pharmacy." Has the same meanings as in Ohio R.C. 4729.01.

J. "Prescriber." Has the same meanings as in Ohio R.C. 4729.01.

K. "Prescription." Has the same meanings as in Ohio R.C. 4729.01.

L. "Proof of age." A driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows a person is eighteen years of age or older.

M. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

N. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.

O. "Retailer." A place of business that offers consumer products for sale to the general public.

P. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.

Q. "Stop-sale alert." A notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of Ohio R.C. 2925.56(A)(1) or federal law.

R. "Terminal distributor of dangerous drugs." Has the same meanings as in Ohio R.C. 4729.01.

S. "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.

(2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:

A. Segregate pseudoephedrine products or ephedrine products from other merchandise so that no member of the public may procure or purchase such products without the direct assistance of a pharmacist or other authorized employee of the retailer or terminal distributor of dangerous drugs;

B. With regard to each time a pseudoephedrine product or ephedrine product is sold or otherwise provided without a valid prescription:
1. Determine, by examination of a valid proof of age, that the purchaser or recipient is at least eighteen years of age;
2. a. Using any information available, including information from the national precursor log exchange if the information is accessible, make a reasonable attempt to ensure that no individual purchases or receives an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
i. Three and six tenths grams within a period of a single day;
ii. Nine grams within a period of thirty consecutive days.
b. The maximum amounts specified in subsections (e)(2)B.2.a.i. and (e)(2)B.2.a.ii. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

C. Maintain a log book of pseudoephedrine product or ephedrine product purchases, in accordance with Ohio R.C. 3715.051;

D. If required to comply with section Ohio R.C. 3715.052, submit the information specified in subsections (A)(1)(a) to (A)(1)(d) of that section to the national precursor log exchange.

(3) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the State Board of Pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the State Medical Board and its employees for purposes of enforcing Ohio R.C. Chapter 4731.
(ORC 3715.05)

(f) Theft or Loss; Reporting Requirements.

(1) Each retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler that sells, offers to sell, holds for sale, delivers or otherwise provides any pseudoephedrine product and that discovers the theft or loss of any pseudoephedrine product in an amount of more than nine grams per incident of theft or loss shall notify all of the following upon discovery of the theft or loss:

A. The State Board of Pharmacy, by telephone immediately upon discovery of the theft or loss;

B. Law enforcement authorities. If the incident is a theft and the theft constitutes a felony, the retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall report the theft to the law enforcement authorities in accordance with Ohio R.C. 2921.22.

(2) Within thirty days after making a report by telephone to the State Board of Pharmacy pursuant to subsection (f)(1)A. of this section, a retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall send a written report to the State Board of Pharmacy.

(3) The reports required under this section shall identify the product that was stolen or lost, the amount of the product stolen or lost, and the date and time of discovery of the theft or loss.
(ORC 3715.06)

513.99 PENALTY.

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

(3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A)(15).

(5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.

(f) (1) No person who knows that a licensed medical professional has committed an offense under Ohio R.C. Chapter 2907, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.

(2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in subsection (f)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.

(3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under subsection (f)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.

(4) As used in subsection (f) of this section, "licensed medical professional" has the same meaning as in Ohio R.C. 2907.01.

(g) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding Ohio R.C. 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(h) Subsections (a) and (d) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under Ohio R.C. 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for persons with drug dependencies or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are certified pursuant to Ohio R.C. 5119.36.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former Ohio R.C. 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(i) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(j) Whoever violates subsection (a), (b) or (f)(1) of this section is guilty of failure to report a crime. Violation of subsection (a)(1) or (f)(1) of this section is a misdemeanor of the fourth degree. Violation of subsection (a)(2) or (b) of this section is a misdemeanor of the second degree.

(k) Whoever violates subsection (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

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

(2) Whoever knowingly violates subsection (e) of this section is guilty of a misdemeanor of the second degree.

(m) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse. (ORC 2921.22)

525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

525.07 OBSTRUCTING OFFICIAL BUSINESS.

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

(b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law. (ORC 2921.31)

525.08 OBSTRUCTING JUSTICE.

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:

(1) Harbor or conceal the other person or child;

(2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;

(3) Warn the other person or child of impending discovery or apprehension;

(4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;

(5) Communicate false information to any person.

(6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

(b) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under subsection (c) hereof in determining the penalty for the violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

(c) (1) Whoever violates this section is guilty of obstructing justice.

(2) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the misdemeanor committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.

(d) As used in this section:

(1) "Adult" and "child" have the same meanings as in Ohio R.C. 2151.011.

(2) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02. (ORC 2921.32)

525.09 RESISTING ARREST.

(a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.

(b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.

(c) Whoever violates this section is guilty of resisting arrest. A violation of subsection (a) hereof is a misdemeanor of the second degree. A violation of subsection (b) hereof is a misdemeanor of the first degree. (ORC 2921.33)

525.10 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

(a) No public official shall knowingly do any of the following:

(1) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission or board of which the public official was a member at the time of authorization unless the contract was let by competitive bidding, to the lowest and best bidder;

(2) Have an interest in the profits or benefits of a public contract entered into by or for the use of the Municipality or governmental agency or instrumentality with which the public official is connected;

(3) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law, and that involves more than one hundred fifty dollars ($150.00).

(b) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family or any of a public official's business associates shall not be considered as having an interest in a public contract if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(c) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates, has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the Municipality or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the Municipality or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the Municipality or governmental agency or instrumentality involved;

(3) The treatment accorded the Municipality or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the Municipality or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family or business associate, and the public official takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.

(d) Subsection (a)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(e) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of this section is a misdemeanor of the first degree.

(f) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with Ohio R.C. 309.06 and 2921.421, or for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with Ohio R.C. 733.621 and 2921.421.

(g) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(h) As used in this section:

(1) "Public contract" means any of the following:

A. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the State, any of its political subdivisions, or any agency or instrumentality of either.

B. A contract for the design, construction, alteration, repair or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in Ohio R.C. 733.621. (ORC 2921.42)

525.11 SOLICITING OR RECEIVING IMPROPER COMPENSATION.

(a) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

(1) Any compensation, other than is allowed by Ohio R.C. 102.03(G), (H), and (I) or other provisions of law, to perform his official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform his official duties.

(b) No public servant for his own personal or business use and no person for his own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to his compensation, duties, placement, location, promotion or other material aspects of his employment.

(c) No person for the benefit of a political party, campaign committee, legislative campaign fund or political action committee shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to his compensation, duties, placement, location, promotion or other material aspects of his employment.

(d) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(e) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment or position of trust in this Municipality for a period of seven years from the date of conviction.

(f) Subsections (a), (b) and (c) hereof do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund or political action committee or prohibit a political party, campaign committee, legislative campaign fund or political action committee from accepting voluntary contributions. (ORC 2921.43)

525.12 DERELICTION OF DUTY.

(a) No law enforcement officer shall negligently do any of the following:

(1) Fail to serve a lawful warrant without delay;

(2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.

(b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

(c) No officer, having charge of a detention facility, shall negligently do any of the following:

(1) Allow the detention facility to become littered or unsanitary;

(2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;

(3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;

(4) Allow a prisoner to escape;

(5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

525.13 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

(a) No person who is not entitled to do so shall knowingly display on a motor vehicle the emblem of a law enforcement agency or an organization of law enforcement officers.

(b) Whoever violates this section is guilty of the unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers, a minor misdemeanor. (ORC 2913.441)

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

(2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;

B. Deprives the law enforcement officer of control of the police dog or horse;

C. Releases the police dog or horse from its area of control;

D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

(5) If the person is the owner, keeper, or harborer of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct, the police dog or horse is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog, at the time the physical harm is caused or attempted, is assisting or serving a person who is blind, deaf or hearing impaired or a person with a mobility impairment.

(2) The dog, at the time the physical harm is caused or attempted, is not assisting or serving a person who is blind, deaf or hearing impaired or a person with a mobility impairment, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a person who is blind, deaf or hearing impaired, or a person with a mobility impairment who is being assisted or served by an assistance dog, in a manner that does any of the following:

A. Inhibits or restricts the assisted or served person's control of the dog;
B. Deprives the assisted or served person of control of the dog;
C. Releases the dog from its area of control;
D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
E. Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper or harborer of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a person who is blind, deaf or hearing impaired, or a person with a mobility impairment or that the person knows is an assistance dog.

(e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.

(3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.

(4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the person who is blind, deaf or hearing impaired, or the person with a mobility impairment assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the person who is blind, deaf or hearing impaired, or the person with a mobility impairment assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the person who is blind, deaf or hearing impaired, or the person with a mobility impairment assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.

CHAPTER 533
Obscenity and Sex Offenses

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CROSS REFERENCES
See sectional histories for similar State law
Complicity - see GEN. OFF. 501.10
Offensive conduct - see GEN. OFF. 509.03
Telephone harassment - see GEN. OFF. 537.10
Criminal trespass - see GEN. OFF. 541.05

533.01 DEFINITIONS.

As used in this chapter:

(a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(c) "Sexual activity" means sexual conduct or sexual contact, or both.

(d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(e) "Harmful to juveniles" means that:

(1) The average adult person, applying contemporary community standards, would find that the material or performance is offensive to prevailing standards in the adult community with respect to what is suitable to juveniles; and

(2) The material or performance depicts or describes:

A. Sexual activity or representation or description of ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal; or

B. Representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals, including fully or partially uncovered exhibition of human or animal genitals, perineum, or anal region by any means, including but not limited to, close-up views, poses or depictions in such position or manner which expose such areas to prominent, focal or obvious view; or

C. Extreme or bizarre violence, cruelty, brutality, disfigurement, dismemberment, or human bodily functions of elimination; and

(3) The material or performance lacks sufficient scientific, educational, sociological, moral, artistic, literary, political or medical value for juveniles to outweigh its harmful qualities or effects.

(Ord. 193-79. Passed 10-1-79.)

(f) "Obscene" means material or performance whether pictures, photographs, drawings, writings, cartoons, recordings, films or exhibition which:

(1) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, appeals to the prurient interest; and

(2) The material or performance depicts or describes, in a potently offensive way:

A. Sexual activity or representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal; or

B. Representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals, including fully or partially uncovered exhibition of human or animal genitals, perineum, or anal region by any means, including but not limited to, close-ups views, poses, or depictions is such position or manner which expose such areas to prominent, focal or obvious view; or

C. Extreme or bizarre violence, cruelty, brutality, disfigurement, dismemberment or human bodily functions of elimination; and

(3) The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value.

(Ord. 193-79. Passed 10-1-79.)

(g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(i) "Juvenile" means an unmarried person under the age of eighteen.

(j) "Licensed medical professional" means any of the following medical professionals:

(1) A physician assistant licensed under Ohio R.C. Chapter 4730;

(2) A physician authorized under Ohio R.C. Chapter 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(3) A massage therapist licensed under Ohio R.C. Chapter 4731.

(k) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, video tape, phonographic record or tape, or other tangible thing capable of arousing interest through sight, sound or touch. (Initiative Ord. Approved by electors 11-5-85.)

(l) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.

(m) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;

(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(n) "Minor" means a person under the age of eighteen years.
(ORC 2907.01)

(o) "Knowledge of character" means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.

(p) "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.

(q) "Public place" means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(r) "Theater" means a building, play house, room, hall or other place having a permanent parcel stage upon which movable scenery and theatrical or vaudeville or similar performances are given and seats so arranged that a body of spectators can have an unobstructed view of the stage.
(Initiative Ord. Approved by electors 11-5-85.)

(s) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.

(t) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an under-garment.
(ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner or manager, or agent or employee of an owner or manager, of a bookstore, newsstand, theater, or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business does any of the acts prohibited by Section 533.11, is presumed to have knowledge of the character of the material or performance involved, if the owner, manager, or agent or employee of the owner or manager has actual notice of the nature of such material or performance, whether or not the owner, manager, or agent or employee of the owner or manager has precise knowledge of its contents.

(b) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the jurisdiction in which the person to whom the notice is directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles and bear the date of such notice.

(c) Section 533.11 does not apply to a motion picture operator or projectionist acting within the scope of employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in the operator's or projectionist's place of employment, other than wages.

(d) (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.

(2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.

(3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of Section 533.11, 533.12 or 533.13, and that contains content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.

(e) An employer is not guilty of a violation of Section 533.11, 533.12, or 533.13 based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of employee's or agent's employment or agency, and the employer does either of the following:

(1) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.

(2) The employer recklessly disregards the employee's or agent's conduct.

(f) It is an affirmative defense to a charge under Section 533.11 or 533.13 as the section applies to an image transmitted through the internet or another electronic method of remotely transmitting information that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.

(g) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable. (ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law. (ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when the offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

(b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more

violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year. (ORC 2907.06)

533.05 IMPORTUNING.

(EDITOR'S NOTE: Former Section 533.05 has been deleted from the Codified Ordinances. Section 533.05 was identical to Ohio R.C. 2907.07(B) which the Ohio Supreme Court held to be unconstitutional in State v. Thompson, 95 Ohio St. 3rd 264 (2002).)

533.06 VOYEURISM.

(a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(b) No person shall knowingly commit trespass or otherwise secretly or surreptitiously videotape, film, photograph, broadcast, stream, or otherwise record another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person.

(c) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person above, under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

(d) Whoever violates this section is guilty of voyeurism.

(1) A violation of subsection (a) hereof is a misdemeanor of the third degree.

(2) A violation of subsection (b) hereof is a misdemeanor of the second degree.

(3) A violation of subsection (c) hereof is a misdemeanor of the first degree. (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:

(1) Expose the person's private parts;

(2) Engage in sexual conduct or masturbation;

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, who is a minor, and who is not the spouse of the offender:

(1) Engage in masturbation;

(2) Engage in sexual conduct;

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;

(4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

(c) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in subsections (c)(2), (3), (4) and (5) of this section.

(5) The image is disseminated for another lawful public purpose;
(6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.
(7) The image is disseminated for the purpose of medical treatment or examination.

(d) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:
(1) A provider of interactive computer service;
(2) A mobile service;
(3) A telecommunications carrier;
(4) An internet provider;
(5) A cable service provider;
(6) A direct-to-home satellite service;
(7) A video service provider.

(e) Any conduct that is a violation of this section and any other section of the General Offenses Code, or the Revised Code may be prosecuted under this section, the other section, or both sections.

(f) (1) A. Except as otherwise provided in subsection (f)(1)B., C., or D. of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.
B. If the offender previously has been convicted of or pleaded guilty to a violation of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.
C. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.
D. If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.
(2) In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Ohio R.C. Chapter 2981.
A. Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;
B. Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled or conducted in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

(g) A victim of a violation of this section may commence a civil cause of action against the offender, as described in Ohio R.C. 2307.66.
(ORC 2917.211)

533.24 GROOMING.

(a) As used in this section, "pattern of conduct" has the same meaning as in Ohio R.C. 2903.211.

(b) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor who is less than sixteen years of age and who is four or more years younger than the person, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

(1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;

(2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(c) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor if the person and the minor are in any of the relationships described in Ohio R.C. 2907.03(A)(5) to (A)(13), when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

(1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;

(2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(d) Whoever violates this section is guilty of grooming.

(1) Except as otherwise provided in this division, a violation of subsection (b) of this section is a misdemeanor of the second degree. If the victim of the offense is less than thirteen years of age or if the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense and the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this subsection, a violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age or if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(e) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the this code or the Ohio Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of this code or the Ohio Revised Code may be prosecuted under this section, the other section of this code or the Revised Code, or both sections.
(ORC 2907.071)

533.99 PENALTY.

(a) In addition to the penalties provided in Section 533.11 after conviction for a violation of those sections, the City may in its discretion, revoke the business license of the offender, and upon conviction of the offender for a second violation the City shall revoke the business license of such person.

(b) See Section 501.99 for penalties applicable to any misdemeanor classification described in this chapter.
(Ord. 193-79. Passed 10-1-79.)

CHAPTER 537
Offenses Against Persons

537.01 Negligent homicide.
537.02 Vehicular homicide and manslaughter.
537.021 Vehicular assault in a construction zone.
537.03 Assault.
537.04 Negligent assault.
537.05 Aggravated menacing.
537.051 Menacing by stalking.
537.06 Menacing.
537.07 Endangering children.
537.08 Unlawful restraint.
537.09 Coercion.
537.10 Telecommunication harassment.
537.11 Threatening or harassing telephone calls.
537.12 Misuse of 9-1-1 system.
537.13 Adulterating of or furnishing adulterated food or confection.
537.14 Domestic violence.
537.15 Temporary protection order.
537.16 Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.
537.17 Reserved.
537.18 Contributing to unruliness or delinquency of a child.
537.19 Hazing prohibited.
537.20 Illegal use of a tracking device or application.
537.99 Penalty.

CROSS REFERENCES
See sectional histories for similar State law
Physical harm to persons defined - see GEN. OFF. 501.01 (c), (e)
Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) As the proximate result of committing an OVI offense.
(2) In one of the following ways:
A. Recklessly;
B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in subsection (d) of this section.
(3) In one of the following ways:
A. Negligently;
B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.

(b) (1) Whoever violates subsection (a)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense.
(2) Whoever violates subsection (a)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial

driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) Subsection (a)(2)B. and (a)(3)B. do not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1), (a)(2)A., (a)(3)A., or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

(1) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(2) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.

(3) "Motor vehicle", "mini-truck" and "utility vehicle" have the same meaning as in Ohio R.C. 4501.01.

(4) "OVI offense" means a violation of Ohio R.C. 4511.19(A), a violation of Ohio R.C. 1547.11(A), a violation of Ohio R.C. 4561.15(A)(3), or a substantially equivalent municipal ordinance.

(5) "Reckless operation offense" means a violation of Ohio R.C. 4511.20 or a municipal ordinance substantially equivalent to Ohio R.C. 4511.20.

(6) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

(7) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) This section does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27.

(e) As used in this section:

(1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.

(2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.

(3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.

(a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

(1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;

(2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3716.99(C))

537.14 DOMESTIC VIOLENCE.

(a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(b) No person shall recklessly cause serious physical harm to a family or household member.

(c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(d) (1) Whoever violates this section is guilty of domestic violence.

(2) Except as otherwise provided in subsection (d)(3) to (5) of this section, a violation of subsection (c) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in subsection (d)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of subsection (a) or (b) of this section is a felony to be prosecuted under appropriate state law. A violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic

violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, and the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (a) or (b) of this section is a felony to be prosecuted under appropriate state law.

(5) Except as otherwise provided in subsection (d)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate State law, and a violation of subsection (c) of this section is a misdemeanor of the third degree.

(e) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.

(f) As used in this section:

(1) "Family or household member" means any of the following:

A. Any of the following who is residing or has resided with the offender:

1. A spouse, a person living as a spouse or a former spouse of the offender;
2. A parent, a foster parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.

B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. (ORC 2919.25)

(g) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2919.25 shall be available for filing a complaint for violation of this section.

537.15 TEMPORARY PROTECTION ORDER.

(a) No person shall recklessly violate the terms of any of the following:

(1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;

(2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214;

(3) A protection order issued by a court of another state.

(b) (1) Whoever violates this section is guilty of violating a protection order.

(2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.

(3) Violating a protection order is a felony and shall be prosecuted under State law if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:
   A. A violation of a protection order issued or consent agreement approved pursuant to Ohio R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31;
   B. Two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 or any combination of those offenses that involved the same person who is the subject of the protection order or consent agreement;
   C. One or more violations of this section.

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.

(5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had been issued, and proves that the defendant recklessly violated the terms of the order or agreement.

(e) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child. (ORC 2919.27)

537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS; TRANSACTION SCANS.

(a) Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products.

(1) As used in this section:

A. "Age verification." A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.

B. "Alternative nicotine product."

1. Subject to subsection (a)(1)B.2. of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

2. The phrase does not include any of the following:

a. Any cigarette or other tobacco product;

b. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

c. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

d. Any product that is a "combination product" as described in 21 U.S.C. 353(g).

C. "Cigarette." Includes clove cigarettes and hand-rolled cigarettes.

D. "Distribute." Means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

E. "Electronic smoking device." Means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

F. "Proof of age." Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is twenty-one years of age or older.

G. "Tobacco product." Means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

H. "Vapor product." Means a product, other than a cigarette or other tobacco product as defined in Ohio R.C. Chapter 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.

I. "Vending machine." Has the same meaning as "coin machine" in Ohio R.C. 2913.01.

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

A. Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any person under twenty-one years of age;

B. Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have a tobacco retail license pursuant to this Chapter and to Chapter 780 governing licensing of tobacco retail establishments, and the requisite posted in a conspicuous place a legibly printed signage stating in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law "THE SALE OR PROVISION OF TOBACCO PRODUCTS, INCLUDING E-CIGARETTES, TO AN INDIVIDUAL UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW" with additional requirements pursuant to CH 780.08(e).

C. Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

D. Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

E. Sell cigarettes or alternative nicotine tobacco products in a smaller quantity than that placed in the pack or other container by the manufacturer;

F. Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification pursuant to this Chapter and to Chapter 780.08(c)-(d).

(3) No tobacco retailer or person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine without a valid tobacco retail license pursuant to Chapter 780 of the Lorain Code of Ordinances. Vending machines dispensing tobacco products shall only operate except in the following locations:

A. An area within a factory, business, office, or other place not open to the general public;

B. An area to which persons under twenty-one years of age are not generally permitted access;

C. Any other place not identified in subsection (a)(3)A. or B. of this section, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view, and control of the person agent or employee of the licensed tobacco retailer who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person agent or employee. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

2. The vending machine is inaccessible to the public when the place is closed.

3. A clearly visible notice is posted in the area where the vending machine is located with signage requirements in accordance with Section 537.16(a)(2)(B) of this Chapter and Section 780.08(e) of Chapter 780 governing tobacco retail establishment requirements. that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of twenty-one to purchase tobacco or alternative nicotine products.

(4) The following are affirmative defenses to a charge under subsection (a)(2)A. of this section:

A. The person under twenty-one years of age was accompanied by a parent, or spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (a)(2)A. of this section is a parent, or spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

(5) It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:

A. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.

B. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

C. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.

(6) A. Whoever violates subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section is guilty of illegal distribution of cigarettes, other tobacco products and are subject to the civil penalties as proscribed by Chapter 780 pertaining to tobacco retailer license requirements. or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section or a substantially equivalent state law or municipal ordinance, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

B. Whoever violates subsection (a)(2)C. of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(7) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981. (ORC 2927.02)

(b) Transaction Scan.

(1) For the purpose of this subsection (b) and subsection (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a licensed tobacco retailer, seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a licensed tobacco retailer, seller, agent or employee.

B. "Identification card." An identification card issued under Ohio R.C. 4507.50 to 4507.52.

C. "Seller." A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any tobacco retailer or tobacco retail establishment defined under Chapter 780 of the Code of Ordinances person whose sale, gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of subsection (a) of this section.

D. "Transaction scan." The process by which a tobacco retailer, seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.

E. "Transaction scan device." Any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.

(2) A. A tobacco retailer, seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products., or alternative nicotine products.

B. If the information deciphered by the transaction scan performed under subsection (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.

C. Subsection (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.

(3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (b) and subsection (c) of this section.

(4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:

1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;
2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.

B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (b)(4)A. of this section, except for purposes of subsection (c) of this section.

C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.

D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (c) of this section or another section of these Codified Ordinances or the Ohio Revised Code.

(5) Nothing in this subsection (b) or subsection (c) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away or other distribution of cigarettes, other tobacco products, or alternative nicotine products.

(6) Whoever violates subsection (b)(2)B. or (b)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars ($1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury. (ORC 2927.021)

(c) Affirmative Defenses.

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (a) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:

A. A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.

B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;

B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(ORC 2927.022)

(d) Shipment of Tobacco Products.

(1) As used in this subsection (d):

A. "Authorized recipient of tobacco products" means a person who is:

1. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
2. Licensed as a retail dealer as long as the person purchases tobacco products, including cigarettes, with the appropriate tax stamp affixed;
3. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;
4. An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;
5. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
6. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
7. A person having a consent for consumer shipment issued by the Tax Commissioner under Ohio R.C. 5743.71.

B. "Motor carrier." Has the same meaning as in Ohio R.C. 4923.01.

(2) The purpose of this division (d) is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.

(3) A. No tobacco retailer or person shall cause to be shipped any tobacco products, including cigarettes, to any person in this municipality other than an authorized recipient of tobacco products.

(e) Reckless failure to immediately report knowledge of hazing.

(1) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.

(2) A violation of subsection (e)(1) of this section is a misdemeanor of the fourth degree, except that the violation is a misdemeanor of the first degree if the hazing causes serious physical harm.
(ORC 2903.311(B), (C))

537.20 ILLEGAL USE OF A TRACKING DEVICE OR APPLICATION.

(a) As used in this section:

(1) "Business entity" means any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state.

(2) "Business of private investigation" has the same meaning as in Ohio R.C. 4749.01.

(3) "Disabled adult" has the same meaning as in Ohio R.C. 2913.01.

(4) "Elderly person" has the same meaning as in Ohio R.C. 2913.01.

(5) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.

(6) "Electronic monitoring device" has the same meaning as in Ohio R.C. 2929.01.

(7) "Law enforcement agency" means any organization or unit comprised of law enforcement officers, and also includes any federal or military law enforcement agency.

(8) "Ohio Protection Order" means a protection order filed or issued or a consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31, a protection order filed or issued pursuant to Ohio R.C. 2151.34, 2903.213, or 2903.214, or a no contact order issued as any of the following:

A. As part of a person's sentence under a community control sanction imposed under Ohio R.C. 2929.16, 2929.17, 2929.26, or 2929.27;

B. As a term or condition of a person's release under Ohio R.C. 2929.20;

C. As a post-release control sanction imposed as a condition of a person's post-release control under Ohio R.C. 2967.28;

D. As a term of supervision for a person transferred to transitional control under Ohio R.C. 2967.26;

E. As a term or condition of the intervention plan of a person granted intervention in lieu of conviction under Ohio R.C. 2951.041.

(9) "Person" means an individual, but does not include a business entity.

(10) "Private investigator" has the same meaning as in Ohio R.C. 4749.01.

(11) "Protection order issued by a court of another state" has the same meaning as in Ohio R.C. 2919.27.

(12) "Tracking application" means any software program that permits a person to remotely determine or track the position or movement of another person or another person's property.

(13) "Tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of another person or another person's property, including an electronic monitoring device.

(b) Except as otherwise provided in subsection (d) of this section, no person shall knowingly do either of the following:

(1) Install a tracking device or tracking application on another person's property without the other person's consent or cause a tracking device or tracking application to track the position or movement of another person or another person's property without the other person's consent;

(2) If the person installed a tracking device or tracking application on another's property with the other person's consent and the other person subsequently revokes that consent, fail to remove or ensure the removal of the device or application after the other person revokes the consent.

(c) (1) For purposes of this section, if a person has given consent for another to install a tracking device or tracking application on the consenting person's property, it is presumed that the consenting person has revoked that consent if any of the following applies:

A. The consenting person and the person to whom consent was given are lawfully married and one of them files a complaint for divorce or a petition for dissolution of marriage from the other. Not later than seventy-two hours after being served with a complaint for divorce or a petition for dissolution of marriage, the person to whom consent was given shall lawfully uninstall or discontinue use of the tracking device or tracking application. If the person to whom consent was given cannot lawfully uninstall or discontinue use of the tracking device or tracking application, the person to whom consent was given shall notify the court in which the complaint for divorce or the petition for dissolution of marriage was filed in writing.

B. The consenting person or the person to whom consent was given files an Ohio protection order against the other person or an Ohio protection order is issued against the other person, and the person to be protected under the order is the consenting person. Not later than seventy-two hours after being served with the Ohio protection order, the person to whom consent was given shall lawfully uninstall or discontinue use of the tracking device or tracking application. If the person to whom consent was given cannot lawfully uninstall or discontinue use of the tracking device or tracking application, the person to whom consent was given shall notify the court that issued the Ohio protection order in writing that the person to whom consent was given has installed or is using a tracking device or tracking application on the previously consenting person's person or the person's property and cannot uninstall or discontinue its use without violating the Ohio protection order.

(2) Revocation of consent under this subsection is effective upon the service of the petition or motion or an Ohio protection order.

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

(1) A law enforcement officer, or any law enforcement agency, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of a criminal investigation, or a probation officer, parole officer, or employee of the department of rehabilitation and correction, a halfway house, or a community-based correctional facility when engaged in the lawful performance of the officer's or employee's official duties;

(2) A parent or legal guardian of a minor child who installs or uses a tracking device or tracking application to track the minor child if any of the following applies:

A. The parents or legal guardians of the child are lawfully married to each other and are not separated or otherwise living apart, and either of those parents or legal guardians consents to the installation of the tracking device or tracking application;

B. The parent or legal guardian of the child is the sole surviving parent or legal guardian of the child;

C. The parent or legal guardian of the child has sole custody of the child;

D. The parents or legal guardians of the child are divorced, separated, or otherwise living apart and neither parent has sole custody of the child, and both consent to the installation of the tracking device or tracking application;

E. The parents or legal guardians of the child are divorced, separated, or otherwise living apart, neither parent has sole custody of the child, and either only one parent consents to the installation of the tracking device or tracking application or one parent revokes consent, if the consenting parent only uses the tracking device or tracking application during that parent's parenting or custodial time and disables or removes the tracking device or application during the nonconsenting parent's parenting or custodial time.

(3) A caregiver of an elderly person or disabled adult, if the elderly person's or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person's or disabled adult's property is necessary to ensure the safety of the elderly person or disabled adult;

(4) A person acting in good faith on behalf of a business entity for a legitimate business purpose, provided that this division does not apply to a private investigator engaged in the business of private investigation on behalf of another person;

(5) A. A private investigator or other person licensed under Ohio R.C. 4749.03, who is acting in the normal course of the investigator's business of private investigation on behalf of another person and who has the consent of the owner of the property upon which the tracking device or tracking application is installed, for the purpose of obtaining information with reference to any of the following:

1. Criminal offenses committed, threatened, or suspected against the United States, a territory of the United States, a state, or any person or legal entity;
2. Locating an individual known to be a fugitive from justice;
3. Locating lost or stolen property or other assets that have been awarded by the court;
4. Investigating claims related to workers' compensation.

B. This subsection does not apply if the person on whose behalf the private investigator is working is the subject of an Ohio protection order or a protection order issued by a court of another state or if the private investigator knows or reasonably should know that the person on whose behalf the private investigator is working seeks the investigator's services to aid in the commission of a crime.

(6) An owner or lessee of a motor vehicle who installs, or directs the installation of, a tracking device or tracking application on the vehicle during the period of ownership or lease, if any of the following applies:

A. The tracking device or tracking application is removed before the vehicle's title is transferred or the vehicle's lease expires;

B. The new owner of the vehicle, in the case of a sale, or the lessor of the vehicle, in the case of an expired lease, consents in writing to the non-removal of the tracking device or tracking application;

C. The owner of the vehicle at the time of the installation of the tracking device or tracking application was the original manufacturer of the vehicle.

(7) A person who installs a tracking device or application on property in which the person has an ownership or contractual interest, unless the person is the subject of a protective order and the property is likely to be used by the person who obtained the protective order;

(8) A person or business entity that installs a tracking device or tracking application on any fixed wing aircraft or rotorcraft operated or managed by the person or business entity pursuant to 14 C.F.R. part 91 or part 135 to track the position or movement of the fixed wing aircraft or rotorcraft;

(9) A surety bail bond agent, or any employee or contractor of a surety bail bond agent, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of the surety bail bond agent's, employee's, or contractor's official responsibilities or duties.

(e) For purposes of subsection (d)(1) of this section, a probation officer, parole officer, or employee of the department of rehabilitation and correction, a halfway house, or a community-based correctional facility is engaged in the lawful performance of the officer's or employee's duties if both of the following apply:

(1) The court or the Department of Rehabilitation and Correction imposes electronic monitoring on a person.

(2) The officer or employee installs or uses an electronic monitoring device on that person in accordance with the court's or department's imposition of electronic monitoring of that person.

(f) Whoever violates this section is guilty of illegal use of a tracking device or application.

(1) Except as otherwise provided in subsection (f)(2) of this section, illegal use of a tracking device or application is a misdemeanor of the first degree.

(2) Illegal use of a tracking device or application is a felony to be prosecuted under state law if any of the following applies:

A. The offender previously has been convicted of or pleaded guilty to a violation of this section, Ohio R.C. 2903.216, or Ohio R.C. 2903.211 or any substantially equivalent municipal ordinance.

B. At the time of the commission of the offense, the offender was the subject of a protection order issued under Ohio R.C. 2903.213 or 2903.214, regardless of whether the person to be protected under the order is the victim of the offense or another person.

C. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.

D. The offender has a history of violence toward the victim or a history of other violent acts towards the victim.
(ORC 2903.216)

537.99 PENALTY.

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

5. A telephone company that is a public utility under Ohio R.C. 4905.02;
6. A video service provider, including a cable operator, as those terms are defined in Ohio R.C. 1332.21.

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

(4) "Land" or "Premises". Includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

(5) "Production Operation, Well, and Well Pad". Have the same meanings as in Ohio R.C. 1509.01.
(ORC 2911.21)

541.051 AGGRAVATED TRESPASS.

(a) (1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to that person.

(2) No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility.

(b) Whoever violates this section is guilty of aggravated trespass. Aggravated trespass in violation of subsection (a)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of subsection (a)(2) of this section is a felony to be prosecuted under appropriate state law.

(c) As used in this section, "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21. (ORC 2911.211)

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

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

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

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 901.99(A))

541.07 DESECRATION.

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

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

(b) Whoever violates this section is guilty of desecration, a misdemeanor of the second degree.

(c) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains. (ORC 2927.11)

541.08 ETHNIC INTIMIDATION.

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections 537.05, 537.06, 537.10(a)(3) to (5), 541.03 or 541.04 of the General Offenses Code by reason of the race, color, religion or national origin of another person or group of persons.

(b) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.
(ORC 2927.12)

541.09 POSTING BILLS WITHOUT CONSENT OF OWNER.

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

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

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

541.10 CIVIL LIABIILTY OF PARENTS.

(a) The City of Lorain is entitled to maintain an action to recover compensatory damages in an amount not to exceed two thousand dollars ($2,000) or any other amounts as set forth in Ohio R.C. 3109.09 or any amendments thereto, and costs of suit from the parents, having the custody and control of a minor under the age of eighteen years, who willfully damages property belonging to or under the control of the City. A finding of willful destruction of property is not dependent upon a prior finding of delinquency of such minor.

(b) Such action shall be commenced and heard as in other civil actions for damages. (Ord. 14-79. Passed 1-15-79.)

541.11 VEHICULAR VANDALISM.

(a) As used in this section:

(1) "Highway" means any highway as defined in Section 301.84 of the Traffic Code or any lane, road, street, alley, bridge, or overpass.

(2) "Alley", "street", and "vehicle" have the same meanings as in Chapter 301 of the Traffic Code.

(3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. 1546.01.

(b) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

(1) Any vehicle on a highway;

(2) Any boat or vessel on any of the waters in this State that are located in the Municipality.

CHAPTER 545
Theft and Fraud

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CROSS REFERENCES
See sectional histories for similar State law
Property defined - see GEN. OFF. 501.01(j)
Cheating - see GEN. OFF. 517.05
Falsification - see GEN. OFF. 525.02
Impersonating a public servant - see GEN. OFF. 525.03

545.01 DEFINITIONS.

As used in this chapter, unless the context requires that a term be given a different meaning:

(a) "Deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

(b) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(c) "Deprive" means to do any of the following:

(1) Withhold property of another permanently, or for such period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2) Dispose of property so as to make it unlikely that the owner will recover it;

(3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.

(d) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license or interest is unlawful.

(e) "Services" include labor, personal services, professional services, rental services, public utility services, including wireless service as defined in Ohio R.C. 5507.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services.

(f) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.

(g) "Forge" means to fabricate or create, in whole or in part and by any means any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(h) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver or display.

(i) "Coin machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.

(j) "Slug" means an object that, by virtue of its size, shape, composition or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.

(k) "Theft offense" means any of the following:

(1) A violation of Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.08, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42 to 2913.45, 2913.47, 2913.48, 2913.51, 2915.05, 2915.06, or 2921.41.

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (k)(1) hereof or a violation of Ohio R.C. 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;

(b) (1) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is misdemeanor theft, a misdemeanor of the first degree. If the elements set forth in Ohio R.C. 2913.02(B) for felony theft, grand theft, or aggravated theft are met, then a violation of this section is a felony to be prosecuted under appropriate state law.

(2) In addition to the penalties described in subsection (b)(1) 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:

A. Unless subsection (b)(2)B. of this section applies, suspend for not more than six months the offenders driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;

B. 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 (b)(2)A. of this section, or any other substantially equivalent state or local law, 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 at least six months;

C. 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 subsection (b)(2)A. or (b)(2)B. of this section, instead may require the offender to perform community service for a number of hours determined by the court.

(3) In addition to the penalties described in subsection (b)(1) of this section, if the offender committed the violation by stealing rented property or rental services, the court may order that the offender make restitution pursuant to Ohio R.C. 2929.18 or Ohio R.C. 2929.28. Restitution may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented. Evidence of intent to commit theft of rented property or rental services shall be determined pursuant to the provisions of Ohio R.C. 2913.72.

(c) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under subsection (b)(2) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Ohio R.C. Chapter 4510. (ORC 2913.02)

545.06 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) This section does not apply to property removed from the State or if possession is kept for more than forty-eight hours.

(c) The following are affirmative defenses to a charge under this section:

(1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property.

(2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(d) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(e) Whoever violates subsection (a) hereof is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of subsection (a) hereof is a felony and shall be prosecuted under appropriate State law. (ORC 2913.03)

(f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a misdemeanor of the fourth degree.

545.07 INSURANCE FRAUD.

(a) As used in this section:

(1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.

(2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.

(3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.

(4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.

(5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. (ORC 2923.19)

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

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

(1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

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

(b) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of subsection (a)(1) hereof is a misdemeanor of the second degree. A violation of subsection (a)(2) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 UNDERAGE PURCHASE OF FIREARM.

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

(1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.

(2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

549.08 DISCHARGING FIREARMS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality, except at ranges authorized by the Police Chief or pursuant to Section 549.14 and the following areas: the east, west and north breakwaters, the harbor and open waters of Lake Erie, and when hunting waterfowl with the proper license.

(b) This section does not apply when firearms are used in self-defense, in the discharge of official duty or when otherwise lawfully authorized.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 70-24. Passed 5-6-24.)

549.09 CARRYING CERTAIN WEAPONS PROHIBITED.

(a) No person shall carry on or about his person any weapon known or designated as brass knuckles, billy, slingshot, sandbag, blackjack or other weapon of similar character, or any knife fitted with a mechanical device for automatic release of the blade, opening the knife and locking the knife in the open position, commonly known as a switch or automatic spring knife.

(b) This section does not apply to any such weapons designated for use by officers of the law.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree.

549.10 SLINGSHOT, BOW AND ARROW OR AIR GUN.

(a) No person shall maliciously or recklessly, by hand or by means of a slingshot, bow, air gun or other similar device, throw, shoot, cast or sling any stone, arrow, pellet or other similar missile.

(b) A longbow and arrow or crossbow may be used if the bow and arrow or crossbow is used within the regulations set forth by the Ohio Division of Wildlife and rules and regulations established by the Chief of Police.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. (Ord. 70-24. Passed 5-6-24.)

549.11 SALE OR DISCHARGE OF FIREWORKS.

(a) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordnance matches and except as provided in Ohio R.C. 3743.80.

(b) No person shall possess fireworks in this jurisdiction or shall possess for sale or sell fireworks in this jurisdiction, except a licensed manufacturer of fireworks as authorized by Sections 3743.02 to 3743.08 of the Ohio Revised Code, a licensed wholesaler of fireworks as authorized by Section 3743.15 to 3743.21 of the Ohio Revised Code, a shipping permit holder as authorized by Section 3743.40 of the Ohio Revised Code, an out-of-state resident as authorized by Section 3743.44 of the Ohio Revised Code, a resident of this jurisdiction as authorized by Section 3743.45 of the Ohio Revised Code, or a licensed exhibitor of fireworks as authorized by Sections 3743.50 to 3743.55 of the Ohio Revised Code, and except as provided in Section 3743.80 of the Ohio Revised Code.

(c) Except as provided in subsection (d) below, Section 3743.80 of the Ohio Revised Code, and for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Sections 3743.50 to 3743.55 of the Ohio Revised Code, no person shall discharge, ignite or explode any fireworks in this jurisdiction.

(d) Owner, occupant, or person in control of any property shall be permitted to discharge, ignite or explode fireworks on said property during the specified holidays and times: Cinco de Mayo (the 5th of May) until 11:00 PM, Juneteenth (the 19th of June) until 11:00 PM, Independence Day (the 4th of July) until 11:00 PM, and New Year's Eve (the 31st of December) until 1:00 AM the 1st of January of the following year pursuant to Ohio R.C. 3743.45.

Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.

(2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.14(A) or Ohio R.C. 5123.03(A)(1);

B. A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;

C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.123;

D. Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;

E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

F. Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

H. A place in which federal law prohibits the carrying of handguns.

(3) A. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's

premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

B. 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.

3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

4. A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation. The immunities described in this division apply to an entity that leases its property to the nonprofit

corporation or permits its property to be used by the nonprofit corporation for any purpose.

C. 1. a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.

b. If a person knowingly violates a posted prohibition of the nature described in this subsection and the posted land or premises is a child care center, type A family child care home, or type B family child care home, unless the person is a licensee who resides in a type A family child care home or type B family child care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this subsection, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this subsection or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.

2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.

3. As used in subsection (b)(3)C. of this section:

a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.

b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.

(4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.

(5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.

B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).

C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.

D. A fire investigator who is qualified to carry firearms while on duty under Ohio R.C. 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.

(6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.

B. 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the

person's service with that agency, satisfies all of the following:

a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".

3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.

C. 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years year from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.

3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.

(7) As used in subsection (b)(6) of this section:

A. "Governing body." Has the same meaning as in Ohio R.C. 154.01.

B. "Government facility of this State or a political subdivision of this State" means any of the following:

1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;

2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.

C. "Qualified retired peace officer" means a person who satisfies all of the following:

1. The person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. The person is not prohibited by Federal law from receiving firearms.

D. "Retired peace officer identification card" means an identification card that is issued pursuant to subsection (b)(6)B. of this section to a person who is a retired peace officer.

E. "Tactical medical professional." Has the same meaning as in Ohio R.C. 109.71.

F. "Validating identification." Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency. (ORC 2923.126)

(c) Posting of Signs Prohibiting Possession. Each person, board, or entity that owns or controls any place or premises identified in Ohio R.C. 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises.
(ORC 2923.1212)

549.99 PENALTY.

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

CHAPTER 560
Public Nuisances

560.01 Finding of public nuisances/ cost of abating public nuisances.

560.02 Notice to abate public nuisance.

560.03 Civil proceedings.

560.01 FINDING OF PUBLIC NUISANCES/COST OF ABATING PUBLIC NUISANCES.

(a) Whenever the Safety/Service Director, or his designee, finds there exists a public nuisance; a condition or action that adversely affects the health, safety, or welfare of any person; a condition or activity lacking a required or necessary permit or license, the City may recover the total cost associated with obtaining compliance; abating the condition; or enforcement using any method authorized by law from the responsible party including but not limited to one or more of the following methods:

(1) Invoice the responsible party;

(2) Place a lien on the benefitted property in accordance with the process set forth in Ohio Revised Code Sections 715.26, 715.261, and 731.54 or any successor sections;

(3) Obtain a judgment through a civil action from the

A. Responsible party,

B. Property owner, or

C. Person in control of the benefitted property at the time the costs were incurred.

(b) For the purposes of this chapter, the following words and phrases shall have the following meaning:

(1) "Public nuisance" shall mean any premises, property, lot, structure, building, chattel, vehicle, animal, condition, or activity, which is dangerous, hazardous, diseased, dilapidated, decayed, unsafe, or unsanitary; detrimental to the public health, safety, and welfare, or well-being of the surrounding area; or otherwise not in compliance with any building, housing, zoning, fire, safety, air pollution, environmental, health, or sanitation ordinance or statute.

(2) "Responsible party" means any individual, firm, corporation, association, partnership, agent, operator, trust, estate, syndicate, cooperative, or any entity recognized by law, or anyone:
A. In charge or in control of land, a structure, or chattel where there is a public nuisance;
B. Responsible for the creation, existence, commission, and/or maintenance of a condition or action that adversely affects the health, safety, or welfare of any person; or
C. Responsible for the creation, existence, commission, and/or maintenance of a condition or activity lacking a required or necessary permit or license.

(3) "Total cost" means the sum of the following costs incurred or borne by the City: any costs related to the use of employees, materials, or equipment of the City; any costs related to contracts for labor, materials, or equipment; and any costs related to issuance or service of notice or publication required under this chapter. "Total cost" includes, but is not limited to, any attorney's fees, costs of inspection, administrative and support staff fees, property maintenance costs, court costs, title search fees, process server fees, and skip tracing expenses; any costs of police, fire, and medical services provided to respond, abate, prosecute, litigate, obtain compliance, or enforce; any costs of collection or prosecution, including discovery and deposition expenses; and any costs of providing emergency temporary housing authorized by this Code.
(Ord. 71-25. Passed 6-2-25.)

560.02 NOTICE TO ABATE PUBLIC NUISANCE.

(a) Whenever the Safety/Service Director, or his designee, ascertains, either upon information or by observation or inspection, that any condition amounting to a public nuisance or defined by law or ordinance as a public nuisance exists which affects or endangers the public health, either of them may, in writing, notify the responsible party, requiring the abatement or removal of such nuisance within a reasonable time, unless no such responsible party can be found, or unless the circumstances are such, in their opinion, as to require the immediate abatement or removal of the nuisance, without waiting to give notification.

(b) A notice of violation under this Section 560.02 may be served by one (1) or more of the following methods.

(1) Personal service. The City department issuing the notice may use any method that causes the Notice of Violations to be actually delivered to the owner, person in control of the property, or, where applicable, the responsible party. Actual delivery shall constitute legal service of the Notice of Violations.

(2) Residence service at the address of the owner, person in control of the property, or, where applicable, the responsible party by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein.

(3) Certified mail to an address where it is reasonably calculated under the circumstances to reach the owner, person in control of the property, or, where applicable, the responsible party. When determining such an address, the City shall examine:

A. Information the owner, person in control of the property, or responsible party provided to the City, such as rental registration information or the address used on an appeal or an application; or

B. Information that a City representative, such as an inspector, has discovered during the performance of their duties; or

C. Information from common and readily available sources such as printed or online directories, credit bureaus, county property records, board of election records, motor vehicle records, court records or other state, county, municipal or federal records.

(4) Regular mail and posting as follows:

A. Regular mail to the owner, person in control of the property, or, where applicable, the responsible party, at an address found under division (b)(3) above, which may be the address of the property that is the subject of the violation; and

B. Regular mail service to the property address that is the subject of the violation notice, if that address is different from the address in division (b)(4)A. above; and

C. Posting of the notice of violation in a conspicuous location on the building, premises or real estate or appurtenance thereto that is the subject of the violation notice.

(5) Service by publication electronically or once in a newspaper of general circulation in the City.

The City is not required to use all of these methods and is not required to use any one of them; the City may use whatever combination of them is reasonably expected to be successful. The address found can be the property or premises which is the subject of the violation.
(Ord. 71-25. Passed 6-2-25.)

560.03 CIVIL PROCEEDINGS.

(a) Notwithstanding any notice provision in Section 560.02 above, whenever an officer charged with the enforcement of the Lorain Codified Ordinances is satisfied that a provision that officer is charged to enforce, or that an order or direction made in pursuance of the enforcement of this Code has not been complied with, or is being disregarded, or a law in force in the City applicable to the same subject matter, has been violated or is about to be violated, or there exist conditions that adversely affect the health, safety, or welfare of the public, the City Director of Law, in addition to other remedies provided by law, is authorized to institute a suit in equity or at law to prevent or terminate such violation or remedy such situation. Civil proceedings may be brought in the name of the City, and may include claims for injunction, mandatory relief, restraining orders, damages, the appointment of a receiver, recovery of any reasonable costs that have been or will be incurred by the City to abate the condition or enforce this Code, and such other relief as may be allowed in law or equity, including attorneys' fees and any available civil penalties.

(b) Institution of civil proceedings does not exclude criminal proceedings as may be authorized by the Lorain Codified Ordinances or charging a person with a civil offense as authorized by this Title.

(c) Any person found to have violated, attempted to violate, created the imminent threat of a violation, or committed chronic violations of this Code or other law or regulation the City or its officials are charged to enforce shall be enjoined from the violation.

(d) Treble damages and costs as authorized under the Lorain Codified Ordinances may be awarded to the City for any injury or damages suffered by the City if sustained as a consequence of a willful violation, failure, or omission.
(Ord. 71-25. Passed 6-2-25.)

CODIFIED ORDINANCES OF LORAIN

PART SEVEN - BUSINESS REGULATION CODE

Chap. 705. Automatic Alarm Systems.
Chap. 707. Amusements; Movies, Circuses and Carnivals.
Chap. 711. Auctions. (Repealed)
Chap. 715. Billiards and Pool.
Chap. 719. Bingo Parties.
Chap. 721. Boxing and Wrestling.
Chap. 725. Drive-in Restaurants.
Chap. 726. Vending Machine Operations.
Chap. 727. Going-out-of-Business Sales. (Repealed)
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Chap. 749. Private Investigators and Agencies. (Repealed)
Chap. 750. Computerized Internet Sweepstakes Cafes.
Chap. 755. Sound Trucks or Cars. (Repealed)
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Chap. 775. Street Vendors/Peddlers.
Chap. 777. Bars, Taverns and Nightclubs.
Chap. 778. Outdoor Refreshment Areas.
Chap. 779. Recycling Receptacles.
Chap. 780. Tobacco Retailer Establishments. (Repealed)

CHAPTER 780
Tobacco Retailer Establishments (Repealed)

EDITOR'S NOTE: Former Chapter 780 was repealed by Ordinance 6-25, passed January 21, 2025.

TITLE THREE - Utilities

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Chap. 913. Water Pollution Rules and Regulations.
Chap. 915. Industrial Wastewater Pretreatment Rules and Regulations.
Chap. 917. Ditches, Watercourses and Drainage Improvements.
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CHAPTER 911
Water Rules and Regulations

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911.116 PUMPING ON PRIVATE PREMISES.

(a) All pumps installed on private systems which are directly connected to the Division of Water System must be of such type that no abrupt change in pressure in the City's mains of any magnitude will be produced. All pumping equipment must be approved by the Director of Utilities before installation. All existing pumping installation causing excessive fluctuations in the Division of Water distribution pipes or excessive reduction in pressure, in the opinion of the Director of Utilities, must be modified to an acceptable degree in a reasonable time.

(b) Pursuant to the authority vested in the Director of Public Service and the Director of Utilities by Section 911.100 and Section 911.101, the following rule and regulation is hereby established for the government of the Division of Water:

Pumps for Increasing Flow and Pressure

No pump or device, the purpose and use of which is to increase the volume of the flow and pressure of water in plumbing fixtures, and/or systems of water pipes, located on premises to which there is conveyed a supply of water from the City's water distribution system, shall be installed, connected thereto, and/or operated for the purpose and use aforesaid without the expressed written permission therefor obtained from the Director of Utilities .
(Ord. 167-96. Passed 9-16-96.)

911.117 SERVICE DIRECTOR TO MAKE RULES FOR RATE COLLECTION.

The Director of Public Service is hereby authorized and directed to establish such rules and regulations in addition to the provisions herein contained as will enable him to fully and properly enforce the provisions of this chapter and insure the payment by water users for water furnished by the Division of Water in accordance with the rates herein established.
(Ord. 167-96. Passed 9-16-96.)

911.118 ALL ABANDONED SERVICES SHALL FOLLOW PROCEDURES SET FORTH IN SECTION 911.113.

(a) Premises where buildings are being demolished, remodeled, moved or disconnections required shall be inspected by the Division of Water and all tap branches thereto found can be disconnected by either of the following methods which is authorized by the Director of Public Service and/or the Director of Utilities, whichever is decided on, shall be binding on the contractor or property owner.

(1) Disconnecting the service or services from the existing water main.
(2) Disconnecting the service from the curb box.
(3) Disconnecting the service from the curb and remove the curb box.
(4) Cut the line and remove from the water main.

(b) It will also be the responsibility of the contractor or the property owner to make application for the disconnections. The contractor or property owner shall pay the City Department of Water, time and material as soon as the services are removed. If the contractor does not pay for the work done, then it shall be the responsibility of the property owner whichever shall be determined by the Director of Public Service and/or the Director if Utilities. These rules set forth in this section and Section 911.113 shall apply to all disconnections and any violation shall be considered a misdemeanor and shall be subject to a fine of one hundred dollars ($100.00) and not more than five hundred dollars ($500.00). (Ord. 167-96. Passed 9-16-96.)

ADMINISTRATIVE

911.200 TYPES OF ACCOUNTS.

(a) Regular. All regular accounts are continuous, and shall be either monthly or quarterly. The designation of individual accounts shall be by the Department of Utilities. All accounts that are designated as regular accounts shall be divided into categories as follows:

(1) Domestic
(2) Commercial
(3) Industrial

(b) Seasonal. This type of account shall be for water service for certain periods of the year only, such as ice cream stands, etc.

(c) Hydrant. Hydrant accounts shall be those wherein contractors and others are permitted to take water from fire hydrants for construction or other temporary use.

(d) Fire Protection. This type of account is for water service for fire fighting only, through a system of pipelines terminating in private hydrants or sprinkler heads.
(Ord. 167-96. Passed 9-16-96.)

911.201 APPLICATION AND CONTRACT FOR WATER/SEWER SERVICE.

(a) An application for water/sewer service of any of the aforementioned types, made in accordance with these rules and regulations, when accepted by the Department of Utilities, shall constitute a contract. Service will be continuous so long as these rules and regulations are complied with, until termination is requested by the customer, except as elsewhere herein specified for seasonal or hydrant contracts.

(b) Application for all types of water/sewer service must be made at the Department of Utilities office on the forms provided. It must be signed by the person who is to be responsible for all charges arising from bills for water/sewer service supplied or meter repairs, or by his authorized agent. The customer shall be liable for charges for water/sewer service supplied and/or meter charges.

(c) The owner of the property shall be liable for any and all services, repairs and damages which in accordance with these rules and regulations are the responsibility of the property owner. The Director of Public Service may require a deposit from a property owner, if he deems it in the best interest of the Department of Utilities.
(Ord. 167-96. Passed 9-16-96.)

911.202 PAYMENT PLAN(S).

(a) The City of Lorain Utilities Department Billing Sub-Department shall allow customers interested to apply for and be evaluated for approval to enter into a payment plan to reconcile their Utilities Bill charges/fees.

(1) The customer shall call in and speak with an Accounts Representative to request information on a payment plan. At which time, the customer shall choose to receive either an electronic or paper form that will need to be completed and turned into the Billing Sub-Department for full evaluation/approval.
(2) Only owner-occupied properties and Section 8 tenants are eligible to enter into a payment plan with the City of Lorain Utilities Department. c. If a tenant occupied property is wanting to enter into a payment plan, themselves and their landlord must both agree to the terms of the payment plan and both sign the provided form.

(b) The payment plan shall be offered for the following period(s): four (4) months. six (6) months, ten (10) months, or twelve (12) months. It shall be at the discretion of the Billing Sub-Department to determine the time period desired for the plan based on evaluation of, the delinquent balance owed.

(c) A customer may only enter into a payment plan twice per rolling 12-Month Schedule. If a customer misses or does not make payment in full for two (2) consecutive payment plan payments, their payment plan shall be immediately canceled, and they will be subject to termination of water service unless the delinquent amounts are reconciled immediately with the next monthly Utilities Bill.

(d) If a customer is in need of a pause of their payment plan due to a recognized hardship, they shall complete and submit a Hardship Application Form to the City of Lorain Utilities Department. (Ord. 78-25. Passed 6-2-25.)

911.203 RESERVED FOR FUTURE LEGISLATION.

911.204 APPLICATION FOR SERVICE BY DELINQUENT CUSTOMERS.

Customers delinquent in payment for charges for water/sewer service supplied, or for meter or service repairs will not be given service to other properties owned or rented out by them until all bills owed by the applicant shall have been paid in full. Neither will service be given to his agent or tenant for property owned by the Customer who is delinquent. (See Section 911.207). (Ord. 167-96. Passed 9-16-96.)

911.205 BANKRUPTCY PROCEEDINGS.

An adjudication of bankruptcy by a United States Bankruptcy Court shall discharge a customer's water/sewer service account to the extent so included in a schedule of bankruptcy. The Department of Utilities shall comply with the order of bankruptcy by discharging said debt and releasing said debt from its file of current outstanding accounts.
(Ord. 167-96. Passed 9-16-96.)

911.206 BILLING AND COLLECTION PERIODS.

(a) All accounts shall be billed monthly or quarterly as directed by the Director of Utilities and shall be paid on a monthly or quarterly basis. However, meters may be read monthly or quarterly, in both of which cases the exact date of reading and billing is to be determined by the Department of Utilities.

(b) Whenever customers are located in an area which is annexed to the City, the immediate billing following annexation shall be charged at the rate applicable to the major part of the billing period. (Ord. 167-96. Passed 9-16-96.)

911.207 TIME LIMIT ON PAYMENTS.

(a) If bills payable monthly are not paid within seventeen (17) days after the billing date, a ten percent (10%) late charge will be added to the current bill charges only.
(Ord. 99-22. Passed 6-20-22.)

(b) In cases of all accounts, after sixty days the account is considered delinquent. A red bill of notification of the delinquency will be mailed. Water service may be discontinued at any time after mailing the red delinquent bill. Water service shall be discontinued and water shall not thereafter be turned on again until the bill is paid in full or partial payments are arranged with the Credit Counselor (see Section 913.209). If the water is turned off, the turn on charge shall be fifty dollars ($50.00) [twenty-five dollars ($25.00) to Water Funds; twenty-five dollars ($25.00) to Water Pollution Control Funds].
(Ord. 42-05. Passed 3-7-05.)

(c) Bills for repairs, or other charges stipulated in these rules and regulations will be processed in the same manner, with the same periods for payment, as set forth herein for bills for water/sewer service supplied.

(d) If a tenant's landlord is responsible for the bill, the tenant should contact both his/her landlord and the Utilities Department immediately. A tenant has the right to continuous water/sewer service so long as the tenant pays the current month's bill every month by the seventh of each month. The tenant also has the right to a hearing. If the tenant asks for a hearing within seven days of the date of this notice, his/her water will not be shut off until after the hearing. The tenant may request a hearing concerning the following issues:

(1) Dispute of the amount due.
(2) Suffering from financial hardship.
(3) Suffering from medical hardship.
(4) Some other good cause.

(Ord. 167-96. Passed 9-16-96.)

911.208 ESTIMATED BILLS.

(a) Once a bill is established, based on the last two reads, the bill will continue for the same consumption until another valid read is obtained.

(b) A correction of estimated bills will not be made until the next billing is made on the basis of an actual meter reading. Refund of overpayments will not be made, but will be credited to the customer's account. If the customer terminates his water/sewer service account, any refund due will be credited on the final bill.

(c) When a remote reader is installed, the Department of Utilities requires that inspection shall be made of the meter by the Department of Utilities whenever it is deemed necessary. (Ord. 167-96. Passed 9-16-96.)

911.209 NO PARTIAL PAYMENTS ACCEPTED.

Partial payment of water/sewer bills will not be accepted unless, upon investigation by the Credit Counselor it is determined that unusual hardship will result, in which case arrangements may be made for partial payments. (Ord. 167-96. Passed 9-16-96.)

911.210 BILLS MUST BE PAID IN THE ORDER CONTRACTED.

Water/sewer bills must be paid in the order in which they are contracted and accordingly the Department of Utilities will refuse to accept payment of a current bill when there is one delinquent against the same property. The payment will be applied to the delinquency first and any balance will be applied to the current bill.
(Ord. 167-96. Passed 9-16-96.)

911.211 EXTENSION OF TIME OF PAYMENT.

Because of unusual conditions and upon proper investigation thereof, the Director of Utilities may extend the time of payment without penalty or may waive collection of the penalty charge. (Ord. 167-96. Passed 9-16-96.)

911.212 SERVICE CHARGE FOR BAD CHECKS.

There will be a thirty dollar ($30.00) service charge [fifteen dollars ($15.00) to Water Funds; fifteen dollars ($15.00) to Water Pollution Control Funds] on all checks that are returned with insufficient funds, stop payment, account closed, or any other reason the check is not honored. (Ord. 42-05. Passed 3-7-05.)

911.213 FIRST BILL - NEW ACCOUNT.

The first bill for water/sewer service after the meter has been installed will be pro-rated in the exact manner prescribed for final bills.
(Ord. 167-96. Passed 9-16-96.)

911.214 FINAL BILLS.

(a) Customers wishing to terminate their water/sewer service contract may do so by notifying the Billing Office in person or by phone at least one business day in advance. Customers wishing to terminate water service fire contracts must do so in writing. When the Department of Utilities is notified that the customer wishes to terminate the service, a work order will be prepared to secure a reading from the master meter which will be used to prepare a final bill, stating thereon all the charges required to be paid by the customer. Customers having a master meter inside their properties must provide access to such for the final reading. If access is denied, the water service will be terminated until access is arranged.

If the customer fails to be home on the pre-arranged day, a thirty-five dollar ($35.00) service charge [seventeen dollars and fifty cents ($17.50) to Water Funds; seventeen dollars and fifty cents ($17.50) to Water Pollution Control Funds] will be added to the billing for a return trip by the Meter Reader. On the same day, if an after-hour call is made, the charge will be one hundred dollars ($100.00) [fifty dollars ($50.00) to Water Funds; fifty dollars ($50.00) to Water Pollution Control Funds].

(b) Change of Account Read. A new occupant can change the account into his name in person or by notarized card sent from the Utilities Department.

If a new occupant fails to notify the Department of Utilities of the change of account, he will be fined thirty dollars ($30.00) [fifteen dollars ($15.00) to Water Funds; fifteen dollars ($15.00) to Water Pollution Control Funds) for failure to do so. When the work order requesting a read from the meter is not secured, the Water Service Representative will leave a notice stating the he was not able to secure the read and water was discontinued. If a second trip has to be made on the same day, a fifty dollar ($50.00) turn on charge [twenty-five dollars ($25.00) to Water Funds; twenty-five dollars ($25.00) to Water Pollution Control Funds] will be incurred and collected. If not, a reinstatement of service can be scheduled with one day's notice. A work order will be held for the duration of history on screen to allow time for the individual to request the water be turned back on, at which time the reading will be indicated on the work order and processed as usual. If request for a turn on is not received before closing for the month, the order will be sent back, etc.

(c) Turn Offs. Requests will be made either by phone or by the individual personally. Listed on the work order will be the telephone caller's name, the date called, the date the service is being requested, and whether a.m. or p.m. The Meter Reader will make the call for the turn off at the date requested and if the premises is not open so the meter can be read or removed, he will leave a card saying "the service was turned off-please call office to reschedule." If, on the second day, he does not gain entrance and read the meter so a final bill can be processed, the water will be turned off, or left off until such time as a read from the meter can be obtained, the work order processed, and the customer billed for a missing meter. If later entrance is provided and the meter is removed and bill for the missing meter is canceled, the final bill will be processed and in addition, the customer will be charged thirty-five dollars ($35.00) [seventeen dollars and fifty cents ($17.50) to Water Funds; seventeen dollars and fifty cents ($17.50) to Water Pollution Control Funds] for the extra service. (Ord. 42-05. Passed 3-7-05.)

(d) New Meter Settings - New Construction. When a contractor fails to notify the Department of Utilities for an appointment to set meter prior to occupancy in a home, building or new construction, said party shall be fined thirty-five dollars ($35.00) [seventeen dollars and fifty cents ($17.50) to Water Funds; seventeen dollars and fifty cents ($17.50) to Water Pollution Control Funds] and be charged double the estimated water consumption from date of occupancy. If the amount is not collected from the contractor, the contractor is liable for payment of said charges.

If the Water Service Representative is not able to gain entrance, he will leave. If, on the second try, he cannot gain entrance, the water will be turned off and a notice left that the water is off and that a new request for service must be made. When this request is received by the Department of Utilities, a scheduled appointment will be made. If, during this period the wiring for remote meters is found to be incorrect, the deficiencies will be noted and the customer informed. If these are not corrected, the water will be turned off. In either case, the customer will be charged thirty-five dollars ($35.00) [seventeen dollars and fifty cents ($17.50) to Water Funds; seventeen dollars and fifty cents ($17.50) to Water Pollution Control Funds] for a turn on when the third call is made. (Ord. 174-09. Passed 12-7-09.)

911.215 OWNER MAY HAVE TENANT PAY WATER/SEWER BILL.

(a) The owner may arrange to have the tenant or lessee pay the water/sewer bill but such arrangement shall not relieve the owner of responsibility for payment of any delinquencies that may accrue.

(b) Only existing agreements with tenants will be honored after passage of this chapter. No new agreements with tenants shall be made with the Department of Utilities after passage of this chapter unless specifically provided for in this section. When an existing tenant moves out, the landlord will take over the bill at the premises.

(c) To comply with Section 8 and the Discounted Water/Sewer Rate available under Section 911.307, applicants will be allowed to have the water and sewer bill put into their name, but such arrangement where the tenant has received the Discounted Water/Sewer Rate shall not relieve the property owner from liability for any delinquency that may occur regarding the water and sewer bill at the residence. When a tenant who has been receiving the Discounted Water/Sewer Rate vacates the premises, the billing for the water and sewer services shall automatically revert to the owner of the residence.
(Ord. 139-99. Passed 9-7-99.)

911.216 DELIVERY OF BILLS.

When bills are sent or delivered to premises supplied with water, the occupant shall pay the bill if he is the customer or if not, return the bill to the Department of Utilities accompanied by a statement as to why the bill is being returned. Failure to receive the bill shall not relieve any person of their obligation to pay the bill, provided that failure to receive a bill was through no fault or neglect of the Department of Utilities. (Ord. 167-96. Passed 9-16-96.)

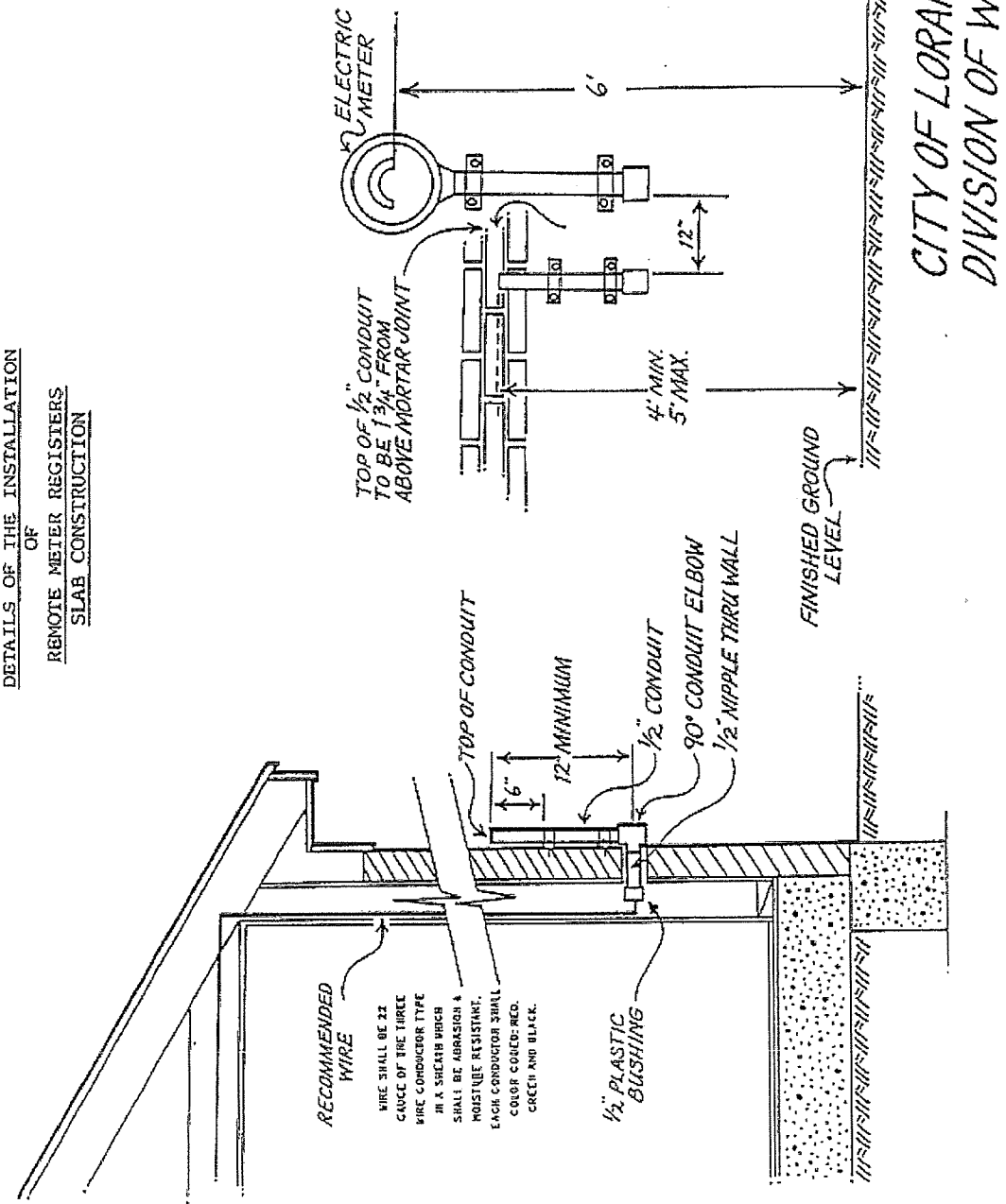
911.217 CHARGES FOR WATER/SEWER ARE A LIEN AGAINST PROPERTY.

(a) All charges for water/sewer are assessed against the property to which the service is rendered and are a lien against such property collectable as other liens and taxes.

(b) The lien list will be completed as deemed necessary. The lien list will be forwarded to the County through the City Auditor. Once submitted, the list must remain unchanged save for legal or court directives. After the lien list is submitted, all references and payments are to be made to the County.

(c) Failure to investigate such charges and services does not relieve the new owner of debt of such charges against said property and shall be cause for the Department of Utilities to refuse water/sewer service to said property until all charges against said property are paid in full. (Ord. 167-96. Passed 9-16-96.)

DETAILS OF THE INSTALLATION
OF
REMOTE METER REGISTERS
SLAB CONSTRUCTION



911.524 METER SERVICE CHARGES.

(a) Meter Service Fees. Meter service fees shall be established as per Ohio R.C. 743.02, 743.03 and 743.04 by the Director of Public Service. This shall be subject to annual change.

Size of Meter (inches)	New Meter Service Fee
0.625 (5/8")	$165.00
0.750 (3/4")	$251.00
1.0	$346.00
1.5	$916.00
1.5 (Ultrasonic)	$1,019.00
2.0	$1,133.00
2.0 (Ultrasonic)	$1,142.00
3.0" x 12" (Ultrasonic)	$3,625.00
3.0" x 17" (Ultrasonic)	$3,694.00
4.0" x 14" (Ultrasonic)	$4,745.00
4.0" x 20" (Ultrasonic)	$4,871.00
6.0" x 18" (Ultrasonic)	$7,893.00
6.0" x 24" (Ultrasonic)	$7,992.00
8.0	$11,700.00
10.0	Price will be Quoted Upon Request

Manifold charge is as follows:

All Manifolds - Time and material costs

No credit will be given for replacement tap or existing meters.

(b) Wherever possible and feasible, and at the discretion of the Division of Water, the Division of Water will install radio frequency device in premises. A charge of two hundred and fifty dollars ($250.00) for the installation of new radio frequency devices will be assessed for all properties.

(c) The Division of Water will maintain remote registers under the same provisions as meters are maintained.

(d) The charge of one hundred twenty-five dollars ($125.00) for ordinary repairs to any radio frequency device or connections thereto necessitated by damage or neglect by the customer or owner shall be made in addition to any charges provided by Section 911.514.

(e) The register, transmitter, fastenings, and connections thereto shall remain the property of the Division of Water and may be moved from one setting to another only with permission of the Division of Water and with Division of Water employee present, with pay at the present rate.

(f) When a replacement water service on a razed premise is requested, the meter charge shall be as stated above. (Ord. 23-25. Passed 2-17-25.)

Table 1123.02, Schedule of Use, Residential Districts							
Uses	Residential Districts						Specific Conditions
	R-1A	R-1B	R-1C	R-2	R-3	RM	
Residential							
Assisted living facility				C	P		
Bed and breakfast	C	C	C				See *Section 1143.04(b)*
Boarding house				C	C		See *Section 1143.06(c)*
Dwelling, manufactured home						P	
Dwelling, permanently sited Manufactured home	P	P	P	P			
Dwelling, multiple family					P		
Dwelling, single-family attached				P	P		
Dwelling, single-family detached	P	P	P	P			
Dwelling, two-family				P	P		
Family home	P	P	P				
Group home				P	P		
Manufactured home community/ subdivision						P	
Nursing home and extended care				C	P		
Residential social services facility					C		See *Section 1143.06(f)*
Retirement community				C	P		
Short-Term Rental	P	P	P	P	P		*See Section 1141.33*
Sober living facility					C		See *Section 1143.06(g)*
Recreation and Leisure							
Adult day care	C	C	C	C			
Child care facilities	C	C	C	C			
Private noncommercial recreation	P	P	P	P	P	P	
Public parks/playgrounds	P	P	P	P	P	P	
Public/Quasi-Public							
Cemeteries	C	C	C	C	C		
Government buildings and facilities	C	C	C	C	C	C	
Places of worship	C	C	C	C	C	C	See *Section 1143.05(a)*
Pre-school nursery	C	C	C	C	C	C	
Schools (K-12)	C	C	C	C	C	C	See *Section 1143.05(b)*
Accessory Uses							
Accessory dwelling units	C	C	C	C			See *Section 1143.06(a)*
Accessory uses and structures	P	P	P	P	P	P	
Cafeteria facilities located within a principal use (not including dwelling units)	P	P	P	P	P	P	
Child care facilities located within a principal use	P	P	P	P	P	P	
Home occupations	P	P	P	P	P	P	
Single-user solar energy system as accessory to a principal use	C	C	C	C	C	C	
Other Uses							
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this Ordinance	P/C						See Section 1141.26

(Ord. 4-21. Passed 1-4-21; Ord. 251-23. Passed 12-4-23; Ord. 36-25. Passed 4-7-25; Ord. 106-25. Passed 7-21-25.)

1123.03 DIMENSIONAL REQUIREMENTS.

All lots and buildings shall meet the minimum area and width requirements listed below in Table 1123.03 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 1123.03, Schedule of Area, Height and Placement Requirements

Requirements	Residential Districts[1]							
				R-2			R-3	
	R-1A	R-1B	R-1C	Single family	Two family	Attached single family	Two family	Attached single fam./ multiple family
Lot Area, Width and Density								
Lot area (min. sq. ft.)	15,000	9,000	6,000	6,000	4,200[2]	-	3,600[2]	-
Lot width (min. ft.)[3]	90	70	50	50	60	-	60	-
Density (maximum units/net acre)[4]	-	-	-	-	-	12[5]	-	14/18[6]
Setbacks (minimum ft.)								
Front	45	40	30	25	30	20	30	20/30
Rear	35	30	30	25	35	35	30	35/35
Side (interior)	10	6	5	5	5	10[7]	5	10[7]
Side (street)	25	25	20	20	20	20	20	20
Height and Coverage (maximum)								
Building coverage (%)	35	40	45	45	45	50	45	50
Height (ft.)	35/2½							
Floor Area (minimum sq. ft.) for Two-Family, Attached Single-Family and Multiple Family Dwellings								
One-bedroom	-	-	-	-	750			
Two-bedroom	-	-	-	-	900			
Three-bedroom	-	-	-	-	1050			
Addl. bedrooms > 3	-	-	-	-	150/addl. Bedroom			

[1] Dimensional requirements for the RM- Manufactured Home Community District shall be as established by Ohio State statute.

[2] Min. lot area per dwelling unit.

[3] All lots shall have a depth of at least 120 ft.

[4] Net acre shall be calculated as the total site acreage, less the area occupied by wetlands and street right-of-way or street easements.

[5] Maximum five (5) attached dwellings per building.

[6] Maximum five (5) attached dwellings and 12 multiple dwelling units per building.

[7] A minimum separation of 20 ft. shall be maintained between ends of contiguous buildings.

CHAPTER 1125
Business Zoning Districts

1125.01 District purpose.
1125.02 Schedule of allowed uses.
1125.03 Dimensional requirements.
1125.04 Site development requirements.

1125.01 DISTRICT PURPOSE.

(a) B-1, Neighborhood Business. The neighborhood business district is intended as a location for convenience goods and services for residents of nearby neighborhoods. Allowed uses should be of a low intensity nature, appropriate in scale and appearance to and compatible with the surrounding residential character. Pedestrian accessibility will be promoted. The district may be found as a node within residential neighborhoods or used as a transitional zone between residential and nonresidential districts.

(b) B-2, General Business. This zoning district is intended primarily to accommodate a range of retail and service uses serving the broader needs of the community and the motoring public. Large-scale retailers, auto-related businesses and similar uses not generally appropriate for other commercial districts will be permitted. While the district will be established primarily along arterial roadways, care should be taken to ensure compatibility with adjacent uses and minimize conflicts with traffic along abutting streets.

(c) B-3, Downtown Business. The downtown business district is intended to protect the traditional, small town character of downtown Lorain and enhance the pedestrian-oriented environment. The district accommodates a mix of retail stores, offices, entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of the community. This district encourages a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented and unified setting. Auto-oriented uses should not be permitted.
(Ord. 4-21. Passed 1-4-21.)

1125.02 SCHEDULE OF ALLOWED USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 1125.02 may be used for the purposes denoted by the following abbreviations:

(a) Permitted Use (P). Land and/or buildings with this designation may be used for these purposes by right.

(b) Conditional Use (C). Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the Planning Commission upon a finding that all applicable requirements in Chapter 1143 are satisfied.

(c) Specific Conditions. Indicates that conditions related to the specific use must be satisfied in addition to the review procedures and general criteria of Sections 1143.02 and 1143.03.

Table 1125.02 Schedule of Uses: Commercial Districts

Use	Districts			Specific Conditions
	B-1	B-2	B-3	
Accessory uses and structures	P	P	P	
Cafeteria facilities located within a principal use (not including dwelling units)	P	P	P	
Child care facilities located within a principal use	P	P	P	
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies and similar uses (not including drive-through restaurants)	C	C	C	***See Section 1143.07(d)***
Outdoor display areas for retail establishments	C	C		**See *Section 1143.07(h)***
Outdoor seating areas for restaurants, taverns and similar establishments	C	P	C	**See *Section 1143.04(c)***
Outdoor storage related to a principal use		C		**See *Section 1143.08(a)***
Single-user solar energy system as accessory to a principal use	C	C	C	
Food, Drink, Entertainment and Hospitality				
Bars, taverns and nightclubs		C	P	**See *Section 1143.04(a)***
Club or lodge, private		P	P	
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)		P	P	
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)		C		
Food catering service		P	P	
Health spa and fitness clubs	P	P	P	
Hotel/motel		P	P	
Micro-brewery		P	P	
Performance theaters, concert halls			P	
Performing arts, dance or martial arts school or studio	P	P	P	
Radio, television and recording studio		P	P	
Restaurant (standard)	P	P	P	
Restaurant (drive-in or drive-through)		C		**See *Section 1143.04(e)***
Restaurant (alcohol and/or entertainment)	C	P	P	**See *Section 1143.04(a)***
Short-Term Rental	P	P		***See Section 1141.31***

Table 1125.02 Schedule of Uses: Commercial Districts

Use	Districts			Specific Conditions
	B-1	B-2	B-3	
Office, Financial and Business Services				
Financial institutions (banks, savings & loans, credit unions)	P	P	P	
Laboratory serving professional requirements, e.g. medical, dental, etc.		P	P	
Medical, dental, optical, psychiatric, physical therapy office, including clinics	C	P	P	
Office equipment sales and service		P	P	
Offices, general and professional	P	P	P	
Out-patient medical treatment facilities	C	P	P	
Outpatient psychiatric, psychological and counseling facilities	C	P	P	
Printing and photocopying establishment		P	P	
Research, development and testing laboratories			P	
Short-term lending or pay-day check cashing		C		**See *Section 1143.07(a)***
Technical and trade school		P	P	
Training centers, engineering or sales		P	P	
Veterinary hospital		C		
Personal Services				
Art gallery or studio	P	P	P	
Barber shop, hair salon or spa	P	P	P	
Child care centers, commercial preschools and nurseries	C	P	P	
Crematorium		C		**See *Section 1143.07(c)***
Dress maker, tailor	P	P	P	
Dry cleaner, not including a dry-cleaning plant	P	P	P	
Electronics repair	P	P	P	
Kennels		C		**See *Section 1143.07(f)***
Laundromat	P	P	P	
Locksmith shops		P		
Mortuary or funeral home, not including crematorium		C		**See *Section 1143.07(g)***
Optician and eyeglass sales		P		
Pet grooming	P	P	P	
Photography studio	P	P	P	
Repair shops, including small engine repair		P		
Tattoo parlor		P		
Public/Quasi-Public				
Government buildings and facilities	P	P	P	
Library	P	P	P	
Museum, cultural facility		P	P	
Places of religious worship	C	C	C	**See *Section 1143.05(a)***
Residential				
Dwelling, multiple family			P	
Dwelling, single family attached			P	
Residential social services			C	
Upper floor dwelling above a street-level business (live/work units)	C		P	

Table 1125.02 Schedule of Uses: Commercial Districts				
Use	Districts			Specific Conditions
	B-1	B-2	B-3	
Retail Uses				
Appliance repair	P	P	P	
Auction houses		P		
Building materials and lumber supply		P		
Consumer fireworks retail sales facility (temporary)		C		See *Section 1143.07(b)*
Glass sales & service		P		
HVAC sales & service		p		
Medical supplies and equipment		P		
Nurseries and greenhouses (including retail sales)		P		
Optical supplies		P		
Package liquor store	C	P	P	
Pawn shops		C	C	See *Section 1143.07(a)*
Pharmacy	P	P	P	
Planned shopping centers		p		
Planned shopping centers, not exceeding 50,000 sq. ft.	P			
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, not exceeding 5,000 square feet of floor area	P			
Retail establishments whose principal activity is the sale of merchandise within an enclosed building of any size.		P	P	
Vehicle Sales, Service and Related Uses				
Auto parts and tire store		P		
Automobile, trailer, truck, farm equipment, heavy equipment, manufactured home, boat, recreational vehicle or motorcycle sales and rental		P		
Parking garage, structure or lot, commercial (as principal use)		C	C	
Tire retreading service		C		
Truck stops		C		See *Section 1143.07(k)*
Vehicle repair, major		C		See *Section 1143.07(l)*
Vehicle repair, minor		C		See *Section 1143.07(m)*
Vehicle service stations	C	C		See *Section 1143.07(o)*
Vehicle wash facilities		C		See *Section 1143.07(p)*
Other Uses				
Communication facilities including telephone exchange stations and relay towers, broadcast towers and antenna, and wireless communication towers and antenna	C	C	C	See *Section 1143.05(d)*
Public utility structures and lands	C	P	P	
Uses of the same nature or class as uses listed in this district, but not listed elsewhere in this ordinance.	P/C	P/C	P/C	*See Section 1141.26*

(Ord. 4-21. Passed 1-4-21; Ord. 251-23. Passed 12-4-23; Ord. 36-25. Passed 4-7-25.)

CHAPTER 1127
Industrial Zoning Districts

1127.01 District purpose.
1127.02 Schedule of allowed uses.
1127.03 Dimensional requirements.
1127.04 Site development requirements.

1127.01 DISTRICT PURPOSE.

(a) I-1, Light Industrial. The intent of this district is primarily to provide employment opportunities in light manufacturing, distribution and research, along with appropriate support services, in areas of the city near suitable transportation infrastructure where the uses will be compatible and integrated with residential and other non-residential uses.

(b) I-2, Heavy Industrial. In support of major industrial employers within the City, this district accommodates large-scale manufacturing and distribution facilities, in addition to support services. The district is intended to encompass large tracts of land that can be planned and developed with an integral network of streets and ready access to transportation infrastructure. Characteristics of the uses in this district are likely to include extensive outdoor storage areas, heavy truck traffic, production of goods from raw materials, multiple worker shifts and large parcels. (Ord. 4-21. Passed 1-4-21.)

1127.02 SCHEDULE OF ALLOWED USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of Table 1127.02 may be used for the purposes denoted by the following abbreviations:

(a) Permitted Use (P). Land and/or buildings with this designation may be used for these purposes by right.

(b) Conditional Use (C). Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the Planning Commission upon a finding that all applicable requirements in Chapter 1143 are satisfied.

(c) Specific Conditions. Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of Sections 1143.02 and 1143.03.

Table 1127.02, Schedule of Uses – Industrial District			
Use	**I-1**	**I-2**	**Specific Conditions**
Accessory Uses			
Accessory uses and structures	P	P	
Cafeteria facilities located within a principal use	P	P	
Child care facilities located within a principal use	P	P	
Corporate offices incidental to the principal use	P	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	C	C	See *Section 1143.07(d)*
Dwelling units for watchmen and operating personnel and their families	C	C	
Outdoor storage related to a principal use	C	C	See *Section 1143.08(a)*
Single-user solar energy system as accessory to a principal use	C	C	
Agriculture, Food and Animal-related Uses			
Breweries, distilleries and bottling plants	P		
Food processing plants		P	
Greenhouse/nursery (not including retail sales)	P		
Kennels	P		
Produce and other food products terminals	P		
Commercial Establishments			
Appliance repair	P		
Auction houses	P		
Consumer fireworks retail sales facility (permanent)	C		
Consumer fireworks retail sales facility (temporary)	C		See *Section 1143.07(b)*
Machinery and equipment sales & service	P		
Office equipment sales & service	P		
Pawn Shops	C		See *Section 1143.07(a)*
Petroleum products sales	P		
Sexually oriented businesses	C		See *Section 1143.04(f)*
Construction			
Contractors' offices and shops (not including outdoor storage)	P		
Glass sales & service	P		
HVAC sales & service	P		
Landscaping services	P		
Educational Services			
Schools, driving	C	C	
Technical and trade schools	P		
Training centers, engineering or sales	P		
Food, Drink, Entertainment and Hospitality			
Bars, taverns and nightclubs	C	C	See *Section 1143.04(a)*
Food catering service	P		
Restaurant, standard (not including drive-in or drive-thru)	P	P	
Restaurants (including alcohol and/or entertainment)	P	P	
Short-Term Rental	P	P	*See Section 1141.33*

Table 1127.02, Schedule of Uses – Industrial District			
Use	**I-1**	**I-2**	**Specific Conditions**
Waste Processing and Disposal			
Construction debris, junk, solid waste disposal and salvage yards		C	See *Section 1143.08(b)*
Processing, storage, transfer, disposal or incineration of hazardous waste or medical waste		C	
Recycling collection and/or processing facility (non-hazardous)	P	P	
Sanitary landfills		C	
Vehicle salvage business		C	See *Section 1143.07(n)*
Other			
Uses of the same nature or class as uses listed in this district, but not listed elsewhere in this ordinance.	P/C	P/C	See *Section 1141.26*

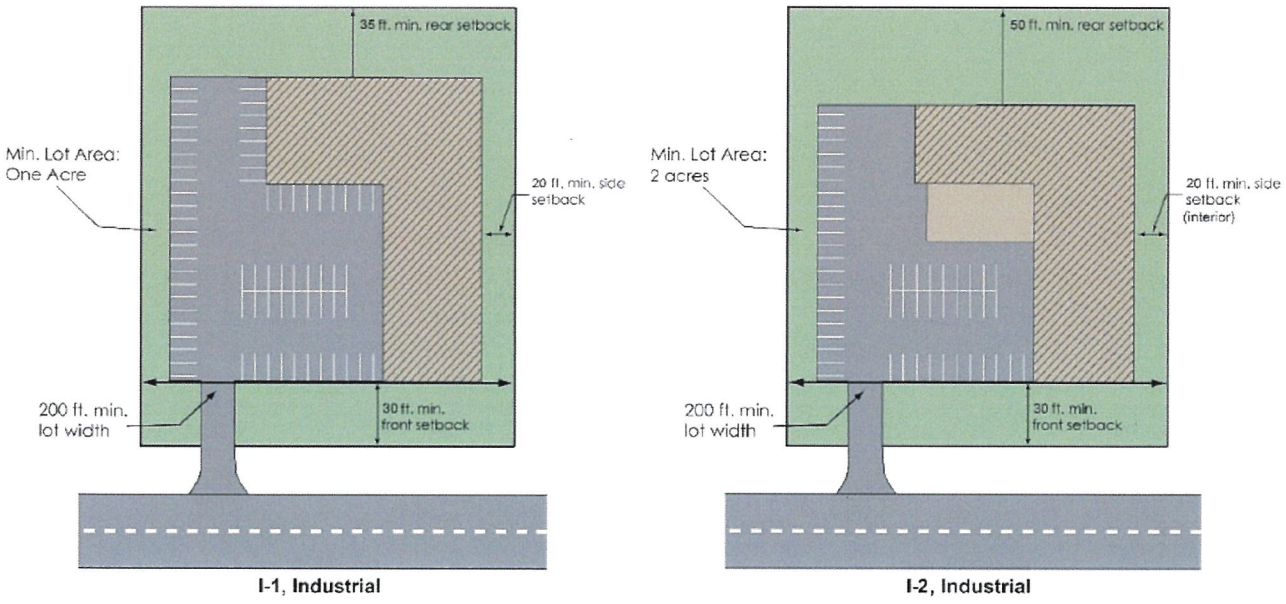
(Ord. 4-21. Passed 1-4-21; Ord. 251-23. Passed 12-4-23; Ord. 36-25. Passed 4-7-25.)

1127.03 DIMENSIONAL REQUIREMENTS.

All lots and buildings shall meet the minimum area and width requirements listed below in Table 1127.03 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 1127.03. Area, Height and Placement Requirements, Industrial District		
Zoning District	**I-1, Light Industrial**	**I-2, Heavy Industrial**
Lot Area and Width		
Minimum Lot Area (sq. ft.)	1 acre	2 acres
Minimum Lot Width (ft.)	200	200
Minimum Setbacks (ft.)		
Front	30	30
Rear [8]	35	50
Side[1] (interior)	20	20
Side (street)	20	30
Maximum Height and Lot Coverage		
Height (ft.)	45	60
Coverage (%)	-	-

8 Minimum side and rear setback abutting a residential zoning district shall be 50 ft. in the I-1 and 75 ft. in the I-2 District.



(Ord. 4-21. Passed 1-4-21.)

CHAPTER 1129
Mixed-Use Zoning District

1129.01 District purpose.
1129.02 Schedule of allowed uses.
1129.03 Dimensional requirements.
1129.04 Additional requirements.
1129.05 Review procedures.
1129.06 Development review criteria.
1129.07 Site development requirements.

1129.01 DISTRICT PURPOSE.

MU, Mixed-Use District. The purpose of Mixed-use Districts in general is to permit and encourage a combination of multiple uses within a single compact development that enables walkability, reduces reliance on vehicular travel and promotes a more vibrant and interactive urban environment than traditional single-purpose developments. Each of the mixed-use districts established within this chapter is intended to support the specific recommendations of the City of Lorain Comprehensive Plan with respect to development of distinct and identifiable nodes throughout the community.
(Ord. 4-21. Passed 1-4-21.)

1129.02 SCHEDULE OF ALLOWED USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 1129.02 may be used for the purposes denoted by the following abbreviations:

(a) Permitted Use (P). Land and/or buildings with this designation may be used for these purposes by right.

(b) Conditional Use (C). Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in Chapter 1143 are satisfied.

(c) Specific Conditions. Indicates that conditions related to the specific use must be satisfied in addition to the review procedures and general criteria of Sections 1143.02 and 1143.03.

Table 1129.02, Schedule of Uses, Mixed-use Districts		
Use	**MU District**	**Specific Conditions**
Accessory Uses		
Accessory uses and structures	P	
Cafeteria facilities located within a principal use (not including dwelling units)	P	
Child care facilities located within a principal use	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	C	**See *Section 1143.07(d)***
Home occupations	C	**See *Section 1143.06(e)***
Outdoor display areas for retail establishments	C	**See *Section 1143.07(h)***
Outdoor seating areas for restaurants, taverns and similar establishments	C	**See *Section 1143.04(c)***
Single-user solar energy system as accessory to a principal use	C	
Food, Drink, Entertainment and Hospitality		
Bars, taverns and nightclubs	P	
Hotel/motel	P	
Micro-brewery	P	
Performance theaters, concert halls	P	
Radio, television and recording studio	P	
Restaurant (standard), not including drive-thru	P	
Restaurant (alcohol and/or entertainment)	P	
Short-Term Rental	P	***See Section 1141.33***
Health Care and Social Assistance		
Medical, dental, optical, psychiatric, physical therapy office, including clinics	P	
Office, Financial and Business Services		
Financial institutions (banks, savings & loans, credit unions)	P	
Office equipment sales and service	P	
Offices, general and professional	P	
Printing and photocopying establishments	P	
Personal Services		
Barber shop, hair salon or spa	P	
Child care centers, commercial preschools and nurseries	P	
Dress maker, tailor	P	
Dry cleaner, not including a dry-cleaning plant	P	
Electronics repair	P	
Laundromat	P	
Optician and eyeglass sales	P	
Pet grooming	P	
Photography studio	P	
Pre-school nursery	C	

Table 1129.02, Schedule of Uses, Mixed-use Districts		
Use	**MU District**	**Specific Conditions**
Public/Quasi-Public		
Government buildings and facilities	C	
Places of religious worship	C	See *Section 1143.05(a)*
Schools (K-12)	C	See *Section 1143.05(b)*
Recreation and Leisure		
Art gallery or studio	P	
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)	C	
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)	C	
Golf courses/country clubs	P	
Health/fitness clubs	P	
Performing arts, dance or martial arts school or studio	P	
Private noncommercial recreation	P	
Public boat ramp Public parks/playgrounds	P P	
Residential		
Assisted living facilities	C	
Dwelling, multiple family	P	
Dwelling, single-family attached	P	
Dwelling, single-family detached Dwelling, two-family	P P	
Nursing home	C	
Retirement community	C	
Upper floor dwelling above a street-level business (live/work units)	P	
Retail		
Package liquor stores Pharmacy	C P	
Planned shopping centers	P	
Retail establishments whose principal activity is the sale of merchandise within an enclosed building of any size	P	
Vehicle Sales, Service and Related Uses		
Parking garage, structure or lot (as principal use)	C	
Vehicle service station Vehicle wash facility	C C	See *Section 1143.07(o)* See *Section 1143.07(p)*
Other Uses		
Uses of the same nature or class as uses listed in these districts	P/C	See *Section 1141.26*
Wireless communication facilities and towers	C	See *Section 1143.05(d)*

(Ord. 4-21. Passed 1-4-21; Ord. 251-23. Passed 12-4-23; Ord. 36-25. Passed 4-7-25.)

1129.03 DIMENSIONAL REQUIREMENTS.

All lots and buildings shall meet the minimum area and width requirements listed below in Table 1129.03 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed.

Table 1129.03, Area, Height and Placement Requirements		
Requirement		**MU**
Site Size [9]		
Minimum project area (acres)		5
Minimum frontage		150
Minimum non-residential area [10] (%)		10 %
Maximum non-residential area [2] (%)		30 %
Setbacks (minimum feet) [11]		
Front		-
Rear		-
Side (interior)		-
Side (street)		-
Height and Coverage		
Building height (ft./stories)	Maximum	45/4
Maximum density (units/acre)	All residential	18
Minimum open space (%) [12]		10

[9] Refers to total project area to be developed.

[10] Refers to area occupied by commercial, office or institutional uses and associated parking, not including required open space. Accessory business uses entirely within a principal use such as golf course pro shops, employee day care or hair salons for residents of a retirement community shall not be counted toward the non-residential area requirements.

[11] Minimum setbacks shall not be applied to individual lots within the development; provided, all greenway and buffer requirements specified in *Chapter 1147* shall apply to property abutting the perimeter of the mixed-use development and any public street.

[12] Required open space may include the following if generally accessible to all users of the mixed-use development: parks, landscaped buffer areas, lakes, rooftop gardens, plazas, city squares, playgrounds and recreation areas, outdoor sports facilities and pedestrian walkways or paths; provided, the requirements of *Section 1129.04* shall be met.

(Ord. 4-21. Passed 1-4-21.)

1129.04 ADDITIONAL REQUIREMENTS.

(a) Open Space. Dedicated open space shall be provided in accordance with the following standards:

TITLE SEVEN - Supplemental Zoning Regulations

Chap. 1141. General Provisions.
Chap. 1143. Conditional Uses.
Chap. 1145. Site Development Plans.
Chap. 1147. Landscaping and Buffering.
Chap. 1149. Parking and Loading.
Chap. 1151. Signs.
Chap. 1153. Nonconformities.

CHAPTER 1141
General Provisions

1141.01 Minimum requirements.
1141.02 Conformance required.
1141.03 Unlawful buildings and uses.
1141.04 Yards and lot are minimum.
1141.05 Application of area and yard regulations.
1141.06 Access to buildings.
1141.07 Projections into yards.
1141.08 Fences and walls.
1141.09 Clear vision corner.
1141.10 Lots on major thoroughfares; exception.
1141.11 Setback requirements and measurement.
1141.12 Front setback.
1141.13 Corner lots.
1141.14 Cul de sac lots.
1141.15 Through lots.
1141.16 Uniform or average setback.
1141.17 Manufactured homes or trailers.
1141.18 Restoring unsafe buildings.
1141.19 Encroachment into right-of-way.
1141.20 Illegal dwellings.
1141.21 Height exceptions.
1141.22 Mechanical appurtenances.
1141.23 Outdoor storage.
1141.24 Parking, storage and repair of vehicles.
1141.25 Parking and storage of recreational vehicles.
1141.26 Similar uses.
1141.27 Principal use.
1141.28 Accessory buildings and uses.
1141.29 Swimming pools.
1141.30 Water and sanitary sewer service.
1141.31 Voting place.
1141.32 Requirements for single-family dwellings outside of a manufactured home community.
1143.33 Short-term rental.

1141.01 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.
(Ord. 4-21. Passed 1-4-21.)

1141.02 CONFORMANCE REQUIRED.

No building, structure or land shall hereafter be used or occupied, and no structure or part of a structure shall be erected, constructed, reconstructed, moved, or structurally altered, unless in conformity with all regulations specified for the zoning district in which it is located.
(Ord. 4-21. Passed 1-4-21.)

1141.03 UNLAWFUL BUILDINGS AND USES.

Any building, use, or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this Ordinance shall continue to be unlawful, unless expressly permitted by this Ordinance. Such unlawful buildings, uses or lots shall not be considered nonconforming buildings or uses or lots of record and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses or lots.
(Ord. 4-21. Passed 1-4-21.)

1141.04 YARDS AND LOTS ARE MINIMUM.

No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required under this Ordinance. If already less than the minimum size required, the area or space shall not be further divided or reduced.
(Ord. 4-21. Passed 1-4-21.)

1141.05 APPLICATION OF AREA AND YARD REGULATIONS.

All yards or other open spaces required by the provisions of this zoning ordinance shall remain open and unoccupied by any building or structure, except that accessory buildings may be built within required rear yards in Residential Districts, as provided in Section 1141.29.
(Ord. 4-21. Passed 1-4-21.)

1141.06 ACCESS TO BUILDINGS.

All buildings shall be located on a lot adjacent to a public street, or to an approved private street, and all buildings shall be located on lots so to provide safe and convenient access for servicing, fire protection, and required off-street parking.
(Ord. 4-21. Passed 1-4-21.)

1141.07 PROJECTIONS INTO YARDS.

(a) Open structures such as porches, canopies, balconies, carports, covered patios and similar architectural projections with roofs shall be considered part of the building to which attached and shall not project into a required front, side or rear yard.

In all zoning districts, except the B-3, Downtown District, signs, fences, walls, structures, benches, shrubbery or other potential obstructions to vision, shall not be permitted to exceed a height of three (3) feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points located on those intersescting right-of-way lines twenty-five (25) feet from the point where the right-of-way lines intersect; provided, utility poles, street lights and street signs shall be exempt from this requirement.
(Ord. 4-21. Passed 1-4-21.)

1141.10 LOTS ON MAJOR THOROUGHFARES; EXCEPTION.

Where a lot fronts on a street identified on the City's Major Thoroughfare Plan, the setback for the required front yard shall be measured from the proposed right-of-way line, if different than the existing right-of-way. Similarly, for corner lots, the width of the required side yard shall be measured from the proposed right-of-way line.
(Ord. 4-21. Passed 1-4-21.)

1141.11 SETBACK REQUIREMENTS AND MEASUREMENT.

A building shall not be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the setback requirements of the district in which it is located. All setbacks shall be measured from the property lines. If located on a private road, the setback shall be measured from the easement line.
(Ord. 4-21. Passed 1-4-21.)

1141.12 FRONT SETBACK.

All yards abutting upon a public street right-of-way or private street easement shall be considered as front yards for setback purposes, except as otherwise provided in this Ordinance.
(Ord. 4-21. Passed 1-4-21.)

1141.13 CORNER LOTS.

On corner lots, the minimum setback requirements shall be met in accordance with the provisions of applicable dimensional requirements for the respective zoning district. Each corner lot shall be comprised of a front yard, a street side yard, an interior side yard, and a rear yard opposite the front yard. The yard having the shortest length abutting the public right-of-way or private street easement shall be considered the "front" yard.
(Ord. 4-21. Passed 1-4-21.)

1141.14 CUL DE SAC LOTS.

In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the required front setback line. Cul-de-sac lots shall have a minimum width of forty (40) feet at the front lot line; provided, if the minimum required lot width is less than forty (40) feet, the minimum width at the front lot line shall be at least sixty percent (60%) of the minimum required width. (Ord. 4-21. Passed 1-4-21.)

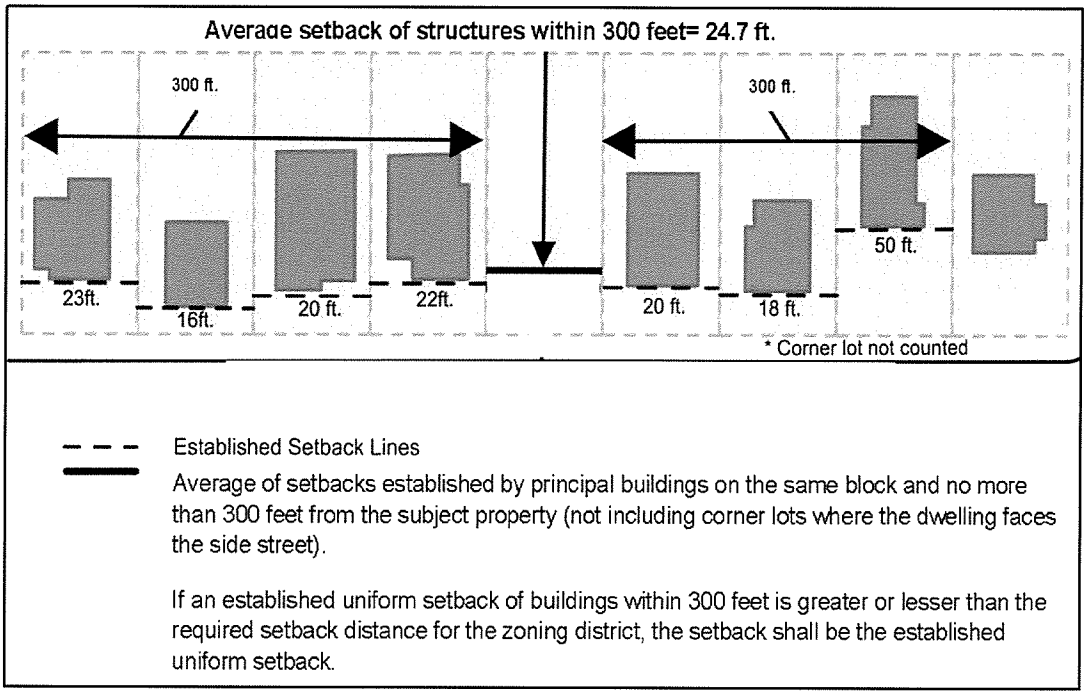
1141.15 THROUGH LOTS.

On through lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this Ordinance.
(Ord. 4-21. Passed 1-4-21.)

1141.16 UNIFORM OR AVERAGE SETBACK.

In Residential, Business or Industrial Districts, the required front yard setback shall be modified in the following situations:

(a) Uniform Setback Line. Where a uniform setback line of more, or of less, than the normal setback distance has been established on one side of a street between two intersecting streets or for a distance of 300 feet on each side of the lot in question, no building hereafter erected or structurally altered shall project beyond such uniform setback line.



(b) Average Setback Line. Where no uniform setback line is observed, but the average setback of lots abutting upon one side of a street between two intersecting streets or for a distance of 300 feet on each side of the lot in question is built up with principal buildings having an average setback line of more, or of less, than the required setback distance, no building hereafter erected or structurally altered shall project beyond such average setback line.
(Ord. 4-21. Passed 1-4-21.)

1141.17 MANUFACTURED HOMES OR TRAILERS.

(a) A manufactured home or trailer shall not be permitted as an accessory building.

(b) A manufactured home or trailer may be used as a temporary office or building incidental to construction or development of the premises on which the unit is located, but only during the time construction or development is actively underway.

(c) A manufactured home or trailer may be used as a sales office shall cease and it shall be removed from the property no later than one (1) year after the first home in the development has been completed.

(d) Permanently sited manufactured homes meeting the standards of Section 3781.184(C)(1) of the Ohio Revised Code and the requirements of this zoning code shall be permitted.
(Ord. 106-25. Passed 7-21-25.)

1141.18 RESTORING UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official, or required to comply with his lawful order; provided, such restoration shall be subject to and completed in accordance with the City of Lorain Building Code and all other applicable ordinances. Nonconforming buildings and uses shall also be subject to the limitations of Chapter 1153 of this Ordinance and Chapter 1523 of the City of Lorain Codified Ordinances concerning the abatement of any nuisance resulting from the existence of an unsafe building, structure or property.
(Ord. 4-21. Passed 1-4-21.)

1141.19 ENCROACHMENT INTO RIGHT-OF-WAY.

No buildings, structures, service areas or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.
(Ord. 4-21. Passed 1-4-21.)

1141.20 ILLEGAL DWELLINGS.

The use of any basement or floor area below base flood elevation for dwelling purposes is prohibited in all zoning districts, unless the basement or floor area meets the applicable building code requirements. Buildings erected as garages or accessory buildings, except approved accessory dwelling units, shall not be occupied for dwelling purposes.
(Ord. 4-21. Passed 1-4-21.)

1141.21 HEIGHT EXCEPTIONS.

(a) In any district, the height of public or semi-public buildings, hospitals, churches and other places of worship, schools and educational institutions may be increased to sixty (60) feet; provided, required side and rear yards are each increased by one (1) foot for each foot of additional building height above the maximum height permitted within the district in which the building is located.

(b) In any district, the height limitation for the district may be exceeded by a monument, spire, or shaft intended for ornamental purposes only.

(c) In any Business or Industrial district, the height limitation may be exceeded by structures requiring special design on account of their particular use in industry or commerce, such as chimneys, stacks, detached water towers, electrical transmission towers, and similar uses, provided they otherwise comply with zoning regulations and are approved by the Zoning Board of Appeals. (Ord. 4-21. Passed 1-4-21.)

1141.22 MECHANICAL APPURTENANCES.

(a) Mechanical units located on the ground shall be located in the rear or side yard, not closer than three (3) feet to adjoining property. The mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing to limit visibility from the street and neighboring property when reasonably possible. Screening shall comply with the requirements of Section 1147.04(c).

(b) If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.

(c) Mechanical units shall not be placed within any easement.
(Ord. 4-21. Passed 1-4-21.)

1141.23 OUTDOOR STORAGE.

Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted as a conditional use within those districts and under such conditions as specifically authorized by this Ordinance.
(Ord. 4-21. Passed 1-4-21.)

1141.24 PARKING, STORAGE AND REPAIR OF VEHICLES.

(a) It shall be unlawful for the owner, tenant or lessee of any building or land within the city to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than forty-eight (48) hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the Ohio Motor Vehicles and Traffic Code, or do not have a current license and registration as required for operation by the Ohio Motor Vehicles and Traffic Code.

(b) The repair, restoration and maintenance of vehicles in any residential district or on property containing a dwelling unit, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than twenty-four (24) hours. All such repair shall take place on private property and may not be conducted within the public right-of-way.

(c) It shall be unlawful for the owner, tenant or lessee of any lot or building in a residential district or on property containing a dwelling unit to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, any truck having a rated load capacity in excess of one (1) ton, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.
(Ord. 4-21. Passed 1-4-21.)

1141.25 PARKING AND STORAGE OF RECREATIONAL VEHICLES.

Recreational vehicles may be parked or stored outside an enclosed building on any lot within a residential district; provided, the following requirements are met:

(a) Recreational vehicles shall not be parked or stored within a front yard; provided, such vehicle may be parked on a driveway for a period not exceeding forty-eight (48) hours within seven (7) consecutive days for the purpose of cleaning, maintenance, or preparation.

Total Maximum Permitted Accessory Building Area By District	
District	**Maximum Area (sq. ft.)**
R-1A	864
R-1B	780
R-1C	672 [16]
R-2 and R-3 (single-family detached and two-family)	576 [16]
R-2 and R-3 (single-family attached or multiple-family)	550/dwelling unit

[16] If the lot exceeds an area of 9,000 sq. ft., the accessory building may be up to 780 sq. ft.

(Ord. 4-21. Passed 1-4-21.)

1141.29 SWIMMING POOLS.

Private swimming pools are permitted as accessory uses in residential districts provided that:

(a) The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which the pool is located and their guests.

(b) The pool shall not be located in any front or side yard or closer than ten (10) feet to any property line or principal building. Decks, patios and walkways around the pool shall be no closer than five (5) feet to any side or rear property line.

(c) The swimming pool area or the rear yard in which the swimming pool is located, shall be walled or fenced so as to prevent the uncontrolled access to the swimming pool from the street or adjacent properties.

(d) For all in ground pools, the fence or wall shall not be less than four (4) feet or greater than six (6) feet in height above grade level, and shall be equipped with a latched, lockable gate for emergency ingress and egress. All aboveground pools shall be fenced as above, or have a side wall, fence or rail not less than six (6) feet in height above grade level, and shall be equipped with a tilt up lockable or removable ladder.

(Ord. 4-21. Passed 1-4-21.)

1141.30 WATER AND SANITARY SEWER SERVICE.

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved upon any lot or premises and used, in whole or in part, for dwelling, business, industrial, institutional or recreational purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the city, county, state and other relevant government codes, ordinances and standards.

(Ord. 4-21. Passed 1-4-21.)

1141.31 VOTING PLACE.

The provisions of this Ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal or other public election. (Ord. 4-21. Passed 1-4-21.)

1141.32 REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS OUTSIDE OF A MANUFACTURED HOME COMMUNITY.

All dwelling units located outside of manufactured home communities shall comply with the following requirements:

(a) All dwelling units shall provide a minimum height between the interior floor and ceiling of seven and one-half (7½) feet or if a permanently sited manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.

(b) The minimum width of any single-family dwelling unit or permanently sited manufactured home shall have a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet.

(c) All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth, with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building official may allow an alternative building plan to be utilized if consistent with the approved Ohio Building construction code of the City.

(d) All dwellings shall be firmly attached to the permanent foundation so as to be watertight as required by the Ohio Building construction code adopted by the City or, if a permanently sited manufactured home, shall be anchored to the permanent foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."

(e) The wheels, pulling mechanism, and tongue of any permanently sited manufactured home shall be removed prior to placement on a foundation.

(f) All dwellings shall be connected to a sanitary sewer system and water supply system approved by the city and/or County Health Department.

(g) All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress and meet all Ohio Building codes.

(h) All additions to dwellings shall meet all the requirements of this Ordinance.

(i) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the building official upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located within 500 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(j) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the building official. If the dwelling unit is a permanently sited manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to permanently sited manufactured homes set forth in this section.

(k) All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. Permanently sited manufactured homes shall meet all requirements of Section 3781.06(C)(6) of the Ohio Revised Code. All other dwellings shall meet the requirements of the Ohio Building construction code adopted by the City.

(l) A minimum of 100 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Zoning Administrator. (Ord. 106-25. Passed 7-21-25.)

1141.33 SHORT-TERM RENTAL.

(a) Short-term rental shall be operated at all times in accordance with State of Ohio requirements.

(b) Required Approvals. A short-term rental shall be in compliance with all applicable City of Lorain ordinances, including but not limited to, rental registration requirements and the transient lodging tax.

(1) Proof of Compliance. Copies of any approvals from the Building, Housing and Planning Department, Treasurer's Office, Income Tax Department, and all other appropriate agencies are required.

(c) There shall be at least one and one-quarter (1.25) off-street parking spaces provided for each guest room. Spaces in an attached or detached garage are included.

(d) Approval in Business and Industrial districts is only applicable in preexisting nonconforming uses for residential purposes.

(e) Obtain a BCI Background Check.

(1) At the time of application for a new permit or renewal, all of the following persons are required to provide the results of a fingerprint-based background check performed by a provider approved by the Ohio Bureau of Criminal Investigation:

A. The applicant
B. The short-term rental host (if different from the applicant)
C. The local agent, and
D. The property manager (if applicable)

(f) In addition to the provisions outlined in Lorain Codified Ordinance Section 1173.04 (Enforcement), when the Zoning Administrator finds that any provision of this Code is being violated, the permit may be revoked after noncompliance has been determined. Any person affected or aggrieved by any decision of the Zoning Administrator may file an appeal to the Zoning Board of Appeals, Section 1175.01.
(Ord. 36-25. Passed 4-7-25.)

D. All off-street parking and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) footcandle of light on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required site plan of the premises.

E. Nothing contained in this section shall relieve the operator(s) of a sexually oriented business from complying with all other applicable requirements of this Ordinance, as it may be amended from time to time, or any subsequently enacted City ordinances or regulations.

(10) Hours of Operation. It shall be unlawful and a person shall be guilty of a misdemeanor if:

A. He/she operates or causes to be operated a sexually oriented business, regardless of whether or not conditional approval has been granted, and allows the business to remain open, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 a.m. and 9:00 a.m. on any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

B. An employee of a sexually oriented business, regardless of whether or not conditional approval has been granted for the business, engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service or solicits a service between the hours of 1:00 a.m. and 9:00 a.m. on any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

(Ord. 4-21. Passed 1-4-21.)

(g) Short-Term Rental. (EDITOR'S NOTE: Former subsection (g) was repealed by Ordinance 36-25, passed April 7-2005. See Section 1141.33 for relevant provisions.)

1143.05 SPECIFIC USE CONDITIONS - PUBLIC/QUASI-PUBLIC USES.

(a) Places of Religious Worship. The purpose of these requirements is to integrate places of religious worship into the fabric of Lorain's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the facility, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.

(1) When located in a residential district, in addition to the above stated general conditions, places of religious worship shall be subject to the following requirements:

A. Minimum lot area shall be two (2) acres.

B. Minimum lot width shall be 200 feet.

C. At least one (1) property line, meeting the minimum width requirement of the zoning district, shall abut and have direct access to an arterial or collector street.

D. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of Section 1149.02(o).

(2) Places of religious worship shall not be permitted within the area along Broadway Avenue from Erie Avenue on the north to 9th Street on the south, extending west to Reid Avenue and east to the Black River.

(b) Schools, K-12. The purpose of these requirements is to integrate schools into the fabric of Lorain's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the school, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood. When located in a residential district, in addition to the above stated general conditions, schools K-12 shall be subject to the following restrictions:

(1) Minimum lot area shall be two (2) acres.

(2) Minimum lot width shall be 200 feet.

(3) Maximum building height may be up to fifty-five (55) feet.

(4) At least one (1) property line, meeting the minimum width requirement of the zoning district, shall abut and have direct access to an arterial or collector street.

(5) To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of Section 1149.02(c).

(6) All buildings, parking areas and outdoor activity areas (ball fields, tennis courts, playgrounds, bleachers, etc.) shall be set back a minimum of fifty (50) feet from any side or rear property line.

(7) Lighting for night-time activity areas shall be directed and shielded so the light source is not visible from any surrounding residential use. All lighting, including building and security lighting shall be located to prevent glare on adjacent properties and streets.

(c) Wind Energy Conversion Systems.

(1) General requirements.

A. The minimum lot area for installation of a commercial wind energy conversion system (WECS) shall be 12,000 square feet.

B. The power rating of a single accessory WECS turbine shall not be greater than twenty-five (25) kW.

Neighborhood amenities (swimming pools, club houses and similar facilities for the common use of residents within a development)	1 per 10 persons allowed within the maximum capacity as established by the city fire and building codes
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc) or similar place of outdoor assembly	1 per 3 seats or 3 per 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, bottling works, printing, plumbing, or electrical workshops	1 per employees computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 550 feet of GFA, whichever is greater
Warehouses and storage buildings	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 5,000 sq. ft. of GFA, whichever is greater
Mini-warehouse/self-storage	Unobstructed parking area equal to 1 space per 10 door openings, plus parking for uses on the site such as truck rental
Truck terminals	1 per employee, plus 2 truck spaces of 10 by 70 feet per truck berth or docking space.

(Ord. 4-21. Passed 1-4-21.)

1149.04 OFF-STREET PARKING AND FACILITY DESIGN.

(a) Location and Setbacks. Off-street parking lots shall meet the setback requirements, as follows for the respective zoning district or which may be specified, in Chapter 1143 for individual uses:

(1) Business districts. Parking shall not be located within the required front or street side yard in any B-1 district or within the first twenty (20) feet along any street in any B-2 district.

(2) Industrial districts. Parking shall be setback a minimum of twenty (20) feet from any right-of-way or private street easement line.

(3) Residential districts. Except for parking within a residential driveway serving a single or two-family dwelling, off-street parking lots shall not be located within any required yard. This shall not prohibit the authorized parking of recreational vehicles on a single-family lot, as provided by Section 1141.25.

(b) Parking Construction and Development. Construction shall be completed, inspected by the City Engineer, and approved by the Zoning Administrator before a certificate of completion is issued and the parking lot may be used.

(1) Pavement. All driveways, parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete and shall be graded and drained to dispose of surface water which might accumulate. Alternative paving materials, such as permeable/grass pavers, stone or asphalt millings, may be approved for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas in Industrial Districts, a substitute for hard-surfaced pavement may be approved upon a determination that there are no adverse effects on adjoining properties. All parking structures, parking areas, and access drives shall be constructed in accordance with standards established by the city engineer.

(2) Drainage. Surface water from parking areas shall be managed in accordance with the City engineering standards. The City Engineer shall determine the appropriate detention or retention treatment.

(3) Curbing or Wheel Blocks. Whenever a parking lot extends to a property line, curbing, wheel blocks or other suitable devices shall be permanently installed at least five (5) feet inside the property line to prevent any part of a parked vehicle from extending beyond the property line.

(4) Lighting. Any parking area to be used at night shall be illuminated. Fixtures shall be direct cut-off to prevent light spill-over onto adjacent properties. Lighting levels throughout a parking area shall provide a minimum of two (2), but no more than five (5) foot candles of illumination at the surface of the parking area.

(5) Dimensions. Parking space and aisle dimensions shall meet the following requirements and as specified in Table 1149.04.

A. Angled parking between these ranges shall be to the nearest degree.

Table 1149.04, Dimensional Requirements (feet)

Parking Pattern	Parking Space		Maneuvering Aisle Width		Total Width - Two Rows of Parking and Maneuvering Lane	
	Width	Length	One-way	Two-way	One-way	Two-way
0° (parallel)	7	22	11	22	25	36
45°	9	18	11	22	47	58
60°	9	20	11	22	56	62
75° to 90°	9	20	12	22	52	62

B. Space length may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven (7) feet where abutting a parking area. There shall be a minimum distance of seven (7) feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.

Table 1151.03, Signs Exempt from Permitting (Cont.)	
Type of Sign	**Requirements**
Political Sign	Rigid frame or wire frame yard signs not exceeding eight (8) square feet in area may be displayed within 60 days prior to any public vote and shall be removed within seven (7) days following the date of such vote. There shall be no limit to the number of such signs.
Private Traffic Direction Signs	Signs directing interior traffic circulation within a premise shall be a maximum of three (3) feet high and six (6) square feet in area. Illumination shall be permitted in accordance with Section 1145.02(h)
Public Signs	Signs of a noncommercial nature and in the public interest erected by or on the order of the City of Lorain or other county, state or federal authority.
Religious Symbols	Religious symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied by text.
Scoreboards	Used in conjunction with a sports field owned by a governmental unit, school or bona fide sports organization, such as a little league or youth soccer. The scoreboard shall be single sided and have a maximum height of twenty (20) feet to the top of the scoreboard and a maximum area of 100 square feet. Any scoreboard exceeding these height or area dimensions shall require a permit and approval in accordance with the requirements of Sections 1145.07 and 1145.08.
Sign on Vehicle	Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of business or activity, provided that the primary use of the vehicle shall not be for the purpose of identifying or advertising a business.
Temporary Window Sign	The total area of all signs within one (1) foot of the window shall not obscure more than 25 percent of the window area.
Traffic Control Sign	Traffic or other municipal signs, legal notices, danger signs and such temporary emergency or non-advertising signs, or private traffic control signs which conform to the requirements of the Manual of Uniform Traffic Control Devices and as may be approved by the Zoning Administrator.
Warning Sign	Publicly authorized warning signs, such as no trespassing, warning of electrical currents or animals, provided the sign does not exceed two (2) square feet in area.
Yard Sign, Rigid Frame Temporary	The signs shall not exceed a size of six (6) square feet in residential districts, nor eight (8) square feet in commercial and industrial districts or on nonresidential properties in a mixed use or residential district. The sign shall be setback a minimum of 10 feet from the street right-of-way line. No more than one (1) yard sign shall be displayed per street frontage, unless otherwise specifically permitted by this Ordinance.

Table 1151.03, Signs Exempt from Permitting (Cont.)	
Type of Sign	**Requirements**
Yard Sign, Wire Frame Temporary	The signs shall not exceed a size of four (4) square feet and shall not be placed in the right of way. No more than one (1) yard sign shall be displayed per street frontage, unless otherwise specifically permitted by this Ordinance.

(Ord. 4-21. Passed 1-4-21.)

1151.04 PROHIBITED SIGNS.

The following signs are prohibited in the City of Lorain:

(a) Any sign not specifically permitted.

(b) Abandoned signs that identify an activity, business, use, product or service no longer conducted or available.

(c) Off-premise signs (except for billboards and electronic changeable message signs used for marketing and advertising purposes in B2, I1, and I2 districts).

(d) The use of trucks, cars, trailers, aircraft, boats or similar vehicles as signs is prohibited when the vehicle is parked on public or private property within fifty (50) feet of any property line abutting a public street, except for those:

(1) Lawfully parked overnight or during non-business hours in a place not visible from a public street or designated truck parking or loading area;

(2) Making deliveries, sales calls or other customary practices relating to doing business;

(3) Making trips to transport persons or property;

(4) Used in conjunction with active construction operations on the site; or

(5) Passenger vehicles, pick-up trucks and vans containing signs that do not exceed sixteen (16) square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.

(e) Roof signs (may be permitted when in the opinion of the Board of Zoning Appeals no practical alternative exists, the purpose of the district would not be compromised, and no detrimental impact would result).

(f) Search lights, "twirling signs", balloons, other gas or air-filled figures, pennants or streamers: provided, this shall not be construed to prohibit decorations related to the observance of traditional national, state or local holidays or special events of national, state or local significance.

(g) Signs that are held by or supported by a person along a public street.

(h) Portable signs, except as allowed under Section 1151.05.

(i) Miscellaneous signs and posters visible from a roadway that are tacked, pasted or otherwise affixed to the walls of buildings or structures or on trees, poles, posts, fences or other structures.

(j) Signs or any portion of a sign or sign structure which moves or assumes any motion or gives the illusion of movement, unless specifically permitted by this chapter.

(k) Signs bearing or containing statements, words or pictures of an obscene, pornographic, or immoral character.

(l) Signs painted on or attached to any fence or wall which is not structurally a part of a building.

(m) Signs that emit audible sound, odor or visible matter.

(Ord. 80-25. Passed 6-16-25.)

1151.05 TEMPORARY SIGNS.

The following signs shall be allowed at any location within the City of Lorain upon application for and issuance of a sign permit, unless otherwise specified.

Table 1151.05, Temporary Signs

Type of Sign	Requirements
Promotional signs, banners and displays	Within any business or mixed use district, in accordance with the following requirements: a. A temporary sign permit shall be obtained from the Zoning Administrator; b. The sign may be displayed for a maximum of thirty (30) days; c. No more than two (2) temporary signs shall be permitted for any business, organization or property within a calendar year and at least thirty (30) consecutive days shall elapse between the end of one (1) permit period and the start of the second. d. Materials of community interest may be erected within a street right-of-way or across a public street, causeway or walkway; provided, the Mayor approves the display and all materials are erected by a licensed, bonded and insured installer approved by the manager. e. Materials shall be of a quality, size and installation as to not cause litter, hazard or obstruction. f. All such signs, banners, displays and material shall remain the responsibility of the permit holder who shall be responsible for any damage, injury, or expense incurred by the City. g. If damaged or deteriorated, the material shall be removed immediately.

Table 1151.05, Temporary Signs (Cont.)

Type of Sign	Requirements
Sandwich Board	a. Within the B-3 Downtown Business District, each business may display one (1) sandwich board sign per street frontage. b. The sign shall not exceed eight (8) square feet per side in area. In addition, the width of the sign may not exceed two (2) linear feet, with a maximum height of four (4) feet. Within these specified maximum dimensions, creative shapes that reflect the theme of the business being advertised are encouraged (i.e. ice cream shop may display a sign in the shape of an ice cream cone). c. Sandwich board signs shall be displayed only during operational hours of the business being identified and shall not be lighted. These signs must be removed each day at the close of business. d. The sign shall be placed on a sidewalk directly in front of the associated establishment and the nearest part of the sign structure shall not be separated by more than two (2) feet from the wall of the building. The sign must be placed so as not to interfere with or obstruct pedestrian or vehicular traffic; provided, a minimum of five (5) feet of passage must be maintained on the sidewalk between the street and the sign. Signs may not be anchored to the sidewalk, or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances. e. The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sale" or "graffiti" look with hand painted or paint-stenciled letters is not acceptable, however, chalkboard signs shall be permitted.
Subdivision or Multi-Family Real Estate Development Sign	Within any zoning district, one (1) temporary subdivision or multiple-family development sign may be permitted per street frontage, in accordance with the following requirements: a. A temporary sign permit shall be obtained from the Zoning Administrator; b. Maximum sign area shall not exceed thirty-two (32) square feet of area; c. Minimum setback distance from any right-of-way and adjoining property line shall be ten (10) feet; and d. The temporary sign permit shall expire twelve (12) months from the date it is issued or until the project is eighty-five percent (85%) occupied, whichever is greater.
Non-exempt Yard Signs	Any rigid frame yard sign exceeding the maximum area specified in Table 1151.03 for such sign shall be required to obtain a sign permit; provided, in any case, rigid frame yard signs shall not exceed a maximum area of twenty-four (24) sq. ft. and shall be set back from any property line at least twenty (20) feet.

Table 1151.05, Temporary Signs (Cont.)	
Type of Sign	**Requirements**
Feather signs, blade signs	Within any business, industrial, Planned Unit Development (business or industrial use), residential (legal non-conforming business or industrial use) or mixed use district, in accordance with the following requirements: a. An annual temporary sign permit shall be obtained from the zoning administrator; b. No more than one (1) sign shall be displayed per fifty (50) feet of street frontage; not exceed four (4) per site c. No sign shall exceed ten (10) feet in height d. Materials shall be of a quality, size and installation as to not cause litter, hazard or obstruction. Installation shall be according to the manufacturer's specifications. e. All signs and material shall remain the responsibility of the permit holder who shall be responsible for any damage, injury, or expense incurred by the City. f. If damaged or deteriorated, the material shall be removed immediately. g. Within residential districts, one (1) sign may be displayed during the permitted operation of a garage sale or estate sale h. The use of feather and blade signs can be displayed during the operation of a permitted parade, block party, festival or fair.

(Ord. 4-21. Passed 1-4-21; Ord. 128-24. Passed 9-3-24.)

1151.06 PERMITTED SIGNS BY DISTRICT.

(a) Permitted Signs. The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in Table 1151.06, issuance of a sign permit and all other applicable regulations.

(b) Number. For non-residential uses in any commercial, mixed use and industrial district, a maximum of two (2) types of signs listed in Table 1151.06 and three (3) total signs shall be permitted on any lot, regardless of the number of tenants, unless otherwise specified in Table 1151.06.

Table 1151.06 Signs By District	
R-1A, R-1B, R-1C, R-2, R-3 and RM Residential Districts and OS District	
Permitted Home Occupation Sign (not permitted in OS District)	
Number	One (1) per dwelling.
Size	Two (2) sq. ft. maximum.
Location	Façade of dwelling.
Subdivision or Residential Development Entry Sign	
Number	Two (2) per development entry, one on opposite sides of the entry drive.
Size	Twenty-four (24) sq. ft. maximum for each sign.
Location	Fifteen (15) ft. setback from all lot lines; development entries shall be at least 300 feet apart, otherwise only one (1) entry per street frontage shall have entry signs.
Height	Six (6) ft. maximum.
Monument Sign for Non-Residential Principal Use	
Number	One (1) per street frontage, two (2) maximum.
Size	Thirty-six (36) sq. ft. maximum.
Location	Ten (10) ft. setback from front lot line, fifty (50) ft. setback from all other lots lines.
Height	Six (6) ft. maximum.
Wall Sign for Non-Residential Principal Use	
Number	One (1) per street frontage, two (2) maximum.
Size	Ten percent (10%) of wall area to which it is attached, not to exceed seventy-five (75) sq. ft.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend horizontally or vertically past the edge of the wall to which it is affixed nor extend above the roof line of a building.
Manual or Electronic Changeable Message Sign for Non-Residential Principal Use	
Number	One (1) per lot or parcel, integrated within a permitted wall or ground sign.
Size	Maximum size no greater than 50 percent of the area of the sign within which it is integrated and shall be counted as part of the total permitted sign area of that sign.
Location	Shall be integrated into a permitted ground or wall sign; provided, no electronic changeable copy sign shall be located within 50 feet of a side or rear lot line or within 150 feet of a dwelling unit. Electronic changeable message signs shall not be located within any design review overlay district or on any designated historic property.
Other for electronic changeable message signs	a. Each message appearing on a digital sign shall remain fixed for a minimum of 10 seconds, and message changes shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, dissolve, exploding, scroll and other methods of transition between messages shall not be permitted. b. Scrolling or traveling displays or the vertical movement of a static message or display on an electronic changeable message sign shall not be permitted. c. Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation, as determined by the zoning administrator. d. Illumination shall be no greater than 7,500 nits during daylight hours and 500 nits during evening hours. e. The electronic changeable message display shall be turned off between the hours of 12:00 a.m. and 6:00 a.m.. f. LED and digital signs shall contain a malfunction display lock default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down. g. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate,

Table 1151.06 Signs By District (Cont.)	
B-1 and B-2 Business Districts and MHD District (Cont.)	
Manual or Electronic Changeable Message Sign for Non-Residential Principal Use (Cont.)	
Other for electronic changeable message signs (Cont.)	g. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. h. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within 200 feet of a dwelling unit shall be a dark color and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit. White shall not be permitted.
MU Mixed Use District	
Residential Uses and Non-Residential Uses Allowed in a Residential District	
Permitted signs	Same as listed in this table for Residential Districts.
Business Uses	
Permitted signs	Same as listed in this table for B-1 and B-2 Business Districts or B-3 for the Downtown Business District.
I-1 and I-2 Industrial Districts	
Monument Sign	
Number	One (1) per street frontage, two (2) maximum.
Size	Thirty-two (32) sq. ft. maximum.
Location	Ten (10) ft. setback from all lot lines.
Height	Six (6) ft. maximum.
Wall Sign	
Number	One (1) per street frontage, two (2) maximum.
Size	Ten percent (10%) of wall area to which it is attached, not to exceed 100 sq. ft.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend horizontally or vertically past the edge of the wall to which it is affixed nor extend above the roof line of a building.
Business Center Monument Sign	
Number	One (1) per property, no other freestanding signs allowed for individual businesses.
Size	Forty-eight (48) sq. ft. maximum.
Location	Ten (10) ft. from all lot lots and outside of clear vision triangle.
Height	Eight (8) ft. maximum.
Development Gateway and Entry Sign	
Number	One (1) per development entry.
Size	Thirty-six (36) sq. ft. maximum.
Location	Fifteen (15) ft. setback from all lot lines.
Height	Six (6) ft. maximum.
Pole Sign	
Number	One (1) per street frontage.
Size	Seventy-five (75) sq. ft. maximum or 100 sq. ft. for an industrial park or business center.
Location	15 ft. setback from all lot lines.
Height	Twenty-five (25) ft. maximum or thirty-five (35) ft. for an industrial park or business center.

Specialty Signs	
Manual or Electronic Changeable Message Sign for Non-Residential Principal Use	
Number	One (1) per lot, parcel, industrial park or business center, integrated within a permitted wall, monument, or pole sign.
Size	Maximum size no greater than fifty percent (50%) of the area of the sign within which it is integrated and shall be counted as part of the total permitted sign area of that sign.
Location	Shall be integrated into a permitted ground, pole, or wall sign; provided, no electronic changeable copy sign shall be located within fifty (50) feet of a side or rear lot line or within 150 feet of a dwelling unit.
Other for electronic changeable message sign	a. Each message appearing on a digital sign shall remain fixed for a minimum of ten (10) seconds, and message changes shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, dissolve, exploding, scroll and other methods of transition between messages shall not be permitted. b. Scrolling or traveling displays or the vertical movement of a static message or display on an electronic changeable message sign shall not be permitted. c. Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation, as determined by the zoning administrator. d. Illumination shall be no greater than 7,500 nits during daylight hours and 500 nits during evening hours. e. The electronic changeable message display shall be turned off between the hours of 12:00 AM and 6:00 AM. f. LED and digital signs shall contain a malfunction display lock default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down. g. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. h. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within 200 feet of a dwelling unit shall be a dark color and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit. White shall not be permitted.

Specialty Signs (Cont.)	
Billboards	
Number	Maximum two (2) signs per face.
Size	Maximum area of 300 sq. ft. per sign, if the face contains two (2) signs or 750 sq. ft. if only one (1) sign is displayed on a face.
Location	Permitted only in the B-2, I-1 and I-2 districts. Any portion of a billboard or billboard structure shall meet the minimum front setback requirements of the district in which it is located or the established building line, whichever is less. No billboard shall be located closer than 150 feet from the side lot of a residential district; provided, the setback may be reduced to 50 feet if no portion of the sign face is visible from the residential district. No billboard shall be located closer than 150 feet from a park, playground, or public or semi-public building; provided, the setback may be reduced to 50 feet if no portion of the sign face is visible from the entrance drive to the public park, playground, or public or semi-public building. No billboard may be erected closer than 300 feet in any direction to another billboard located on either side of the street, unless the distance is separated by a building which prevents the faces from being viewed at the same time.
Height	Same as maximum height of the zoning district in which it is located or 50 ft., whichever is less.
Other	LED lighting is not permitted. Billboards shall be static and not contain any movement, create the illusion of movement, change of color or include any mechanical special effects.
Vehicle Service Stations	
Number	In addition to the signs otherwise permitted in the district in which the service station is located, other permanent signs may be permitted.
Size	Maximum aggregate area of 50 sq. ft. for all other signs in addition to those otherwise permitted within the zoning district.
Lighting	Lighting shall be internal. No exposed bulbs or tubes shall be permitted.
Other	The number and size limits shall not apply to product identification on equipment and structures lawfully used for the display of products or services offered on the premises, such as credit card logos.

(Ord. 4-21. Passed 1-4-21; Ord. 184-23. Passed 9-18-23; Ord. 80-25. Passed 6-16-25.)

1151.07 SIGN PERMITS.

No sign described in this chapter whether permanent or temporary, shall be erected, constructed, altered, relocated, repaired or replaced within the limits of the City by any person, firm or corporation until a permit has been issued by the City Electrical Department and approved by the Zoning Administrator and, if applicable, a written order from the Zoning Board of Appeals that a variance has been granted. All sign permits shall be valid for a period of six (6) months from the date of issuance, and shall be void if the approved sign is not erected within that time period. Written notice of the permit's expiration shall be provided to the property owner. This section shall not apply to those signs specifically exempted in Section 1151.03, unless such sign is illuminated internally or externally.
(Ord. 4-21. Passed 1-4-21.)

1151.08 APPLICATION PROCEDURE.

(a) Application Requirements. An application shall be submitted on a form for that purpose, along with a required application fee as established by the City Council. Only applications by licensed sign contractors shall be accepted. All sign applications shall include the following information:

(1) Location of building, structure or lot on which the sign is to be erected or attached.
(2) Detailed colored drawing to illustrate the dimensions, design, materials and structure of each sign.
(3) Site drawing to scale, showing the property boundaries, street right-of-way line, curb line, building location, access drives and location of all ground, directional, menu or other sign proposed to be located on the ground. The setback dimension from the right-of-way line and the curb line to the nearest edge of the sign shall be shown on the site plan.
(4) Photographs of the property or building upon which the sign is to be erected or attached.
(5) Building elevations, illustrating the position of wall, awning, projecting or other signs to be mounted on the building.
(6) Plans, specifications and method of construction for attachment to the building or in the ground.
(7) Name and address of the sign erector.
(8) Any electrical permit required and issued for such sign.
(9) Specifications for electronic changeable message signs, including brightness levels (day and night), automatic dimming mechanism, display colors and other relevant information.
(10) In the case of a billboard, the site plan shall also show the horizontal distance to the nearest existing billboard within 350 feet, horizontal distance to the nearest residential district property line within 350 feet and horizontal distance to the nearest park, playground or public or semi-public building. If any of the above does not exist within the stated distances, it shall be so noted on the plan.
(11) Other information that the Zoning Administrator may require to ensure full compliance with this and all other applicable laws of the city and State.

(b) Approval. The Zoning Administrator shall decide on an application within seven (7) days of submission. The Zoning Administrator shall approve the application and issue a sign permit if it is determined that the application fully complies with the requirements of this chapter.

(c) Fees. Fees to be paid in conjunction with the submission of a sign application may be changed as provided for in the Lorain Codified Ordinance, as may be amended from time to time. (Ord. 4-21. Passed 1-4-21.)

1151.09 INSPECTION AND MAINTENANCE.

(a) Inspection. The Zoning Administrator shall inspect each sign after it is erected to determine if the sign and its location are in conformance with the permit and the approved sign plan. The Zoning Administrator may also conduct inspections at such times as necessary for the purpose of ascertaining whether the sign remains in compliance with the provisions of this ordinance or is in need of repair or removal. A record of all such inspections shall be kept on file in the office of the Zoning Administrator.

(b) Removal of Signs. The Zoning Administrator may order the removal of any sign erected or maintained in violation of this chapter. Thirty (30) days' written notice to remove the sign or to bring it into compliance shall be given to the owner of a permanent sign or a notice of such violation placed on the building, structure, premises, or sign in violation. In the case of any temporary sign in violation, the Zoning Administrator may remove the sign immediately. The sign owner shall be notified in writing as to disposition of the sign. Any sign removed by the Zoning Administrator, pursuant to the provisions of this section, shall be held for redemption by the owner. To redeem, the owner shall pay all costs incurred by the City for removal. Should the sign not be redeemed within thirty (30) days of its removal, it may be disposed of in any manner deemed appropriate by the Zoning Administrator and the costs incurred for its removal shall be assessed to the owner on the property tax roll. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the sign's removal.

(c) Maintenance. Signs which are no longer functional or are in disrepair for more than sixty (60) days, shall be removed, at the expense of the property owner, within thirty (30) days following notice of non-compliance. The property owner shall be notified by certified mail. Failure to comply will automatically revoke the permit after noncompliance has been determined by the Zoning Administrator and notice has been given to the property owner as reflected by the records of the Zoning Administrator. If the sign is not removed within thirty (30) days, the Zoning Administrator shall cause the sign to be removed and assess the cost of removal against the property.

(d) Obsolete Signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within six (6) months of when the business or use which it identifies is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Administrator shall give the owner seven (7) days' written notice to remove it. If the owner fails to comply with this notice, the Zoning Administrator shall cause the sign to be removed at cost to the owner. Where a successor to a defunct business agrees to maintain the sign(s) as provided in this chapter, this removal requirement shall not apply. The new sign user shall notify the Zoning Administrator's office, in writing, of this change. No new sign permit shall be required unless the sign is altered or relocated contrary to the provisions of this chapter. The Zoning Administrator shall be notified in any matters relating to sign relocations.

(e) Unsafe Signs. Should any sign be or become insecure or in danger of falling or become otherwise unsafe, the owner or persons maintaining the sign shall, upon receipt of written notice from the Zoning Administrator, proceed immediately to put it in a safe and secure condition or remove it. If the owner or lessee fails to remove or to make the sign safe within seven (7) days after such notice, the Zoning Administrator shall cause the sign to be removed at the expense of the property owner. The Zoning Administrator may cause any sign which is in an immediate peril to persons or property to be removed summarily and without notice.

(f) Regular Maintenance. Every sign and all the supports, braces, guys and anchors thereof, shall be kept in repair and, unless made of non-corroding material, shall be thoroughly and properly painted regularly. The Zoning Administrator may order removal or compliance of any such signs that are not, in the judgement of the Zoning Administrator, maintained in accordance with the conditions of this section.

(g) Alterations. No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter, and then not until a permit has been issued by the Zoning Administrator.
(Ord. 4-21. Passed 1-4-21.)

1151.10 ENFORCEMENT.

The Zoning Administrator shall monitor signs permitted under this chapter. Enforcement action may be taken where the requirements of this chapter are not met.

(a) If the owner, permit holder, or person maintaining the sign or premises fails to comply with such notice by the date of reinspection, or cannot be found, or his whereabouts cannot be ascertained with reasonable diligence, in addition to the penalties provided in Section 1173.99, the Zoning Administrator may cause the sign to be removed or altered to comply with the order at the expense of the permit holder, owner or person maintaining the premises. If the permit holder, owner or person maintaining the premises fails to pay the City for the expenses of removal or alteration, the full amount of costs shall be added to the property tax bill of the owner of the premises where the sign is located as a lien on the property.

(b) If a violation of a provision of this chapter is repeated within sixty (60) days of a previous violation of the same provision, the subject sign may be seized immediately and a charge assessed for removal without additional notification.

(c) Fees for removal shall be immediately due and payable to the City of Lorain. Notice of such assessment shall be given to the property owner mailing the notice to the address utilized for tax billing purposes and by posting a notice of assessment at the subject premises where the sign owner and property owner are the same. All assessments not paid within ten (10) days after such mailing and posting shall be placed on the property tax bill and collected as other taxes are collected or as a lien on the property.

(d) The City may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this chapter.
(Ord. 4-21. Passed 1-4-21; Ord. 37-25. Passed 4-7-25.)

1151.11 APPEALS.

All questions of interpretation and enforcement shall first be presented to the Zoning Administrator. Any appeal of the Zoning Administrator's decision shall be presented to the Zoning Board of Appeals in accordance with the provisions of Chapter 1175.
(Ord. 4-21. Passed 1-4-21.)

1151.12 NONCONFORMING SIGNS.

(a) Any lawfully existing sign that does not conform to the provisions of this chapter, either in existence prior to the date of adoption of this chapter or located in areas annexed thereafter, shall be deemed a nonconforming sign.

(b) A nonconforming sign shall not be relocated, reconstructed or replaced unless it is brought into compliance with the provisions of this chapter.

(c) A nonconforming sign shall not be enlarged or altered in a way which increases its nonconformity; provided, a sign or portion of a sign may be altered to decrease its nonconformity.

(d) A nonconforming sign shall only be maintained or repaired in the following manner:

(1) The size and structural shape shall not be changed or altered, except to remove entire elements thereby reducing the overall size.

(2) The copy may be changed (including changeable message signs and change of sign face.

(3) In the case where damage occurs to the sign, the owner or the owner's authorized representative shall, within fourteen (14) days of the damage, schedule a meeting with the Zoning Administrator for the purpose of establishing whether the sign was damaged to an extent of thirty percent (30%) or more of replacement value. Based on that determination, an application for a permit must be submitted within thirty (30) business days from the date of the pre-application meeting. Where the damage to the sign is less than thirty percent (30%) of its replacement value, the sign may be repaired to its original configuration within forty-five (45) days from the date the sign permit is issued. If the damage is greater than thirty percent (30%) of its replacement value, the sign shall be removed in its entirety within thirty (30) days from the date of damage and any subsequently erected sign must comply with the requirements of this chapter.
(Ord. 4-21. Passed 1-4-21.)

CHAPTER 1173
Administration and Enforcement

1173.01 Administrative procedures.
1173.02 Minimum requirements.
1173.03 General responsibility.
1173.04 Public nuisance, per se.
1173.05 Performance guarantees.
1173.99 Enforcement and penalties.

1173.01 ADMINISTRATIVE PROCEDURES.

It shall be unlawful for any person to commence excavation for or construction of any building or structure, or moving of any existing building or structure without first obtaining a permit from the Chief Building Inspector. No permit shall be issued for the construction, moving, placement or alteration of any building or structure until proper approval has been granted and fees have been submitted in accordance with the provisions of this Code.
(Ord. 4-21. Passed 1-4-21.)

1173.02 MINIMUM REQUIREMENTS.

In the interpretation and application of this Code, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Code to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than this Zoning Code; or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Code imposes a greater restriction than is required by any existing ordinance or by rules, regulations or permits, the provisions of this Code shall control. Nothing in this Code should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, morals and general welfare. (Ord. 4-21. Passed 1-4-21.)

1173.03 GENERAL RESPONSIBILITY.

The provisions of this Code shall be administered and enforced by the Mayor and City Council, Planning Commission, Zoning Board of Appeals, Design Review Board, Zoning Administrator and their respective designees. The Zoning Administrator shall, among other duties, issue all approvals and notices of violations provided for in this Code.
(Ord. 4-21. Passed 1-4-21.)

1173.04 PUBLIC NUISANCE, PER SE.

Any building or structure which is erected, repaired, altered, or converted; or any use of premises or land which is begun or changed subsequent to the time of passage and in violation of any of the provisions of this Code is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
(Ord. 37-25. Passed 4-7-25.)

1173.05 PERFORMANCE GUARANTEES.

(a) As a condition of approval of a final plat and/or prior to the issuance of a certificate of zoning compliance for a non-residential structure, multiple-family development, or attached single-family development, if some or all required improvements have not been made, a financial guarantee may be required of sufficient sum to assure the installation of those features or components of the approved activity or construction that are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Those features or components, referred to as "improvements" may include, but shall not be limited to, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

(b) Performance guarantees shall be processed in the following manner:

(1) Prior to approval of a final plat and/or issuance of a certificate of zoning compliance, the applicant shall submit an itemized estimate of the cost of those required improvements subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one hundred percent (100%) of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies, but not-to-exceed one hundred twenty-five percent (125%) of the estimated cost of construction and materials.

(2) The required performance guarantee may be in the form of a cash deposit or check.

(3) Upon receipt of the required performance guarantee, a permit shall be issued for the subject development or activity, provided it is in compliance with all other applicable provisions of this Code and other applicable ordinances of the City.

(4) The City, upon the written request of the owner, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed, as determined by the City. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.

(5) When all required improvements have been completed, the owner shall send written notice of completion of the applicable improvements to the Zoning Administrator. Thereupon, the Zoning Administrator shall cause an inspection to be made of all the improvements and approve, partially approve, or reject the improvements with statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be retained and the owner will be directed to complete the missing items. Where partial approval is granted, the owner shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved. The City may withhold issuance of the certificate of zoning compliance until all improvements are completed.

(6) A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

(Ord. 37-25. Passed 4-7-25.)

1173.99 ENFORCEMENT AND PENALTIES.

(a) Zoning Administrator. The City shall provide for the enforcement of this ordinance by appointing a Zoning Administrator, who shall, jointly with other designated personnel, have the right to enforce the provisions of this Code which may include withholding applicable approvals for noncompliance or violation, including withholding issuance of the certificate of completion if any or all required site improvements are not completed. The Zoning Administrator shall not have authority to grant approval of any action that does not meet the requirements of the Zoning Code.

(b) Violations.

(1) Any building, structure, use or condition that exists or is erected, altered, converted, or maintained in violation of this Code shall be subject to a minimum penalty of five hundred dollars ($500.00). Continuance of a violation shall be considered a separate and distinct offense for each day the violation is continued. Furthermore, such building, structure, use or condition that is in violation of this Code is not eligible for a variance or other zoning action and will be subject to fines until the building, structure, use, or condition is brought into compliance.

(2) Any person or entity that violates any provision of this Code or fails to comply with the requirements thereof shall be subject to a minimum penalty of five hundred dollars ($500.00) for each violation and, in addition, all costs and expenses related to that case. Continuation of any violation of this Code shall be considered a separate and distinct offense for each day any such violation is continued. The owner, lessee, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided. Nothing contained in these provisions shall prevent the City from taking such other lawful action as necessary to prevent or remedy any violations.

(c) Enforcement of Violations. When the Zoning Administrator finds that any provision of this Code is being violated, he/she shall execute the following procedures:

(1) The Zoning Administrator or designee may obtain a warrant to enter private property in the enforcement of this ordinance; provided, if permission is granted by the property owner or tenant, such warrant shall not be needed.

A. Notice of violation. Whenever the Zoning Administrator or designee shall find that there is a violation of the provisions of this Code, he/she shall serve notice to the owner and occupant of the premises to comply with the relevant provisions. It shall be sufficient notification if the notice is delivered to the person to whom it is addressed or deposited in the United States mail, properly stamped, and addressed to the address listed on the property tax rolls.

B. Failure to comply with notice. If the person to whom the violation notice is directed fails or neglects to comply with the provisions of this section within fifteen (15) days after the notice has been received, or within twenty (20) days after a copy of the notice has been deposited in the United States mail, that person shall be considered in violation of this section and subject to the penalties set forth in this Code.

C. Property subject to abatement of conditions. It shall be unlawful for any owner, agent or occupant of any lot, parcel or tract of land which is subject to the provisions of this Code to permit the conditions set forth in this section to exist or continue after receiving notice. It shall be the duty of the owner, agent, or occupant of any such lot, parcel, or tract in violation of the provisions of this Code to abate the unlawful condition.

(2) If any person, owner, agent, or occupant of property shall fail to comply with a written notice of violations(s) or shall fail to correct a violation thereof within the time period specified, the Zoning Administrator may:

A. Enter an administrative order directing compliance with the provisions of this section and all other applicable statutes, laws, and ordinances.

B. Board up the premises in order to make it inaccessible for habitation.

C. Commence an action in a court of competent jurisdiction for injunction, mandamus or abatement or discontinuance of violations of the provisions of this Code or other ordinances of the City of Lorain.

(3) If a violation of this Code is not corrected within the time period provided, enforcement officials are authorized to enter upon such property and correct or abate such violations or take such other action as may be reasonably necessary to remove the threat to the public health, safety and welfare. All costs incurred in such action, including, but not limited to, inspection, administration, labor and equipment costs, court costs and attorney's fees, shall become a lien on the subject property and shall be collected in the same manner as taxes are collected.

(4) The remedies provided in this section are not mutually exclusive and shall be cumulative to other remedies provided in this Code and to any other remedy provided at law or in equity.

(5) In case any building is erected, constructed, reconstructed, altered, converted, or maintained or any building, structure, or land is or is proposed to be used in violation of this Code, the Zoning Administrator, or other appropriate authority of the City of Lorain, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action of proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, structure or land.

(6) Any subdivision of property conducted for the purpose of fraudulently circumventing this Code shall be considered void and the provisions of this Code shall apply.

(d) Complaints Regarding Violations. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written and signed complaint with the Zoning Administrator stating fully the causes and basis for the complaint. Upon receiving the complaint, the Zoning Administrator shall investigate the complaint, and take whatever action is warranted.

(e) Persons Liable for Violations. The owner, tenant, or occupant of any building or land or part thereof and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code may be held responsible for the violation and suffer the penalties and be subject to the remedies provided in this chapter.

(f) A person who or which refuses, neglects or fails to comply with an order issued under the provisions of this Code or other applicable Codes of the City of Lorain; or refuses, neglects or fails to comply with a notice to repair, rehabilitate or demolish a building or other structure declared to be unsafe under the provisions of this Code, or refuses, neglects or fails to comply with a notice requiring the abatement or removal of a violation or requiring a compliance with any provisions of this Code or other applicable Codes or any rule or regulation hereunder within the time limit set forth in such notice or maintains a use or occupancy prohibited by this Code, shall be guilty of a misdemeanor of the first degree.
(Ord. 37-25. Passed 4-7-25.)

MANUFACTURED HOME, PERMANENTLY SITED: A manufactured home that meets all of the following criteria:

(1) The structure is affixed to a permanent foundation and is connected to appropriate facilities.

(2) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet.

(3) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.

(4) The structure was manufactured after January 1, 1995.

(5) The structure is not located in a manufactured home park as defined by Section 4781.01 of the Ohio Revised Code.

MANUFACTURED HOME PARK OR COMMUNITY: A parcel (or contiguous parcels) of land divided into two or more lots to be rented or sold for installation of manufactured homes.

MICRO-BREWERY: A business establishment engaged in making specialty beer in limited quantities for sale, in accordance with Ohio law.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, but no longer conforming to the current provisions of the Ordinance with respect to such requirements as height, size, setbacks, access, materials or landscaping.

NONCONFORMING LOT: A lot lawfully existing at the time it was created that does not conform to the current lot area and/or width requirements of this Ordinance.

NONCONFORMING USE: A use lawfully occupying a structure or land at the time of adoption or subsequent amendment of this Ordinance which is not permitted in the district in which the use is located.

NURSERY SCHOOL: A place for the day care and instruction of children not remaining overnight.

NURSING HOME: A home for the aged, chronically ill or incurable persons, licensed by the Ohio Department of Public Welfare, in which three (3) or more persons, not of the immediate family, are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
(Ord. 4-21. Passed 1-4-21; Ord. 106-25. Passed 7-21-25.)

1191.06 DEFINITIONS O-R.

OCCUPANCY: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

OVERLAY DISTRICT: A zoning district superimposed upon one (1) or more other zoning districts and which applies supplementary regulations to land within the overlay area.

OWNER: A person, firm, partnership, corporation or other entity holding an interest in real property and shown as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Administrator, e.g., a sign leased from a sign company.

PARCEL: A unit of land as defined in a single deed recorded in the office of the Recorder in Lorain County, Ohio. The description as specified in each recorded deed shall constitute a parcel of land for the purpose of this Ordinance. Provided further, that two (2) or more adjoining parcels in common ownership which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one (1) parcel for the purpose of this Ordinance.

PARKING: The temporary, transient storage of motor vehicles used for transportation, while their operators are engaged in other activities. It shall not include storage of new or used motor vehicles for sale, services, rental or any other purpose other than specified above.

PARKING SPACE: The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this Ordinance.

PARKING STRUCTURE: A manmade building, consisting of one or more floors, designed and intended for the parking of motor vehicles.

PERMIT: An official authorization, issued by a representative of the City, to conduct a specified activity under the provisions of this Ordinance.

PERMITTED USE: A use of property specifically allowed within a zoning district wherever that district exists in the City; provided, all dimensional and other requirements applicable to that district are satisfied.

PERSON: Any person, individual, firm, partnership, association, corporation, company or organization, singular or plural, of any kind, including sole proprietors, nonprofits, two (2) or more individuals having a joint or common interest, joint venture, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Ohio, any interstate body or any other legal entity or any other form of business organization.

PERSONAL SERVICES: Any business whose principal activity is the provision of individualized services to the general public, such as barbershop, beauty shop, dry cleaning pickup, printing and photocopying and tailors.

PLACE OF RELIGIOUS WORSHIP: A building or structure, or groups of buildings or structures which, by design and construction, are primarily intended for conducting organized religious services and associated accessory uses that are noncommercial in nature.

PRINCIPAL BUILDING: The building in which the principal use of the lot or parcel is located.

PROJECT: The entire proposed development project regardless of the size of the area of land to be disturbed.

CHAPTER 1515
Registration of Vacant Commercial Buildings

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1515.01 PURPOSE.

This Chapter is adopted to establish a program for identifying and registering vacant commercial buildings within the City of Lorain and specifically to assist the City of Lorain in identifying those buildings that may be unsafe, present a fire hazard, that may provide temporary occupancy by transients, that may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that may present a hazard to the health, safety and welfare of the public. Through a registration, inspection, and monitoring process, vacant commercial buildings will be kept weather-tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety and welfare of the public is served by these regulations.
(Ord. 67-25. Passed 5-19-25.)

1515.02 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the following meanings:

(a) DESIGNATED AGENT: means an individual person who shall be authorized by the owner of a vacant commercial building to accept service of process and notices issued pursuant to this code on behalf of the owner.

(b) COMMERCIAL BUILDING: means any structure or part thereof, that is or has been used or designed to be used for any industrial or commercial business purposes whether or not legally zoned for such use.

(c) EVIDENCE OF VACANCY: means any condition that on its own or combined with other conditions present, would lead a reasonable person to believe the building is vacant. Such conditions include but are not limited to, none or significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, debris, broken or boarded up windows, abandoned vehicles, automobile parts or materials, the absence of window coverings i.e. curtains, blinds and/or shutters, the absence of furnishing and/or personal items consistent with habitation or occupation, statements by neighboring property owners, delivery persons, U.S. Postal Service employees and/or governmental employees that the building is vacant.

(d) FIRE CHIEF: means the Fire Chief of the City of Lorain or his designee.

(e) FIRE CODE: means Chapter 1302 of the City of Lorain's Codified Ordinances.

(f) FIRE DEPARTMENT: means the Fire Department of the City of Lorain.

(g) KEY BOX: means a secure device with a lock operable only by the Fire Department master key and containing building entry keys and other keys that may be required for access in an emergency.

(h) OWNER: means any legal person who, alone or jointly with others, shall have the legal or equitable title to a property, and shall include executors, administrators, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure as evidenced by the signature of the judge upon the confirmation of sale, whether or not the deed has been filed with the Lorain County Recorder's Office. Any individual owner, regardless of whether they share ownership with any other person, any general partner of a partnership, the member of a limited liability company (LLC) and any officer of a corporation or unincorporated association, shall have personal liability for compliance with the provisions of this Chapter.

(i) PERSON: means an individual, partnership, association, syndicate, company, firm, trust, corporation, governmental corporation, department, bureau, agency or any entity recognized by law as a legal person.

(j) PERSON IN CONTROL: means the owner of the property; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lessee estate in the property, and/or its duly authorized agents, with the authority to bring a building or property into compliance with the provisions of this Chapter, including but not limited to any mortgagee that has filed an action in foreclosure on the particular property at issue, based on breach or default of a mortgage agreement, until title to the property is transferred to a third party.

(k) POLICE CHIEF: means the Police Chief of the City of Lorain or his designee.

(l) POLICE DEPARTMENT: means the Police Department of the City of Lorain.

(m) PROPERTY: means not only the vacant commercial building and any other structures of any kind or nature located on the lot, but also the entire parcel of land surrounding the vacant commercial building, including, but not limited to, fences, walkways, walls and appurtenances.

(n) PROPERTY MAINTENANCE CODE: means Chapter 1509 of the Codified Ordinances of the City of Lorain.

(o) VACANT COMMERCIAL BUILDING: a commercial building that is not occupied by its owner, lessee or other person in lawful possession, or at which substantially all lawful industrial or commercial business operations and/or whereat occupancy has ceased. Vacant commercial building shall not include those that are owned and operated by a state, local or federal governmental entity, or public school system.
(Ord. 67-25. Passed 5-19-25.)

1515.03 OBLIGATIONS OF OWNERS AND PERSONS IN CONTROL.

(a) Any owner or person in control of a vacant commercial building shall comply with the following:

(1) Register the vacant commercial building with the Chief Building Official in accordance with the requirements of this Chapter.

(2) Designate an authorized agent if the owner or person in control of the vacant commercial building does not reside within the City of Lorain, Ohio.

(3) Submit a Vacant Building Plan which shall be approved by the Chief Building Official in accordance with Section 1515.08 of this Chapter.

(4) At all times maintain the property in accordance with the Vacant Building Maintenance Standards set forth in Section 1515.09 of this Chapter.

(5) Acquire or otherwise maintain general liability insurance covering the vacant commercial building and property in an amount of not less than one million dollars ($1,000,000.00). The insurance policy shall include the City of Lorain as "additional insured" on the policy and provide for written notice to the Chief Building Official within thirty (30) days of any lapse, cancellation or change in coverage.
(Ord. 67-25. Passed 5-19-25.)

1515.04 VACANT PROPERTY REGISTRATION.

(a) All persons required to register vacant commercial buildings pursuant to provisions of this Code shall apply for a Certificate of Registration to be obtained through the following process:

(1) A Vacant Commercial Building Registration application shall be filed with the Building Housing and Planning Department accompanied by the application fee listed below. Each Vacant Commercial Building Registration application shall be signed by the owner of the property being registered or said owner's designated agent, and shall include the following information:

A. Name, address and contact information of owner;

B. Legal address of the property;

C. Brief description of Vacant Commercial Building and,

D. Name, address and contact information of a designated agent who shall be an individual person, residing in the City, who in addition to the owner may accept service of process and official notices issued by the City to the owner. An official notice or service of process issued to a designated agent shall be deemed as served or delivered upon the owner of record.

(b) Upon transfer of ownership of a Vacant Commercial Building, the new owner shall notify the City of the transfer within thirty (30) days of the completed transfer and apply for a Vacant Commercial Building Certificate of Registration pursuant to Section 1537.08.

(c) Notification issued to the owner or his designated agent at the address shown on the application form shall constitute notice pursuant to any provision of this Code.

(d) Registration completed pursuant to the provisions of this Code shall be for a period of one year and shall expire upon the first annual anniversary date after issuance of the Vacant Commercial Building Registration or upon such earlier date as is provided in this code.
(Ord. 67-25. Passed 5-19-25.)

1515.05 VACANT PROPERTY NON-RESIDENT APPLICANT.

The owner of a Vacant Commercial Building who does not reside in the City of Lorain shall designate an agent who, in addition to the owner, shall be responsible for operation of the vacant commercial building and who may accept service of process and official notices on behalf of the owner. An official notice or service of process issued to a designated agent shall be deemed as served or delivered upon the owner of a Vacant Commercial Building. Failure to maintain a Vacant Commercial Building Certificate of Registration or to maintain any requirements regarding registration shall be grounds for revocation of an existing Vacant Commercial Building Certificate of Registration or denial of issuance of a Vacant Commercial Building Certificate of Registration. A designated agent shall be an individual person who resides in the City of Lorain, who shall provide a valid residence address within the City and who shall promptly notify the Chief Building Official of any change in address or other change in status.
(Ord. 67-25. Passed 5-19-25.)

1515.06 REGISTRATION FEES.

(a) Vacant commercial building registration fees shall be reasonably related to the administrative costs of the vacant commercial building registration process and for the costs incurred by the City in monitoring the vacant commercial building site. The annual increase in registration fee amounts shall be reasonably related to the costs incurred by the City for hazard abatement, repair and/or demolition of vacant commercial buildings in addition to the continued administrative costs.

(b) The annual registration fee for a vacant commercial building shall be based on the duration of time the building has been vacant regardless of a change in ownership. The owner of a vacant commercial building shall pay an annual registration fee of one thousand dollars ($1,000.00) for the first year the commercial building remains vacant. For every consecutive year that the commercial building remains vacant, the annual registration fee shall increase by the amount of five hundred dollars ($500.00) as the cost of monitoring or inspecting the commercial building increases based upon the length of vacancy.

(c) Any owner of a vacant commercial building shall, in addition to all other requirements of this section, provide a cash bond acceptable to Safety/Service Director or their designee, in the sum of not less than ten thousand dollars ($10,000.00) for vacant buildings equal to or less than 10,000 sq.ft., or a cash bond in the sum of not less than fifteen thousand dollars ($15,000.00) for vacant buildings 10,000 sq.ft. or more, to assure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, repairing, marking and/or making such building safe by any legal means including but not limited to, demolition, securing, repairing and/or marking said building and other vacant buildings.

(d) The registration fee and bond shall be paid in full prior to the issuance of any building permits. The Chief Building Official shall refund the vacant commercial building registration fee if the subject building is brought into compliance with standards of the Ohio Building Code, and reoccupied within one (1) year of payment of the annual registration fee. The refund shall be for the amount of the registration fee and any remaining balance of the vacant commercial property bond paid during the year in which the building was approved for reoccupancy. Registration fees paid in previous years shall not be refunded.

(e) If a registration form is filed late, an additional late fee shall be paid in addition to the annual registration fee and shall be equal to the annual registration fee or one thousand dollars ($1,000.00), whichever is less.

(f) All delinquent registration fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant commercial building.

(g) The Chief Building Official shall notify the Lorain City Council if an owner or person in control, or a purchaser of a vacant commercial building fails to, neglects or refuses to pay a registration fee within the time ordered pursuant to this section. In addition to the registration fee, an interest rate equal to six percent (6%) or the current rate of interest charged by the City on special assessments shall be imposed by the City for the life of the registration fee, added to the registration fee, and collected as provided in this section. The Chief Building Official along with the City Auditor shall then certify the amount of the registration fee, including interest, to Lorain City Council. City Council shall then take the actions necessary to perfect the charges and costs as a tax lien pursuant to Ohio R.C. 731.54. The County Auditor shall enter the amount on the tax duplicate of the County as a special assessment against the real estate that is subject to the registration fee. (Ord. 67-25. Passed 5-19-25.)

1515.07 VACANT COMMERCIAL PROPERTY REGISTRATION.

(a) The Chief Building Official (CBO) shall issue a Vacant Commercial Building Certificate of Registration upon his/her determination that the Vacant Commercial Building registration application is complete; the requisite application fee has been paid and conditions of the Vacant Commercial Building are in compliance with this Code and all other applicable laws.

(b) The CBO may request inspection of the Vacant Commercial Building prior to issuance of a Vacant Commercial Building registration. An inspection shall be conducted upon the consent of the owner or his/her designated agent.

(c) When an inspection of a Vacant Commercial Building is requested and the owner or his/her designated agent does not consent to an inspection of the Vacant Commercial Building which is the subject of the Vacant Commercial Building Registration, the CBO may seek the issuance of a search warrant in order to inspect the Vacant Commercial Building when the CBO has reasonable cause to believe that the condition of the Vacant Commercial Building does not comply with applicable property maintenance laws of the City of Lorain and State of Ohio.

(d) Refusal of an owner or his/her designated agent to permit an inspection of the Vacant Commercial Building which is the subject of a Vacant Commercial Building Registration application shall not be cause for the CBO to deny issuance of a Vacant Commercial Building registration.

(e) When the CBO determines that the condition of a Vacant Commercial Building which is the subject of a Vacant Commercial Building Registration application is in violation of the applicable City property maintenance code provisions or other applicable laws, the CBO shall issue written notice of the property maintenance code violation(s) to the owner. If the owner corrects the violations as determined, within thirty (30) days of the issuance of notice of the violations by the City to the owner, the CBO shall issue the Vacant Commercial Building Registration Certificate to the owner.
(Ord. 67-25. Passed 5-19-25.)

1515.08 VACANT BUILDING PLAN.

(a) The owner or person in control of a vacant commercial building shall submit to the Chief Building Officer (CBO) a Vacant Building Plan with the application. The Vacant Building Permit shall be approved by the Chief Building Officer (CBO) or his/her designee prior to issuance of a Certificate of Registration.

(b) The Vacant Building Plan shall include the owner's statement directed to the following matters:

(1) Demolition: If the vacant commercial building is to be demolished, the Vacant Building Plan shall include a proposed time frame for demolition which shall include a commencement date within ninety (90) days of approval of the proposed demolition time frame and shall not exceed six (6) months in duration. The Chief Building Official may grant an extension of time upon receipt of a written statement from the owner detailing the reasons for the extension.

(2) Secured Structure: If the vacant commercial building is to remain vacant, the Vacant Building Plan shall contain all of the following:

A. A typewritten plan for fire alarm and fire protection as required by the City of Lorain Fire Chief or his designee;

B. A typewritten plan of action to remedy any public nuisance existing in the building or on the property;

C. A typewritten lighting plan for the exterior of the building and property, walkways adjacent thereto, parking or loading areas, and nighttime illumination of areas and walkways of the building and property which may be vulnerable to vandalism and vagrancy as determined by the Chief of Police;

D. A typewritten regular maintenance plan for all exterior lighting and illumination fixtures;

E. A typewritten plan for the maintenance of all structural openings, such as windows, doors, areaways and other openings to avoid the necessity of boarding up. Windows, doors, areaways and other openings that are located on the first floor and facing the street shall not be papered, soaped, blacked-out or boarded up, and to avoid the appearance of being vacant, a form of display shall be set that shall be approved by the Chief Building Official or designee.

F. A typewritten plan of action to maintain the vacant commercial building and property in compliance with the Vacant Building Maintenance Standards as set forth in Section 1515.08 of this Chapter.

(3) Rehabilitation: If the vacant commercial building is burdened by conditions which violate any applicable law, the Vacant Building Plan shall include a plan for a rehab and rehabilitation timeframe for the vacant commercial building. The rehabilitation time frame shall not exceed twelve (12) months unless approved by the Chief Building Official. All applicable laws shall be complied with and all required permits shall be obtained. The building shall be kept secured and in compliance with the Vacant Building Maintenance Standards as provided in Section 1515.08 of this Chapter at all times during rehabilitation.

(Ord. 67-25. Passed 5-19-25.)

1515.09 VACANT BUILDING MAINTENANCE STANDARDS.

All vacant commercial and industrial buildings and property within the City shall be maintained in accordance with the following Vacant Building Maintenance Standards:

(a) Exterior openings, except those prohibited by Section 1515.07(a)(2)E. which cannot be secured by locking an existing door or window shall be boarded secured and protected from intrusion by birds, vermin and trespassers in accordance with the United States Fire Administration's National Arson Prevention Initiative Board Up Procedureshereby incorporated by reference as if fully set forth herein. A copy of the United States Fire Administration's National Arson Prevention Initiative Board Up Procedures shall be kept on file with the Fire Department.

(b) A vacant commercial building shall be protected from deterioration and maintained in accordance with the International Property Maintenance Code set forth in Chapter 1509 of the Codified Ordinances of the City of Lorain.

(c) A vacant commercial building and the property on which it is located shall be kept clean, safe, sanitary and free from public nuisance in accordance with Chapter 1509 of the Codified Ordinances of the City of Lorain.

(d) A vacant commercial building shall display a hazardous identification placard that is readily visible from normal access points of the building pursuant to the Lorain Fire Department.

(e) A key box shall be installed on each vacant commercial building in the City in case immediate access to the interior of the building by Fire Department personnel is necessary for life-saving or firefighting purposes. Each key box shall be of a type that is approved by the Fire Chief. The key box shall be installed in accordance with manufacturer's recommendations and shall be installed to a location approved by the Fire Chief. The cost of purchase and installation of each key box shall be paid by the owner. Each key box shall contain keys to gain access to all areas of the building including the roof and basement, with each key being clearly labeled as to its access point. The person in control of the building shall immediately notify the Fire Chief and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box.

(Ord. 67-25. Passed 5-19-25.)

1515.10 NOTICE OF VIOLATION.

(a) Content: Whenever the Chief Building Official determines that there is a violation of the provisions of this Chapter, he shall give notice of such violation to the owner or designated agent therefore and order compliance, as herein provided. Such notice and order shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification which includes but is not limited to permanent parcel number or address;

(3) Include a statement of the violation or violations, reference to the code provisions violated, and order remedial action which will affect compliance with the provisions of this Chapter;
(4) Include a remedial action order allowing a reasonable time to bring the property into compliance with the provisions of this Chapter;
(5) State the right of the violator to file an appeal of the order with the Board of Building Standards and Appeals in the manner and within the time limitations provided for in Section 1501.10 of the Codified Ordinances of the City of Lorain;
(6) Include a statement that any action taken by the City on such property shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(b) Service: A notice of violation shall be deemed to be served if one or more of the following methods are used:
(1) By personal delivery to the OWNER, DESIGNATED AGENT, PERSON, or PERSON IN CONTROL of the property; or
(2) By certified mail, return receipt requested, to the OWNER, DESIGNATED AGENT, PERSON, or PERSON IN CONTROL at the address provided pursuant to Section 1515.04(a)(1)B. of this Chapter. If the certified mail is returned unclaimed, the service shall be sent by ordinary U.S. mail and the mailing shall be evidenced by a certificate of mailing. If the certified mail is returned undeliverable, a copy shall be posted in a conspicuous place in or on the property found in violation.
(3) By publication of the notice in a newspaper of general circulation for three (3) consecutive weeks.
(Ord. 67-25. Passed 5-19-25.)

1515.11 AFFECTING COMPLIANCE.

Upon failure of the owner or person in control of the vacant commercial building to comply with the order within the period of time stipulated. Upon the compliance with the order, the Chief Building Official shall determine all costs associated thereof, including registration fees, with labor charges incurred at one hundred fifty dollars ($150.00) per hour, however there shall be a minimum fee of not less than two hundred and fifty dollars ($250.00). In the event the City is required to employ outside services for the abatement work, the fee shall be the actual costs of the contract plus fifteen percent (15%) for administrative charges. The total labor costs, materials and registration fee, shall be forwarded by the Chief Building Official to Lorain City Council. City Council shall then take the actions necessary to perfect the charges and costs as a tax lien pursuant to Ohio R.C. 731.54. The County Auditor shall enter the amount on the tax duplicate of the County as a special assessment against the real estate that is subject to the registration fee.
(Ord. 67-25. Passed 5-19-25.)

1515.12 APPEALS.

Any person aggrieved by an order of the Chief Building Official, or whenever the Chief Building Official fails to approve a Vacant Building Plan as required in Section 1515.07 of this Chapter, may file an appeal using the following process:
(a) Appeals concerning the interpretation or enforcement of Chapter 1515 of the Lorain Codified Ordinances may be made by any person affected or aggrieved by any decision of the Chief Building Official in accordance with Chapter 1501.10 of the Codified Ordinances of the City of Lorain;

(b) Such appeal shall be made within ten days after the decision by filing with the Chief Building Official a written notice of appeal specifying the grounds upon which the appeal is being made. The notice of appeal shall be accompanied by a filing fee as established in Chapter 1501.10 of the Lorain Codified Ordinances. In the event no filing fee is set forth in Chapter 1501.10 for the filing of an appeal pursuant to this section of the Lorain Codified Ordinances, the filing fee for the appeal shall be one hundred fifty dollars ($150.00);

(c) Within ten days of receiving a notice of appeal, the Chief Building Official shall transmit a copy of the notice, along with all papers relating to the appealed action, to the Secretary of the Board of Building Standards and Appeals who shall present the appeal to the Board at the next scheduled meeting of the Board;

(d) Appeals from the Board's decisions shall be made to the Court of Common Pleas. (Ord. 67-25. Passed 5-19-25.)

1515.13 INTERPRETATION OF CHAPTER.

This Chapter shall not, in any manner, abrogate any of the other provisions of the Codified Ordinances of the City of Lorain pertaining to the abatement of public nuisances or unsafe buildings. (Ord. 67-25. Passed 5-19-25.)

1515.14 SEVERABILITY.

Sections and subsections of this Code and provisions thereof are hereby declared to be independent sections, subsections and provisions, and the hold of any such section, subsection and provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section.
(Ord. 67-25. Passed 5-19-25.)

1515.15 CONFLICT WITH OTHER ORDINANCES.

In the event of conflict between any provisions of this code, including any rules and regulations adopted pursuant to this Code and any provisions of the Codified Ordinances of the City of Lorain, that provision or ordinances which establish a higher standard for the promotion or protection of the health safety and welfare of the Citizens of Lorain shall govern.
(Ord. 67-25. Passed 5-19-25.)

1515.99 PENALTY.

Whoever fails to comply with any of the provisions of this Code, shall be guilty of a misdemeanor in the first degree and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00) or imprisonment for a term not more than six (6) months for a first offense; and any subsequent offense. Each day on which a violation of the provision of this Code has occurred shall constitute a separate offense.
(Ord. 67-25. Passed 5-19-25.)

(i) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

(j) OFF-LOT DISCHARGING HOME SEWAGE TREATMENT SYSTEM: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(k) OWNER/OPERATOR: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(l) POLLUTANT: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(m) STORM WATER: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(n) WASTEWATER: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(Ord. 166-07. Passed 10-15-07.)

1535.04 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property. (Ord. 166-07. Passed 10-15-07.)

1535.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Lorain, shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Lorain to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Lorain, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 166-07. Passed 10-15-07.)

1535.06 RESPONSIBILITY FOR ADMINISTRATION.

The City of Lorain shall administer, implement, and enforce the provisions of this regulation. The City of Lorain may contract with the Lorain Board of Health to conduct inspections and monitoring and to assist with enforcement actions.
(Ord. 166-07. Passed 10-15-07.)

1535.07 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

(1) Waterline flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated/dibrominated/desalinated swimming pool discharges; street wash water with dry cleanup methods and no detergents to minimize pollutants; and discharges or flows from fire-fighting activities (not planned exercises). These discharges are exempt until such time as they are determined by the City of Lorain to be significant contributors of pollutants to the MS4.

(2) Discharges specified in writing by the City of Lorain as being necessary to protect public health and safety.

(3) Discharges from off-lot discharging home sewage treatment systems permitted by the Lorain Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02(6) until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Lorain Board of Health. In compliance with the City of Lorain Storm Water Management Program, discharges from all offlot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging home sewage treatment systems will no longer be exempt from the requirements of this regulation.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue. (Ord. 166-07. Passed 10-15-07; Ord. 82-25. Passed 6-16-25.)

CITY OF LORAIN

City Council Regular Meeting **10. i.**
Meeting Date: 12/15/2025
Submitted by: Michele Beko, Law Office Admin

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE REPEALING ORDINANCE NO. 266-74 CHAPTER 509.12 OF THE LORAIN CODIFIED ORDINANCES AND ADOPTING NEW CHAPTER 509.12 OF THE LORAIN CODIFIED ORDINANCES

PURPOSE AND BACKGROUND

TO CURB THE JUVENILE VIOLENCE IN THE CITY OF LORAIN

RECOMMENDATION TO COUNCIL:

RECOMMENDATION FOR PASSAGE

Attachments

ORDINANCE

Form Review

Inbox	Reviewed By	Date
Beko (Originator)	Michele Beko	12/11/2025 10:47 AM
P. Riley	Michele Beko	12/11/2025 12:28 PM
Mayor Bradley	Jack Bradley	12/11/2025 01:04 PM
P. Riley	Michele Beko	12/11/2025 01:49 PM
Form Started By: Michele Beko		Started On: 12/10/2025 10:32 AM
Final Approval Date: 12/11/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 266-74 CHAPTER 509.12 OF THE LORAIN CODIFIED ORDINANCES AND ADOPTING NEW CHAPTER 509.12 OF THE LORAIN CODIFIED ORDINANCES

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO.

SECTION I. That Ordinance No. 266-74, Lorain Codified Ordinance Chapter 509.12 – CURFEW is hereby repealed

SECTION II. That new Section 509.12 – CURFEW of Lorain Codified Ordinances is hereby created and which reads as follows:

CHAPTER 509.12 – CURFEW

_____(a) No minor under the age of eighteen (18) shall be upon the streets, highways, parks, vacant land or other public places in the municipality between the hours of 11:00 PM and 5:00 AM on any day of the week.

(b) No person who is the natural or adoptive parent, legal guardian or person having legal custody and control of a minor under the age of eighteen (18) years shall permit such minor of violating section (a) of this section.

(c) The following shall constitute valid exceptions to the provisions of this section:

(1) When the minor is twenty-one (21) and is accompanied by a natural or adoptive parent, legal guardian or other responsible person is twenty-one (21) or more years of age and who is duly authorized to have custody of the minor by the minor's parent or legal guardian.

(2) When the minor is legally employed and while going directly between his/her home and place of employment.

(3) When the minor is on the sidewalk of the place where said minor resides, or on the sidewalk of either adjacent neighbor who is not communicating an objection to his/her presence.

(4) When the minor is returning home by a direct route from a school activity, an activity of a religious or other voluntary association or a place of public entertainment, such as a movie, play, concert, amusement park or sporting event. If the event is not

commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization shall register the event with the Police Division at least twenty-four (24) hours in advance, informing the Division of the time such event is scheduled to begin, the location at which the event will be held, the name of the sponsoring organization and at which time the event will end.

(5) When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel and exempts bona fide interstate movement throughout the city.

(d) Whoever violates division (a) of this section shall be dealt with in accordance with Juvenile Court law and procedure.

(e) Whoever violates division (b) of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in

(f) A third conviction of subsection (b) within one year said person is guilty of a fourth degree misdemeanor.

SECTION III. That it is found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting and that all deliberations of this council and any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2025 _____

MAYOR
ATTEST: _____, CLERK _____

PRESIDENT OF COUNCIL
APPROVED: _____, 2025

_____

CITY OF LORAIN

City Council Regular Meeting **10. j.**
Meeting Date: 12/15/2025
Submitted by: Jack Fleming

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

Ordinance request to accept a grant from Norfolk-Southern Safety First program.

PURPOSE AND BACKGROUND

The City of Lorain, Police Department has been awarded a grant from the Norfolk-Southern Safety First program in the amount of $15,000.00 for assisting in the purchase of a side-by-side Utility Task Vehicle (UTV) which will improve emergency response capabilities to rail-related incidents in the City of Lorain, Ohio.

RECOMMENDATION TO COUNCIL:

Consider for passage.

Attachments

Norfolk-Southern Ordinance
Budget Details

Form Review

Inbox	Reviewed By	Date
Carrion	Rey Carrion	11/25/2025 01:19 PM
Mayor Bradley	Jack Bradley	11/25/2025 01:23 PM
P. Riley	Michele Beko	11/25/2025 01:37 PM
Form Started By: Jack Fleming		Started On: 11/25/2025 12:02 PM
Final Approval Date: 11/25/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CHIEF OF POLICE, THROUGH THE MAYOR OF THE CITY OF LORAIN, TO ACCEPT THE AWARD OF THE 2026 SAFETY FIRST GRANT, FROM NORFOLK SOUTHERN AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO

WHEREAS, the City of Lorain Police Department has been awarded a 2026 Safety First grant in the amount of $15,000 from Norfolk Southern.

WHEREAS, The Safety First Grant Program is designed to promote overall community safety across Norfolk Southern's 22-state network, the Grantee hereby agrees to adhere to any assurances, special conditions and limitations as are set forth within the Enhanced Rail Emergency Response grant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO;

SECTION I. That the Chief of Police, through the Mayor, is authorized to accept the award of, 2026 Norfolk Southern Safety First Grant. Project Title: Utility Task vehicle (UTV) Acquisition for Enhanced Rail Emergency Response in Lorain.

SECTION II. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22, of the Ohio Revised Code.

SECTION III. That this ordinance is herby declared to be an emergency, the nature of the emergency being the health, safety, and welfare of the citizens of Lorain, Ohio, as the immediate need to accept the award, shall take effect immediately upon its passage and approval by the Mayor, providing it receives the statutory requirements for passage, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2025

_____
PRESIDENT OF COUNCIL

ATTEST: _____, 2025

_____
CLERK OF COUNCIL

APPROVED; _____, 2025

_____
MAYOR

UTV Acquisition for Enhanced Rail Emergency Response in Lorain

There is no award document, other than a congratulatory email.

Budget Detail Worksheet

Budget Narrative: The Lorain Police Department seeks funding from the Norfolk Southern Safety First grant program to support the acquisition of a side-by-side Utility Task Vehicle (UTV) to improve emergency response capabilities to rail-related incidents in the City of Lorain, Ohio. The requested $15,000 in grant funding will be supplemented with Lorain Police Department LETF funds to complete the purchase and outfitting of the UTV. The UTV will serve as a rapid response asset for incidents occurring along Norfolk Southern rail lines, especially in areas that are not accessible by standard emergency vehicles, as well as being utilized for other designated police operations.

The Lorain Police Department will provide additional emergency response equipment such as Flashing Emergency Lights, Siren, Lorain Police Graphics, and all other necessary items.

	Computation		**Cost**
Equipment Items	**Cost per Unit**	**# Units**	
Ranger Crew 1000 Premium - R25T6E99AJ	$19,999.00	1.00	$19,999.00
Pro Armor 40" Single Row Combo LED Light - 2889793	$449.99	1.00	$449.99
Polaris PULSE LED Light Bar Wiring Harness - 2883230	$119.99	1.00	$119.99
3:1 Hitch 2"x2" Receiver - 2830522	$39.99	1.00	$39.99
Pro Armor Wheel & Tire Set - 2889971	$1,439.99	1.00	$1,439.99
Cab System	$5,649.95	1.00	$5,649.95
EQUIPMENT TOTAL			**$27,698.91 (ESTIMATED)**
NORFOLK-SOUTHERN GRANT			**$15,000.00**
LETF			**$12,698.91 (ESTIMATED)**

CITY OF LORAIN

City Council Regular Meeting **10. k.**

Meeting Date: 12/15/2025

Submitted by: Jacob Morris, Captain

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF 10 (TEN) L3 HARRIS RADIOS THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITHOUT BID, PURSUANT TO OHIO REVISED CODE SECTION 125.04, NOT TO EXCEED FORTY SIX THOUSAND, FOUR HUNDRED FORTY SIX DOLLARS ($46,466.00) AND DECLARING AN EMERGENCY

PURPOSE AND BACKGROUND

Whereas, Lorain City Council passed Ordinance 136-25 on October 20, 2025, authorizing the purchase of 11 new police vehicles with all emergency equipment installed; and
Whereas, the purchase of ten (10) L3 Harris radios were inadvertently left out of the technology purchase for the vehicles; and
Whereas, Cleveland Communications Inc. is the State Purchasing vendor the the Lorain Police Department contracts with the provide radio technology.
Whereas, no additional funds are needed as provided in Ordinance 136-25.

RECOMMENDATION TO COUNCIL:

Consider for passage.

Attachments

Ordinance
Radio PO Request

Form Review

Inbox	Reviewed By	Date
Carrion	Rey Carrion	12/10/2025 04:15 PM
Mayor Bradley	Jack Bradley	12/10/2025 08:45 PM
P. Riley	Michele Beko	12/11/2025 01:49 PM
Form Started By: Jacob Morris		Started On: 12/02/2025 11:07 AM
Final Approval Date: 12/11/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE _____

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF 10 (TEN) L3 HARRIS RADIOS THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITHOUT BID, PURSUANT TO OHIO REVISED CODE SECTION 125.04, NOT TO EXCEED FORTY SIX THOUSAND, FOUR HUNDRED FORTY SIX DOLLARS ($46,466.00) AND DECLARING AN EMERGENCY.

Whereas, Lorain City Council passed Ordinance 136-25 on October 20, 2025, authorizing the purchase of 11 new police vehicles with all emergency equipment installed; and

Whereas, the purchase of ten (10) L3 Harris radios were inadvertently left out of the technology purchase for the vehicles; and

Whereas, Cleveland Communications Inc. is the State Purchasing vendor the the Lorain Police Department contracts with the provide radio technology.

Whereas, no additional funds are needed as provided in Ordinance 136-25.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, OHIO:

SECTION I. That the Safety/Service Director in hereby authorized to enter into an agreement to purchase through Cleveland Communications Inc. ten (10) L3 Harris radios to supplement vehicle technology pursuant to the quotation issued by Cleveland Communications Inc., marked Exhibit A, attached hereto and made a part hereof by reference, the cost to purchase shall not exceed $46,466.00.

SECTION II. That the purchase monies shall be paid by the Police Levy and have been appropriated.

SECTION III. That the purchase of the supplemental vehicle technology equipment shall not be subject to competitive bidding pursuant to Ohio Revised Code 125.04.

SECTION IV: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of all its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION V. This Ordinance is declared to be an emergency said emergency being the immediate need to provide complete technology needed to respond to calls for service and shall therefore take effect and be in force immediately upon passage and approval by the Mayor.

PASSED: _____, 2025

_____
PRESIDENT OF COUNCIL

ATTEST: _____, CLERK

APPROVED: _____, 2025 _____

MAYOR

The City of Lorain, Ohio
Police Department

Purchase Order Request

VENDOR: Cleveland Communications, Inc. **Phone:** 219-398-6500

Address (Street, City, State, Zip) 5220 Hauserman Rd.
Cleveland, OH 44130

Contact Person	Quote Number	Date	Vendor # (If known)
Jason Wester	LPD102425	11-18-25	

Quantity	Description	Unit Price	Total
10	L3 Harris Portable Radios and necessary components	$ 4646.60	$ 46466.0
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		Total Quote	$ 46,466.00

Necessity of purchase : 10 new portable radios

EMCUMBERED TO:

- ☐ **General Fund** Account #: _____ _____ _____ _____
- ☒ **Police Levy** Account #: 2590 5400 6700 1100
- ☐ **Special Revenue Fund** Account #: _____ _____ _____ _____
- ☐ **L.E.T.F / M.D.F.F.**

Division Captain: Lt. 2657 morris **Date:** 11-18-25

Admin. Manager.: Lt. KJG **Date:** 11-24-25

Chief of Police: [signature] **Date:** 11-29-25

Chief's Office Use Only:

Approved in Budget:

*Yes*_____ *No*_____

☐ SUPPLEMENTAL ORDER SHEET ATTACHED

Cleveland Communications, Inc.
5220 Hauserman Road
Cleveland, OH 44130
USA

Voice: 216-398-6500
Fax: 216-741-4329

QUOTATION

Quote Number: LPD102425
Quote Date: Oct 24, 2025
Page: 1

Quoted To:

LORAIN POLICE DEPT
100 WEST ERIE AVE
LORAIN, OH 44052

Customer ID	Good Thru	Payment Terms	Sales Rep
LORAINPD	11/23/25	Net 10 Days	Jason Wester

Quantity	Item	Description	Unit Price	Amount
		XL-200P Portable (Ohio Promo)		
10.00	XL-PPM1M-NA	XL-200P, PKP, BLK, US, NA	2,874.00	28,740.00
10.00	XL-FW2X	LOAD NIFOG PERSONALITY	0.01	0.10
10.00	XL-PL4F	P25 PHASE 2, TDMA	209.00	2,090.00
10.00	XL-PL8Y	ENCRYPTION LITE	0.01	0.10
10.00	XL-PL9E	FEATURE, SINGLE KEY AES ENCRYP	0.01	0.10
10.00	XL-PL4U	SINGLE-KEY DES ENCRYPTION	0.01	0.10
10.00	XL-PKGPT	FEATURE PKG P25 TRUNKING	1,468.00	14,680.00
10.00	XL-PKGF1	FEAT PKG, ALL BANDS 136-862MHZ	1,464.20	14,642.00
10.00	XL-PA4K	BATTERY,LI-ION,HI-CAP,4800MAH	190.00	1,900.00
10.00	XL-NC5Z	ANTENNA 136-870 MHZ	95.00	950.00
10.00	XL-AE4B	SPK MIC, EMERG BUTTON	193.80	1,938.00
10.00	XL-HC3L	BELT CLIP, METAL	25.00	250.00
10.00	XL-CH6F	2 BAY DESKTOP CHARGER, XL	209.00	2,090.00
10.00	XL-LLA	LINK LAYER*	140.00	1,400.00
10.00	XL-PKG8F	AES/DES MULTI KEY ENCRYPTION	596.60	5,966.00
10.00		Promo Discount Ohio, County	3,008.04	-30,080.40
		-		
		Spare Battery Requested:		
10.00	XL-PA4K	BATTERY,LI-ION,HI-CAP,4800MAH	190.00	1,900.00

No returns will be accepted without prior written consent. All returns are subject to minimum 25% restocking fee.

Subtotal	46,466.00
Sales Tax	
Freight	
TOTAL	**46,466.00**

CITY OF LORAIN

City Council Regular Meeting **10. l.**

Meeting Date: 12/15/2025

Submitted by: Jordan Coughlin, Court Administrator

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

An ordinance authorizing the Clerk of Court to accept a grants from the Ohio Attorney General to fund the implementation of Integrated Electronic Reporting of Dispositions to the Ohio Bureau of Criminal Investigations and execute all necessary documents associated to its award, and declaring it an emergency.

PURPOSE AND BACKGROUND:

Improving the Electronic Reporting of Disposition
Information by Ohio's Courts Grant from the Ohio Attorney General, Dave Yost, for the funding of the Integrated Electronic Reporting of Dispositions to the Ohio Bureau of Criminal Investigations

RECOMMENDATION TO COUNCIL:

Lorain City Council consider passage

Attachments

ord

Grantapp

Form Review

Inbox	Reviewed By	Date
P. Riley	Michele Beko	12/11/2025 01:49 PM

Form Started By: Jordan Coughlin
Started On: 12/03/2025 01:51 PM
Final Approval Date: 12/11/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

Ordinance No. _

An ordinance authorizing the Clerk of Court to accept a grants from the Ohio Attorney General to fund the implementation of Integrated Electronic Reporting of Dispositions to the Ohio Bureau of Criminal Investigations and execute all necessary documents associated to its award, and declaring it an emergency.

Whereas, the City of Lorain has been awarded an Improving the Electronic Reporting of Disposition Information by Ohio's Courts Grant from the Ohio Attorney General, Dave Yost, for the funding of the Integrated Electronic Reporting of Dispositions to the Ohio Bureau of Criminal Investigations in the amount of $43,200.00;
and

Whereas, the grant of $43,200.00 will be accepted by the Clerk of Court, and upon acceptance shall be placed in the court fund deemed appropriate by the Auditor of the City of Lorain, and

Whereas, these funds will be expended on funding the Integrated Electronic Reporting of Dispositions to the Ohio Bureau of Criminal Investigations project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LORAIN,

COUNTY OF LORAIN, STATE OF OHIO:

SECTION 1: That the Lorain Municipal Court is hereby authorized to accept a grant in the amount of $43,200.00 awarded by the Ohio Attorney General's Office for the purpose of funding the Integrated Electronic Reporting of Dispositions to the Ohio Bureau of Criminal Investigations and execute all necessary documents associated to its award as more fully set for the in **Exhibit A** which is attached hereto and made a part of the reference.

SECTION 2: That the funds in the amount of $43,200.00 shall be deposited in the Clerk of Court Computerization fund as designated by the Lorain City Auditor and is hereby appropriated for its designated purpose for the Lorain Municipal Court.

SECTION 3: It is found and determined that all formal actions of this council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

SECTION 4: That this ordinance is declared to be an emergency, that emergency being the necessity to meet the program acceptance deadline. Therefore, this ordinance shall take effect immediately upon passage and approval of the Mayor, providing it receives statutory requirements for passage: otherwise, it shall take effect and be in force from and after the earliest period allowed by law .

DAVE YOST
OHIO ATTORNEY GENERAL

- **Grant Award and Acceptance Form**

Grant Performance Period: 09/01/2024-09/30/2026

Subrecipient Organization: Lorain Municipal Court of Clerks
Application Point of Contact: Scott Stewart
Street Address 1: 200 West Erie Ave
Street Address 2:
City, State, Zip: Lorain Oh 44052

Phone: 440-204-2140

County: Lorain

CFDA Number: 16.554

Award Number: AGOJV-26

FAIN Number: 2023-SP-NCH-9182

Awarded Amount: $43,200.00

This grant is subject to all rules, regulations, and criteria included in the grant application, special conditions, and all statements attached hereto. Revisions to this Award Agreement must be approved in writing by the AGO.

Aileen Heiser, Chief Financial Officer
Ohio Attorney General

Date

Alexandra Cotten, Director of Grants Administration
Ohio Attorney General

Date

Authorized Official

Date

I. The subrecipient must permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of 2 C.F.R. § 200.

II. OCR has paused collection of EEOP data. As of the award date, the subrecipient is not required to complete the required EEOP validation form. If this changes, the subrecipient will be notified.

III. The subrecipient must provide a copy of their most recent audit.

IV. The subrecipient must review, comply with, and provide an initialed copy of all attached special conditions, approved application, and approved budget.

V. All subrecipients are required to be registered in the System for Award Management (SAM). The subrecipient must provide proof that the awarded organization is registered and in good standing.

VI. The subrecipient is responsible for keeping all contact information current, to ensure all correspondence is received promptly.

VII. The subrecipient is responsible for ensuring awarded funds are used to supplement existing funds, and not supplant. Supplanting of funds is unallowable and will result in repayment of the award.

VIII. The subrecipient is required to use funds in the best interest of the award program. The funds must be free of undisclosed personal, or organizational conflicts of interest. The subrecipient is required to disclose, in writing, any potential conflicts of interest to the AGO.

IX. By accepting this award, the subrecipient is certifying that their organization, or any organization they are working with, is not suspended, debarred, or otherwise found to be ineligible for participation in Federal assistance programs. No organization may be a recipient of Federal assistance if the organization has been debarred, suspended, or otherwise ineligible.

X. The subrecipient is required to submit quarterly progress and financial reports throughout the performance period.

XI. If non-performance is determined, the AGO reserves the right to terminate the award.

Please indicate your understanding of these requirements by signing below:

_____ _____

Authorized Official Date



Lorain Municipal Court Grant Application

Integrated Electronic Reporting of Dispositions

to the Ohio Bureau of Criminal Investigations

Executive Summary

The Lorain Municipal Court is located in Lorain, Ohio and serves over 78,000 citizens of the City of Lorain, City of Sheffield Lake and Sheffield Township. We are currently submitting an average of 10,700 disposition records per year by filing out the BCI 2-71 Form, attaching the Sentencing Entry and mailing them to the Ohio Bureau of Criminal Investigation (Ohio BCI). We are requesting $43,200 in grant funding to assist us with the cost of upgrading our Case Management System (CMS) to submit our disposition information electronically. The Lorain Municipal Court will fund all current and future maintenance and support costs associated with this project, averaging $9,7401 per year for 5 years.

If awarded the grant the Lorain Municipal Court will immediately enter into an agreement with our CMS vendor, Catalis, to implement the upgrade to the system. The upgrade will allow us to electronically submit our historical and current criminal dispositions; however, we will have to coordinate with the Ohio Bureau of Criminal Investigation to avoid submitting records that were previously submitted.

Upon entering into an agreement, we will request a project kickoff meeting to discuss expectations as well as the project schedule. Our CMS vendor is aware the funds need to be used by September 30, 2026, and if awarded we will insist the project be completed well in advance of that date. There are other Courts in Ohio that have the same CMS we use and they are currently submitting electronic records to OHIO BCI so we are confident the project will be completed prior to the deadline.

The upgrade to our CMS is not technically a software add on it is more of a configuration change and verification it is working. Our vendor (Catalis) will examine and implement all of the SQL stored procedures, jobs, and queries in addition to integrating them into our CMS. We will be responsible for testing and coordinating with the Ohio BCI to ensure the test files conform with the requirements of the Ohio BCI and if not we will relay that information back to Catalis.

Catalis has identified some potential risks that could delay the completion of this project and could require change orders. The first potential risk they identified is a catch all that basically states there could be issues that could require unexpected work. The second potential risk is concerning existing cases, statutes and charges that may require updates beyond the scope of the project. On October 29, 2025 we had a discovery meeting concerning this project with Catalis and we do not think this will be an issue. Any additional costs due to a change order will be funded by the Lorain Municipal Court and will not be included in this grant request.

DETAILED PROJECT PLAN

If awarded the funds for this grant would be exclusively utilized to pay Catalis, our CMS vendor, to make the necessary upgrades to our CMS. None of the funds would be used to pay for work required by the Lorain Municipal Court staff, Clerk of Court staff or City of Lorain staff. The Lorain Municipal Court will also pay all maintenance and support fees totaling $48,703.00 over 5 years as well as any contract change orders that may occur.

This project will require coordination of three parties/entities

- Lorain Municipal Court staff
- Catalis Staff
- Ohio BCI staff

Project Schedule

Step 1 (4 Weeks)

Required Parties – Lorain Municipal Court and Ohio BCI

Lorain Municipal Court will work closely with the Ohio BCI to establish live and test destination folders for submitting disposition records and provide Catalis with a way to identify records that have already been submitted

******* **MILESTONE 1 Establish Test and Production Locations for Submitting Records** ********

Step 2 (1 week) can be concurrent to step 1

Required Parties - Catalis

Catalis will refresh the Lorain Municipal Court's test CMS environment with data from the live (production) CMS environment. This step is so we are using current data in our testing.

Step 3 (3 weeks) can be concurrent to step 1 and 2

Required Parties – Catalis

Catalis will configure Case and charge disposition codes in accordance with the Ohio Bureau of Criminal Identification and Investigation Electronic Disposition Reporting Methods (https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Chec/Forms-for-Court/Electronic-Disposition-Specifications).

Step 4 (6-8 weeks) must be completed consecutively to prior steps

Required Parties –Catalis

Catalis will implement Microsoft SQL Objects, Stored Procedures and functions. Then Catalis will implement Case Lists, Import Lists, BCI Tables, BCI Sealed or Expunged forms, task lists, BCI Tab configuration, configure and test FTP service, update automation, script BCI table to exclude dispositions that already have been reported, debug the BCI export, verify FTP feed to BCI test environment and provide results to Lorain Municipal Court.

********** **MILESTONE 2 Setup Completed** **********

Step 5 (2 weeks) must be completed consecutively to step 4

Required Parties – Lorain Municipal Court and Ohio BCI

Review results of test submittal and report any issues to Catalis

Step 6 (2-4 weeks) must be completed consecutively to step 5

Required Parties – Catalis

Catalis will fix all reported issues

Step 7 (2-6 weeks) if necessary

Required Parties – Catalis, Ohio BCI, Lorain Municipal Court

Repeat steps 5 and 6 until there are no longer any issues with submittals

********** **MILESTONE 3 Testing Complete** **********

Step 8 (< 1 week) must be completed consecutively to all prior steps

Required Parties – Lorain Municipal Court

Submit approval of testing to Catalis

Step 9 (2-4 weeks) must be completed consecutively to all prior steps

Required Parties – Catalis

Promote all changes from test environment to live (production) environment and prepopulate BCI tables with charges that have already been reported to Ohio BCI

Step 10 (if necessary 2-4 weeks) must be completed consecutively to all prior steps

Required Parties – Lorain Municipal Court and Catalis

Fix any issues that may have been reported after submitting first live disposition report to Ohio BCI

********** **MILESTONE 4 - Project Complete** **********

Total 21-35 weeks

If work on this project starts on January 1st, 2026 the project would be completed sometime between May 28th, 2026 and September 3rd, 2026.

Proposed Solution

The process of electronically submitting the disposition records of charges and cases to the Ohio BCI will work as described below:

All the statutes and ordinances in our CMS are currently flagged if the disposition of those charges is required to be sent to the Ohio BCI.

Our CMS has a Microsoft SQL database (DB) backend with the ability to run stored procedures on a schedule. When the stored procedure runs it compiles a list of all the charges on cases that the disposition changed since the last time the stored procedure was run. That list is then accessible through the frontend of our CMS for staff to review.

As a part of this process the stored procedure also identifies cases that may have an issue that would cause the BCI submission to be rejected like a missing social security number or ITN. Staff will review this list and make any/all necessary corrections to the case before submitting the record.

Once all corrections have been made staff will "approve" the list to be sent. The "approval" will manually initiate a different stored procedure to run that will compile the final list of cases/charges to be sent to Ohio BCI. The list will comply with the requirements in the Ohio Bureau of Criminal Identification and Investigation Electronic Disposition Reporting Methods (https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Chec/Forms-for-Court/Electronic-Disposition-Specifications). The DB stored procedure will place the file in the folder that has been set up for FTP. The file will be retrieved by Ohio BCI.

If there are any issues with the submission Ohio BCI will send the cases/charges that have been rejected. Our CMS is able to ingest the rejection file and put the rejections in a manageable list. The list of charges/cases will be reviewed by Clerk of Court staff to make any/all corrections. Our CMS has the ability to resend these charges/cases upon staff flagging them for resubmittal.

DAVE YOST
OHIO ATTORNEY GENERAL

GRANT APPLICATION

Improving the Electronic Reporting of Disposition Information by Ohio's Courts

Background

Ohio law requires the Ohio Attorney General's Office (Attorney General) to maintain the state's Computerized Criminal History (CCH) repository, a task that is handled by the Identification Division of the Attorney General's Bureau of Criminal Investigation (BCI).

Electronic submission of adult criminal records and juvenile adjudication records is considered the best practice as it ensures timely entry of records into the CCH repository. This reduces the length of time between the disposition of a case and the time it is indexed for firearm purchase and pre-employment background checks.

In 2022, more than half of Ohio counties reported adult criminal records electronically. However, less than 15% of juvenile courts reported juvenile adjudication records electronically to BCI. To improve the overall rate of electronic submissions, the Ohio Attorney General's Office plans to use a portion of its federal NCHIP grant to help equip courts transition to electronic reporting. Priority will be given to applications from juvenile courts, but all courts of record are eligible for consideration.

Grant summary

The Attorney General's Office will use federal NCHIP funds to award subgrants to local courts for the express purpose of facilitating direct electronic disposition submissions to BCI. Currently, all grant funds through this initiative must be used prior to September 30, 2026

The most promising proposals will be chosen based on the following criteria:

- The population served by the court.
- The volume of records submitted to BCI.
- Any proposed local contribution to the project.
- The ability to implement the proposed solution within 12 months (or 18 months, if applicable).
- The ability to submit both prospective and historical records.

The AGO will evaluate applications as they are received on a biweekly basis and continue to fund projects until NCHIP funding expires, or until the grant award period closes.

Qualifying expenses

Qualifying expenses include things that allow subgrant recipients to submit disposition records electronically to BCI. Examples include but are not limited to:

- Subsidizing the upfront costs of implementing a case-management system that allows for electronic reporting of juvenile adjudication records to BCI.
- The cost of enhancing an existing case-management system to allow for electronic submissions.
- IT services needed to help ensure electronic submissions.
- Overtime/salary costs to help ensure electronic submissions.

Reporting requirements

Every NCHIP grant has quarterly reporting requirements and cannot supplant local funding. Additional reporting requirements will be based on the project funded – to be determined after the grant funding is awarded. IT-specific projects may have additional AGO reporting mandates to ensure completion of the project prior to expiration of the grant funds.

Application review process

Representatives selected by the Attorney General will review all applications and make recommendations to the Attorney General's Office, with the AGO administration having the final say on the winning submissions. The review committee and/or the Attorney General's Office may make use of resources beyond the materials submitted in each application and/or request additional information or documentation from applicants. Requests for additional information from applicants will include a due date by which applicants must respond. The Ohio Attorney General's Office reserves the right to make exceptions to these requirements and consider modifying program guidelines on a case-by-case basis.

APPLICATION SUBMISSION

Please submit the fully completed application form, supporting narratives and Excel spreadsheet to juvenileadjudications@OhioAGO.gov.

NOTE: Email file size must be 20MB or less to ensure delivery.

CONTACT INFORMATION

Office of Ohio Attorney General Dave Yost
Attn: Zahid H. Siddiqi, Director of Identification, Ohio Bureau of Criminal Investigation
1560 OH-56, P.O. Box 365
London, OH 43140
Zahid.Siddiqi@OhioAGO.gov

APPLICATION FORM

Improving the Electronic Reporting Ohio's Courts

ORGANIZATION INFORMATION

Name of entity: Lorain Municipal Court Clerk of Courts Office

Address: 200 West Erie Ave

City: Lorain ZIP: 44052 County: Lorain

Phone number: (440) 204-2140

HEAD OF ORGANIZATION

Name: Ted Kalo

Title Clerk of Court

Phone number: (440) 204-2145

Email address: ted_kalo@cityoflorain.org

PRIMARY CONTACT PERSON

Name: Scott Stewart

Title Data Systems Specialist

Phone number: (440) 204-2310

Email address: scott_stewart@cityoflorain.org

EXECUTIVE SUMMARY OF PROJECT

In a narrative no longer than five pages, please provide a high-level summary of the project you would implement if awarded the subgrant amount requested from the Attorney General's Office. The summary should include:

- An overview of the proposed project and explanation of how your agency's use the requested funds would ensure that juvenile adjudications or criminal dispositions are directly reported to BCI electronically into the future.
- The number of juvenile adjudications or criminal dispositions that occurred in your jurisdiction in 2022 and 2023 (and total number of individual charges adjudicated for both years, if available). Adjudication numbers should include all cases regardless of the specific disposition.
- An explanation of whether the proposal will allow the electronic reporting of historical adjudications or criminal dispositions, adjudications or criminal dispositions occurring after implementation, or both.
- Information regarding any software or product (if the proposal includes the purchase of case-management software or other identified software solution).
- Any known or estimated risks or barriers associated with the project implementation that could impact implementation or delay completion of the project past Sept. 30, 2026.
- A description of local funds (if any) that will be contributed to the project.

DETAILED PROJECT PLAN

The Project Plan should expand upon the information provided in the Executive Summary, explain the connections between various components of the project, and allow evaluators to understand how your agency would complete the goals of the project within the specified timeframe. In a separate narrative, please include, at a minimum:

- An explanation of how subgrant funds will be used to facilitate the electronic reporting of juvenile adjudications or criminal dispositions to BCI, including the steps that must occur at the local level to implement the proposed solution.
- If individuals outside your agency will be responsible for doing some or all of the work, explain how those individuals will be identified and selected and will complete the work within the project timeline.
- If the project includes the procurement of a new case-management system or an upgrade to an existing case-management system, a description of the proposed solution should be included, as should details regarding how it will be identified and implemented and whether it can export adjudication data for transmission to BCI based on these specifications.
- A detailed timeline for project implementation that includes measurable milestones.
- If applicable, information regarding how future costs associated with the proposed solution (i.e. maintenance agreements, support services, labor, etc.) that extend past the end of the grant period will be funded.

PROJECT BUDGET

1. How much funding are you requesting for your project? $43,200
2. In an Excel spreadsheet (a template is provided here), please provide an itemized budget for how the funds would be used by September 30, 2026.
3. In an accompanying narrative, please provide:
    - Detailed descriptions (as exact as possible) of the items listed in the Excel spreadsheet for your project.
    - A time schedule for the period that the funds will be used and the project completion date.

ORGANIZATION AUTHORIZATION AND CERTIFICATION

I understand that by signing this application, I grant the Ohio Attorney General's Office or its authorized agents access to any records for verification and evaluation of the information provided in this application. I understand that completion of the application does not guarantee that the applicant will receive the requested subgrant funds and that the Attorney General may reject, in whole or part, applications for which the Attorney General determines that a grant award is not in the best interest of the applicant or the Attorney General.

The Ohio Attorney General's Office is subject to the requirements of the Ohio Public Records Act (Ohio Revised Code Section 149.43). Accordingly, applicants must understand that the application and materials submitted with it may be subject to disclosure as a public record. Accordingly, I understand that the submitted information should not include any confidential or trade-secret information.

I certify that the information I have provided in this application is, to the best of my knowledge, a true, accurate and complete disclosure of the requested information. I am authorized to apply for this subgrant on behalf of my agency or have received approval on behalf of my agency to apply. I understand that I may be held civilly and criminally liable under federal and state law for knowingly making false or fraudulent statements.

Organization: Lorain Municipal Court Clerk of Courts Office

Name: Ted Kalo

Title: Clerk of Courts

Signature: Ted Kalo Date: 11/21/2025

Budget Detail Worksheet

Reporting Dates:

A. Personnel

Name	Position	Computation: Salary	Basis	Percentage of Time	Length of Time				Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00

B. Fringe Benefits

Name/Position	Computation: Base	Rate							Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00

C. Travel

Purpose of Travel	Location	Computation: Item	Cost Rate	Basis for Rate	Quantity	Number of people	Number of trips		Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00

D. Equipment

Item	Computation: Cost per unit	# units							Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00

E. Supplies

Supply item	Computation: Cost per unit	# units							Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00

F. Construction

Purpose	Description of Work								Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00

G. Consultant Fees

Consultant Name	Service Provided	Computation: Fee	Basis	Quantity	Ratea				Budget	Reimbursement Request	Remaining
Catalis	Implemenation Fees	36000	Implement the e	160 hrs	$225				$36,000.00		$36,000.00
Catalis	Deployments	1800	Deployments	8 hrs	$225				$1,800.00		$1,800.00
Catalis	Project Management	5400	Project Manager	24 hrs	$225				$5,400.00		$5,400.00
											$0.00
											$0.00
											$0.00
								Total	$43,200.00	$0.00	$43,200.00

H. Consultant Expenses											
		Computation									
Purpose of Travel	Location	Item	Cost Rate	Basis for Rate	Quantity	Number of people	Number of trips		Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00
I. Contracts											
Item	Vendor	Service Provided							Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00
J. Other Costs											
	Computation										
Description	Quantity	Basis	Cost	Length of Time					Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00
K. Indirect Costs											
	Computation										
Description	Base	Rate							Budget	Reimbursement Request	Remaining
											$0.00
											$0.00
											$0.00
								Total	$0.00	$0.00	$0.00
									Budget	Reimbursement Request	Remaining
								Grand Total	$43,200.00		$43,200.00

Budget Category	Amount
A.Personnel	$0.00
B. Fringe	$0.00
C. Travel	$0.00
D. Equipment	$0.00
E. Supplies	$0.00
F. Construction	$0.00
G. Consultant Fees	$43,200.00
H. Consultant Expenses	$0.00
I. Contracts	$0.00
J. Other Costs	$0.00
K. Indirect Costs	$0.00
Total Project Cost	$43,200.00

SPECIAL CONDITIONS

FY 2023 National Criminal History Improvement Program Supplemental Funding

1

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

2

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

3

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at https://ojp.gov/funding/Part200UniformRequirements.htm.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

4

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

5

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

6

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/DOJ/index.htm), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

7

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at https://www.ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

8

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at https://www.ecfr.gov/cgi-bin/ECFR?page=browse), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

9
Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

10
Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

11
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

12
Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined

by the Part 200 Uniform Requirements.

13

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient

at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

14

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees.

15

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at https://ojp.gov/funding/Explore/Interact-Minors.htm (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

17

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at https://onlinegfmt.training.ojp.gov/. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

18

Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

19

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

20
Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

21
Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

22
Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

23
All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal authorization) and are incorporated by reference here.

24
Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed $250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, $250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed $250,000) and are incorporated by reference here.

25
Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award) and are incorporated by reference here.

26
Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

27
Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at https://oig.justice.gov/hotline/contact-grants.htm (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.

28
Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first- tier "subgrantees"), including restrictions on subawards to entities that do not

acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at https://ojp.gov/funding/Explore/SAM.htm (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

29

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

30

In order to ensure that the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP) are realizing the objectives in the most productive manner, the recipient agrees to participate in a comprehensive evaluation effort. It is anticipated that the evaluation will take place during the course of the program and will likely involve each participating state. It is expected that the evaluation will have a minimal impact on state program personnel and resources.

31

Recipient agrees that criminal justice information systems designed, implemented, or upgraded with NCHIP or NARIP funds will be compatible, where applicable, with the National Incident-Based Reporting System (NIBRS), the National Crime Information Center system (NCIC 2000), the National Criminal Instant Background Check System (NICS), the Integrated Automated Fingerprint Identification System (IAFIS), and applicable national, statewide or regional criminal justice information sharing standards and plans.

32

This NCHIP/NARIP related project is to be funded as a cooperative agreement. The basis for using a cooperative agreement is the substantial involvement of the Bureau of Justice Statistics (BJS) in providing information, guidance, and direction relative to criminal history records improvements within the states. BJS will exercise general approval over the entire project. In addition, the substantial involvement of BJS will include, but not be limited to:

a. Determining the types of criminal history record information that will be useful to Federal, state, and

local agencies.
b. Identifying Federal information reporting standards and guidelines and making them available to the recipient or providing access to them.
c. Providing technical assistance to the recipient to enhance state criminal history records, identify convicted felons, and improve the quality and timeliness of criminal history information.
d. Informing the recipient of the status of Federal program requirements, specifications, and funding levels.
e. Requesting and obtaining statistical data as needed to monitor and assess performance with respect to criminal records improvement goals.

33

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of $30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at https://ojp.gov/funding/Explore/FFATA.htm (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than $30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

34

Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds $20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

1) name of event;

2) event dates;

3) location of event;

4) number of federal attendees;

5) number of non-federal attendees;

6) costs of event space, including rooms for break-out sessions;

7) costs of audio visual services;

8) other equipment costs (e.g., computer fees, telephone fees);

9) costs of printing and distribution;

10) costs of meals provided during the event;

11) costs of refreshments provided during the event;

12) costs of event planner;

13) costs of event facilitators; and

14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

1) meals and incidental expenses (M&IE portion of per diem);

2) lodging;

3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,

4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available in the DOJ Financial Guide Conference Cost Chapter.

35

Recipient is or will be following a comprehensive strategy for information sharing systems to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. Further, the strategy must be developed in consultation with State and local officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and contain-- (a) a definition and analysis of integration in the State and localities developing integrated information sharing systems; (b) an assessment of the criminal justice resources being devoted to information technology; (c) State and local resource needs; (d) Federal, State, regional, and local information technology coordination requirements; and (e) statewide priorities for planning and implementation of information technology systems.

36

Recipient agrees that AFIS (Automated Fingerprint Identification System) equipment purchased under this award will conform to the American National Standards Institute (ANSI) Standard, "Data Format for the Interchange of Fingerprint, Facial & Other Biometric Information" (ANSI/NIST-ITL 1-2007 PART 1) and other reporting standards of the FBI.

37

Recipient has or intends to establish a program that enters into the National Crime Information Center (NCIC) records of: (a) Protection orders for the protection of persons from stalking or domestic violence; (b) Warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence; and (c) Arrests or convictions of persons violating protection orders intended to protect victims from stalking or domestic violence.

38

Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of $650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

39

The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local government funds.

40

Limit on use of grant funds for grantees' employees' salaries

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

41

Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at https://ojp.gov/funding/FAPIIS.htm (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

CITY OF LORAIN

City Council Regular Meeting **10. m.**
Meeting Date: 12/15/2025
Submitted by: Linda OConnor

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ACCEPT THE DONATION OF SEVENTY-FIVE THOUSAND DOLLARS ($75,000.00) FOR THE SECOND HARVEST FOOD BANK 'HARVEST FOR HUNGER' PROGRAM FROM BRILLIANT SOURCE CARES.

PURPOSE AND BACKGROUND

City of Lorain has received a generous donation from Brilliant Source Energy, through its Brilliant Source Cares program, to benefit Second Harvest Food Bank's 'Harvest For Hunger' program. The $75,000.00 donation will be dispensed in the amount of $15,000.00 per year for a term of 5 years.

RECOMMENDATION TO COUNCIL:

We recommend Council consider passage of this ordinance.

Attachments

ordinance
documents

Form Review

Inbox	Reviewed By	Date
Garcia	Lori Garcia	12/09/2025 01:53 PM
Carrion	Rey Carrion	12/10/2025 04:19 PM
Mayor Bradley	Jack Bradley	12/10/2025 08:44 PM
P. Riley	Michele Beko	12/11/2025 12:28 PM
Form Started By: Linda OConnor		Started On: 12/09/2025 01:26 PM
Final Approval Date: 12/11/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO._____

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ACCEPT THE DONATION OF SEVENTY-FIVE THOUSAND DOLLARS ($75,000.00) FOR THE SECOND HARVEST FOOD BANK 'HARVEST FOR HUNGER' PROGRAM FROM BRILLIANT SOURCE CARES.

WHEREAS, Brilliant Source Energy, through its Brilliant Source Cares program desires to donate $75,000.00 to the City of Lorain to be paid to the Second Harvest Food Bank "Harvest for Hunger" program in Lorain, and the City of Lorain wishes to accept said donation; and

WHEREAS, the donation will be dispensed to City of Lorain in installments of $15,000.00 per year for five years and will be presented to Second Harvest Food Bank by City of Lorain; and

WHEREAS, the City of Lorain, through its Safety/Service Director is hereby authorized to accept the donation of $75,000.00 from Brilliant Source Cares for the Second Harvest Food Bank 'Harvest for Hunger" program; and

WHEREAS, the City of Lorain desires to express its deepest appreciation for the generous donation from Brilliant Source Cares.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF LORAIN, STATE OF OHIO:

SECTION I That the Safety/Service Director is hereby authorized to accept the donation of seventy-five thousand dollars from Brilliant Source Cares to the City of Lorain to be paid to the Second Harvest Food Bank 'Harvest for Hunger" program in Lorain. Funds are hereby appropriated from account 1010.G700.4700. 8100.4100 for said purpose.

SECTION II That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with Section 121.22 of the Ohio Revised Code.

SECTION III Except as otherwise provided herein, this resolution shall be in force and take effect after the earliest period allowed by law.

PASSED: _____, 2025 _____

PRESIDENT OF COUNCIL

ATTEST: _____, CLERK

APPROVED: _____, 2025 _____

MAYOR

Bid Results Include:

Option 1- Fixed All-In Energy Rate (24, 36, 48 and 55- month terms). First year saving $7,236,600 based on 55-month term.

Option 2- Carbon-Free Power, Fixed All-In Energy Rate (24, 36, 48 and 55-month terms). First year savings $6,926,688 based on 55-month term.

Grant Money- Both options include a $100,000 per year grant paid to City of Lorain.

Brilliant Source Cares- Both options will include a $15,000 per year donation to Lorain's Harvest for Hunger Center. Payments will be made in equal monthly installments ($1,250) for the term of the energy contract.

Emission Free Carbon-Free Power (EFEC)- City's Buildings can offset up to 100% the energy consumed through EFEC at a rate of $2 per MWh (discounted from $5 per MWh).

- City's building's annual electric usage is 19,348 MWh.
- 100% offset (19,348 MWh x $2) = $38,696 per year*.
    - Working on an option to offset this cost through the aggregation program.

Option 1

CITY OF LORAIN

City Council Regular Meeting **10. n.**

Meeting Date: 12/15/2025

Submitted by: Kathryn Golden

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE:

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH COLDWATER CONSULTING, LLC, FOR PROFESSIONAL SERVICES RELATED TO THE BLACK RIVER DREDGE MATERIAL REUSE FACILITY – 2026 FACILITY MANAGEMENT.

PURPOSE AND BACKGROUND:

the City of Lorain Dredge Material Reuse Facility began accepting navigational dredge material in August 2024. The United States Army Corps of Engineer's has notified the City of Lorain of their intent to utilize the facility for the disposal of navigational dredge material for the 2026-2027 dredge cycle. The City of Lorain has advertised Request for Qualification as required by the Ohio Revised Code Section 153.67 for the purpose of administering these environmental and ecological program activities. The firms were rated and ranked. Coldwater Consulting, LLC (Coldwater), was selected as the highest rated firm. This project includes professional services in the amount of $1,046,301.18, to be paid from funds available in the Dredge Fund. The Engineering Department seeks to enter into a professional services agreement with Coldwater.

RECOMMENDATION TO COUNCIL:

Consideration and passage

Fiscal Impact

Funds Available in Current Year Budget (Y/N):	Y
Estimated Total Expenditure:	$1,046,301.18
List of Funding Source and/or Account Number:	Dredge Fund 2900
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Ordinance

Exhibit A - Agreement and SOW

Form Review

Inbox	Reviewed By	Date
Carrion	Rey Carrion	12/10/2025 04:14 PM
Mayor Bradley	Jack Bradley	12/10/2025 08:45 PM
Harper	Maggie Partin	12/12/2025 09:47 AM

P. Riley Michele Beko 12/12/2025 09:49 AM
Harper Anita Harper 12/15/2025 10:59 AM
Form Started By: Kathryn Golden Started On: 11/26/2025 11:58 AM
Final Approval Date: 12/15/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH COLDWATER CONSULTING, LLC, FOR PROFESSIONAL SERVICES RELATED TO THE BLACK RIVER DREDGE MATERIAL REUSE FACILITY – 2026 FACILITY MANAGEMENT.

WHEREAS, the City of Lorain Dredge Material Reuse Facility began accepting navigational dredge material in August 2024; and

WHEREAS, the United States Army Corps of Engineer's has notified the City of Lorain of their intent to utilize the facility for the disposal of navigational dredge material for the 2026-2027 dredge cycle; and

WHEREAS, the City of Lorain has advertised Request for Qualification as required by the Ohio Revised Code Section 153.67 for the purpose of administering these environmental and ecological program activities; and

WHEREAS, the firms were rated and ranked; and

WHEREAS, Coldwater Consulting, LLC (Coldwater), was selected as the highest rated firm; and

WHEREAS, this project includes professional services in the amount of $1,046,301.18, to be paid from funds available in the Dredge Fund; and

WHEREAS, the Engineering Department seeks to enter into a professional services agreement with Coldwater.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I: That the Safety/Service Director is hereby authorized to enter into an agreement for professional services with Coldwater for Black River Dredge Material Reuse Facility – 2026 Facility Management in a form substantially similar to Exhibit A, attached hereto and made a part hereof by reference, and as approved by the Lorain Law Department.

SECTION II: Professional services for the management of Black River Dredge Material Reuse Facility shall require the City of Lorain to pay Coldwater an amount not to exceed $1,046,301.18 as compensation for said professional services.

SECTION III: That the total cost of professional services shall not exceed $1,046,301.18 and shall be paid from Dredge Fund 2900 from an account to be determined by the City of Lorain Auditor.

SECTION IV: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION V: That this ordinance shall be in force from and after the earliest period allowed by law.

PASSED:_____, 2025

_____
PRESIDENT OF COUNCIL

ATTEST:_____, CLERK

_____
MAYOR

APPROVED:_____, 2025

AGREEMENT

BETWEEN THE CITY OF LORAIN AND CONSULTANT

AGREEMENT

effective as of the _____ day of _____ in the year of 2025.

BETWEEN the City:	**The City of Lorain** 200 West Erie Avenue Lorain, Ohio 44052
The Consultant is:	**Coldwater Consulting, LLC** **46 W. Columbus Street** **Galena, Ohio 43021**
The Project is:	**BLACK RIVER DREDGE MATERIAL REUSE FACILITY – 2026 FACILITY MANAGEMENT**

The City of Lorain and Consultant agree as set forth below.

THIS AGREEMENT, effective as of the _____day of December, 2025, between the City of Lorain, organized and existing as a political subdivision of the State of Ohio, and Coldwater Consulting, LLC. With a place of business located at 46 W. Columbus Street, Galena, Ohio 43021 ("Consultant"). The City of Lorain and Consultant agree as set forth below:

WHEREAS, it is necessary to perform professional services for the Black River Dredge Material Reuse Facility – 2026 Facility Management (herein after known as PROJECT); and

WHEREAS, in order to perform such services, it is necessary to supplement regularly employed City of Lorain staff with outside professional consulting services; and

WHEREAS, the City of Lorain finds Consultant's proposal acceptable and desires to hire and engage Consultant to supplement the staff of the City of Lorain and to furnish the services necessary, in accordance with the Consultant's proposal and the terms, conditions and provisions contained herein. Consultant, pursuant to the information provided in its proposal and evaluated by the City of Lorain, has been determined to be qualified and competent to provide the required professional services;

NOW, THEREFORE, it is agreed that the City of Lorain shall and does hereby employ Consultant to perform the services as hereinafter specified; and that, for and in consideration of the mutual covenants hereinafter stipulated to be kept and performed, it is agreed by and between the parties as follows:

Section 1. DEFINITIONS

1.1 "City" means the City of Lorain, Ohio.

1.2 "Director of Public Safety/Service" means the Director of Public Safety/Service for the City of Lorain, Ohio, his/her successor, or his/her Authorized Designee.

1.3 "Consultant" means Coldwater Consulting, LLC.

1.4 "Services" means those services performed by Consultant as detailed in the Scope of Services, (Exhibit "A") as per this Agreement.

1.5 "Base Agreement Price" means the Consultant's base agreement price for Services as specified in the Scope of Services, (Exhibit "A"), and Compensation, (Exhibit "B"), excluding specific and general allowances.

1.6 "Agreement Modification" means changes to this original agreement as executed. Agreement Modifications require prior authorization by the Director of Public Safety/Service and approval by the City Council, and must be executed by both the City and the Consultant.

1.7 "General Allowance" means funds, not included in the Base Agreement Price, reserved for additional services not foreseeable at the time of scope development but necessary to complete the project to meet the City's needs. The amount of the General Allowance is determined by multiplying the Base Agreement Price by a defined percentage as shown in Exhibit "B" Compensation, or as specified elsewhere in Exhibit A-Scope of Work.

1.8 "Reallocation of Funds" means a transfer of funds between tasks, as presented in Exhibit "B" – Compensation, that does not result in a change to the original Agreement Scope of Services or Total Agreement Price.

1.9 "Schedule Delay" means a projected or actual delay in completion of tasks, activities, or project completion that does not result in a change to the original Agreement scope of Services or Total Agreement Price.

1.10 "Specific Allowance" means funds, as established by the City, that are included in the Total Agreement Price for specific scope of Services tasks that are either 1)

generally known to be required for the project but whose level of effort is unknown until after select items of the base Services have been performed, or 2) pre-identified optional tasks that may or may not be required to complete the project as contemplated. The price of Specific Allowance items are usually defined with a dollar amount.

1.11 "Total Agreement Price" means the sum of Consultant's Base Agreement Price for the original scope of Services, Specific Allowances, and General Allowances.

1.12 "Project" means Black River Dredge Material Reuse Facility – Facility Manager.

Section 2. SCOPE OF SERVICES

2.1 Consultant does hereby promise and agree to provide the professional engineering and design services as described in the Scope of Services (Exhibit "A")..

Section 3. REPRESENTATIVES

3.1 Consultant shall designate and authorize an employee of Consultant to act as its agent for all purposes under this Agreement, who shall be available at all times to the representatives of the City for the purpose of notification and consultation, and who shall be designated as the Project Manager having overall responsibility for all phases of Consultant's participation in the project. The Consultant's Project Manager must be approved by the City, and any change in the Consultant's Project Manager requires prior approval by the City.

3.2 For purposes of this Agreement, the agent for the City who is authorized to bind the City and liaison officer with respect to the matters contained herein shall be the City Engineer or such other person designated by the Director of Public Safety/Service.

Section 4. COMPENSATION FOR CONSULTANT'S SERVICES

4.1 The City will pay the Consultant for the successful completion of the Scope of Services in Exhibit "A", subject to the terms and conditions of this Agreement, a *one million forty six thousand three hundred one dollars and eighteen cents ($1,046,301.18)*. Compensation for the Services described in this Agreement will be according to the terms and methods of this Agreement and Exhibit "B" - Compensation. The approved methods for compensation are "time and materials". "Lump sum" compensation shall not be accepted. The compensation method for this Agreement is designated and further defined in Exhibit "B" – Compensation.

4.1.1 Time and Materials. Time and materials, if specified in Exhibit "B" - Compensation, is based on a combination of labor, subconsultant, and direct expense costs as specified in Exhibit "B" - Compensation and defined in this Agreement.

4.1.1.1 Labor Costs. Labor costs are computed by multiplying the Consultant's billing rates (as designated in Exhibit "B" - Compensation) that comprises all overhead and profit applied to the actual labor hours worked on the Services.

4.1.1.2 Subconsultant Labor Costs. Subconsultant's labor costs are invoiced by Consultant with a markup of no greater than 5%. Consultant shall include language in any agreement between Consultant and a Subconsultant to comply with Ohio Revised Code Sections 4115.03 to 4115.16, as applicable, regarding the payment to mechanics and laborers working on the Project.

4.1.1.3 Direct Expense Costs of Consultant and Subconsultant. Direct expense costs in support of delivering the Services are included on the Consultant invoice. Consultant shall not contain in its invoice submitted to the City any markup of Consultant's Direct Expenses or any markup on Subconsultant's Direct Expenses, unless provided herein. Direct expense costs (non- labor) may include, but are not limited to, mileage, travel and lodging expenses, mail, shipping, supplies, printing and reproduction services, and other direct expenses routinely charged by Consultant to specific projects that are applicable to delivering the Services. Consultant shall not markup rental equipment in amount that exceeds fifteen (15) % of the original cost of Consultant renting said equipment, nor markup Consultant's purchases of materials in an amount that exceeds two (2) % of the original cost of Consultant purchasing said materials. Additionally, Consultant shall not permit Subconsultant to markup rental equipment in amount that exceeds fifteen (15) % of the original cost of Subconsultant renting said equipment, nor markup purchases of materials in an amount that exceeds two (2) % of the original cost of Subconsultant purchasing said materials. Consultant shall not contain in its invoice any markup for Subconsultant's equipment rental or purchase of materials.

4.2 The task budgets are presented in Exhibit "B" - Compensation. Task funds may be reallocated within individual tasks, as long as reallocations do not negatively affect the business opportunity program goals, upon written approval to Consultant by the City's Project Manager or supervisors. Task funds may be reallocated between tasks, so long as the changes do not result in a change to the original Scope of Services or Total Contract Price, upon written approval by the City.

4.3 Tasks may be modified with prior written authorization of the City Engineer, in

which case funds may be shifted from one task budget to another, in accordance with Section 4.2. In the event funds are not available to perform a modified Task, or Services are considered to be outside the original contract scope, such items will be deemed additional Services.

4.4 Consultant shall not perform Additional Services, nor incur any expenses which are not required by this Agreement, and the City shall not be obligated to pay for such services and expenses until the following conditions have been satisfied:

4.4.1 Submittal by Consultant of written notice to the City prior to the initiation of such additional Services, including an estimate of cost and schedule implications and a detailed scope of such Services;

4.4.2 Prior approval of the City's Council of the modification of this Agreement by the addition of such Services and additional compensation, if any;

4.4.3 If the additional Services increase the Total Agreement Price under this Agreement, certification of such additional cost by the City's Auditor;

4.4.4 A written modification to the Agreement; and

4.4.5 Written notification to Consultant from the City Engineer directing Consultant to perform such additional Services prior to commencement of the additional Services.

4.5 For additional Services deemed by the City to be time critical, Consultant may commence Services with verbal authorization from the Director of Public Safety/Service.

4.6 Specific and general allowance funds may be utilized with prior written approval by the City.

4.7 Any costs which are paid by the City and are determined by a final audit or subsequent audit to be non-allowable in accordance with generally accepted cost accounting principles shall be refunded to the City. The City is exempt from all sales, use, and excise

taxes and the City shall not be obligated to pay for such taxes. Upon request by Consultant, the City shall provide a copy of the City's certificate of tax exemption.

4.8 The Consultant shall assist the City in preparing any required permits or licenses; however City shall be responsible for paying for the permit, licenses or access fees required to complete the Services.

Section 5. METHOD OF PAYMENT

5.1 For the purpose of providing progress payments for the performance of the Services under this Agreement, Consultant will submit monthly invoices on the City's standard invoice template and on a schedule stipulated by the City. Progress payments will be made according to the provisions in Exhibit "B" - Compensation.

5.2 Invoices must be accompanied by backup information appropriate to the compensation method designated in Exhibit "B" – Compensation. However invoices will not be paid unless schedule updates are submitted as required in Section 6.0 - Term and Schedule.

5.3 Consultant shall furnish a list of key personnel to be assigned to the project prior to the initial invoice. Consultant shall update this list to reflect changes in key personnel assigned to the project as they occur and/or at the City's request. The City reserves the right to reject any personnel assigned or proposed for assignment to this project after consultation with Consultant.

5.4 If the Time and Materials compensation method is designated in Exhibit "B" – Compensation, then Consultant shall also furnish, prior to the initial invoice, a list of all personnel expected to be assigned to the Project along with their direct "raw" hourly rates in

order to facilitate processing of Consultant invoices. Consultant shall update this list to reflect changes prior to new personnel appearing on an invoice.

5.5 If the Time and Materials compensation method is designated in Exhibit "B" – Compensation, then Consultant shall furnish the City with a list of all personnel anticipated to be authorized to incur travel, lodging, meals and related expenses. This list shall display the individuals by name, assigned location and item of expense authorized to be incurred. Consultant shall update this list to reflect additions or deletions of personnel to the project as they occur and/or at the City's request.

5.6 All compensation procedures and invoice requirements set forth herein shall also apply to all subconsultants directly contracted to the prime Consultant. Deviations from said procedures and requirements may be allowed only after written application by the Consultant to the City and written acceptance of such deviation by the City.

5.7 The City retains the right to limit progress payments if, in the reasonable opinion of the City, the percentage of the Total Agreement Cost billed exceeds the earned value in delivering the Services as measured by the City's earned value tracking system.

5.8 Prior to payment of the final invoice, Consultant agrees to deliver to the City the following, if applicable to the Services:

5.6.1 All electronic data files, plans, sketches, drawings, documents, reports, memoranda and reproducibles related to the project and as required by the City's representative. Consultant may retain one copy of any or all of the aforementioned materials for its files.

5.6.2 Record drawings.

5.6.3 All non-expendable personal property purchased and approved by the City as other Direct Costs.

5.6.4 A formal written release of all claims and financial requirements arising by virtue of this Agreement, other than such claims, if any, as may be specifically exempted by Consultant from the operation of the release in stated amounts to be set forth therein.

5.9 All accounting and financial matters relating hereto shall be processed by the City's Auditor. Payments shall be made by the City on the monthly statements only after they have been certified by the City's representatives and approved by the City Engineer and the City Auditor. Provided the City receives the required backup documentation, the City shall endeavor to make payment to the Consultant within thirty (30) days from the City's receipt of a monthly statement.

5.10 No approval or payment made under this Agreement shall be conclusive evidence of the acceptance of performance under this Agreement either wholly or partially, and no payment made hereunder shall be construed to be an acceptance of deficient or unsatisfactory Services.

5.11 Right to Inspect; Right to Audit Books. The Consultant and all subconsultants shall maintain books, records, documents, and other evidence directly pertinent to performance of this Agreement in accordance with generally accepted accounting principles. Any authorized representative of the City shall, at all reasonable times and with reasonable notice, have the right to inspect and examine the drawings, specifications and other contract documents at Consultant's office during the period of their preparation. Any authorized representative of the City shall, at all reasonable times and with reasonable notice, also have the right to examine records of payments to Subconsultants. Further, if the Time and Materials method of compensation is designated in Exhibit "B" – Compensation, any authorized representative of the City shall, at all reasonable times and with reasonable notice, have the right to audit, inspect

and examine the Consultant's accounting books and financial records for the Project, including, but not limited to, records of hours expended, personnel utilized, payments of employee salaries, and records of payments made to Subconsultants.

5.12 In the event of a disputed invoice, only the disputed portion shall be withheld from payment by the City and the City will process the remaining undisputed portion of the invoice.

Section 6. TERM AND SCHEDULE

6.1 Consultant shall not perform any Services hereunder until receipt of written Notice to Proceed from the City. The term of this Agreement shall begin upon performance of the Services hereunder, and shall expire on December 31, 2026, unless extended pursuant to this Agreement. This Agreement consists of four (4) additional one (1) year optional extensions. Prior the expiration of this Agreement of December 31st of each year, City and Consultant may extend this Agreement for one (1) additional year, provided that City and Consultant agree to such one (1) year extension in writing within thirty (30) days of this Agreement's expiration.

6.2 The completion of the Services in a timely and orderly manner is essential. Consultant shall perform all Services and submit deliverables required by the Agreement within the times stipulated in the approved baseline Project Schedule.

6.3 Consultant shall prepare and submit a baseline project schedule for City approval in accordance with the City's Schedule Guidance Document.

6.4 Consultant shall monthly update, status, and submit the project schedule and schedule narrative for review by the City in accordance with the City's Schedule Guidance Document. The requirement to submit schedule updates on a monthly basis may only be revised by authorization of the City Engineer.

6.5 Neither party to this Agreement shall be deemed in default in the performance of

its obligations if that party is prevented or delayed from performing by forces beyond its control, (hereinafter "Force Majeure") including, without limitation, acts of God or of a public enemy; acts of a municipal, state, federal or other governmental legislative, administrative or judicial entity; any catastrophe resulting from flood, fire, extreme weather conditions, explosion; labor disturbances; and other cause beyond the control of the non-performing party. Consultant may be granted a time extension and cost adjustment for its performance based on the duration of the Force Majeure.

Section 7. STANDARDS OF PERFORMANCE, ERRORS AND OMISSION

7.1 Services provided by the Consultant and all of its agents, subconsultants, and employees under this Agreement shall be performed in a manner consistent with the degree of care and skill customarily accepted as good professional practices and procedures by members of the same profession.

7.2 The City shall not be responsible for discovering deficiencies in the technical accuracy of Consultant's Services. During the term of the Agreement, the Consultant shall be solely responsible for the accuracy of Services and shall promptly make necessary revisions or corrections to the Services performed to the extent that the necessary revisions or corrections resulted from Consultant's negligent acts, errors or omissions, without any additional compensation from the City.

7.3 Acceptance of Services, including payment for same, shall not relieve the Consultant of responsibility for subsequent correction of its negligent act, error or omission or for clarification of ambiguities.

7.4 In the event of any negligent act, error, or omission which the City determines, using a reasonableness standard, to be the responsibility of the Consultant in any phase of the service, the correction, repair or reconstruction of which may require additional field or office

work or services, the Consultant shall be promptly notified and shall be required to perform such corrective Services as may be necessary without delay and without additional cost to the City. The period of re-performance for Services under this Section shall be limited to one (1) year from the time the original Services were completed. Consultant shall be reimbursed for any costs incurred for the correction, repair, or reconstruction of which requires additional field or office work or services that have been subsequently determined not to be the responsibility of Consultant as per above.

7.5 The City will provide to Consultant all data in City's possession relating to the Services. The Consultant shall be able to reasonably rely upon the accuracy, timeliness, and completeness of the information provided by the City, however, prior to relying upon such data and information, the Consultant shall be required to take reasonable measures to verify its accuracy, timeliness and completeness.

7.6 The City will endeavor to review Consultant- provided reports, studies, drawings, specifications, proposals and other documentation in a timely manner and provide prompt written notice of any inconsistencies, errors or items of concern.

Section 8. INSURANCE AND WAIVER OF SUBROGATION

8.1 INSURANCE

8.1.1 Liability Insurance to be provided by consultant, consultant's subconsultants and professionals engaged by consultant. For any Services under this Agreement, and until completion of the entire Services, the Consultant, Consultant's subconsultant(s), and Professionals engaged by Consultant shall purchase and maintain, at its own expense, insurance coverage as specified below. All insurance required hereunder shall apply to and cover all loss or liability caused by the Services performed or required to

be performed, provided or required to be provided, hereunder.

8.1.1.1 Auto Liability Insurance. Auto Liability coverage for Owned, Non-owned and Hired Auto Liability with a limit of One Million Dollars ($1,000,000) for the Consultant and not less than Five Hundred Thousand Dollars ($500,000) for the Subconsultant(s) minimum annual combined single limit, bodily injury and property damage. Such insurance shall cover and include liability arising from all vehicles owned by, hired by, or used by or on behalf of the Consultant, Consultant's subconsultants, or Professionals engaged by Consultant. The Auto Liability Insurance limit requirement can be satisfied by the purchase and maintenance of any combination of primary, excess and/or Umbrella insurance.

The City and its officials, employees, representatives, agents, and consultants including the City's consultants for the Project shall be named as additional insureds on the

Consultant's, Consultant's subconsultant's(s'), and Professional's(s') engaged by Consultant Automobile Liability policies. The extent of the additional insured coverage shall be no less broad than that provided under ISO Form CA 20 48 02/99 for Auto Liability, or a substitute form providing equivalent coverage.

8.1.1.2 Workers' Compensation**.** Workers' Compensation with statutory limits. Employers Liability with an annual limit of One Million Dollars ($1,000,000) bodily injury by accident, each accident, One Million Dollars ($1,000,000) bodily injury by disease, each employee, and One Million

Dollars ($1,000,000) bodily injury by disease, policy aggregate minimum coverage including defense of an allegation against the employer for injury believed to have been substantially certain to occur. The Consultant, Consultant's subconsultant(s), and Professionals engaged by Consultant shall subscribe to and comply with, throughout all phases of the Project, the Workers' Compensation laws of the State of Ohio. The Employers Liability insurance requirement may be satisfied by including such coverage within the General Liability policy.

8.1.1.3 General Liability Insurance. Commercial General Liability insurance on an occurrence coverage basis (including without limitation, bodily injury, personal injury and advertising injury, property damage, and broad-form contractual liability directly relating to this Agreement, coverage as respects independent contractors, operating mobile equipment, products and completed operations, explosion, collapse and underground hazards) of the following amounts:

(a) Consultant's General Liability (occurrence basis, limits per occurrence and annual aggregate):

$2,000,000 General Aggregate
$2,000,000 Products/Completed Operations Aggregate
$1,000,000 Personal Injury and Advertising Injury
$1,000,000 Bodily Injury and Property Damage Limit - Each Occurrence

(b) Consultant's Consultant(s) and Professionals engaged by the Consultant's General Liability (occurrence basis, limits per occurrence and annual aggregate):

$2,000,000 General Aggregate
$2,000,000 Products/Completed Operations Aggregate
$1,000,000 Personal Injury and Advertising Injury

$1,000,000 Bodily Injury and Property Damage Limit - Each Occurrence

The City and its officials, employees, representatives, agents, and City's consultants for the Project shall be named as additional insureds on the Consultant's, Consultant's subconsultant's(s'), and Professionals' engaged by the Consultant Commercial General Liability policies (including Employers Liability) and Excess/Umbrella Liability. The extent of the additional insured coverage shall be no less broad than that provided under ISO Form CG 20 26 11/85 for General Liability, or substitute form providing equivalent coverage. The additional insured coverage afforded under the Consultant's, Consultant's subconsultant's(s') and Professionals' engaged by the Consultant policies shall include both ongoing operations (services in progress) and completed operations (completed services). All coverage shall be maintained for a minimum of three (3) years after expiration of this Agreement.

The General Liability Insurance limit requirement can be satisfied by the purchase and maintenance of any combination of primary, excess and/or Umbrella insurance.

Commercial General Liability and Umbrella/Excess limits of liability (including Product/Completed Operations coverage) shall apply on a per project basis.

8.1.1.4 Professional Liability Insurance. Consultant, Consultant's subconsultant's(s) and Professionals engaged by the Consultant shall purchase and maintain in force Professional Liability insurance (including

contractual liability coverage) covering liability and damages resulting from Consultant's professional services rendered, or which should have been rendered, pursuant to this Agreement. Each of Consultant's subconsultant(s) or Professionals engaged by Consultant who are required to render or provide professional services pursuant to this Agreement and/or the contract between the Consultant, Consultant's subconsultant(s) or Professionals engaged by Consultant, or at any other subconsultant level, shall purchase and maintain Professional Liability insurance coverage with limits of liability and coverage requested herein.

(a) Consultant's Professional Liability limits of not less than:
$5,000,000 Annual Aggregate

$5,000,000 Per claim

(b) Consultant's subconsultant(s) and Professionals engaged by Consultant Professional Liability limits of not less than:

$5,000,000 Annual Aggregate

$5,000,000 Per Claim

Professional Liability insurance may be written on a claims-made basis provided such policy shall either (i) be renewed annually for a period of not fewer than three (3) years following expiration of this Agreement with substantially the same terms and conditions or (ii) include an extended reporting period endorsement or clause providing not less than three (3) years within which a claim may be made under the policy respecting the Consultant's, Consultant's subconsultant(s) or Professionals engaged by Consultant performance of Services; the cost of coverage for such three (3)

year period shall be borne exclusively by the Consultant, Consultant's subconsultant(s), or Professionals engaged by Consultant as the case may be.

8.1.1.5 Umbrella Policy. Consultant, Consultant's subconsultant's(s) and Professionals engaged by the Consultant shall purchase and maintain in force an umbrella insurance policy applicable to the requested insurance coverages in this Agreement in the minimum amount of $5,000,000.00.

8.1.1.6 Pollution Liability Coverage – Per Claim Aggregate. Consultant, Consultant's subconsultant's(s), Contractors, and Professionals engaged by the Consultant shall purchase and maintain in force Pollution Liability insurance policy applicable to the requested insurance coverages in this Agreement in the minimum amount of $5,000,000.00.

8.2 Property Insurance**.** The Consultant shall purchase and maintain Property insurance covering construction machinery, equipment, special equipment, falsework, scaffolding, materials, mobile equipment, valuable papers, trailers, and tools used or owned by the Consultant in the performance of the Services. The Consultant also agrees to require Consultant's subconsultant(s) and Professionals engaged by Consultant to insure any and all property listed above used or owned by the Consultant's subconsultant(s) or Professionals engaged by Consultant in the performance of the Services. City shall in no circumstance be responsible or liable for the loss or damage to, or disappearance of, any property listed above used or owned by the Consultant, Consultant's subconsultant(s) or Professional engaged by Consultant in the performance of the Services.

8.3 Insurance Coverage Requirements:

8.3.1 Primary Coverage. The insurance coverage to be purchased and maintained by the Consultant, Consultant's subconsultant(s) and Professionals engaged by Consultant as required herein to name the City as Additional Insured shall be primary to any insurance, self-insurance, or self-funding arrangement maintained by City which shall not contribute therewith, and there shall be severability of interests under the insurance policies required herein for all coverages provided under said insurance policies and otherwise provide cross liability coverage.

8.3.2 Thirty Days Notice. Either the insurance coverage required of Consultant, Consultant's subconsultant(s), and Professionals engaged by Consultant, or the Consultant, Consultant's subconsultant(s), or Professionals engaged by Consultant shall incorporate a provision requiring the giving of written notice to City, Consultant, and to any other person(s) or party(ies) reasonably designated by City, at least thirty (30) days (except when due to non-payment of premium) prior to the cancellation, non-renewal, and/or material modification of any insurance policy required to be purchased and maintained pursuant to this Agreement. Consultant, Consultant's subconsultant(s), and Professionals engaged by Consultant shall promptly notify City of a downgrade in the AM Best Company rating of any insurance company providing the insurance coverage for Consultant, Consultant's subconsultant(s) and/or Professionals engaged by Consultant.

8.3.3 Financial Strength. The insurance coverage required of Consultant, Consultant's subconsultant(s), and Professionals engaged by Consultant herein shall be placed and maintained until expiration of this Agreement with insurance companies rated at least A-, Financial Size Category of at least VII, by A.M. Best Company, licensed or otherwise authorized and able to do business in Ohio.

8.3.4 Consultant(s) and Professionals engaged by Consultant Insurance. Consultant shall not sublet or subcontract any part of this Agreement without assuming absolute responsibility for requiring and taking actions to know that each Consultant's subconsultant(s) and Professionals engaged by Consultant (and each subconsultant at every tier) purchase and maintain the types of insurance required hereby with the same terms and conditions as herein required of the Consultant and the limits of liability herein required of Consultant's subconsultant(s) and Professionals engaged by Consultant. Failure of Consultant, Consultant's subconsultant(s), or Professionals engaged by Consultant to purchase and maintain insurance for a minimum of three (3) years after expiration of this Agreement shall be deemed a material breach of this Agreement, allowing the City, in addition to all other remedies available to City under this Agreement, at law and/or in equity, to terminate this Agreement or to provide insurance at the Consultant's sole expense, in neither case, however, shall the Consultant's liability hereunder be lessened.

8.3.5 Notice of Occurrence. Upon Consultant's knowledge of any actual or alleged occurrence, event, or third-party claim(s) which may result in or give rise to a claim against liability imposed upon, or loss suffered by Consultant, Consultant's subconsultant(s), or Professionals engaged by Consultant related to the Project, and which may exceed One Million Dollars ($1,000,000), Consultant shall (i) immediately provide the City with written notice of such occurrence, event or third-party claim(s) with reasonable detail; this requirement applies irrespective of when, where, or how the claim, liability, or loss occurred, whether or not the claim, liability or loss relates to or arises from the Consultant's, Consultant's subconsultant(s) or Professionals engaged by Consultant Services, or the validity or status of such claim, liability or loss, and applies to the entire Contract term and the three (3) years following expiration of this Agreement; and (ii) all such notice shall be

issued in accordance with this Agreement.

8.3.7 Evidence of Insurance**.** Consultant shall submit to the City within ten (10) Calendar Days after City's notice of Contract award and prior to Date of Commencement, certificates of insurance evidencing the effectiveness of the insurance policies required by this Agreement. The Project Site shall be identified on the certificate(s) and the certificate(s) shall be delivered to City pursuant to the terms of this Agreement.

At any time during the term of this Agreement and annually (measured from the Date of Commencement) for a period of three (3) years following expiration of this Agreement, the Consultant shall promptly provide certificates of insurance to the City evidencing the effectiveness of the insurance coverages required pursuant to this Agreement, including all endorsements no less frequently than upon the renewal of any insurance coverage required by this Agreement. All endorsements to or modifications of insurance purchased and maintained by the Consultant, Consultant's subcConsultant(s) and Professionals engaged by Consultant pursuant to this Agreement shall be subject to City's review and final acceptance. City's review, receipt and/or acceptance of any insurance policy purchased and maintained by the Consultant, Consultant's subconsultant(s), or Professionals engaged by the Consultant or a certificate of insurance evidencing such insurance, shall not constitute nor be deemed to constitute City's approval of such insurance or City's agreement that such insurance satisfies the insurance requirements set forth in this Agreement.

8.3.8 Compliance. If any insurance purchased and maintained by the Consultant, Consultant's subconsultant(s) or Professionals engaged by Consultant pursuant to this Contract contains a warranty or other clause providing that coverage is null and void (or words to that effect), or otherwise reduced in scope or limit if the Consultant, Consultant's subconsultant(s), or Professionals engaged by Consultant does not comply with the

regulations or statutes governing the Project, such policy or policies shall be modified or endorsed so that coverage shall be afforded in all cases except for the Consultant's, Consultant's subconsultant(s) and Professionals engaged by Consultant intentional or willful non-compliance with Applicable Laws.

8.3.9 No Limitation. The types and limits of insurance to be purchased and maintained by the Consultant, Consultant's subconsultant(s) or Professionals engaged by Consultant pursuant to these Contract Document shall not be deemed to constitute a limitation of the Consultant's, Consultant's subconsultant's(s'), Professionals' engaged by Consultant liability hereunder or otherwise, or otherwise to limit or affect the Consultant's indemnification obligations hereunder; by requiring insurance herein, City does not represent or warrant that coverage and limits will be adequate or sufficient to protect the Consultant, Consultant's subconsultant(s) or Professionals engaged by Consultant.

8.3.10 Purchase of Insurance. If the Consultant, Consultant's subconsultant(s), or Professionals engaged by Consultant fail(s) to purchase and maintain, or fail to continue in force throughout the term of this Agreement and until expiration of this Agreement and where required herein, for the minimum of three (3) years after expiration of this Agreement, insurance in the types and with limits of liability required herein, City may purchase such insurance and the cost thereof shall be borne by the Consultant, and shall be deducted from any amounts due and owing by the City to the Consultant. If such amounts are insufficient, the Consultant agrees to promptly pay the City the amount incurred by the City to purchase such insurance.

8.3.11 Other Insurance. Any insurance or any increase of limits of liability not described in this Article 3 which Consultant, Consultant's subconsultant(s) and Professionals engaged by Consultant requires for their own protection shall be its own responsibility and at its own

expense and shall not be considered part of the Consultant's fee for base Services or part of Consultant's Reimbursable Expenses or be subject to a request for Additional Services.

Section 9. TERMINATION OF AGREEMENT AND THE CITY'S RIGHT TO PERFORM CONSULTANT'S OBLIGATIONS

9.1 Termination for Cause and Default of Consultant. This Agreement may be terminated by the City at any time for cause upon written notice to Consultant of such intent when either the progress or results achieved under this Agreement are unacceptable to the City**,** and upon giving Consultant reasonable notice and opportunity to cure such unacceptable progress or results, which Consultant fails to perfect. In no event, shall the reasonable notice be less than thirty (30) calendar days.

9.2 If this Agreement is cancelled by the City prior to completion, Consultant, within ten (10) working days of such cancellation, shall submit a certified final progress report of the percentage of Services completed by the date of cancellation. The City shall pay Consultant for the Services completed as certified in this statement and as approved by the Director of Public Safety/Service. Notwithstanding any other provision of this Agreement, all records, documents, materials, equipment, and working papers prepared or purchased as part of the Services under this Agreement shall become and remain the property of the City, and upon any such cancellation, Consultant shall turn over to the City all records, documents, working papers, equipment and other materials which should be necessary, in the opinion of the City, to maintain continuity in progress of the Services by another Consultant. The City shall allow the Consultant to retain copies for their records, if Consultant chooses to do so.

9.3 Upon the occurrence and during the continuance of an event of default, the City may, but shall not be obligated to, take such actions as the City deems reasonable in order to cure the act or omission of Consultant that is the basis of the default, and the Total Contract Price shall be reduced by the cost to the City of taking such actions. Costs associated with the start-

up and shut-down of the Services shall be at Consultant's expense.

9.4 This Agreement may be terminated by Consultant for event of default by the City, which would include failure to perform a material obligation and non-payment by City, upon thirty (30) days written notice, based upon the breach provisions as contained in this Agreement. Within ten (10) working days, Consultant shall submit a certified final progress report of the percentage of Services completed by the date of the termination. The City shall pay Consultant for the Services completed as certified in the statement and approved by the Director of Public Safety/Service.

9.5 Termination without Cause. The City may terminate this Agreement without cause upon thirty (30) days written notice. If the City terminates this Agreement without cause it shall make payment to Consultant for Services performed prior to the date of termination and reasonable demobilization costs, including any reimbursable expenses, if any then due, which shall be subject to the City's review and approval, and which shall not be unreasonably withheld. Consultant shall, as a condition of receiving the payments referred to in this Section 9, execute and deliver all such documents and take all such steps, including the legal assignment of its contractual rights, as the City may require for the purposes of fully vesting in it the rights and benefits of Consultant under such obligations or commitments. The acceptance of payment under this Section 9 for termination by the City without cause shall constitute full and complete satisfaction of any and all damages and claims of Consultant regarding the Consultant's performance of the Services and the termination of Consultant's Services by the City.

Section 10. WORKERS' COMPENSATION COVERAGE

10.1 Consultant shall at all times during the term of this Agreement subscribe to and comply with the Workers' Compensation Laws of the State of Ohio, shall pay such premiums as may be required thereunder, and shall save the City harmless from any and all liability arising from

or under said Act. It shall furnish at the time of delivery of this Agreement and at such other times as may be requested, a copy of the official certificate of receipt showing the payment hereinbefore referred.

Section 11. INDEMNITY

11.1 Consultant shall be responsible for the safety of its personnel related to and during the performance of Services required by this Agreement and will take reasonable measures to ensure that it and its Subconsultants provide and maintain a safe working environment. Consultant shall ensure that its employees and the employees of its Subconsultants, before they begin and throughout their employment at any Project site, are made aware of the requirements of all applicable safety and health regulations including, but not limited to, Applicable Laws and are notified that compliance therewith is a condition of their continued employment. Consultant shall remove from the site any employees or Subconsultants that fail to abide by applicable health and safety regulations. Consultant shall not knowingly permit a hazardous, unsafe, unhealthy or environmentally unsound condition or activity to be conducted at any Project site. If Consultant becomes aware of any hazardous, unsafe, unhealthy or environmentally unsound condition at any Project site, it shall notify the City and take reasonable steps to eliminate, terminate, abate or rectify any condition over which Consultant has control. The City may, but is not obligated to, inspect at reasonable times, the Project site and Consultant's facilities and appropriate Project Records to ascertain Consultant's and its Subconsultants' compliance with the requirements of this Agreement; provided however, neither the existence nor exercise of such right will relieve Consultant of its responsibility for its own and its Subconsultants' compliance with this Agreement, to always use due care in the performance of Services and for fulfilling all of its other obligations hereunder with respect to health and safety. Consultant shall promptly notify the City of any injury, death, loss or damage to persons, animals, or property, which is in any way related to Services

performed under the Agreement, even though such occurrence was not caused or consented to by Consultant, its employees, Subconsultants or agents. Smoking is prohibited at the Project site. Consultant shall monitor the City's no smoking rule with respect to its employees and Subconsultants while they are working at the Project site.

11.2 Consultant shall indemnify, save and hold the City and its officers, employees, and agents free and harmless against any and all claims, demands, actions, losses, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind and character arising directly or indirectly out of or relating to the extent of any and all negligent acts, errors, or omissions by the Consultant (including its employees and agents) or any ambiguities in the plans and specifications, providing that such ambiguities are originated by or the responsibility of the Consultant and to the extent that such ambiguity is the result of a negligent act, error, or omission of the Consultant in the performance of this Agreement. The Consultant shall be given the opportunity to defend on behalf of the City, any action or claim brought against it which, if successfully prosecuted, would give rise to a claim hereunder against the Consultant. This indemnification shall not result in the unjust enrichment of the City. In the case of any ambiguities, the City shall afford the Consultant a reasonable opportunity to mitigate the damage and clarify any such ambiguities within a reasonable time after discovery by or notice to City. City shall promptly notify the Consultant of any claim, demand, action, cause of action, or other liability for which the City may seek indemnification from the Consultant. The provisions of this paragraph shall survive the termination/expiration of this Agreement

11.3 In any and all claims against the City, Consultant or any of its members, officers, agents or employees, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this Section 11 shall not be limited in any way by any limitation on the amount or type of damages, compensation or

benefits payable by or for Consultant under Workers' Compensation Acts, disability benefit acts or other employee benefit acts.

11.4 Consultant further agrees to indemnify and hold harmless the City from claims made by employees of Consultant or employees of Consultant's subconsultants and based on injuries, sickness, disease, death or disability, to the extent arising out of the professional negligence of Consultant. As between Consultant and the City, Consultant agrees that it will not assert a claim of and expressly waives any and all immunity pursuant to applicable Workers' Compensation laws, with regard to this indemnification.

Section 12. MBE/WBE/SBE COMPLIANCE

12.1 The Minority- and Women Business Enterprise ("MBE/WBE") and/or Small Business Enterprise ("SBE") subcontracting goals established for this Agreement are defined in Exhibit "D" – MBE/WBE/SBE Compliance Goals.

. Section 13. EQUAL EMPLOYMENT OPPORTUNITY

13.1 Consultant agrees to adopt and maintain a policy of non-discrimination in employment. It further agrees that it will comply with all applicable Federal and State laws with regard to Equal Employment Opportunity and Fair Employment Practices, and with the City's Equal Employment Opportunity Policy, Guidelines and Procedures.

13.2 Consultant agrees to provide the City with information regarding its employment practices, in such forms as the City may prescribe; and that compliance with such requests is a condition of this Agreement.

Section 14. WPCLF ASSISTANCE AND APPLICABILITY OF FEDERAL REQUIREMENTS

14.1 Should the City seek Water Pollution Control Fund (WPCLF) financing for this Agreement under the Clean Water Act, as amended, and it is the intent of the parties that the Agreement be construed in a manner most favorable to obtaining such financing.

14.2 In the event that WPCLF financing is utilized for this Agreement, it is specifically agreed that the City Standard Clauses for WPCLF Assisted Professional Services Agreements (Exhibit "E") shall apply to this Agreement.

Section 15. INDEPENDENT CONTRACTOR

15.1 Consultant shall be and remain an independent contractor with respect to all Services performed hereunder, and agrees to and does hereby accept full and exclusive liability for the payment of any and all contributions or taxes for social security, unemployment insurance, or old age retirement benefits, pensions or annuities, now or hereafter imposed under any State or Federal law which are measured by the wages, salaries or other remuneration paid to

persons employed by Consultant on Services performed under the terms of this Agreement, and further agrees to obey all lawful rules and regulations and to meet all lawful requirements which are now or hereafter may be issued or promulgated under said respective laws by any duly authorized State or Federal officials; and Consultant agrees to indemnify and save harmless the City from any such contribution or taxes or liability therefore.

Section 16. SUBCONSULTANTS

16.1 Since this Agreement is made pursuant to the proposal submitted by Consultant and in reliance upon Consultant's qualifications and responsibility, Consultant shall not sublet nor shall any subconsultant commence performance of any part of the Services except as specifically included in this Agreement without prior written consent of the City. In making the application for subletting any portion of the Services, Consultant shall state in writing the portion of the Services which each subconsultant is to do or the material which it is to furnish, his place of business, and such other information as may be required by the City. Subletting, if permitted, shall not relieve Consultant of any of its obligations under this Agreement.

16.2 All subconsultants for Services covered by this Agreement must conform to the

requirements of this Agreement.

16.3 Debarment. The Consultant acknowledges the EPA regulations regarding the use of businesses which are included on the EPA Master List (40 CFR Part 32) of businesses which have been debarred, suspended or voluntarily excluded from participating in EPA assisted activities, and expressly agrees not to subcontract to any such businesses.

Section 17. ASSIGNMENT OF AGREEMENT

17.1 The City and Consultant bind themselves and their successors, administrators and assigns to the other party of this Agreement and to the successors, administrators and assigns of the other party of this Agreement, in respect to all covenants of this Agreement. Except as stated above, neither the City nor Consultant shall assign, sublet or transfer its interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto.

Section 18. DISPUTE RESOLUTION

18.1 In the event of a dispute between the Parties for obligations under this Agreement, either Party may request the following dispute resolution process. The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute.

18.1.1 The Parties are committed to working with each other to resolve disputes and agree to communicate regularly so as to avoid or minimize disputes. The Parties shall first try to resolve the dispute at the level of the designated representatives in Section 3. If the Parties are unable to resolve the dispute at that level within 10 working days, the Parties shall escalate the issue to the next higher level within their respective organizations to resolve the dispute.

18.1.2 If the Parties are unable to resolve the dispute through the above meetings, then

on the written notice of either party requesting the matter may be taken to mediation, the Parties shall begin the mediation process within 20 days of such notice. The Parties shall select a mediator, who is experienced in Consulting design and construction administration services. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within 10 working days after mediator appointment, which meeting shall be attended by at least the respective representatives in Section 3. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.

18.1.3 Such mediation shall be non-binding between the Parties and shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Section 20.2 below.

Section 19. CONSTRUCTION

19.1 All terms and words used in this Agreement, regardless of the number and gender in which they are used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, as the context or sense of this Agreement or any paragraph or clause herein may require, the same as if such words had been fully and properly written in the number and gender. Consultant agrees that no representations or warranties of any type shall be binding upon the City, unless expressly authorized in writing herein. In the event of any variance between the provisions of this Agreement and Consultant's Scope of Services (Exhibit "A"), the provisions of this Agreement shall govern. The headings of sections

and paragraphs, if any, to the extent used herein are used for reference only, and in no way define, limit or transcribe the scope or intent of any provision hereof. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered in any number of counterparts, shall be deemed original, but such counterparts together shall constitute but one and the same instrument. Invalidation of any provisions of this Agreement or any paragraph, sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.

Section 20. MISCELLANEOUS

20.1 Copyrights. The Consultant acknowledges and agrees to follow the EPA requirements of 40 CFR Part 30 regarding copyrights and rights in data for any discovery or invention which arise or is developed in the course of implementing this Agreement. All specific deliverables developed under this Agreement shall become the property of the City. All work product (including pre-existing intellectual property) of the Consultant in executing the Services shall remain the property of Consultant. Any inventions, patents, copyrights, computer software, or other intellectual property developed during the course of, or as a result of the Services shall remain the property of the Consultant.

20.2 Remedies. The parties agree that all claims, counter-claims, disputes and other matters in question between the City and the Consultant arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio.

20.3 Defective Pricing. The Consultant and subconsultant, where appropriate, warrant that cost and pricing data submitted for evaluation with respect to negotiated agreements, lower tier subagreements, and change orders is based on current, accurate, and complete data supported by their books and records. If the City determines that any price (including profit) negotiated in connection with this Agreement, any lower tier subagreement or any amendment thereunder was increased by any significant sums because the data provided was incomplete, inaccurate, or not current at the time of submission, then such price or cost or profit shall be reduced accordingly; and the Agreement shall be modified in writing to reflect such action.

20.4 Contingent Fees. The Consultant warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fees.

20.5 Gratuities. If the City finds after a notice and hearing that the Consultant, or any of the Consultant's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts, or otherwise), to any official, employee, or agent of the City in an attempt to secure an Agreement or favorable treatment in awarding, amending, or making any determination related to the performance of this Agreement, the City may, by written notice to the Consultant, terminate this Agreement. The City may also pursue other rights and remedies that the law or this Agreement provides.

20.6 The Consultant shall retain all records relating to this Agreement and the Services performed for a period of five (5) years after its termination.

Section 21. EXHIBITS

21.1 It is mutually understood and agreed that all Exhibits attached hereto are made a part hereof as if fully written herein. In the case of any conflict or variance between the terms of this Agreement and the terms of referenced documents, the terms of this Agreement shall govern.

The following Exhibits attached hereto are hereby incorporated with and made a part of this Agreement:

a. Exhibit "A" – Scope of Services
b. Exhibit "B" – Compensation
c. Exhibit "C" – **Not Used**
d. Exhibit "D" – Business Opportunity Program Compliance Goals **Not Included**
e. Exhibit "E" - Standard Clauses for WPCLF Assisted Projects – **Not Included**

IN WITNESS WHEREOF, this Agreement was entered into on the date and year first written above.

WITNESS:

_____

_____

CITY OF LORAIN, OHIO

BY: _____

(Title): _____

WITNESS:

_____

_____

COLDWATER CONSULTING, LLC

BY: _____

(Title): _____

_____
TAXPAYER I.D. NUMBER

Prepared as to form:
Patrick D. Riley
Law Director
City of Lorain, Ohio

Coldwater Consulting, LLC
3079 E. Erie Ave.
Lorain, Ohio 44052
(440) 444-0299

EXHIBIT A/B

November 24, 2025

Kathryn Golden, Storm Water Manager
City of Lorain, Engineering Department
200 W. Erie Avenue
Lorain, Ohio 44052
Transmitted via Email

RE: Black River Dredged Material Reuse Facility Contract – Calendar Year 2026 Scope of Work

Dear Ms. Golden,

Coldwater Consulting, LLC (Coldwater) is pleased to submit this scope of work for the Black River Dredge Material Reuse Facility (BRDMRF) to the City. This proposal outlines the professional services that Coldwater will provide to assist the City during the upcoming dredging cycle.

Scope of Work

This document outlines the engineering, coordination, and operational support services to be provided to the City of Lorain for the 2026–2027 dredging cycle, January - December 2026. Additional services necessary for the dredging cycle, including material harvesting, on-site placement, and continued USACE coordination, will be completed under a future scope of services. Coldwater, in collaboration with its subconsultant, Xtreme Excavating, LLC, will assist with offloading, preparation, and cleanup activities. Additionally, Coldwater will manage site operations, support USACE bidding and operational planning, and coordinate with the USACE on the development of the Dredged Material Management Plan (DMMP) for the Black River.

The following sections outline the specific tasks, responsibilities, and associated budget required to complete this work successfully.

Task 1 – Grant Closeout and Site Management
This task includes minor activities relating to existing grant closeout as well as performing routine oversight and verification activities to ensure the BRDMRF remains in a condition suitable for the 2026 dredging season.

1.1 NPDES Sampling
Coldwater will perform required NPDES sampling for any effluent discharges and submit required data to Ohio EPA.

1.2 Grant Closeout
Coldwater will aid in site activities related to the existing grant closeout, including all required grant reporting, closing of contracts, and approval of final invoices. Coldwater will also oversee, coordinate, and confirm the completion of any remaining grant activities, including the concrete

replacement at the underpass in Spring 2026 as well as any final rock deliveries to expend final grant funds. Any required photos or drone videos will be taken to document grant completion as needed.

1.3 Site Visits

Coldwater will maintain weekly site visits to confirm site conditions and document any required repairs or improvements. Coldwater will check in weekly with the City site coordinator regarding any potential site issues requiring attention. This includes inspection of the site post dredging to confirm facilities are adequately dewatering.

1.4 Visitor Access

Coldwater will support the City with escorts and coordination for any organized site visits, including escort of regulatory personnel, civilians, and/or city staff and personnel.

Task 2 – USACE Bidding/OP Plan/Contract Coordination

This task includes providing technical support and coordination to assist the City and USACE through bidding, contract execution, and pre-dredging preparations.

2.1 Bidding Support

- Coldwater will provide USACE and the City with required documentation for bidding and contract execution, including updated tipping-fee documentation, contracts, and the operation plan.
- Coldwater will answer questions related to the proposed contract and operation plan during the USACE bidding process.
- Coldwater will attend monthly coordination calls and any additional technical calls/meetings required for bidding and dredging contract execution.

2.2 Pre-Dredging Coordination

Coldwater will coordinate with the selected dredger regarding contract execution and attend meetings to discuss site access, setup, and other pre-dredging operational topics as needed.

Task 3 – DMMP Coordination

This task includes supporting USACE in the development and completion of the Dredged Material Management Plan (DMMP) through technical input and cost evaluations.

3.1 Meetings

Coldwater will attend internal meetings and external meetings with USACE to facilitate the completion of the DMMP.

3.2 Cost Estimates/Concepts

Coldwater will develop cost estimates and supporting information as required for DMMP development by USACE. Coldwater will respond to questions and support the development of additional concepts such as the Finger Pier infill option.

Task 4 – Offloading (Prep and Operations)
This task includes all preparation, setup, operational coordination, and demobilization activities required to support dredge offloading operations at the BRDMRF.

4.1 Offloading Preparations

Coldwater will be on site with their subcontractor prior to the start of offloading operations to perform actvities to ensure that the site is ready to receive dredged material at the start of the proposed dredging operations. Activities include but are not limited to the following:

- Coordinate with the Lorain Fire Department (LFD) and Emergency Medical Services (EMS) in advance of site mobilization.
- Conduct a site-specific safety orientation and initiate health and safety planning per the Site-Specific Health and Safety Plan (SS-HASP).
- Mobilize and confirm availability and schedule of all required personnel, heavy equipment, and materials.
- Restack/move bin block baffle walls.
- Receive and store polymer totes inside the Super Hut.
- Rent and place eight temporary light towers
- Stage all three polymer dosing skids. Install per polymer dosing system layout plan:
    - Two electric Pumps
    - Two trash pumps
- All make-up water lay flat hoses
- Polymer injection hoses
- Fill the 10,500-gallon elevated water tank
- Perform pressure and leak testing on all three polymer dosing systems.
- Install all weir logs at the WMA, NSB, and SSB.
- Install welded wire mesh on all four new GeoPools.
- Remove all dump doors on GeoPool 1,2,6, & 8.
- Install geotextile fabric in all GeoPools per manufacturer specifications.
- Reinstall all dump doors on GeoPool 1,2,6, & 8.
- Install dump doors onto Geopools 3,4,5, & 7 and (1) Butterfly valve.
- Install drop gates and verify all cables, turnbuckles, and saddles are installed per the manufacture's specifications.
- Inspect and confirm all pumps, gate valves, and polymer dosing equipment operational.
- Complete Facility Readiness Checklist.
- Conduct a formal readiness walkthrough with the City.
- Stockpile aggregate material for site usage.

4.2 Offloading Operations

Coldwater will be on site with their subcontractor during offloading operations to coordinate receipt of dredged material throughout dredging operations. Coldwater will work with the selected dredger to complete dredging activities and cleanup the site to allow for dredged material to settle and dewater. Activities include but are not limited to the following:

- Coordinate with dredger and develop a 24/7 Shift Management and Communication Plan prior to the start of dredging.
- Implement a dedicated shift management plan to ensure:
    - On-call emergency response capability
    - Proper personnel rotation
    - Presence of a designated, competent Shift Supervisor responsible for all operations, communications, and emergency response during their shift.
- Charge daily and verify all two-way radios are in working condition.
- Check and operate light towers as needed.
- Coordinate daily with the U.S. Army Corps of Engineers (USACE) dredge contractor to maintain uninterrupted slurry delivery to the site.
- Connect the 16-inch MDPE discharge pipe from the off loader.
- Operate the manifold system, monitor, and document slurry discharge.
- Operate all electric and gas pumps.
- Maintain sufficient water supply in the elevated water tank.
- Operate all valves, dump gates, and weir logs.
- Conduct and document daily visual inspections of slurry pipes and joints.
- Reposition polymer dosing systems as dredging progresses; perform all routine maintenance and inspections.
- Install and remove hydro gate logs
- Maintain daily polymer usage log (gallons, tote volume, calibration settings)
- Maintain daily Site Discharge GeoPool Monitoring Logs
- Conduct structural inspections of GeoPools post-filling; adjust cables/turnbuckles
- Perform filter fabric maintenance during non-discharge periods.
- Maintain haul routes and access points.
- Implement Emergency Response Procedure: verbal notification within 1 hour, written Incident Report within 24 hours.
- Conduct post-offloading checklist items (e.g., polymer systems, water tank, hoses, pumps, slurry line steel plate).
- Store all remaining polymer totes inside heated storage container (located inside the Super Hut) and secure.
- Coordinate regularly with on-site City staff

Proposed Budget

The proposed budget per the scope of work described above is presented in the table below. It is assumed the budget can be moved per line item necessary to meet the project goals and objectives as long as the overall amount is not exceeded. The budget assumes work to be completed in calendar year 2026. Additional operations beyond offloading for the completion of the 2026-2027 dredging cycle will be addressed in a future contract modification. Labor and expenses are included in the proposed budget table below.

Task	Description	Estimated Budget ($)
1.0	**Grant Closeout and Site Management**	
1.1	NPDES Sampling	$12,568
1.2	Grant Closeout and Site Management Activities	$21,512
1.3	Weekly Site Visits & Reporting	$74,440
1.4	Visitor Access Coordination	$5,168
	Subtotal	*$113,688*
2.0	**USACE Bidding/OP Plan/Contract Coordination**	
2.1	Bidding Support & Documentation	$20,008
2.2	Pre-Dredging Coordination	$17,992
	Subtotal	*$38,000*
3.0	**DMMP Coordination**	
3.1	Internal/External Meetings	$20,736
3.2	Cost Estimates & Supporting Concepts	$34,824
	Subtotal	*$55,560*
4.0	**Offloading (Prep & Cleanup)**	
4.1	Offloading Preparations	$184,482.50
4.2	Offloading Operations	$654,570.68
	Subtotal	*$839,053.18*
	ENGINEERING TOTAL	**$1,046,301.18**

Coldwater appreciates working with the city on such an important project for the river and the region. Please contact me at (614) 519-6062 or kdrisch@coldwaterconsultants.com with any questions or comments.

Sincerely,

Kristen Risch
Principal/Owner
Coldwater Consulting, LLC

CITY OF LORAIN

City Council Regular Meeting **10. o.**
Meeting Date: 12/15/2025
Submitted by: Joe Carbonaro, Utilities Director

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE:
AN ORDINANCE AMENDING ORDINANCE 127-25, AND DECLARING AN EMERGENCY.

PURPOSE AND BACKGROUND:
WHEREAS, the Utilities Department requests amending Ordinance 127-25 to increase funding; and

WHEREAS, additional funding is required to properly seal the interior steel of the wash water tanks as serious pitting has occurred that can cause failure of the tanks; and

WHEREAS, if this work is not conducted, backwash capabilities at the Water Purification Plant could cease and jeopardize the finished water sent to the distribution system for customers; and

WHEREAS, on August 21st, 2025 the Ohio EPA made their annual survey of the Water Purification Plant and is recommending the immediate repair to rehabilitate the wash water tanks as they have progressed to be in need of critical repair; and

WHEREAS, the Water Purification Plant needs to continue to provide safe drinking water; and

WHEREAS, the Utilities Department Administration has determined that these improvements are necessary to maintain continued water production operations in accordance with federal and state regulations.

RECOMMENDATION TO COUNCIL:
Passage

Fiscal Impact

Funds Available in Current Year Budget (Y/N):	Y
Estimated Total Expenditure:	70000
List of Funding Source and/or Account Number:	Budget
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Ordinance
Ordinance to be Amended

Form Review

Inbox	Reviewed By	Date
Carrion	Rey Carrion	12/10/2025 04:16 PM
Mayor Bradley	Jack Bradley	12/10/2025 08:45 PM
Harper	Maggie Partin	12/12/2025 09:51 AM
P. Riley	Michele Beko	12/12/2025 10:02 AM
Harper	Anita Harper	12/15/2025 10:59 AM
Form Started By: Joe Carbonaro		Started On: 12/04/2025 03:18 PM
Final Approval Date: 12/15/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 127-25, AND DECLARING AN EMERGENCY.

WHEREAS, the Utilities Department requests amending Ordinance 127-25 to increase funding; and

WHEREAS, additional funding is required to properly seal the interior steel of the wash water tanks as serious pitting has occurred that can cause failure of the tanks; and

WHEREAS, if this work is not conducted, backwash capabilities at the Water Purification Plant could cease and jeopardize the finished water sent to the distribution system for customers; and

WHEREAS, on August 21st, 2025 the Ohio EPA made their annual survey of the Water Purification Plant and is recommending the immediate repair to rehabilitate the wash water tanks as they have progressed to be in need of critical repair; and

WHEREAS, the Water Purification Plant needs to continue to provide safe drinking water; and

WHEREAS, the Utilities Department Administration has determined that these improvements are necessary to maintain continued water production operations in accordance with federal and state regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I That the Director of Public Service of the City of Lorain, State of Ohio, be and is hereby authorized in the name of the City of Lorain to amend the contract amount for work at the Water Purification Plant.

SECTION II That the cost of said work shall be amended from a do not exceed of $120,000 to a do not to exceed of $190,000 (an increase of $70,000) and be paid for by funds from the following Water Works Fund GL Account(s):

6020.P602.6440.6300.1500 – Purification Operations – Contractual Services
6020.P602.6440.6700.1500 – Purification Operations – Facility Improvement

SECTION III That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION IV That this ordinance is hereby declared to be an emergency, the nature of which is the immediate need to complete work on the wash water tanks at the Water Purification Plant. Therefore, this Ordinance shall take immediately upon its passage and approval by the Mayor, providing it receives the statutory requirements for passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____ , 2025

_____
PRESIDENT OF COUNCIL

ATTEST: _____ CLERK

APPROVED: _____, 2025

_____
MAYOR

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 112-25 AND ENTERING INTO CONTRACT FOR SERVICES AT THE WATER PURIFICATION PLANT WITHOUT FORMAL BIDDING DUE TO OHIO EPA RECOMMENDATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Water Purification Plant requires the immediate and emergency rehabilitation of the two (2) wash water tanks to maintain proper backwash operations; and

WHEREAS, on August 21st, 2025 the Ohio EPA made their annual survey of the Water Purification Plant and is recommending the immediate repair to rehabilitate the wash water tanks as they have progressed to be in need of critical repair; and

WHEREAS, the Water Purification Plant needs to continue to provide clean, healthy, and safe drinking water to a population of approximately 67,000; and

WHEREAS, the Utilities Department Administration has determined that these improvements are necessary to maintain water production operations in accordance with federal and state regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I That the Director of Public Service of the City of Lorain, State of Ohio, be and is hereby authorized in the name of the City of Lorain to enter into contract for work at the Water Purification Plant without formal bidding & advertising per ORC 735.051.

SECTION II That the cost of said work shall not exceed $120,000 and be paid for by funds from the following Water Works Fund GL Account:

6020.P602.6440.6700.1500 – Purification Operations – Facility Improvement

SECTION III That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION IV That this ordinance is hereby declared to be an emergency, the nature of which is the immediate need to commence work on the wash water tanks at the Water Purification Plant. Therefore, this Ordinance shall take immediately upon its passage and approval by the Mayor, providing it receives the statutory requirements for passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____ , 2025

_____
PRESIDENT OF COUNCIL

ATTEST: _____ CLERK

APPROVED: _____, 2025

_____
MAYOR

CITY OF LORAIN

City Council Regular Meeting **10. p.**

Meeting Date: 12/15/2025

Submitted by: Michele Beko, Law Office Admin

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY/SERVICE TO ENTER INTO AN AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY AND DECLARING AN EMERGENCY

PURPOSE AND BACKGROUND:

ORDINANCE DETAILS THE SITUATION OF THE SELLERS AND SAFETY CONCERN FOR THE RESIDENTS IN THE NEIGHBORHOOD AND THE CITY'S ALTERNATIVE TO PURSUING A NUISANCE LITIGATION AGAINST THE HOMEOWNERS

RECOMMENDATION TO COUNCIL:

CONSIDERATION FOR PASSAGE

Fiscal Impact

Funds Available in Current Year Budget (Y/N):	Y
Estimated Total Expenditure:	300,000
List of Funding Source and/or Account Number:	VARIOUS
Estimate of Incoming Revenue (fees, grants, etc.):	NA
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Ordinance

EXHIBIT "A"

Form Review

Inbox	Reviewed By	Date
Beko (Originator)	Michele Beko	12/11/2025 01:19 PM
P. Riley	Michele Beko	12/11/2025 01:49 PM
P. Riley	Maggie Partin	12/11/2025 03:15 PM
Mayor Bradley	Jack Bradley	12/12/2025 09:24 AM
Harper	Maggie Partin	12/12/2025 09:58 AM
P. Riley	Michele Beko	12/12/2025 10:02 AM
Harper	Anita Harper	12/15/2025 10:59 AM
Form Started By: Michele Beko		Started On: 12/10/2025 02:00 PM
Final Approval Date: 12/15/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY/SERVICE TO ENTER INTO AN AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, the Sellers have encountered safety problems for themselves and their family members, including acts of gunfire at and related to their residence at the residential property located at 1069 West 45th Place, Lorain, Ohio; and,

WHEREAS, the Sellers desire to relocate their residence to a location outside the City of Lorain and County of Lorain, for their safety and safety of their family members; and

WHEREAS, the City has expressed its concerns for the safety of Sellers and other residents of the Property located at 1069 West 45th Street, Lorain, Ohio as well as the safety of residents of the Sellers' neighborhood; and,

WHEREAS, for these reasons, Sellers' desire to sell and Buyer desires to purchase the residence located at 1069 W 45th Place, Lorain, Ohio; and,

WHEREAS, the Sellers have indicated to Buyer that due to their concerns for their safety and the safety of their family members, they intend to relocate a new residence outside of the City of Lorain and County of Lorain upon the sale and transfer of the Property to the City of Lorain pursuant to the attached Agreement, incorporated herein; and,

WHEREAS, the federal government has a housing program administered through the Department of Housing and Urban Development (HUD) known as the "Good Neighbor Next Door Program" designed to encourage residency of government employees within the territorial jurisdiction of their public employer; and,

WHEREAS, the City Administration is developing a program to encourage safety force residency location within the territorial boundaries of the City of Lorain in to be known as the "Officer Next Door Program" and may seek to place the residence which is the subject of this Real Estate Purchase Agreement"; and,

WHEREAS, the City of Lorain has determined that it will forego its intent to pursue public nuisance litigation directed to the Property based upon the terms and conditions set forth in the attached Agreement.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That the Director of Public Safety/Service of the City of Lorain is hereby authorized to enter into an agreement attached hereto as Exhibit "A" to acquire real property located on 1069 Wet 45th Place, Lorain, Ohio, and further described as Permanent Parcel No. 02 01-00-810-1393. The Law Director may make amendments said contract as he deems proper.

SECTION II. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in formal action, were in meetings open to the public and in compliance with legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III. That this ordinance is hereby declared to be an emergency measure, the nature of which is the immediate need to acquire the parcel of property that is detrimental to the health, safety and welfare of the citizens of Lorain. Therefore, this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED; _____ _____
MAYOR

ATTEST: _____, CLERK _____
PRESIDENT OF COUNCIL

REAL ESTATE PURCHASE AGREEMENT

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This Real Estate Purchase Agreement ("Agreement"), is entered into at Lorain, Ohio, on this _____ day of _____, 2025, by and between the City of Lorain, Ohio, an Ohio municipal corporation, hereinafter referred to as "Buyer", and Lakeisha L. Miles aka Lakeisha L. Tate & Allen L. Tate, husband and wife, who with their heirs, successors and assigns are hereinafter collectively referred to as "Sellers".

WHEREAS, the Sellers have encountered safety problems for themselves and their family members, including acts of gunfire at and related to their residence at the residential Property located at 1069 West 45th Place, Lorain ,Ohio (hereinafter "Property"); and,

WHEREAS, the Sellers desire to relocate their residence to a location outside the City of Lorain and County of Lorain, for their safety and the safety of their family members; and,

WHEREAS, the City has expressed its concerns for the safety of Sellers and other residents of the Property located at 1069 West 45th Street, Lorain, Ohio as well as the safety of residents of the Sellers' neighborhood; and,

WHEREAS, for these reasons, Sellers's desire to sell and Buyer desires to purchase the residence located at 1069 West 45th Place, Lorain, Ohio; and,

WHEREAS, the Sellers have indicated to Buyer that due to their concerns for their safety and the safety of their family members, they intend to relocate to a new residence outside of the City of Lorain and County of Lorain upon the sale and transfer of the Property to the City of Lorain pursuant to this Agreement; and,

WHEREAS, the federal government has a housing program administered through the Department of Housing and Urban Development (HUD) known as the "Good Neighbor Next Door Program" designed to encourage residency of government employees within the territorial jurisdiction of his/her public employer; and

WHEREAS, the City Administration is developing a program to encourage safety force residency location within the territorial boundaries of the City of Lorain to be known as the "Officer Next Door Program" and may seek to place the residence which is the subject of this Real Estate Purchase Agreement in the "Officer Next Door Program"; and,

WHEREAS, the City of Lorain has determined that it will forego its intent to pursue public nuisance litigation directed to the Property based upon the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual promises set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

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1. Property

Buyer agrees to purchase from Sellers, and Sellers agree to sell to Buyer, the real property commonly known as 1069 West 45th Place, Lorain, Ohio, that has been assigned Permanent Parcel No.: 02-01-008-101-393, and more fully described by the legal description set forth on Exhibit A, which is attached hereto and incorporated herein by reference, and all of the appurtenances and improvements located thereon, including, but not limited to, the structures, improvements, fixtures, installed wall to wall carpeting, kitchen cabinets, heating and air-conditioning systems, hot water tank, light fixtures, and appliances, all of which are herein called the "Property".

2. Purchase Price

Buyer agrees to pay the sum of Three Hundred Thousand and 00/100 Dollars ($300,000.00) for the Property as follows:

(a)..... Buyer's cash down payment to be paid into escrow by Buyer within three days from the date this agreement has been executed by both Buyer and Sellers and credited against the purchase price ……. $1000.00

b. .....Buyer's funds to be deposited into escrow on or before the Closing Date …….$299,000.00

Total…… $300,000.00

3. Condition of Property

Buyer, prior to the execution of this Agreement, has inspected the Property, including the improvements, fixtures and items of personal property subject to this Agreement. Buyer represents and warrants it is purchasing the property in its "AS IS" condition, subject to normal wear and tear from the date of this Agreement to the Closing Date.

Buyer acknowledges and agrees that Sellers shall not be obligated to make any repairs or improvements to the Property.

4. Closing Date

The closing date for this transaction shall be not later than ninety (90) days after the date of this Agreement, or such other date as may hereafter be agreed to in writing by both parties, (the "Closing Date"). On the Closing Date, ownership of the Property shall transfer to Buyer and the Deed transferring the Property shall be recorded with the Lorain County Recorder's Office. Possession of the Property shall be transferred to Buyer on the Closing Date. However, Sellers shall have no obligation to transfer possession of the Property to Buyer until such time as all required funds and documents have been deposited with the Escrow Agent and the deed transferring ownership of the Property to Buyer has been filed with the Lorain County Recorder.

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5. **Time of the Essence**

Time is of the essence for the purchase of the Property by Buyer on the Closing Date and thereafter for the transfer of possession to Buyer.

6. **Utilities**

There shall be no proration of utilities. All utilities that are not currently in the name of Buyer shall be placed in the name of Buyer on the Transfer Date. Sellers and Buyer shall cooperate to arrange for all meters to be read on the Transfer date, or as close thereto as possible. Buyer shall be liable for all unpaid utility charges that have been incurred during their occupancy of the Property, including, but not limited to, any utility charges that have or may hereafter accrue prior to the actual transfer of title of the Property to Buyer.

7. **Conveyance**

Sellers shall furnish title to Buyer with a General Warranty Deed, conveying title of the Property to Buyer, free and clear of all liens and encumbrances whatsoever, except: (a) taxes and assessments which are a lien on the Property, but not yet due and payable; (b) declarations, easements, restrictions and encroachments of record; and (c) zoning ordinances.

Sellers shall also provide to Buyer an Owner's Fee Policy of Title Insurance in the amount of Purchase Price, as evidence or assurance that there has been conveyed to Buyer the title required to be conveyed hereunder.

8. **Contingencies**

This Agreement is contingent upon the Lorain City Council enacting such legislation as is necessary to approve or otherwise authorize the purchase of the Property in accordance with the terms and conditions set forth in this Agreement.

9. **Escrow and Closing**

All funds and documents are to be deposited by the respective parties required to deposit same with the "Escrow Agent", in sufficient time to permit closing on or before the closing date or upon such other date as the parties may agree in writing. Prior to closing, the escrow agent shall cause title to the Property to be searched by the Title Company and if the Title Company will issue the above required evidence of title and the escrow agent has received all funds and documents to be deposited hereunder, the Escrow Agent shall cause the Deed to be filed for record and the funds disbursed in accordance with this Agreement (the "Closing"). The escrow agent shall be American Patriot Title Company.

10. **Assessments**

All real estate taxes and assessments, both general and special, if any, shall be prorated as of the date the Deed is filed for record with the Lorain County Recorder's office. The proration

of real estate taxes and assessments shall be based on the latest available tax duplicate for the Property issued by the Lorain County Auditor's office.

11. **Escrow Agent**

The Escrow Agent for this transaction shall be American Patriot Title Agency, 5425 Detroit Road, Suite 12, Sheffield, OH 44055.

12. **Duties of Escrow Agent and Allocation of Costs**

On the Closing Date, the Escrow Agent shall file for record the Deed and any other instruments required to be recorded and shall thereupon deliver to each of the parties the funds and documents to which they shall be respectively entitled, together with its escrow statement, provided that the Escrow Agent shall then have on hand all funds and documents necessary to complete the within transaction and provided the title company has stated that it shall be in a position to and will issue and deliver, within a reasonable period of time after the filing of the Deed for record, in accordance with its normal business practice, the title insurance required hereunder.

a. In closing this transaction, the Escrow Agent shall charge the Sellers with the following:

(1) One half of the escrow fee.
(2) The cost of the title search.
(3) The cost of the Owner’s Fee Policy of title insurance.
(4) The amount of all real estate taxes and assessments prorated up to and including the date of transfer of title, including delinquent taxes and penalties, if any.
(5) The cost of paying off and satisfying any mortgage indebtedness and liens for which Sellers are liable, together with the cost of any mortgage cancellation, recording fee or other costs incident to the satisfaction of any such indebtedness.
(6) The cost of the deed preparation.
(7) Any other charges properly born by Sellers consistent with the terms of this Agreement.

b. On closing, said Escrow Agent shall charge the Buyer with the following:

(1) One half of the entire escrow fee.
(2) The transfer fee and transfer tax.
(3) The cost of filing the Deed for record.
(4) Any other charges properly borne by Buyer consistent with the terms of this Agreement.

The entire net sales proceeds shall be delivered to Sellers upon the Buyer’s receipt of written verification that Sellers have obtained a new residence consistent with Sellers’s

representation that they desire to relocate to a residence located outside Lorain County for their personal safety and the safety of their family members.

In the event Sellers have entered into a Purchase Agreement for their new residency, the net sales proceeds payable to Sellers pursuant to this Agreement shall be delivered to the Escrow Agent closing Sellers' purchase of a new residence and distributed to Sellers in accordance therewith.

Thereafter, upon the Escrow Agent's receipt of the recorded Deed and title insurance policy, Escrow Agent shall deliver to Buyer the recorded Deed or Recorder's receipt therefore, any prorations to which Buyer is entitled, and any other funds or documents due to the Buyer.

c. Upon the closing the Escrow Agent shall disburse the net proceeds to the Sellers as follows:

The entire net sales proceeds shall be delivered to Sellers upon the Buyer's receipt of written verification that Sellers have obtained a new residence consistent with the Sellers representation that they desire to relocate to a residence located outside Lorain County for their personal safety and the safety of their family members.

13. **Insurance Coverage by Sellers**

Sellers state that the Property is currently insured. After transfer of record title of the Property to Buyer, the risk of loss shall be and is assumed by the Buyer. Prior to the transfer of record title, all risk of loss shall be and is retained by Sellers. It shall be the obligation of Buyer to procure Buyer's own policies of insurance for damage to the real property to be effective from and after the date title to the property is transferred to Buyer or Buyer's nominee.

14. **Termination in Event of Loss**

In the event the building(s) or any other improvements to the Property are damaged or destroyed prior to transfer of record title (a) to the extent of $5,000.00 in damages or less, then this Agreement shall continue in full force and effect, or (b) to the extent of an amount greater than $5,000.00, then Buyer may, at Buyer's option, (i) elect to continue this Agreement in full force and effect, or (ii) elect to rescind and void this Agreement, and thereupon there shall be returned to Buyer all money, papers or documents deposited by Buyer, less any escrow or title charges, and there shall be returned to Sellers all papers or documents deposited by Sellers.

15. Title Defects

If the Title Company shall find a defect of title to the Property (other than a lien to be discharged by Sellers at Closing) or if Sellers are unable to convey title as required hereunder, then Sellers, at their expense, shall have thirty (30) days after receipt of notice from the Title Company to cure such defect, and if Sellers are unable to remove such defect within such thirty

(30) day period, then the Buyer may terminate this Agreement at which time all funds and documents shall be returned to the respective parties, and Buyer shall have no further obligation to Sellers and Sellers shall pay any escrow or title fees. Buyer may, however, accept such title as Sellers are able to convey without reduction of the purchase price, by giving Sellers notice of Buyer's election to accept such title after the expiration of such thirty (30) day period.

16. Non-performance

If Buyer fails to perform any of Buyer's material obligations under this Agreement, then Buyer shall pay any escrow or title fees, and Sellers may retain or receive all money deposited in escrow or with Sellers, as minimum stipulated damages. The receipt and/or retention of such funds by Sellers shall not preclude Sellers from suing for further damages, if any. If Sellers fails to perform any of Sellers's material obligations under this Agreement, then Buyer, at his election, may terminate this agreement and obtain the return of all money deposited by Buyer in escrow or with Sellers. In such instance the Sellers shall pay any escrow or title fees, and the Sellers shall be relieved of all further liability and obligations under this Agreement. In the alternative, the Buyer may elect to fulfill the terms of this Agreement and demand specific performance by Sellers.

17. Non-Foreign Person

Sellers hereby certifies and affirms that Sellers are not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code of 1986, as amended, and that Sellers, if requested by Escrow Agent, shall submit a properly executed Internal Revenue Service Non-Foreign Certificates in compliance with Section 1445 of the Internal Revenue Code.

18. **Entire Agreement**

This Agreement contains the entire understanding and agreement between the parties hereto, and all prior understandings and agreements, whether oral or written, shall be and the same hereby are terminated, canceled, and rendered null and void. The warranties and representations set forth in this Agreement shall survive the Closing of this transaction and the filing for record of Sellers's Deed. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and permitted assigns. Buyer shall not have the right or power to assign this Agreement or Buyer's rights hereunder without the prior written consent of Sellers.

19. Notices

All notices shall be in writing. Notices (i) to Sellers shall be sent by certified mail, return receipt requested, or personally delivered, to Sellers at the address set forth below; and (ii) to Buyer shall be sent by certified mail, return receipt requested, or personally delivered, to Buyer at the address set forth below:

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Buyer: City of Lorain
c/o Rey Carrion, Safety Service Director
200 West Erie Avenue, 7th Floor
Lorain, OH 44052
Email: _____
Phone: _____

Sellers: Lakeisha L. Miles & Allen L. Tate
Husband Wife
1069 West 45th Place
Lorain, Ohio 44052
Email: _____
Phone: _____

20. **Sellers Representations and Warranties**

Sellers warrants that all work and labor performed and furnished for or by Sellers with respect to any improvements and the construction of the Property have been fully paid for, and there will be no mechanics' liens or the possibility thereof in connection with any such work, labor, and materials, performed on, or furnished to, the Property. Sellers further agree to obtain and deliver to the Escrow Agent such assurances as the Escrow Agent may reasonably require for the Escrow Agent to be assured that there will be no mechanics liens.

21. **Broker's Fees**

The Sellers and Buyer represent that no real estate broker has been retained by either party in conjunction with the sale of the Property, and therefore no real estate commission or brokers fee is owed to any party, and no broker or agent shall be recognized in relation to this transaction.

22. **Waiver**

To the extent permitted by applicable law, no party to this Agreement shall assert, and each hereby waives any claim against any other party hereto or on any theory of liability for direct, actual, special, indirect, consequential or positive damages rising out of, in connection with, or as a result of this Agreement or instrument contemplated hereby.

23. Severability

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If any term, provision, covenant, or condition of this Real Estate Purchase Agreement (the "Agreement") is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall continue in full force and effect and shall in no way be affected, impaired, or invalidated thereby. The parties acknowledge that each provision of this Agreement is a material part of the bargained-for consideration and that the invalidity or unenforceability of any provision would substantially later the rights, obligations, and duties of the parties hereunder.

IN WITNESS WHEREOF, the Buyer, City of Lorain, by Rey Carrion, its Safety/ Service Director, has set his/her hand to this Agreement on this _____ day of _____, 2025 in the City of Lorain, Lorain County, Ohio; and the Sellers Lakeisha L Miles and Allen L. Tate have set their hands to this Agreement on this ____ day of _____, 2025 in the City of Lorain, Lorain County, Ohio.

BUYER:

City of Lorain

_____

BY: _____
Rey Carrion
Safety/Service Director

SELLERS:

_____

_____
Lakeisha L. Miles
aka Lakeisha L. Tate

_____
Allen L. Tate

Approved as to form:

_____
Patrick D. Riley, Esq.
Lorain Law Director

Exhibit A

Legal Description
(1069 West 45th Place, Lorain, Ohio)

The Real Property's legal description is as follows:

PP# 02-01-008-101-393

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Situated in the City of Lorain, County of Lorain and State of Ohio; and known as being part of Original Black River Township Lot No. 8 Tract No. 1 and bounded and described as follows:

Beginning at an 1" Iron Pin Monument found at the intersection of the centerline of Queen Anne Avenue (60 feet wide) with the centerline of West 45th Place (60 feet wide); thence South 89° 37' 20" East a distance of 174.88 feet along the said centerline of West 45th Place to a point;

Thence South 00° 22' 40" West a distance of 30.00 feet to an Iron Pin Capped (BLS 7699) set in the Southerly right of way of said West 45th Place at the Northeasterly corner of Sublot No. 113 in the Hickory Hill Subdivision No. 3 as Recorded in Volume 29, Page 34 of Lorain County Records and being the **True Place of Beginning**;

Thence South 89° 37' 20" East a distance of 76.08 feet along the said Southerly right of way line of West 45th Place to a 5/8" Iron Pin Capped (BLS 7699) set at the Northwesterly corner of Sublot No. 77 in the Hickory Hill Subdivision No. 2 as recorded in Volume 27, Page 40 of Lorain County Records;

Thence South 00° 22' 40" West a distance of 130 feet along the Westerly line of said Sublot No. 77 to a 5/8" Iron Pin Capped (BLS 7699) set at the Southwesterly corner of said Sublot No. 77;

Thence North 89° 37' 20" West a distance of 76.08 feet to the Southeasterly corner of said Sublot No. 113 and a 5/8" Iron Pin Capped (BLS7699) set;

Thence North 00° 22' 40" East a distance of 130.00 feet along the Easterly line of said Sublot No. 113 to the **True Place of Beginning**, Containing 0.2270 acres (9890.2 sq ft) of land, Basis of Bearings is Lorain County plat record for the centerline of West 45th Place South 89° 37' 20" East, Hickory Hills Subdivision No. 2 Volume 27, Page 40, according to a survey prepared by Boland Land Survey LLC, by Sean A. Boland, Registered Professional Surveyor No. 7699, Dated August, 2021 be the same more or less subject to all legal highways and easements.

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CITY OF LORAIN

City Council Regular Meeting **10. q.**

Meeting Date: 12/15/2025

Submitted by: Linda OConnor

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY/SERVICE TO PURCHASE GASOLINE, FUEL, OIL, AND OTHER PETROLEUM PRODUCTS ALL NEEDED FOR VARIOUS CITY DEPARTMENTS AS LISTED IN SECTION I, THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, OR FROM A VENDOR WHOSE PRICING IS AT OR BELOW OHIO STATE TERM PRICING, WITHOUT BID, PURSUANT TO RC SECTION 735.053, COMMENCING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2026.

PURPOSE AND BACKGROUND:

To allow the City of Lorain to purchase petroleum and petroleum products through the State of Ohio Cooperative Purchasing Program or from a vendor whose pricing is at or below that State of Ohio term pricing, without bid, to satisfy the fuel needs of City of Lorain for 2026.

RECOMMENDATION TO COUNCIL:

We recommend Council consider passage of this ordinance.

Fiscal Impact

Funds Available in Current Year Budget (Y/N):	Y
Estimated Total Expenditure:	825,000.00
List of Funding Source and/or Account Number:	7010.I701.6400.3500
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

ordinance

Form Review

Inbox	Reviewed By	Date
Garcia	Lori Garcia	12/11/2025 08:28 AM
Carrion	Rey Carrion	12/11/2025 10:31 AM
Mayor Bradley	Jack Bradley	12/11/2025 10:40 AM
JKoziura	Maggie Partin	12/11/2025 10:45 AM
Harper	Maggie Partin	12/12/2025 09:44 AM
P. Riley	Michele Beko	12/12/2025 09:49 AM
Harper	Anita Harper	12/15/2025 10:59 AM
Form Started By: Linda OConnor		Started On: 12/11/2025 08:16 AM
Final Approval Date: 12/15/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO: _____

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY/SERVICE TO PURCHASE GASOLINE, FUEL, OIL, AND OTHER PETROLEUM PRODUCTS ALL NEEDED FOR VARIOUS CITY DEPARTMENTS AS LISTED IN SECTION 1, THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, OR FROM A VENDOR WHOSE PRICING IS AT OR BELOW OHIO STATE TERM PRICING, WITHOUT BID, PURSUANT TO RC SECTION 735.053, COMMENCING JANUARY 1, 2026, AND ENDING DECEMBER 31, 2026.

WHEREAS, The current contract for petroleum products for the City of Lorain will expire on December 31, 2025.

WHEREAS, Ohio Revised Code Section 735.053 provides that contracts for equipment, services, materials, or supplies to be purchased under Section 125.04 of the Ohio Revised Code ("State Purchasing") do not require competitive bids to be advertised for and obtained.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. The Director of Public Safety/Service is hereby authorized and directed to purchase gasoline, fuel, oil, and other petroleum products as required by various departments of the City of Lorain, such as the City Garage, Parks, Water, Police, Fire, Building and Planning, Street, and Sewer Departments, for a period of twelve (12) months, through the State of Ohio Cooperative Purchasing Program, or from a vendor whose pricing is at or below said state term pricing, without not to exceed eight hundred twenty-five thousand bid, for an amount dollars ($825,000.00) pursuant to Ohio Revised Code Section 735.053, subject to authorized appropriation by City Council.

SECTION II. That the cost of gasoline, fuel, oil, and other petroleum products shall be taken from account number 7010.I701.6400.3400 Petroleum Supplies For Sale in the amount of $825,000.00.

SECTION III It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including 121.22, Ohio Revised Code.

SECTION IV. That this Ordinance shall be in force from and after the earliest period allowed by law.

PASSED: _____, 2025 _____
PRESIDENT OF COUNCIL

ATTESTED: _____, 2025 _____
CLERK OF COUNCIL

APPROVED: _____, 2025 _____

CITY OF LORAIN

City Council Regular Meeting **10. r.**

Meeting Date: 12/15/2025

Submitted by: Tim Shinsky

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE:

An ordinance assessing the cost of abating nuisance by removing litter and deposit of garbage, rubbish, junk, etc...during current calendar year.

PURPOSE AND BACKGROUND:

We wish to assess the cost of abating garbage, rubbish, junk, etc... at the properties listed in exhibit A, attached.

RECOMMENDATION TO COUNCIL:

We recommend Council consider passage of ordinance.

Fiscal Impact

Funds Available in Current Year Budget (Y/N):	Y
Estimated Total Expenditure:	5212.78
List of Funding Source and/or Account Number:	1010.G100.4050.1000 Outside Source
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Ordinance
Exhibit A

Form Review

Inbox	Reviewed By	Date
Garcia	Lori Garcia	12/05/2025 10:16 AM
Carrion		12/10/2025 01:17 PM
Mayor Bradley	Jack Bradley	12/10/2025 01:48 PM
Harper	Anita Harper	12/10/2025 03:57 PM
P. Riley	Michele Beko	12/11/2025 12:29 PM
Form Started By: Tim Shinsky		Started On: 11/26/2025 10:37 AM
Final Approval Date: 12/11/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO.

AN ORDINANCE ASSESSING THE COST OF ABATING NUISANCE BY REMOVING LITTER AND DEPOSIT OF GARBAGE, RUBBISH, JUNK ETC. DURING THE CURRENT CALENDAR YEAR AND DECLARING AN EMERGENCY.

WHEREAS, It is the duty of the owner and, if different, the lessee, agent or tenant having charge of real property to inspect and insure that litter, garbage, rubbish, junk, etc. is collected and removed from said property and that said property is safe and does not create a health or safety condition for others: and

WHEREAS, the need exists to abate the property nuisances and to assess these properties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. This council finds that the Director of Public Safety/ Service has abated certain nuisances after notifying the owners of the property on which said nuisances originated, and has reported the cost of such abatement, all in the manner provided by law, as follows per attached Exhibit A is fully incorporated herein:

SECTION II. The amounts shown are hereby assessed upon the properties shown and such assessments shall be certified for collection upon the current Calendar collection year duplicate in the same manner as general taxes. All funds collected shall be deposited into Special Assessment Account 1010.G100.4050.1000 upon receipt.

SECTION III. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

SECTION IV. That this Ordinance is hereby declared to be an emergency the nature of the emergency being the immediate need to provide for normal operating and capital expenditures to assess the properties, and in order to render services to protect the health, safety, and welfare of the City. Therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor, providing it receives the statutory requirements for passage, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:_____, 2025 _____
PRESIDENT OF COUNCIL

ATTEST: _____, CLERK

_____
MAYOR

APPROVED: _____, 2025

EXHIBIT A

HOMEOWNER of RECORD	Permanent Parcel #	Removal Cost	Admin	Total	PROPERTY ADDRESS	DATE CLEANED
Jeff Fraam	0200051118007	$171.06	$300.00	$471.06	419 Indiana Ave	9/6/2025
SRW Enterprises Inc Defined Benefit Plan	0201003139029	$171.06	$300.00	$471.06	328 W 17th St	9/6/2025
Serenity Grace Homes	0201003146020	$171.06	$300.00	$471.06	1774 Reid Ave	9/6/2025
Lorain Acquisitions Inc	0201003167003	$178.84	$300.00	$478.84	313 W 21st St	9/20/2025
Lorain Acquisitions Inc	0201003167003	$178.84	$300.00	$478.84	313 W 21st St	9/27/2025
Diara, Moody	0201005109025	$171.06	$300.00	$471.06	546 Reid Ave	9/10/2025
Top Notch Re Development LLC	0201005122009	$178.84	$300.00	$478.84	950 W 11th St	9/27/2025
9101 Eston Ave LLC	0202026105010	$178.84	$300.00	$478.84	1302 W 5th St	9/20/2025
Hancock Prop LLC	0300053107012	$171.06	$300.00	$471.06	1842 Hancock St	9/6/2025
Hancock Prop LLC	0300053107015	$171.06	$300.00	$471.06	1926 Hancock St	9/6/2025
2833 Seneca Bahm LLC	0300095108027	$171.06	$300.00	$471.06	2833 Seneca Ave	9/6/2025
			Total	$5,212.78		

ORIGINATOR:
Tim Shinsky
tim_shinsky@cityoflorain.org

CITY OF LORAIN

City Council Regular Meeting **10. s.**

Meeting Date: 12/15/2025

Submitted by: Matt Kusznir, Director

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE:

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A ONE-YEAR AGREEMENT WITH CLARITI CLOUD (USA), INC. (f.k.a. CAMINO TECHNOLOGIES, INC.) FOR PROFESSIONAL SERVICES AND SOFTWARE IMPLEMENTATION, AND DECLARING AN EMERGENCY.

PURPOSE AND BACKGROUND:

WHEREAS, The City of Lorain has several City Departments that utilizes inspection and code enforcement software in a virtual server environment; and,

WHEREAS, the City desires to enter into a three-year agreement with Clariti Cloud (USA), Inc. (f.k.a. Camino Technologies, Inc.) which supports the Building, Housing & Planning, Engineering, and Fire Departments; and,

WHEREAS, the Building, Housing & Planning Department, Engineering Department, and Safety/Service Department reviewed three different software vendors and selected Clariti Cloud (USA), Inc. (f.k.a. Camino Technologies, Inc.) as the best solution for the City of Lorain operations; and,

WHEREAS, the new product will provide a user-friendly online solution for city staff and the public which will increase operational efficiencies across departments and transparency to the community; and,

WHEREAS, funds have been budgeted for 2025 through the annual budget process and will be paid from Building Inspection Contractual Service Account (1010.S900.6300.1500); and,

WHEREAS, this agreement is a one-year contract with a cost of $77,000.00.

RECOMMENDATION TO COUNCIL:

Consideration and passage.

Fiscal Impact

Funds Available in Current Year Budget (Y/N):	Y
Estimated Total Expenditure:	$77,000.00
List of Funding Source and/or Account Number:	1010.S900.6300.1500
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Ordinance
Exhibit A

Form Review

Inbox	Reviewed By	Date
Carrion	Rey Carrion	08/27/2025 04:33 PM
M. Kusznir (Originator)	Matt Kusznir	12/08/2025 08:33 AM
Carrion	Rey Carrion	12/10/2025 01:13 PM
Mayor Bradley	Matt Kusznir	12/10/2025 02:24 PM
M. Kusznir (Originator)	Matt Kusznir	12/10/2025 02:26 PM
Carrion	Rey Carrion	12/10/2025 03:05 PM
Mayor Bradley	Jack Bradley	12/10/2025 03:21 PM
JKoziura	Maggie Partin	12/10/2025 03:27 PM
Harper	Anita Harper	12/10/2025 04:05 PM
P. Riley	Michele Beko	12/11/2025 10:52 AM
Form Started By: Matt Kusznir		Started On: 08/27/2025 01:38 PM
Final Approval Date: 12/11/2025		

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A ONE-YEAR AGREEMENT WITH CLARITI CLOUD (USA), INC. (f.k.a. CAMINO TECHNOLOGIES, INC.) FOR PROFESSIONAL SERVICES AND SOFTWARE IMPLEMENTATION, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Lorain has several City Departments that utilizes inspection and code enforcement software in a virtual server environment; and,

WHEREAS, the City desires to enter into a one-year agreement with Clariti Cloud (USA), Inc. (f.k.a. Camino Technologies, Inc.) which supports the Building, Housing & Planning, Engineering, and Fire Departments; and,

WHEREAS, the Building, Housing & Planning, Engineering, and Safety/Service Departments reviewed three different software vendors and selected Clariti Cloud (USA), Inc. (f.k.a. Camino Technologies, Inc.) as the best solution for the City of Lorain operations; and,

WHEREAS, the new product will provide a user-friendly online solution for city staff and the public which will increase operational efficiencies across departments and transparency to the community; and,

WHEREAS, funds have been budgeted for 2025 through the annual budget process and will be paid from Building Inspection Contractual Service Account (1010.S900.6300.1500); and,

WHEREAS, this agreement is a one-year contract with a cost of $77,000.00.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OFLORAIN, OHIO:

SECTION I: That the Safety Service Director is hereby authorized to enter into a one-year agreement with Clariti Cloud (USA), Inc. (f.k.a. Camino Technologies, Inc.), a copy of which is marked Exhibit A, attached hereto and made a part hereof by reference. The agreement shall be in substantial form and essence subject to the approval by the Law Director.

SECTION III: That the agreement shall not exceed $77,000.00 and shall be paid from paid from Building Inspection Contractual Service Account (1010.S900.6300.1500).

SECTION III.: That it is found and determined that all formal actions of Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code; and

SECTION IV: That this ordinance is hereby declared to be an emergency, the nature of the emergency being the immediate need to execute all agreement documents and secure pricing for the professional services and software implementation. Therefore, this ordinance shall take effect immediately upon passage and approval by the Mayor.

PASSED: _____, 2025 _____
PRESIDENT OF COUNCIL

ATTEST: _____, 2025 _____
CLERK OF COUNCIL

APPROVED: _____, 2025 _____
MAYOR

EXHIBIT
A



Statement of Work

for

City of Lorain, OH

Date prepared: July 8, 2025

Dear Matt,

Please find attached our Statement of Work (SOW) document outlining the planned scope of work for the implementation of our Clariti Launch solution.

This document details the key activities, deliverables, and timelines associated with the project. The scope of work was developed based on the requirements outlined in our conversations to date in respect to implementing a new Community Development solution for the City. It serves as a guide to ensure a clear understanding of the project scope and expectations.

We look forward to working together on this project and are available to discuss this document in further detail and address any questions you may have.

Sincerely,

David Marshall
Account Executive
Clariti Cloud USA, Inc.

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Overview of Project

The City of Lorain is seeking to implement a solution that improves the customer experience for permit, licensing and code enforcement processes. The platform is Software as a Service (SaaS) enabling online application submission and facilitating internal circulation, approval, record-keeping, and reporting processes.

Through the configuration of Clariti Launch, the City of Lorain will have access to a fully hosted, web-based Permitting, Licensing and Code Enforcement System. This Statement of Work serves to outline both the implementation approach and project plan that will enable the City of Lorain to:

- Provide an easy-to-use system that is accessible to staff and applicants.
- A smart application portal that generates a set of requirements based on the details of the application.
- Application review and reporting.
- Fee Generation and online payment capabilities.
- Document upload and storage.
- Internal review and task management.
- Inspection management.

Clariti's Implementation Approach

Community Templates Implementation Methodology and SOW

At Clariti, we recognize the unique challenges inherent in public sector implementations, particularly within the community development space. Our approach to implementing our community development solution is crafted with precision, embodying our deep domain knowledge, technical expertise, and adherence to industry-proven methodologies and best practices. This combination ensures we deliver a solution that is not only suited to your specific needs but is also capable of evolving with your community's aspirations.

How it works

In consultation with the City of Lorain we'll select the best templates from our library to meet your needs. With best practice Community Templates built by the Clariti team, and 1000's of different live and tested submission types to choose from, we'll ensure the building blocks are in place for the fastest and most effective implementation possible. No other vendor offers the ability to leverage the work from your peers this way. It'll dramatically

Benefits

- Access permit and submission types that align with state and national building standards.
- Easily align with other cities with similar planning and zoning ordinances.
- Less time spent documenting and building workflows in your implementation.
- Access post-live to Community Templates.

Community Templates is included free of charge for all Clariti Launch customers.

Key Pillars of the Community Templates Implementation Methodology

- ***Collaborative Partnership:*** Through this collaborative model, we ensure that our customers benefit from a seamless, cohesive experience, regardless of the complexity or scale of their project.
- ***Industry-Proven Methodologies:*** The Community Blueprint methodology is a hybrid approach grounded in agile methodologies, adapted to the specific nuances of community development projects. This hybrid approach allows for flexibility in project management and execution, accommodating changes and feedback without compromising on delivery timelines or quality.
- ***Outcome-Focused Delivery:*** The Community Blueprint methodology is designed to prioritize features and functionalities that offer the most significant benefits, ensuring that the solution delivers value quickly.

The Community Blueprint is more than just a methodology; it's a commitment to leveraging our unique blend of domain knowledge, technical expertise, and agile practices. By choosing Clariti, you're selecting more than just a software provider; you're partnering with a team deeply invested in the success of your community development initiatives. Together, we will lay the foundations for a brighter, more connected future for the communities you serve.

Managing Scope

The scope of this firm-fixed-price project is outlined in this Statement of Work (SOW) and is based upon our discussions with the City of Lorain, along with our experience implementing projects of similar scope.

The items detailed in our proposal and this implementation plan are used as the baseline for managing the project scope. Our goal is to remain within the scope of the described items to ensure that the system enters production on schedule and on budget.

Managing the scope of the project closely is critical in ensuring project success, which will, in turn, result in stakeholder adoption and a successful release of the system. If there are changes to the documented requirements or agreed-upon user stories, then the Change Control process will be followed. The Change Control process will be detailed within the Project Management Plan.

Permitting, Licensing and Code Enforcement Solution Project Plan

Simplifying Complexity through Structured Project Phases

At the heart of our methodology is a commitment to transparency and client education. We recognize that the more our clients understand the process, the more effectively they can participate in and contribute to the project's success. By dividing the implementation into three distinct phases — Plan, Build, and Inspect — we aim to demystify the process and make it more accessible.

- **Project Management and Planning Phase: Laying the Groundwork**
  The *Project Management and Planning Phase* is all about preparation and alignment. During this stage, we work closely with you to set clear project goals, provision the software and tools, and establish a solid project management framework. This phase is crucial for setting expectations and ensuring that all stakeholders have a shared understanding of the project's scope and objectives. By focusing on planning first, we address any uncertainties upfront and prepare everyone for the steps that follow. This proactive approach helps mitigate issues downstream and sets the foundation for the implementation.

- **Build Phase: Turning Plans into Action**
  Once the foundation is laid, we move into the *Build Phase*. This is where the project plan starts to materialize into a tangible solution. Configuration, modifications, integration activities, and data migration — each task is handled with precision, ensuring that the systems not only meet the in-scope requirements but are also tailored to your unique requirements. By breaking down the building process into these specific tasks, we can more effectively manage each element, making it easier for you to see how each part contributes to the whole. This phase demonstrates the progression from theory to practice, providing a clear view of how our planning translates into actual system functionalities. This stage of the project leverages an iterative delivery model. The benefit

of this approach is that as customers, you get to see and have your hands on the product earlier.

- **Inspect and Deploy Phase: Ensuring Quality and Readiness**
  The final phase, *Inspect and Deploy*, is centered on refinement, confirmation, and validation. Training, User Acceptance Testing, the go-live event, and Transition to Support are all geared towards ensuring that the implemented solution not only works technically but also aligns with your operational needs and expectations. This phase is critical for quality assurance and helps instill confidence that the new system is ready and robust. It also provides an opportunity for final tweaks and adjustments, ensuring that everything works as intended in your production environment.

We believe that an informed and engaged client is a key factor in the project's success. This phased approach not only helps in managing the project but also builds a partnership framework where your input and feedback are valued at every step.

Implementation Deliverables

Phase 0: Pre-Kickoff - Initiation and Requirements Gathering

Involved Clariti Roles

- Customer Success Manager
- Implementation Manager

Involved Customer Roles

- Project Champion

This is the beginning of the *Project Management and Planning Phase.* A phased implementation begins with Initiation, with a clear project scope, project champions, a detailed SoW, and a project plan that includes tasks, timeline, responsibilities, owners, and dependencies. This process will set the customer up for success during the implementation. Materials shall be provided by the customer in a timely manner and as agreed upon in the project schedule.

Prior to kickoff, Clariti will gather the following requirements from the Customer:

- List of Permits
- Fee Schedule
- Business Workflows
- Project contacts
- GIS Technician contact
- Data Migration contact

Phase 1: Kickoff

Involved Clariti Roles

- Customer Success Manager
- Implementation Manager

Involved Customer Roles

- Project Champion
- Project Contacts

The Kickoff phase marks the official beginning of the implementation. Clariti will schedule a Kick-Off Meeting, upon which they will present a proposed project plan with milestones to the Customer, introduce the Implementation and Customer Success staff, and present next steps. Based on the customer feedback and input, the project timeline will be developed and shared to the project team. Any changes to the project that would impact the project delivery schedule will go through a change control process.

Phase 2: Discovery

Involved Clariti Roles

- Implementation Manager

Involved Customer Roles

- Staff familiar with day-to-day operations of Customer processes

During the Discovery phase, documentation provided by the customer will be reviewed by Clariti and discussed during implementation meetings. Clariti will keep a log of notes, discussion items, decision points, takeaways, and next steps throughout this phase. Clariti will consult with the customer on best practices for how to translate requirements into existing system functionality. There are no custom enhancements or custom coding in scope.

At this point, regular project meetings with the customer are scheduled. Meeting agendas will be provided in advance. During these meetings, the plan and progress against the plan will be reviewed. Any delays or changes to the project that will impact delivery schedule will need to go through a change control process.

Phase 3a: Configuration

Involved Clariti Roles

- Implementation Manager

Involved Customer Roles

- Staff familiar with day-to-day operations of Customer processes

This is the beginning of the *Build* phase. Configuration starts once requirements gathering is complete, or near-completion. During this phase, Clariti resources will build out each of the requirements agreed upon in the previous phase. This includes all template and application form development. Weekly implementation meetings (if not more frequently during this phase, dependent upon the complexity of the implementation) will continue. During the meetings, the Clariti can also review what has been configured. The expectation of standard, routine cadence of meetings during the Configuration phase, helps to limit the opportunity for errors in build and redesign/rework. Additionally, any integration and data migration work will be completed concurrently in this Configuration phase.

Phase 3b: Integrations

Involved Clariti Roles

- Implementation Manager
- GIS Engineer
- Engineering Manager

Involved Customer Roles

- System administrator of software to be integrated with
- GIS Technician

Clariti staff will configure direct integrations with adjacent technologies, to include GIS, Plan Review, and Payment systems.

GIS

GIS data needs to be provided as either a Shapefile or ESRI Rest Service layer. Clariti supports address searches using address points or a combined address/parcel layer.

Payment Processors

Clariti will assist the Customer with choosing a payments solution that fits their needs, while the Customer is responsible for formalizing a partnership with the payments vendor. Clariti can provide guidance to ensure the optimal cost-benefit and functionality of each integration.

Clariti Launch currently supports the following integrations out of the box.

No Cost Integrations include:

- Stripe
- Authorize.net

Integrations with an additional cost for customizations

- Invoice Cloud
- Point and Pay
- Paymentus
- PayPal
- Certified Payments

Plan Review

We currently support the below managed plan review software integrations:

- ePlanSoft
- Blue Beam

Custom Integrations

Building custom integrations beyond the aforementioned managed integrations are out of scope for Clariti resources. New integrations can be explored and built using Clariti Launch's API by Customer staff or a third-party vendor/integrator. Clariti resources will not provide technical support for these custom efforts.

Phase 3c: Data Migration

Involved Clariti Roles

- Implementation Manager
- Engineering Manager

Involved Customer Roles

- Data Migration contact

Clariti provides Standard Data Migration templates for customers who want to import historical data into the Clariti system. In this process, the Customer will provide legacy data from their old system and load the data into the templates. Clariti will assist with data validation to ensure it is in the proper format and upload it into the Clariti Launch system.

Once the migration is complete, Customers will be able to access and search past permits/license records in the same "single source of truth" as current ones.

Clariti will perform this work with the following framework:

- Up to 10,000 permit/license records and 30 data fields (e.g. address, contractor name, square footage, etc.) per record are supported.
- All imported records will be logged in Clariti with the workflow stage "Migrated" and contain one "Agency Private" step labeled "Migrated" within.
- Clariti will collaborate with the Customer to ensure that data fields are properly mapped and avoid overlap.

Additional Data Migration Scope:

- Clariti can migrate Attachments (e.g. annexation records, plats, fire plans etc.) provided that: 1) the documents can be mapped by the Customer to the historic record they need to be associated with and 2) the documents can be accepted via Sharepoint / Drive / Dropbox with a directory structure of: Record ID/attachment_name.pdf
- Clariti will not be performing tasks related to handling customer data including: data cleaning, attachment renaming, or migrating in-progress applications.

Phase 4: Testing

Involved Clariti Roles

- Implementation Manager

Involved Customer Roles

- Staff identified by project team to assist with testing

This is the start of the *Inspect and Deploy* phase. Testing begins after the build is ready and can even occur in conjunction with the Configuration phase. The Customer, with guidance from Clariti, will perform their own testing on each portion of the solution as it is built out per the agreed-upon timeline. Standard meetings continue during this phase and will help to facilitate as well as provide the opportunity for review of issues/concerns and success for all Team members. The goal of this phase is to ensure the solution is working as designed and no outstanding issues exist.

Identified issues will be captured in a Feedback Log that the Implementation Manager will use as a checklist to build completion. We recommend that customers go through at least two rounds of testing to confirm that corrections have been made to their satisfaction. If there are a length number of feedback and edit requests that were not captured or communicated during Requirements Gathering, the project delivery schedule could be impacted. In that case, a change management process would be needed to account for the additional testing time.

Phase 5: Training

Involved Clariti Roles

- Implementation Manager

Involved Customer Roles

- Permit Counter staff
- Plan Reviewers
- Inspectors
- Clariti System Administrators (appointed by the Customer)

Over a 4-week period, Clariti will facilitate two 'tracks' of training sessions during the implementation process: once at the beginning to train City project sponsors and admins who will be involved in the implementation, and a second at the end to train staff who will use the system in their day-to-day work. The first training 'track' will focus on a deep overview of how the system is configured, edited, and managed. The second training 'track' will focus on how to incorporate Clariti into daily permit processes. Both training 'tracks' will be run via webinar by the Clariti Implementation Manager.

Included in the end-user training track includes bespoke training sessions for:

- Inspections
- Code Enforcement
- Permit Technician training / Application Intake
- Incorporating the informational Clariti Guide functionality (if applicable)

During this phase, Clariti will provide general software documentation for support staff, users, and administrators who will use or interact with Clariti's platform. In addition, Clariti maintains an online knowledge-base with tutorial and training content that staff will have access to at any time.

Phase 6: Go-Live

Involved Clariti Roles

- Implementation Manager
- Customer Success Manager

Involved Customer Roles

- Project Champion
- Customer Website Administrator

Cutover to go-live is the final phase of implementation before moving into support. During this phase, Clariti will work to import the final cutover of converted data. The customer will then provide sign-off in agreement with what has been built/configured/converted in the Clariti solution. It's important to note that individual module/process sign-off will also occur after each

milestone within the timeline has been completed. Customers are considered live when real applications or guides start being processed through the Clariti platform.

Implementation Timeline

Our estimated implementation timeline is 8 to 12 months. This timeline will be amended and mutually agreed upon with the City of Lorain upon completion of Phase 1 - Kick-off. This estimated timeline was determined based on the information gathered during our conversations with the City . During the Project Management and Planning phase, we will work collaboratively with you to refine this schedule and arrive at a mutually agreed upon timeline and plan.

Following this alignment and agreement of the detailed project schedule, Clariti's assigned Implementation Manager will set the baseline and begin managing, tracking, and reporting progress of the performance towards the completion of the assigned tasks and activities. The City of Lorain's Project Manager will manage, track, and report progress of the performance towards the completion of the customer-assigned tasks and activities. Once agreed, any material changes to the project schedule will be processed through the agreed upon change control process.

Assumptions

This section contains assumptions upon which Clariti has relied on in agreeing to perform the Services described in this SOW. If any of these prove to be incorrect, it may cause changes to the project's schedule, pricing, work product, level of effort required, or otherwise impact Clariti's performance of the Services described in this document. If this occurs, change requests may be required between the Client and Clariti

Project Assumptions

Project Assumption Parameters

- The implementation of the solution for application types within the Department of Building, Housing & Planning.

- Migration of Historical data as outlined in Phase 3c: Data Migration

Scope and Timeline

- The Client and Clariti will review their responsibilities before work begins to help ensure that Services can be satisfactorily completed and in the appropriate timeframe.
- Scope will be confirmed and finalized during the Project Management and Planning phase.
- Deliverables not specifically described in this Statement of Work are the responsibility of the Client.
- Changes in the project will be documented and submitted to the customer in writing through the change control process. The documented change either will define a corrective action to preserve the project work plan or will indicate acceptance of the change. Documentation will identify any cost and/or schedule impacts to the project.
- "Go live" (system is in production) timeline assumes timely completion of the Client deliverables (including finalization of requirements / use cases / product catalog), availability of key Client resources, and collaboration and availability of any third-party vendor resources. Late (per mutually agreed project plan) Client deliverables may adversely impact overall implementation timeline.
- Overall project plan will be mutually agreed to by the Client and Clariti project managers during the Project Initiation phase.
- The project start dates will be established during the contracting process. The customer is responsible to identify any business activities that may restrict the project dates.
- Once deliverables are accepted, they may only be modified by mutual acceptance of the parties through the change control process.
- The Client is responsible for the installation and maintenance of all non-Clariti, third party products within their environments to support the project and required integrations.
- All project delivery is based upon a fully-remote implementation by Clariti. Should on-site or other travel be required then the travel budget should be costed as a fixed rate of $2,100 USD per person trip, where one person trip is equal to one project team member traveling on behalf of the customer for no more than one week. For example, a team of two project team members traveling to the customer office for two consecutive weeks would consume four per-person trips at a total of $8,400.

Configuration and Implementation

- Clariti has estimated the number of records based on information provided from the RFP, answers to questions in the addendums and from information provided on the City's website which provides details on permits, reviews and other processes within the city.
- The customer will utilize Clariti's Community Templates features to support the implementation of Clariti Launch standard configurations wherever possible to limit the cost and time required to implement the software for the in-scope requirements. Any unplanned customizations will be addressed within the change control process.

Training

- For any included training services Clariti will employ a "train the trainer" approach.
- Any training materials provided will be in electronic format and may be printed and distributed by the customer at their discretion.
- Training delivered may be recorded using Clariti or customer provided remote conferencing tools, and the recording files will be made available to the customer.
- The Client will be responsible for all end user training including training logistics, training scheduling, and the printing of training materials.
- The Client users will have basic computer skills as a prerequisite for training. Clariti is not responsible for an individual's response to the training or their capacity to learn or be trained.

Testing

- Clariti is responsible for testing the initial configuration of the system (unit and quality assurance) and ensuring the system works as designed.
- The Client is responsible for writing User Acceptance Test Scripts. Clariti will provide templates and samples so that the Client does not have to start from scratch.
- The Client staff are responsible for User Acceptance Testing and System Integration (end to end) Testing.
- The customer and Clariti will define and agree upon the entry and exit criteria for UAT within the UAT Plan in advance of UAT start.

Project Completion

- The project is complete once the system is live in production and all project deliverables are completed including any go live and post go live support are completed.

Project Resourcing Assumptions

Client Resourcing

- The Client will provide a dedicated Project Manager throughout the course of the implementation.
- The Client's Project Manager will maintain primary responsibility for the scheduling of the Client`s employees and facilities in support of project activities.
- The Client has committed to the involvement of key resources and subject matter experts for ongoing participation in all project activities as defined in the project plan.
- The Client agrees, during the Initiation Phase of the project, to assign a single designated approver for each major project deliverable. The designated approver will be responsible for overseeing and/or directly contributing to deliverables, as well as the approval, of the deliverables.
- The Client will provide access to subject matter experts and decision makers in a timely fashion.
- The Client will reasonably commit project sponsors and all necessary stakeholders and SMEs during the project kickoff.
- The Client will reasonably commit all necessary SMEs and IT personnel during the requirements and design phase for the appropriate sessions as outlined during Kick-Off preparation.
- The customer will assign at least one (1) knowledgeable resource to be designated as their System Administrator to support the implemented systems.
- The customer will assign at least one (1) internal Test Manager that will coordinate with the customer User Acceptance Testing preparation and execution.
- The customer is responsible for any/all business process changes and will create all business process documentation specific to their use of the Clariti software.

Clariti Resourcing

- Clariti shall have the necessary project and executive management support to support the project, and to fulfill their obligations and make timely decisions.
- Clariti shall have the necessary resources available in each stage of the project, according to how they are identified in the staffing and project plans. If resource and/or priority conflicts occur, they will be discussed and resolved with the project Steering Committee.
- Clariti shall participate in an active, timely, and responsive manner with any of the Client's third-party vendors required to complete the Services.
- Clariti shall work as reasonably necessary with 3rd party product vendors to troubleshoot issues or configuration decisions, and present options jointly to the Client.

Third-Party Resourcing

- Clariti is not responsible for impacts to project timeline created by dependency on any of the Client's third-party consultants or vendors. Timeline changes will result in a change request for extension of project resources caused by the Client's third-party consultant actions (including availability) resulting in additional time or scope.

Pricing Overview

1st Year Costs

Clariti Launch Software Solution	$60,000
Implementation & Configuration of the solution for the Department of Building, Housing & Planning *Implementation payments will be split as follows:* • *Milestone #1 - $8,250 will be payable upon at contract signing* • *Milestone #2 - $8,250 will be payable at go-live*	$16,500
Migration of Historical Data as outlined in Phase 3c: Data Migration	$500
Standard Support	$0
TOTAL 1st Year Costs	$77,000

Years 2 & 3 Costs - OPTIONAL

Clariti Launch Software Solution - Year 2	$60,000
Clariti Launch Software Solution - Year 3	$60,000
Standard Support	$0
TOTAL COST OF OWNERSHIP Years 1 through to the end of Year 3	$197,000

From year 4 onward, Clariti reserves the right to increase the annual subscription fee by up to 7% annually.

Optional add-on offerings

Single Sign-On	$5,000 per year
Enhanced Support	$12,000 per year
Premium Support	$24,000 per year
Custom Payment Integration Options include Point and Pay, Paymentus, InvoiceCloud, PayPal, Certified Payments.	Services to be scoped

Support Plans

Support Category	Description	Standard	Enhanced	Premium	Notes
Access to Support Channels	Includes email, ticketing, and troubleshooting sessions.	✅ TRUE	✅ TRUE	✅ TRUE	Includes email, ticketing, and troubleshooting sessions.
First Response Time SLA	Guaranteed response times for support requests.	48 Hours	24 Hours	24 Hours	Guaranteed response times for support requests.
Monthly Custom Reports (CVRs)	Automated insights on system usage & adoption trends.	✅ TRUE	✅ TRUE	✅ TRUE	Automated insights on system usage & adoption trends.
Troubleshooting & Guidance	Covers general inquiries, feature questions, and issue resolution.	✅ TRUE	✅ TRUE	✅ TRUE	Covers general inquiries, feature questions, and issue resolution.
Solution Maintenance	Standard updates, security patches, and performance improvements.	✅ TRUE	✅ TRUE	✅ TRUE	Standard updates, security patches, and performance improvements.
Release Notes & Documentation	Customers receive detailed release notes for all system updates.	✅ TRUE	✅ TRUE	✅ TRUE	Customers receive detailed release notes for all system updates.
Limited Release Support	Self-serve resources for product releases.	✅ TRUE	✅ TRUE	✅ TRUE	Self-serve resources for updates like Campaigns & Community Templates.
Knowledge Base & Documentation Access	Access to FAQs, guides, and training modules.	✅ TRUE	✅ TRUE	✅ TRUE	Access to FAQs, guides, and best practices.

Support Category	Description	Standard	Enhanced	Premium	Notes
Assigned Customer Success Manager (CSM)	Dedicated CSM for adoption strategy and ongoing guidance.	❌ FALSE	✅ TRUE	✅ TRUE	Dedicated CSM for adoption strategy and ongoing guidance.
Business Reviews (Performance Insights & Strategy)	Strategic check-ins to assess system effectiveness and plan improvements.	Annual	Bi-Annual	Quarterly	Strategic check-ins to assess system effectiveness and plan improvements.
Managed Services	Configuration services, business analysis, testing, implementation services, project management, and training.	5 hours/year	20 hours/year (5 hours/quarter)	80 hours/year (20 hours/quarter)	Configuration services, business analysis, testing, implementation services, project management, training.
After-Hours Support	Sev 1 support outside of regular business hours.	❌ FALSE	5 Hours Annually	20 Hours Annually	Sev 1 support outside of regular business hours.
Data & API Support	API access and knowledge base, and assistance with implemented integrations (ESRI, payments, etc.).	✅ TRUE	✅ TRUE	✅ TRUE	API access and knowledge base, and assistance with implemented integrations (ESRI, payments, etc.).

CITY OF LORAIN

City Council Regular Meeting **10. t.**
Meeting Date: 12/15/2025
Submitted by: Andrea Smith

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE AUTHORIZING THE CITY OF LORAIN TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX ABATEMENT WITH ABSOLUTE MACHINE TOOLS HOLDINGS AND DECLARING AN EMERGENCY

PURPOSE AND BACKGROUND

WHEREAS, Absolute Machine Tools Holdings is desirous of entering into an agreement for tax abatement for a commercial development project; and
WHEREAS, the total investment of the project is approximately $1.8 million. The project will create 12 new full-time permanent positions within eight (8) months of the completion of the project, resulting in $1,080,000 for employee salaries; and
WHEREAS, pursuant to Ohio Revised Code Section 3735 and Lorain City Ordinances Nos. 178-89 and 34-10, the City of Lorain is required to negotiate the terms of the exemption on a case-by-case basis and be approved by City Council prior to the commencement of construction or remodeling; and
WHEREAS, pursuant to Ohio Revised Code Section 3735.67(f), the owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction first became subject to taxation. The City requires approval from the Firelands Local School District for the tax abatement. If approved, the application shall be processed in accordance with the procedures prescribed under this section and shall be granted if the construction that is subject of the application otherwise meets the requirements for an exemption under this section. The exemption sought in the application first applies in the year the application is filed. An exemption approved pursuant to this division only for those years remaining in the period described in (D)(2) of this section. No exemption may be claimed for any year in that period that precedes the year in which the application is filed.

RECOMMENDATION TO COUNCIL:

Ordinance — consideration for passage

Attachments

Ordinance
Draft Agreement

Form Review

Inbox	Reviewed By	Date
M. Kusznir	Andrea Smith	12/10/2025 03:56 PM

Andrea Smith (Originator)	Andrea Smith	12/10/2025 03:58 PM
M. Kusznir	Matt Kusznir	12/10/2025 04:01 PM
Carrion	Rey Carrion	12/10/2025 04:31 PM
Mayor Bradley	Jack Bradley	12/10/2025 08:44 PM
P. Riley	Michele Beko	12/11/2025 12:29 PM

Form Started By: Andrea Smith
Started On: 12/10/2025 02:33 PM
Final Approval Date: 12/11/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF LORAIN TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX ABATEMENT WITH ABSOLUTE MACHINE TOOLS HOLDINGS AND DECLARING AN EMERGENCY

WHEREAS, Absolute Machine Tools Holdings is desirous of entering into an agreement for tax abatement for a commercial development project; and

WHEREAS, the total investment of the project is approximately $1.8 million. The project will create 12 new full-time permanent positions within eight (8) months of the completion of the project, resulting in $1,080,000 for employee salaries; and

WHEREAS, pursuant to Ohio Revised Code Section 3735 and Lorain City Ordinances Nos. 178 -89 and 34-10, the City of Lorain is required to negotiate the terms of the exemption on a case-by -case basis and be approved by City Council prior to the commencement of construction or remodeling; and

WHEREAS, pursuant to Ohio Revised Code Section 3735.67(f), the owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction first became subject to taxation. The City requires approval from the Firelands Local School District for the tax abatement. If approved, the application shall be processed in accordance with the procedures prescribed under this section and shall be granted if the construction that is subject of the application otherwise meets the requirements for an exemption under this section. The exemption sought in the application first applies in the year the application is filed. An exemption approved pursuant to this division only for those years remaining in the period described in (D)(2) of this section. No exemption may be claimed for any year in that period that precedes the year in which the application is filed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, COUNTY OF LORAIN, STATE OF OHIO:

SECTION 1: That Absolute Machine Tools Holdings has submitted an application seeking a fifty percent (50%) maximum Community Reinvestment Area tax abatement for a commercial development project at 7420 Industrial Parkway, Lorain, OH 44053.

SECTION 2: The City of Lorain desires to enter into an abatement agreement with Absolute Machine Tools Holdings as set forth by the terms and conditions in the Community Reinvestment Area Agreement (For Commercial/Industrial Property), attached hereto as Exhibit "A" and incorporated herein.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and

that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

SECTION 4: That this ordinance is hereby declared to be an emergency measure, the nature which is the immediate need to establish the terms and conditions of the Community Reinvestment Tax Agreement within a timely manner. Therefore this ordinance shall take effect immediately upon its passage and approval by the Mayor providing that it meets the statutory requirements for passage otherwise it shall take effect and be in force from and after the earliest period allow by law.

PASSED: _____, 2025

_____
PRESIDENT OF COUNCIL

ATTEST: _____, CLERK

_____
MAYOR

APPROVED: _____, 2025

FORM OF COMMUNITY REINVESTMENT AREA AGREEMENT

For Commercial/Industrial Property

This Agreement made and entered into by and between the City of Lorain, Ohio, an Ohio municipal corporation, with its main offices located at **200 West Erie Avenue, Lorain, Ohio 44052 (hereinafter "City" and Absolute Machine Tools Holdings** with offices located at 7420 Industrial Parkway, Lorain, OH 44053 (hereinafter "Property Owner") WITNESSSETH;

WHEREAS, the City Council of the City by Ordinance No. _____ adopted on _____ designated an area of the City as a "Community Reinvestment Area" ("CRA # 4) pursuant to Chapter 3735 of the Ohio Revised Code ("R.C."), amended said CRA # 4 by Ordinance No. _____ adopted on _____to require the execution of a written agreement and further amended said CRA # 4 by Ordinance No. ____ adopted on _____ to require the execution of a written agreement and further amended said CRA # ____ by Ordinance No. _____adopted on _____ to clarify certain aspects of CRA # 4 and _____

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property located in the area designated as CRA # 4 and

WHEREAS, Property Owner [intends to construct or intends to remodel] a commercial or industrial building (the "Project") within CRA # 4 in the area commonly known as 7420 Industrial Parkway, Lorain, OH 44053 (hereinafter "Project Site"), which Project Site is further described as Lorain County, Ohio permanent parcel number _____ ; and

WHEREAS, Property Owner has submitted a proposed Agreement application (hereinafter referred to as "Application" and attached hereto as Exhibit A and incorporated by reference herein) to the City of Lorain Housing Officers (the "Housing Officer"); and

WHEREAS, pursuant to Ohio Revised Code Section 3735.67(f), the owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction fist became subject to taxation. The application shall be processed in accordance with the procedures described under this section and shall be granted if the construction that is subject of the application otherwise meets the requirements for an exemption under this section. If approved, the exemption sought in the application first applies in the year the application is filed; and

WHEREAS, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

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

> Section 1: Property Owner shall complete the Project on the Project Site. The project shall be consistent with any and all Planning Commission approved plans and all final specifications [submitted or to be submitted] to the Building Department for the purposes of obtaining permits. The Project is expected to commence approximately _____ and be completed

by _____. The Project is expected to involved a total investment by the Property Owner of approximately $ _____ for building [construction or remodeling].

Section 2: The Property Owner estimates that there will be created at the Project Site, within a time period not exceeding ____ months after the commencement of the Project, the equivalent of approximately ____ new full-time permanent job opportunities, approximately ___ new part-time permanent job opportunities, approximately ____ new full-time temporary job opportunities and approximately ____ new part-time temporary job opportunities. Hiring of such new employees is expected to begin approximately _____ and be completed by approximately _____. Currently, the Property Owner has ____ employees at the Project Site, which employees will be retained as a result of the Project. Property Owner currently has approximately ___ employees in Ohio.

The total payroll associated with the above-described new employees is expected to be approximately $_____ for full-time permanent employees, approximately $ _____for part-time permanent employees, approximately $ _____ for full-time temporary employees and approximately $ _____ for part-time temporary employees.

Section 3: The value of the non-inventory personal property of the Property Owner that is located at another location in Ohio prior to the execution of this Agreement and that is to be relocated from that location to the Project Site is $ _____. The value of the non-inventory personal property of the Property Owner located at the Project Site prior to the execution of this Agreement is $ _____. The value of the inventory of the Property Owner held at another location in Ohio prior to the execution of this Agreement and to be relocated from that location to the Project Site is $ _____. The value of the inventory of the Property Owner at the Project Site prior to the execution of this Agreement is $_____.

Section 4: The property Owner shall permit the City of Lorain Department of Building, Housing, and Planning to inspect the Project, upon reasonable prior notice during normal business hours; to ensure that the Project conforms with the plans and specifications approved by the City's Building Department. The inspections by the Department of Building, Housing, and Planning are not intended to be inspections to determine compliance with the building code and such inspections by the Department of Building, Housing, and Planning do not replace the inspections required by the Property Owner by the Building Department and other City Departments that are necessary to obtain a certificate of occupancy.

Section 5: Property Owner shall provide to the City of Lorain Tax Incentive Review Council any information reasonably required by the Council to evaluate the Property Owner's compliance with the Agreement, including any records that maybe reasonably requested by the Council or its designated representative(s).

Section 6: Subject to compliance by the Property Owner in all material respects with its obligations under this Agreement, the City hereby grants to Property Owner a fifty percent (50%) tax exemption for the [structure or the increase in assessed value of the structure resulting from remodeling] on the Project Site for a period of fifteen (15) years.

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No real property tax exemption for the Project shall commence after _____ nor extend beyond _____

Section 7: It is the responsibility of the Property Owner to file an application for exemption with the Housing Officer as a condition precedent to the receipt of the tax exemption granted under this Agreement.

Section 8: Property Owner hereby agrees to pay to the City an annual administration fee equal to the greater of one per cent of the amount of taxes exempted under this Agreement or $500; provided, however, that if the value of the incentives exceeds $250,000, the fee shall not exceed $2,500. The fee is to be paid to the City of Lorain, Department of Building, Housing and Planning by check made payable to the City of Lorain—CRA Program. The fee shall be paid no later than 30 days after the receipt by the Property Owner of an annual statement from the City containing the fee amount. If the fee is not paid by that time, that failure to pay shall be deemed to be a material failure pursuant to Section 13 of this Agreement, and the City shall have the right to terminate the exemptions granted pursuant to this Agreement.

This fee shall be deposited into a special fund created for the continued operation of the City's CRA program and costs associated with it.

Section 9: Property Owner shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns are required by law. If Property Owner fails to pay such taxes or file such returns or reports, all exemptions from taxation granted under this Agreement are rescinded beginning with the year for which such unpaid taxes are charged or such reports or returns are required to be filed and thereafter.

Section 10: The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions. Such acts may include, but are not limited to, annual exterior inspections, interior inspections with 10 day written notice delivered to the Property Owner via certified mail or hand delivery, reviews of public records to ensure payment of property taxes and other actions as may be necessary to determine that the Project is being maintained in a manner consistent with the public purpose of granting the CRA tax exemption; provided, however, the such acts shall not include participation in litigation with respect to the City's CRA program.

Section 11: If for any reason the City revokes the designation of the CRA, entitlements granted under this agreement shall continue for the number of years specified under this Agreement, unless Property Owner materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

Section 12: The Property Owner shall maintain the Project Site in accordance with the City's Property Maintenance Code. The Housing Officer is authorized to make annual exterior

inspections of the Project Site to ensure that it is properly maintained. In addition, the City reserves the right to conduct an interior inspection, after providing the Property Owner with a 10 day written notice. Said notice shall be delivered by either certified mail return receipt, or, in the alternative, delivered by hand by a representative of the City. Upon the provision of such notice, the Property Owner shall allow the Housing Officer, or the Housing Officer's designee, entry onto the Project Site and within any structures on the Project Site without limitation to conduct an inspection to ensure compliance with this Agreement. In addition, if the Housing Officer suspects that there are violations of the City's Property Maintenance Code, the Housing Officer shall forward a written complaint to the Chief Building Official of the City. The Chief Building Official shall inspect, or cause to be inspected, the Project Site for property maintenance code violations, or other code violations that fall within the oversight of the Chief Building Official. If any violations are found to exist by the Chief Building Official, the Property Owner will be notified and have 90 calendar days from the date the letter is mailed to correct or cure such violations.

If the Housing Officer finds that the structures within the Project Site have not been properly maintained or repaired due to the neglect of the Property Owner, the Housing Officer may revoke the exemption at any time after the first year of exemption. In the event that the Housing Officer determines that the Property Owner is in violation the Agreement, then the Housing Officer shall notify the Lorain County Auditor and the Property Owner that the tax exemption is reduced or that the exemption no longer applies. The Housing Officer also shall send a report of the reduction or the revocation to the Community Reinvestment Area Housing Council containing a statement of the findings as the lack of maintenance and repair of the property. If such an event occurs, there is no refund of the fees paid pursuant to Section 8 of this agreement.

Section 13: If the Property Owner materially fails to fulfill its obligations under this Agreement or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement.

Section 14: Property Owner hereby certifies that, at the time this Agreement is executed, it does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which it is liable under R.C. Chapters 5727, 5733, 5735, 5739, 5741, 5743, 5747, or 5753, or, if such delinquent taxes are owed, that Property Owner is currently paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such petition has been filed against Property Owner. For the purpose of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

Section 15: Exemptions from taxation granted under this agreement shall be revoked if it is determined that Property Owner, any successor to the Property Owner, or any related member (as those terms are defined in division (E) of R.C. Section 3735.671) has violated the prohibition

against entering into this Agreement under division (E) of R.C. Section 3735.671 or R.C. Section 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 16: Property Owner affirmatively covenants that it has made no false statements to the State or any local political subdivision in the process of obtaining approval for Community Reinvestment Area incentives. If any representative of Property Owner has knowingly made a false statement to the State or any local political subdivision to obtain the Community Reinvestment Area incentives, Property Owner shall be required to immediately returns all benefits received under the Community Reinvestment Area Agreement pursuant to R.C. Section 9.66(C)(2), and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to R.C. 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to R.C. 2921.13(D)(1), which is punishable by a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

Section 17: Neither the City nor Property Owner shall be considered in default of its obligations hereunder in the event of delay in performance of such obligations due to causes beyond its control without its fault or negligence, including, but not restricted to, acts of God, acts of the Federal or State government, acts of the other party, fires, floods, strikes, freight embargoes or unusually severe weather; it being the purpose and intent of this provision that in the event of the occurrence of any such delay, the time for performance of the obligations by the parties hereto shall be extended for the period of the delay.

Section 18: Any notices, statements, acknowledgements, consents, approvals, certificates, or requests on behalf of either party shall be made in writing and addressed as follows:

AS TO THE CITY OF LORAIN:
Department of Building, Housing and Planning
Attention: CRA Housing Officer
200 West Erie Avenue
Lorain, OH 44052

With copy to:
Department of Building, Housing and Planning
Attention: Director
200 West Erie Avenue
Lorain, OH 44052

AS TO PROPERTY OWNER:

_____
_____
_____
_____

With copy to (if applicable):

_____
_____
_____
_____

Or to such other contact or address as may be specified by such notice from time to time in writing.

Section 19: This agreement is not transferable or assignable without the express, written approval of the City, which consent shall not be unreasonably withheld.

IN WITNESS WHEREOF, The City of Lorain, Ohio by _____, its Housing Officer, pursuant to Ordinance No. ____ , and _____, have caused this instrument to be executed this ____ day of _____, 20____

The City of Lorain, Ohio

_____ By: _____

Witness _____ , Housing Officer

Property Owner:

_____ _____

Witness

Approved as to form:

Recommending Signature:

_____ _____

Patrick D. Riley
Law Director

Rey Carrion
Safety/Service Director

CITY OF LORAIN

City Council Regular Meeting **10. u.**

Meeting Date: 12/15/2025

Submitted by: Dawn Walther

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE AMENDING ORDINANCE 76-24 EXHIBIT "A", SECTION 6.1 ESTABLISHING THE COMPENSATION OF THE AUDITOR AND DECLARING AN EMERGENCY.

PURPOSE AND BACKGROUND:

To amend ordinance establishing compensation of the Auditor.

RECOMMENDATION TO COUNCIL:

Lorain City Council to consider for passage.

Fiscal Impact

Funds Available In Current Year Budget (Y/N):	Y
Estimate of Total Expenditure:	Variable
List of Funding Source and/or Account Number:	Various
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Ordinance

Form Review

Inbox	Reviewed By	Date
JKoziura	Maggie Partin	12/08/2025 10:05 AM
Harper	Dawn Walther	12/10/2025 03:45 PM
Harper	Anita Harper	12/10/2025 03:57 PM
P. Riley	Michele Beko	12/11/2025 12:41 PM

Form Started By: Dawn Walther Started On: 12/03/2025 11:50 AM

Final Approval Date: 12/11/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 76-24 EXHIBIT "A", SECTION 6.1 ESTABLISHING THE COMPENSATION OF THE AUDITOR AND DECLARING AN EMERGENCY.

SECTION I. That Ordinance 16-24, Exhibit "A", Section 6.1 which reads as follows:

Commencing ~~January 1, 2028~~ May 1, 2024 the Auditor Salary shall be $122,167.00 per annum
Commencing January 1, 2029 the Auditor Salary shall be $124,611.00 per annum
Commencing January 1, 2030 the Auditor Salary shall be $127,103.00 per annum
Commencing January 1, 2031 the Auditor Salary shall be $129,645.00 per annum

Commencing January 1, 2026 the Council Salary shall be $19 642.00 per annum
Commencing January 1, 2027 the Council Salary shall be $20,035.00 per annum
Commencing January 1, 2028 the Council Salary shall be $20,436.00 per annum
Commencing January 1, 2029 the Council Salary shall be $20,844.00 per annum

Commencing January 1, 2026 the Council President Salary shall be $21,097.00 per annum
Commencing January 1, 2027 the Council President Salary shall be $21,518.00 per annum

Commencing January 1, 2028 the Law Director Salary shall be $114,190.00 per annum
Commencing January 1, 2029 the Law Director Salary shall be $116,474.00 per annum
Commencing January 1, 2030 the Law Director Salary shall be $118,803.00 per annum
Commencing January 1, 2031 the Law Director Salary shall be $121,179.00 per annum

Commencing January 1, 2028 the Mayor Salary shall be $139,113.00 per annum
Commencing January 1, 2029 the Mayor Salary shall be $141,895.00 per annum
Commencing January 1, 2030 the Mayor Salary shall be $144,733.00 per annum
Commencing January 1, 2031 the Mayor Salary shall be $147,628.00 per annum

Commencing ~~January 1, 2026~~ May 1, 2024 the Treasurer Salary shall be $104,249.00 per annum
Commencing January 1, 2027 the Treasurer Salary shall be $106,344.00 per annum
Commencing January 1, 2028 the Treasurer Salary shall be $108,461.00 per annum
Commencing January 1, 2029 the Treasurer Salary shall be $110,630.00 per annum

SHALL BE AMENDED TO READ AS FOLLOWS:

Commencing January 1, 2026 the Auditor Salary shall be $122,167.00 per annum
Commencing January 1, 2027 the Auditor Salary shall be $127,103.00 per annum
Commencing January 1, 2028 the Auditor Salary shall be $129,645.00 per annum

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Commencing ~~January 1, 2026~~ May 1, 2024 the Treasurer Salary shall be $104,249.00 per annum
Commencing January 1, 2026 the Treasurer Salary shall be $106,344.00 per annum
Commencing January 1, 2027 the Treasurer Salary shall be $108,461.00 per annum
Commencing January 1, 2028 the Treasurer Salary shall be $110,630.00 per annum
Commencing January 1, 2029 the Treasurer Salary shall be $112,843.00 per annum

SECTION II. That the compensation for the Auditor's position is hereby established in Section I above.

SECTION III. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION IV. This ordinance is hereby declared to be an emergency, the nature of which is the immediate need to provide funding to meet contractual obligations. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, provided it receives the statutory requirements for passage, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2025 _____
MAYOR

ATTEST: _____, CLERK _____
PRESIDENT OF COUNCIL

APPROVED: _____, 2025

CITY OF LORAIN

City Council Regular Meeting **10. v.**

Meeting Date: 12/15/2025

Submitted by: Dawn Walther

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE TRANSFERRING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LORAIN, STATE OF OHIO AS PASSED BY ORDINANCE #35-25 BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025.

PURPOSE AND BACKGROUND:

To transfer funds for current expenses and other expenditures.

RECOMMENDATION TO COUNCIL:

Lorain City Council to consider for passage

Fiscal Impact

Funds Available In Current Year Budget (Y/N):	Y
Estimate of Total Expenditure:	273,800
List of Funding Source and/or Account Number:	Various
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Transfer Ordinance

Transfer Attachment

Form Review

Inbox	Reviewed By	Date
JKoziura	Maggie Partin	12/10/2025 03:36 PM
Harper	Anita Harper	12/10/2025 03:57 PM
P. Riley	Michele Beko	12/11/2025 10:48 AM

Form Started By: Dawn Walther Started On: 12/10/2025 03:21 PM

Final Approval Date: 12/11/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE TRANSFERRING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LORAIN, STATE OF OHIO AS PASSED BY ORDINANCE #35-25 BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That the following items be reduced by the amounts listed from the following funds to provide for the current expenses and other expenditures in the City of Lorain, State of Ohio, beginning January 1, 2025 and ending December 31, 2025:

See Attached

SECTION II. That the following items be increased by the amounts listed in the following funds:

See Attached

SECTION III. That this Ordinance is passed by virtue of the provisions of Section 5705.40 Ohio Revised Code, all provisions of which have been complied with.

SECTION IV. That it is found and determined that all formal actions relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION V. This ordinance is hereby declared to be an emergency, the nature of which is the immediate need to make corrections to the permanent budget before the end of the year in order to remain in compliance with Sec. 5705.41 of the Ohio Revised Code. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, provided it receives the statutory requirements for passage, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:_____ , 2025 _____
President of Council

ATTEST:_____, 2025 _____
Clerk of Council Mayor

APPROVED:_____, 2025

TRANSFER REQUEST
DECEMBER 15, 2025

FUND/DEPT	CATEGORY	ACCOUNT	DESCR	SOURCE	USE
GENERAL FUND					
PARKS					
1010.B200	Personal Services	6100.1120	RIO		2,000
	Material & Supplies	6400.1600	Garage/Auto		100,000
	Capital Outlay	6700.1000	Capital Outlay		15,800
				0	117,800
CIVIL SERVICE					
1010.B400	Personal Services	6100.1000	Salaries & Wages		500
	Contractual Svcs	6300.1500	Contract Svcs		500
				0	1,000
COUNCIL					
Clerk of Council					
1010.E100.1150	Personal Services	6100.1100	Regular Hours		2,000
				0	2,000
AUDITOR					
1010.E300	Personal Services	6100.1100	Regular Hours	3,000	
	"	6100.1120	RIO	5,000	
				8,000	0
TREASURER					
Income Tax					
1010.E400.1155	Contractual Svcs	6300.1500	Contract Svcs		20,000
				0	20,000
LAW DIRECTOR					
1010.E500.1160	Personal Services	6100.1100	Regular Hours	10,000	
	"	6100.2100	PERS	5,000	
	"	6100.2400	Hospitalization	10,000	
				25,000	0
JUDGES					
1010.E600	Personal Services	6100.1100	Regular Hours		40,000
				0	40,000
POLICE					
1010.S400	Personal Services	6100.1100	Regular Hours	85,800	
				85,800	0
FIRE					
1010.S500	Personal Services	6100.1100	Regular Hours	100,000	
				100,000	0
ELECTRICAL					
1010.S600	Personal Services	6100.1200	Overtime		2,000
	Material & Supplies	6400.1600	Garage/Auto		20,000
				0	22,000
BUILDING INSPECTION					
1010.S900	Personal Services	6100.1100	Regular Hours	30,000	
	Contractual Svcs	6300.1500	Contract Svcs	25,000	
				55,000	0
RTI Material Collection					
1010.V410	Material & Supplies	6400.1500	Petroleum		1,000
	"	6400.1600	Garage/Auto		20,000
				0	21,000
TRANSFERS					
	"	9000.3010	Transf to Bond Ret		50,000
				0	50,000
GENERAL FUND TOTAL				***273,800***	***273,800***
GRAND TOTAL ALL FUNDS				***273,800***	***273,800***
					0

CITY OF LORAIN

City Council Regular Meeting **10. w.**

Meeting Date: 12/15/2025

Submitted by: Dawn Walther

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LORAIN, STATE OF OHIO AS PASSED BY ORDINANCE #35-25 BEGINNING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025 AND DECLARING AN EMERGENCY.

PURPOSE AND BACKGROUND:

Appropriation for permanent budget.

RECOMMENDATION TO COUNCIL:

Lorain City Council to consider for passage.

Fiscal Impact

Funds Available In Current Year Budget (Y/N):	Y
Estimate of Total Expenditure:	1,061,500
List of Funding Source and/or Account Number:	Various
Estimate of Incoming Revenue (fees, grants, etc.):	
Financing Requirements (Bonds, Loans, Lease, etc.):	

Attachments

Appropriation

Appropriation Attachment

Form Review

Inbox	Reviewed By	Date
JKoziura	Maggie Partin	12/10/2025 03:40 PM
Harper	Anita Harper	12/10/2025 03:57 PM
P. Riley	Michele Beko	12/11/2025 10:48 AM

Form Started By: Dawn Walther Started On: 12/10/2025 03:18 PM

Final Approval Date: 12/11/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LORAIN, STATE OF OHIO AS PASSED BY ORDINANCE #35-25 BEGINNING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025 AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That the following amount be appropriated from the following funds to provide for the current expenses and other expenditures in the City of Lorain, State of Ohio, beginning January 1, 2025, and ending December 31, 2025:

See Attached

SECTION II. That the following amounts be appropriated to the following funds:

See Attached

SECTION III. That this Ordinance is passed by virtue of the provisions of Section 5705.40 Ohio Revised Code, all provisions of which have been complied with.

SECTION IV. That it is found and determined that all formal actions relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION V. This ordinance is hereby declared to be an emergency, the nature of which is the immediate need to provide funding to meet contractual obligations. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, provided it receives the statutory requirements for passage, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:_____ , 2025 _____
President of Council

ATTEST:_____, 2025 _____
Clerk of Council Mayor

APPROVED:_____, 2025

APPROPRIATION REQUEST
DECEMBER 15, 2025

FUND/DEPT	CATEGORY	ACCOUNT	DESCR	SOURCE	USE
GENERAL FUND					
1010	Fund Balance	XXXXXX	Fund Balance	15,000	
				15,000	0
OTHER SERVICES					
1010.G700	Revenue	4700.1083	Donations	15,000	
	Other Operating	8100.4100	Donation/Subsidy		30,000
				15,000	30,000
GENERAL FUND TOTAL				*30,000*	*30,000*
STREET FUND					
2010	Fund Balance	XXXXXX	Fund Balance	307,000	
Street Repair					
2010.R201.3140	Personal Services	6100.1120	RIO		17,000
	"	6100.1200	Overtime		100,000
	Material & Supplies	6400.1600	Garage/Auto		190,000
STREET FUND TOTAL				*307,000*	*307,000*
PERMISSIVE LICENSE FUND					
2030.R203.3140	Revenue	4950.1304	Reimbursements	200,000	
2030.R203	Material & Supplies	6400.2800	Salt Supplies		200,000
PERMISSIVE LICENSE FUND TOTAL				*200,000*	*200,000*
UDAG					
2290	Fund Balance	XXXXXX	Fund Balance	225,000	
2290.R225	Revenue	5000.4010	Transfer In-Cap Impr Func	75,000	
	Capital Outlay	7110.6700.2000	Acquisition of Property		300,000
UDAG FUND TOTAL				*300,000*	*300,000*
TITLE IX LOAN REPAYMENT					
2320	Fund Balance	XXXXXX	Fund Balance	5,000	
2320.R225	Transfer Out	9000.2340	TR to Title IX Business		5,000
TITLE IX LOAN REPAYMENT TOTAL				*5,000*	*5,000*
TITLE IX EDA BUSINESS LOAN FUND					
2340.R225	Revenue	5000.0000	TR In-Title IX Loan Repay	5,000	
	Personal Services	6100.1100	Regular Hours		5,000
TITLE IX LOAN REPAYMENT TOTAL				*5,000*	*5,000*
FIRE LEVY FUND					
2585	Fund Balance	XXXXXX	Fund Balance	102,000	
2585.S500	Personal Services	6100.1100	Regular Hours		20,000
	"	6100.1115	Shift Differential		1,000
	"	6100.1140	Sick Sell Back		4,000
	"	6100.1350	Comp Time Buy Back		72,000
	"	6100.1600	Medicare		1,000
	"	6100.2400	Hospitalization		3,000
	"	6100.2500	Uniform/Clothing Allowance		1,000
FIRE LEVY FUND TOTAL				*102,000*	*102,000*
INDIGENT DRIVER MONITORING FUND					
2655	Fund Balance	XXXXXX	Fund Balance	5,000	
2655.R266	Contractual Svcs	6300.1500	Contractual Svcs		5,000
INDIGENT DRIVER MONITORING FUND TOTAL				*5,000*	*5,000*
CAPITAL IMPROVEMENTS FUND					
4010	Fund Balance	XXXXXX	Fund Balance	7,500	
4010.C401	Revenue	4100.1044	Other Intergov(Energy Har	100,000	
	Contractual Services	6300.1500	Contractual Svcs		32,500
	Transfer Out	9000.2290	TR to UDAG Fund		75,000
CAPITAL IMPROVEMENTS FUND TOTAL				*107,500*	*107,500*
GRAND TOTAL ALL FUNDS				*856,500*	*856,500*
				1,061,500	*1,061,500*

CITY OF LORAIN

City Council Regular Meeting **11. a.**

Meeting Date: 12/15/2025

Submitted by: Breanna Dull, Clerk of Council

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE AMENDING ORDINANCE NO. 266-74 WHICH ESTABLISHES CHAPTER 509.12 CURFEW- OF CHAPTER 509 OF THE LORAIN CODIFIED ORDINANCES

PURPOSE AND BACKGROUND:

SECTION I. CHAPTER 509.12 – CURFEW- which reads as follows:

"That it shall be unlawful for any minor, seventeen (17) years of age or under, to be or to remain upon any public street, sidewalk, alley, public grounds, or to be loitering about depots, public buildings, or other public places in the City of Lorain, Ohio, between the hours of 11 o'clock PM of the evening of any week day, and before the hour of 6 o'clock AM of the succeeding day, from Sunday to Thursday, inclusive, and between the hours of 12:30 o'clock AM and 6 o'clock AM on Saturday or Sunday, unless accompanied by a person of mature years and said person must be the parent, guardian, or person having the legal custody, and control of said child, or some adult person duly authorized by said parent or guardian to have control of said child."

SHALL BE AMENDED TO READ AS FOLLOWS:

CHAPTER 509.12 – CURFEW

"That it shall be unlawful for any minor, seventeen (17) years of age or under, to be or to remain upon any public street, sidewalk, alley, public grounds, or to be loitering about depots, public buildings, or other public places in the City of Lorain, Ohio, between the hours of 10:30 o'clock PM of the evening of any week day, and before the hour of 6:00 o'clock AM of the succeeding day, from Sunday to Thursday, inclusive, and between the hours of 10:30 o'clock PM and 6 o'clock AM on Saturday or Sunday, unless accompanied by a person of mature years and said person must be the parent, guardian, or person having the legal custody, and control of said child, or some adult person duly authorized by said parent by said parent or guardian to have control of said child."

RECOMMENDATION TO COUNCIL:

Refer to committee for further discussion.

Attachments

Ordinance

Form Review

Inbox	Reviewed By	Date

P. Riley Michele Beko 11/13/2025 01:16 PM
Form Started By: Breanna Dull Started On: 11/13/2025 12:00 PM
Final Approval Date: 12/10/2025

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Springowski			Nutt		
Dimacchia			Moon		
DuVall			Arroyo		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 266-74
WHICH ESTABLISHES CHAPTER 509.12 CURFEW- OF
CHAPTER 509 OF THE LORAIN CODIFIED ORDINANCES

WHEREAS, Lorain City Council is desirous to amend Ordinance No. 266-74 Chapter 509.12 – Curfew, minor curfew in the City of Lorain.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO.

SECTION I. CHAPTER 509.12 – CURFEW- which reads as follows:

"That it shall be unlawful for any minor, seventeen (17) years of age or under, to be or to remain upon any public street, sidewalk, alley, public grounds, or to be loitering about depots, public buildings, or other public places in the City of Lorain, Ohio, between the hours of 11 o'clock PM of the evening of any week day, and before the hour of 6 o'clock AM of the succeeding day, from Sunday to Thursday, inclusive, and between the hours of 12:30 o'clock AM and 6 o'clock AM on Saturday or Sunday, unless accompanied by a person of mature years and said person must be the parent, guardian, or person having the legal custody, and control of said child, or some adult person duly authorized by said parent or guardian to have control of said child."

SHALL BE AMENDED TO READ AS FOLLOWS:

CHAPTER 509.12 – CURFEW

"That it shall be unlawful for any minor, seventeen (17) years of age or under, to be or to remain upon any public street, sidewalk, alley, public grounds, or to be loitering about depots, public buildings, or other public places in the City of Lorain, Ohio, between the hours of 10:30 o'clock PM of the evening of any week day, and before the hour of 6:00 o'clock AM of the succeeding day, from Sunday to Thursday, inclusive, and between the hours of 10:30 o'clock PM and 6 o'clock AM on Saturday or Sunday, unless accompanied by a person of mature years and said person must be the parent, guardian, or person having the legal custody, and control of said child, or some adult person duly authorized by said parent by said parent or guardian to have control of said child."

SECTION II. That the parent, guardian, or person having the legal custody and control of any child violating any of the provisions hereof shall be deemed guilty of a minor misdemeanor.

SECTION III. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2025 _____
PRESIDENT OF COUNCIL

ATTEST: _____, CLERK

APPROVED: _____, 2025

_____
MAYOR