

The City Record

Official Publication of the City of Cleveland

March the Twenty-Seventh, Nineteen Hundred and Ninety-Six

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Artha Woods	
Ward	Name
1	Charles L. Patton, Jr.
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Gary M. Paulenske
14	Helen K. Smith
15	James Rokakis
16	Patrick J. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Dale Miller
21	David M. McGuirk

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	9
Civil Service	15
Board of Zoning Appeals	15
Board of Building Standards and Building Appeals	15
Public Notices	17
Public Hearings	17
City of Cleveland Bids Adopted Resolutions and Ordinances	17
Committee Meetings	18
Index	72

FIRST-CLASS MAIL
U. S. POSTAGE PAID
CLEVELAND, OHIO
Permit No. 1372

First Class Mail

RECYCLE.....Save the Future



Printed on Recycled Paper.....Council Cares

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odella V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	13726 Elsetta Avenue	44135
21	David McGuirok	17101 Amber Drive	44111

Clerk of Council-Artha Woods, 216 City Hall, 664-2840.
First Assistant Clerk-Sandra Franklin.

MAYOR-Michael R. White
Lavonne Sheffield-Turner, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Richard Werner, Executive Assistant for Governmental Affairs.
Linda Willis, Director, Office of Equal Opportunity

DEPT. OF LAW - Sharon Sobol Jordan, Director of Law, Room 106;
Karen E. Martines, Law Librarian; Criminal Branch-Justice Center, 8th Fl., Court Towers, 1200 Ontario
Carolyn Watts-Allen, Chief Asst. Prosecutor
Steven J. Terry, Chief Counsel

DEPT. OF FINANCE - Kathryn Burrer Hyer, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - A. Schneider, Commissioner, Room 19
City Treasury - Mary Christine Jackman, Treasurer, Room 122
Assessments and Licenses - John Hunt, Commissioner, Room 122
Purchases and Supplies - William A. Moon, Commissioner, Convention Center, Clubroom B
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
Financial Reporting and Control - Keith D. Schuster, Acting Controller, Room 18
Information Systems Services - Martin Carmody, Acting Commissioner, 1404 E. 9th St.

DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside Avenue
DIVISIONS - 1201 Lakeside Avenue
Water - Julius Ciaccia, Jr., Commissioner
Water Pollution Control - Darnell Brown, Commissioner
Utilities Fiscal Control - M. Blech, Commissioner
Cleveland and Public Power - Nagah M. Ramadan, Commissioner
Street Lighting Bureau - Frank Schilling, Acting Chief.

DEPT. OF PORT CONTROL - William F. Cunningham, Jr., Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Henry Guzman, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.
Streets - Randell T. Scott, Commissioner, Room 25
Engineering and Construction - J. Christopher Nielson, Acting Commissioner, Rm. 518
Motor Vehicle Maintenance, Donald L. Haskins, Commissioner, Harvard Yards
Architecture - Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH -Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.
DIVISIONS - Health - Juan Molina Crespo, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Carolyn Wallace, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, 1825 Lakeside Avenue.
DIVISIONS - Police - John J. Collins, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
Fire - William E. Lee, Chief, 1645 Superior Avenue
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 2001 Payne Ave.

DEPT. OF PARKS, RECREATION & PROPERTIES - Oliver B. Spellman, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Property Management - Vernon Robinson, Commissioner, E. 49th & Harvard
Parking Facilities - Michael Cox, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties -Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.
Recreation - Michael Cox, Acting Commissioner, Room 8
Research, Planning & Development - M. Fallon, Commissioner, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT -Terri Hamilton, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
Neighborhood Services - Festus Cassels, Commissioner.
Neighborhood Development - Terri Hamilton, Commissioner.
Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

DEPT. OF PERSONNEL AND HUMAN RESOURCES - Joseph Nolan, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT - Christopher P. Warren, Director, Room 210

DEPT. OF AGING - Rm. 122, Susan Axelrod, Director

COMMUNITY RELATIONS BOARD - Room 11, Sam Thomas, III, Exec. Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Louise Boddie, Jr., Muqit Abdul Sabur, Clifford Savren, Henry Simon, George S. Smilnak, Harry Taketa, Timothy Cosgrove.

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; James J. Marniella, Vice President; Donna K. Nelson, Secretary; Timothy J. Cosgrove, Member.

SINKING FUND COMMISSION - Michael R. White, President; Patricia Stokes, Asst. Sec'y.; Kathryn Burrer Hyer, Director; President of Council Jay Westbrook.

BOARD OF ZONING APPEALS - Room 516, Valerie Schwonek, Chairman; Dona Brady, Vice-Chairman; Anna Chatman, Paula Phillips, Tony Petkovsek, Anthony Costanzo, Sec'y.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room 516, J. F. Denk, Chairman; J. Bowes, S. K. Birch, Alternate Members - D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan. Exec. Sec'y.

BOARD OF REVISION OF ASSESSMENTS - Law Director, Sharon Sobol Jordan; Pres. Finance Director, Kathryn Burrer Hyer, Director Sec'y. Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Henry Guzman, Service Director; Law Director, Sharon Sobol Jordan, Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director, Sharon Sobol Jordan, Utilities Director, Michael Konicek; President of Council, Jay Westbrook.

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Rev. Albert T. Rowan, Chairman; Todd W. Schmidt, Vice Chairman Thomas D. Corrigan, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean Pinkney, Councilman Edward W. Rybka.

CLEVELAND BOXING AND WRESTLING COMMISSION - Robert Jones, Chairman; Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, Kathryn Burrer Hyer, Councilmen James Rokakis, Jay Westbrook.

BOARD OF EXAMINERS OF ELECTRICIANS - Ralph R. Carpinelli, Chairman; Marion J. Long, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.; Ben S. Eulinberg, Martin J. Kilbane, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.

CLEVELAND LANDMARKS COMMISSION - Room 519 ,-----, Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilmen Craig E. Willis and Helen K. Smith.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge Salvatore R. Calandra	13A
Judge Colleen C. Cooney	14A
Judge C. Ellen Connally	15C
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	12B
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	14C
Judge Gerald F. Sweeney	13D
Judge Robert S. Triozzi	12A

Earle B. Turner-Clerk of Courts, John J. O'Toole-Court Administrator, Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Referee

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 83

WEDNESDAY, MARCH 27, 1996

No. 4294

CITY COUNCIL

MONDAY, MARCH 25, 1996

The City Record

Published weekly under authority of the Charter of the City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated \$6.00 per month
Address all communications to

ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Johnson, Chairman; Rybka, Vice Chairman; Miller, Patton, Paulenske, Robinson, White.

9:30 A.M.—**Public Health Committee:** Robinson, Chairman; Miller, Vice Chairman; Britt, Jackson, Melena, O'Malley, Zone.

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Coats, Chairman; O'Malley, Vice Chairman; Britt, Johnson, McGuirk, Melena, Smith, Westbrook, White.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** Patmon, Chairman; Smith, Vice Chairman; Jackson, Lewis, Melena, Polensek, Robinson.

MONDAY

2:00 P.M.—**Finance Committee:** Rokakis, Chairman; Westbrook, Vice Chairman; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Paulenske, Vice Chairman; Britt, Coats, Lewis, Melena, Patton, Smith, Willis.

1:30 P.M.—**Legislation Committee:** McGuirk, Chairman; Willis, Vice Chairman; Britt, Johnson, Patton, Rokakis, Rybka.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Miller, Chairman; Paulenske, Vice Chairman; McGuirk, Patmon, Rokakis, White, Willis.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Willis, Vice Chairman; Jackson, Miller, O'Malley, Patmon, Patton, Paulenske, Zone.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Lewis, McGuirk, O'Malley, Patmon, Willis, Zone.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Britt, Vice Chairman; O'Malley, Paulenske, Rokakis, White, Zone.

The following Committee is subject to Call of the Chairman:

Rules Committee: Westbrook, Chairman; Coats, Miller, Robinson, Smith.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

The following measure will be on its final passage at the next meeting:

ORDINANCE

Ord. No. 208-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 1996.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That to provide for the current expenses of the City of Cleveland for the fiscal year ending December 31, 1996, the following sums be and they are hereby appropriated viz:

The sum of **Three hundred ninety one million ten thousand five hundred thirty six dollars (\$391,010,536)** from the General Fund;

The sum of **Fifty three million five hundred seventy two thousand three hundred thirty three dollars (\$53,572,333)** from the Special Revenue Funds;

The sum of **Twenty two million eight hundred eighty three thousand six hundred sixty four dollars (\$22,883,664)** from the Internal Service Funds;

The sum of **Three Hundred seventy eight million seven hundred forty nine thousand six hundred forty four dollars (\$378,749,644)** from the Enterprise Funds;

The sum of **Five million six hundred thirty three thousand eight hundred ninety two dollars (\$5,633,892)** from Trust and Agency Funds;

The sum of **Forty four million one hundred forty two thousand forty three dollars (\$44,142,043)** from the Debt Service Fund;

And identified as File No. 208-96-A, in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 1996

GENERAL FUND

Legislative Branch	\$3,474,942
Municipal Court	19,414,201
Executive Branch	
Office of the Mayor	1,686,991

Department of Public Safety		226,113,748
Community Relations Board		728,278
Department of Public Service		30,734,641
Department of Parks, Recreation & Properties		34,343,778
Boxing & Wrestling Commission		8,415
Urban Planning & Development		9,994,599
Department of Public Health		10,629,197
Department of Aging		252,903
Support Functions		27,371,652
Transfers to Other Funds		\$26,257,191
TOTAL EXECUTIVE BRANCH		\$368,121,393
TOTAL GENERAL FUND		\$391,010,536
Special Revenue Funds		\$53,572,333
Internal Service Funds		22,883,664
Enterprise Funds		378,749,644
Trust and Agency Funds		5,633,892
Debt Service Funds		44,142,043
TOTAL APPROPRIATIONS FOR 1996		\$895,992,112
GENERAL GOVERNMENT		
LEGISLATIVE BRANCH		
COUNCIL AND CLERK OF COUNCIL		
I. Personnel and Related Expenses	\$2,314,442	
II. Other Expenses	1,160,500	\$3,474,942
MUNICIPAL COURT		
MUNICIPAL COURT-JUDICIAL DIVISION		
I. Personnel and Related Expenses	\$10,138,564	\$11,607,841
II. Other Expenses	1,469,277	
MUNICIPAL COURT-HOUSING DIVISION		
I. Personnel and Related Expenses	1,394,777	1,447,794
II. Other Expenses	53,017	
MUNICIPAL COURT-CLERK'S DIVISION		
I. Personnel and Related Expenses	4,849,313	6,358,566
II. Other Expenses	1,509,253	
TOTAL MUNICIPAL COURT	\$19,414,201	\$19,414,201
EXECUTIVE BRANCH		
OFFICE OF THE MAYOR		
I. Personnel and Related Expenses	\$1,461,057	\$1,686,991
II. Other Expenses	225,934	
DEPARTMENT OF PUBLIC SAFETY		
PUBLIC SAFETY ADMINISTRATION		
I. Personnel and Related Expenses	\$9,824,815	\$10,591,113
II. Other Expenses	766,298	
DIVISION OF POLICE		
I. Personnel and Related Expenses	125,887,719	135,402,198
II. Other Expenses	9,514,479	
DIVISION OF FIRE		
I. Personnel and Related Expenses	61,945,353	64,323,042
II. Other Expenses	2,377,689	
DIVISION OF EMERGENCY MEDICAL SERVICES		
I. Personnel and Related Expenses	11,105,871	11,922,074
II. Other Expenses	816,203	
DIVISION OF TRAFFIC ENGINEERING		
I. Personnel and Related Expenses	2,455,268	3,233,856
II. Other Expenses	778,588	
DIVISION OF DOG POUND		
I. Personnel and Related Expenses	509,200	641,465
II. Other Expenses	132,265	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$226,113,748	\$226,113,748

COMMUNITY RELATIONS BOARD		\$728,278
I. Personnel and Related Expenses	\$669,298	
II. Other Expenses	58,980	
DEPARTMENT OF PUBLIC SERVICE		
PUBLIC SERVICE ADMINISTRATION		\$289,217
I. Personnel and Related Expenses	\$277,549	
II. Other Expenses	11,668	
DIVISION OF ARCHITECTURE		607,762
I. Personnel and Related Expenses	552,194	
II. Other Expenses	55,568	
DIVISION OF WASTE COLLECTION & DISPOSAL		25,200,994
I. Personnel and Related Expenses	15,744,964	
II. Other Expenses	9,456,030	
DIVISION OF ENGINEERING AND CONSTRUCTION		4,636,668
I. Personnel and Related Expenses	4,130,335	
II. Other Expenses	506,333	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$30,734,641	\$30,734,641
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
PARKS, RECREATION AND PROPERTIES ADMINISTRATION		\$685,856
I. Personnel and Related Expenses	\$521,287	
II. Other Expenses	164,569	
DIVISION OF RESEARCH, PLANNING & DEVELOPMENT		707,611
I. Personnel and Related Expenses	623,188	
II. Other Expenses	84,423	
DIVISION OF RECREATION		9,281,905
I. Personnel and Related Expenses	6,949,296	
II. Other Expenses	2,332,609	
DIVISION OF ON STREET PARKING		1,010,916
I. Personnel and Related Expenses	975,116	
II. Other Expenses	35,800	
DIVISION OF PROPERTY MANAGEMENT		10,026,144
I. Personnel and Related Expenses	7,871,598	
II. Other Expenses	2,154,546	
DIVISION OF PARK MAINTENANCE & PROPERTIES		12,631,346
I. Personnel and Related Expenses	9,576,735	
II. Other Expenses	3,054,611	
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$34,343,778	\$34,343,778
BOXING AND WRESTLING COMMISSION		8,415
I. Personnel and Related Expenses	8,265	
II. Other Expenses	150	
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
DIVISION OF ADMINISTRATIVE SERVICES		\$82,642
I. Personnel and Related Expenses	\$82,642	
DIVISION OF BUILDING & HOUSING		5,833,350
I. Personnel and Related Expenses	5,128,853	
II. Other Expenses	704,497	
DIRECTOR'S OFFICE		97,604
I. Personnel and Related Expenses	97,604	
DIVISION OF NEIGHBORHOOD DEVELOPMENT		494,409
I. Personnel and Related Expenses	244,409	
II. Other Expenses	250,000	

DIVISION OF NEIGHBORHOOD SERVICES		75,996
I. Personnel and Related Expenses	75,996	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT	\$6,584,001	\$6,584,001
REGULATORY BOARDS & COMMISSIONS		
LANDMARKS COMMISSION		\$89,205
I. Personnel and Related Expenses	\$77,243	
II. Other Expenses	11,962	
BOARD OF BUILDING STANDARDS & APPEALS		110,642
I. Personnel and Related Expenses	96,422	
II. Other Expenses	14,220	
BOARD OF ZONING APPEALS		245,696
I. Personnel and Related Expenses	225,805	
II. Other Expenses	19,891	
BOARD OF EXAMINERS OF PLUMBERS AND ELECTRICIANS		81,486
I. Personnel and Related Expenses	77,921	
II. Other Expenses	3,565	
FAIR CAMPAIGN FINANCE COMMISSION		10,000
II. Other Expenses	10,000	
TOTAL REGULATORY BOARDS	\$537,029	\$537,029
DEPARTMENT OF ECONOMIC DEVELOPMENT		
ECONOMIC DEVELOPMENT ADMINISTRATION		\$1,190,569
I. Personnel and Related Expenses	\$1,151,010	
II. Other Expenses	39,559	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT	\$1,190,569	\$1,190,569
OFFICE OF EQUAL OPPORTUNITY		\$474,082
I. Personnel and Related Expenses	\$386,969	
II. Other Expenses	87,113	
CITY PLANNING COMMISSION		\$1,152,378
I. Personnel and Related Expenses	\$1,091,336	
II. Other Expenses	61,042	
DIVISION OF HARBORS		\$56,540
I. Personnel and Related Expenses	\$56,540	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$9,994,599	\$9,994,599
DEPARTMENT OF PUBLIC HEALTH		
PUBLIC HEALTH AND WELFARE ADMINISTRATION		\$288,789
I. Personnel and Related Expenses	\$167,067	
II. Other Expenses	121,722	
DIVISION OF CORRECTION		5,257,912
I. Personnel and Related Expenses	4,149,930	
II. Other Expenses	1,107,982	
PUBLIC HEALTH		\$2,887,120
I. Personnel and Related Expenses	\$2,300,671	
II. Other Expenses	586,449	
DIVISION OF THE ENVIRONMENT		2,195,376
I. Personnel and Related Expenses	1,962,184	
II. Other Expenses	233,192	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$10,629,197	\$10,629,197
DEPARTMENT OF AGING		
DEPARTMENT OF AGING		\$252,903
I. Personnel and Related Expenses	\$199,336	
II. Other Expenses	53,567	
TOTAL DEPARTMENT OF AGING	\$252,903	\$252,903

SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
FINANCE ADMINISTRATION		\$289,820
I. Personnel and Related Expenses	\$238,970	
II. Other Expenses	50,850	
DIVISION OF ACCOUNTS		1,043,513
I. Personnel and Related Expenses	706,678	
II. Other Expenses	336,835	
DIVISION OF ASSESSMENTS & LICENSES		928,013
I. Personnel and Related Expenses	776,308	
II. Other Expenses	151,705	
DIVISION OF TREASURY		414,232
I. Personnel and Related Expenses	346,449	
II. Other Expenses	67,783	
DIVISION OF PURCHASES & SUPPLIES		649,857
I. Personnel and Related Expenses	551,889	
II. Other Expenses	97,968	
BUREAU OF INTERNAL AUDIT		400,107
I. Personnel and Related Expenses	170,117	
II. Other Expenses	229,990	
DIVISION OF FINANCIAL REPORTING AND CONTROL		951,840
I. Personnel and Related Expenses	851,440	
II. Other Expenses	100,400	
TOTAL DEPARTMENT OF FINANCE	\$4,667,382	\$4,667,382
OFFICE OF BUDGET & MANAGEMENT-BUDGET ADMIN.		\$444,632
I. Personnel and Related Expenses	\$422,057	
II. Other Expenses	22,575	
DEPARTMENT OF LAW		\$6,758,992
I. Personnel and Related Expenses	\$4,722,870	
II. Other Expenses	2,036,122	
TOTAL FINANCIAL AND LEGAL ADMINISTRATION	\$11,881,006	\$11,881,006
PERSONNEL ADMINISTRATION		
OFFICE OF PERSONNEL		\$1,235,065
I. Personnel and Related Expenses	\$944,745	
II. Other Expenses	290,320	
CIVIL SERVICE COMMISSION		1,011,340
I. Personnel and Related Expenses	646,006	
II. Other Expenses	365,334	
TOTAL PERSONNEL ADMINISTRATION	\$2,246,405	\$2,246,405
NON DEPARTMENTAL		
COUNTY AUDITOR DEDUCTIONS		\$857,000
II. Other Expenses	\$857,000	
OTHER ADMINISTRATIVE		12,387,241
II. Other Expenses	12,387,241	
TOTAL NON DEPARTMENTAL	\$13,244,241	\$13,244,241
TOTAL SUPPORT FUNCTIONS	\$27,371,652	\$27,371,652
TRANSFERS TO OTHER FUNDS		\$26,257,191
II. Other Expenses	\$26,257,191	
TOTAL GENERAL FUND	\$391,010,536	\$391,010,536

SPECIAL REVENUE FUNDS

RESTRICTED INCOME TAX FUND		\$27,697,867
I. Capital	\$15,897,867	
II. Debt Service	11,800,000	
STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND		23,874,466
I. Personnel and Related Expenses	12,677,057	
II. Other Expenses	11,197,409	
SCHOOLS RECREATION & CULTURAL ACTIVITIES FUND		2,000,000
II. Other Expenses	2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$53,572,333	\$53,572,333

INTERNAL SERVICE FUNDS

INFORMATION SYSTEMS SERVICES-TELEPHONE EXCHANGE		\$4,225,278
I. Personnel and Related Expenses	\$340,994	
II. Other Expenses	3,884,284	
INFORMATION SYSTEMS SERVICES		3,110,587
I. Personnel and Related Expenses	1,559,981	
II. Other Expenses	1,550,606	
DIVISION OF MOTOR VEHICLE MAINTENANCE		13,621,926
I. Personnel and Related Expenses	4,326,864	
II. Other Expenses	9,295,062	
DIVISION OF PRINTING AND REPRODUCTION		823,065
I. Personnel and Related Expenses	524,694	
II. Other Expenses	298,371	
CITY STOREROOM AND CENTRAL WAREHOUSE		1,102,808
I. Personnel and Related Expenses	94,808	
II. Other Expenses	1,008,000	
TOTAL INTERNAL SERVICE FUNDS	\$22,883,664	\$22,883,664

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

UTILITIES ADMINISTRATION		\$944,619
I. Personnel and Related Expenses	\$736,462	
II. Other Expenses	208,157	
UTILITIES FISCAL CONTROL		1,615,080
I. Personnel and Related Expenses	1,479,011	
II. Other Expenses	136,069	
DIVISION OF WATER		169,465,250
I. Personnel and Related Expenses	62,229,605	
II. Other Expenses	107,235,645	
DIVISION OF WATER POLLUTION CONTROL		17,227,809
I. Personnel and Related Expenses	7,053,890	
II. Other Expenses	10,173,919	
DIVISION OF CLEVELAND PUBLIC POWER		112,949,523
I. Personnel and Related Expenses	22,611,270	
II. Other Expenses	90,338,253	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$302,202,281	\$302,202,281

DEPARTMENT OF PORT CONTROL

DIVISIONS OF CLEVELAND HOPKINS & BURKE LAKEFRONT AIRPORTS-OPERATIONS		\$54,624,240
I. Personnel and Related Expenses	\$15,550,812	
II. Other Expenses	39,073,428	
AIRPORT DEVELOPMENT FUND		850,000
II. Other Expenses	850,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$55,474,240	\$55,474,240

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
DIVISION OF CEMETERIES		
I. Personnel and Related Expenses	\$1,534,211	\$1,870,901
II. Other Expenses	336,690	
GOLF COURSE FUND		
I. Personnel and Related Expenses	905,365	1,799,630
II. Other Expenses	894,265	
DIVISION OF PARKING FACILITIES-OFF STREET PARKING		
I. Personnel and Related Expenses	823,973	10,023,875
II. Other Expenses	9,199,902	
DIVISION OF CONVENTION CENTER & STADIUM-CONVENTION CENTER		
I. Personnel and Related Expenses	2,061,028	6,078,658
II. Other Expenses	4,017,630	
DIVISION OF CONVENTION CENTER & STADIUM-MARKET		
I. Personnel and Related Expenses	378,699	1,115,771
II. Other Expenses	737,072	
DIVISION OF PROPERTY MANAGEMENT-EAST SIDE MARKET		
I. Personnel and Related Expenses	64,792	184,288
II. Other Expenses	119,496	
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES		
	\$21,073,123	\$21,073,123
TOTAL ENTERPRISE FUNDS		
	\$378,749,644	\$378,749,644
AGENCY FUND		
CENTRAL COLLECTION AGENCY		
I. Personnel and Related Expenses	\$3,700,952	\$5,633,892
II. Other Expenses	1,932,940	
TOTAL AGENCY FUND		
	\$5,633,892	\$5,633,892
DEBT SERVICE FUND		
SINKING FUND COMMISSION		
I. Personnel and Related Expenses	\$79,968	\$44,142,043
II. Other Expenses	350,950	
III. Debt Service	43,711,125	
TOTAL DEBT SERVICE FUND		
	\$44,142,043	\$44,142,043

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 208-96-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 1995 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 1996 or prior years. The Mayor's Estimate File No. 208-96-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 1996 and shall be subject to the control of the Mayor, provided, however, that no transfer from I.- Personnel and Related Expenses, or II.- Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

BOARD OF CONTROL

March 20, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 20, 1996, at 10:30 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting

Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Absent: None.
Others: William Moon, Commissioner, Purchases and Supplies, Alvin Fore, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 154-96.

By Director Hyer.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sage Computer Services/Kevin Coleman Mental Health Center for an estimated quantity of Key Punch Services (All Items) for the Division of Taxation, Department of Finance, for the period of one (1) year beginning with the date of execution of

a contract received on the 28th day of February, 1996, pursuant to the authority of Ordinance No. 1476-94, passed November 20, 1995, which on the basis of the estimated quantity would amount to Fifty-Four Thousand, Eight Hundred Sixteen 00/100 Dollars, (\$54,816.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 84523

which shall be certified against such contract in the sum of Twenty-Five Thousand 00/100 Dollars, (\$25,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 155-96.

By Director Konicek.

Resolved, by the Board of Control of the City of Cleveland that the bid of Leader Electric Supply Company for an estimated quantity of Pad-mounted Switchgear, Items 1 thru 17, for the Division of Cleveland Public Power, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 26th day of January, 1996, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Six Hundred Thirty Thousand Six Hundred Fourteen and no/cents Dollars, (\$630,614.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 81715

which shall be certified against such contract in the sum of Fifty-Nine Thousand Twenty Two and no/cents Dollars, (\$59,022.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 156-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of East Jordan Iron Works, Inc., for an estimated quantity of manhole covers and parts (Combination: Items 7-8; 10-12) for the Division of Water, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 26th day of January, 1996, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Eleven Thousand Six Hundred Ninety Dollars, (\$11,690.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 78377

which shall be certified against such contract in the sum of Three Thousand Dollars (\$3,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 157-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Neenah Foundry Co., for an estimated quantity of manhole covers and parts (Combination: Items 1-2; Combination: Items 3-4; Combination: Items 5-6) for the Division of Water, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 26th day of January, 1996, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Thirty-Three Thousand Five Hundred Forty Dollars, (\$33,540.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 78376

which shall be certified against such contract in the sum of Fourteen Thousand Five Hundred Two and 50/100 Dollars (\$14,502.50).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered

under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 158-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Able/SS Inc.-Hirsch Electric Company, A Joint Venture for the public improvement of constructing a new Hadden Road Pump Station, including an allowance of \$300,000.00 for the Division of Water, Department of Public Utilities, received on February 7, 1996, pursuant to the authority of Ordinance No. 895-93, passed June 14, 1993, for a gross price for the improvement in the aggregate amount of Three Million Six Hundred Ninety Thousand Seven Hundred Fifty-Six and no/100 Dollars, (\$3,690,756.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it resolved by the Board of Control of the City of Cleveland that the following subcontractors to Able/SS Inc.-Hirsch Electric Company for the public improvement constructing a new Hadden Road Pump Station hereby are approved:

NAME	MBE/FBE
Colejon Spohn Corp.	30.2% (MBE)
Advantage Enterprise, Inc.	9.9% (MBE)
Ohio Diversified Service	1.4% (FBE)
Markie Construction Co.	11.0% (FBE)

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 159-96.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on February 23, 1996, for one (1) customized recreational vehicle for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1231-95, passed by the Council of the City of Cleveland on October 23, 1995, be and the same are hereby rejected.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:Director Sobol Jordan.

Resolution No. 160-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Columbus Equipment Company for an estimated quantity of Galion/Dresser parts and labor (All Items) (Labor Rate of \$48.50 in the shop, \$51.00 in the field), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 1st day of March, 1996, pursuant to the authority of Ordinance No. 1752-95, passed November 27, 1995, which on the basis of the estimated quantity would amount to approximately Forty Thousand and no/100 Dollars, (\$40,000.00), (2% 20 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 70654 which shall be certified against such contract in the sum of Four Thousand and no/100 Dollars, (\$4,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.
Nays: None.
Absent: Director Sobol Jordan.

Resolution No. 161-96.

By Director Denihan.

Be it resolved by the Board of Control of the City of Cleveland that the bid of F. Buddie Contracting Ltd., for the public improvement of the new North Parking Lot at the Third District Police Station, for the Division of Police, Department of Public Safety, received on February 22, 1996 pursuant to the authority of Ordinances Nos. 2053-91 and 1278-92, passed February 24, 1992 and July 22, 1992 respectively, for a gross price for the improvement in the aggregate amount of Two Hundred Sixty-Eight Thousand and No/100 Dollars (\$268,000.00) is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Safety is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractors by F. Buddie Contracting Ltd., is hereby approved:

United Ready Mix
(MBE, 2.6%)

Lito Trucking
(MBE, 14.1%)

Precision Electric
(MBE, 9.0%)

Barrow Sign Company
(FBE, .5%)

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.
Nays: None.
Absent: Director Sobol Jordan.

Resolution No. 162-96.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that all bids received on March 7, 1996, for Jail Cells Safety Screens Fabrication and Installation at City District Police Stations, for the Division of Police for the Departments of Public Safety, pursuant to the authority of Ordinance No. 1333-88, passed by the Council of the City of Cleveland on September 19, 1988, be and the same are hereby rejected.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.
Nays: None.
Absent: Director Sobol Jordan.

Resolution No. 163-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Werx Corporation for an estimated quantity of Uniform Clothing, Items 11, 50, and 57, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 24, 1995, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Sixteen thousand, two hundred thirty seven and 50/100 Dollars, (\$16,237.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80810 Uniform Clothing, various quantities of items 11, 50, and 57, as specified, which shall be certified against such contract in the sum of eight hundred eleven and 88/100 Dollars (\$811.88).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.
Nays: None.
Absent: Director Sobol Jordan.

Resolution No. 164-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Goldfish Uniform Stores Company for an estimated quantity of Uniform Clothing, Items 5, 12, 13, 38, 39,

42, 44, 47, 48, 51, and 58, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 24, 1995, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Thirty five thousand, nine hundred thirty one and 50/100 Dollars, (\$35,931.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80814 Uniform Clothing, various quantities of items 5, 12, 13, 38, 39, 42, 44, 47, 48, 51, and 58, as specified, which shall be certified against such contract in the sum of One thousand seven hundred ninety six and 58/100 Dollars (\$1,796.58).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.
Nays: None.
Absent: Director Sobol Jordan.

Resolution No. 165-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform Corporation for an estimated quantity of Uniform Clothing, Items 1, 2, 3, 4, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 43, 45, and 49, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 24, 1995, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One hundred eighteen thousand, seven hundred twenty eight and 75/100 Dollars, (\$118,728.75), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80812 Uniform Clothing, various quantities of items 1, 2, 3, 4, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 43, 45, and 49, as specified, which shall be certified against such contract in the sum of Five thousand nine hundred thirty six and 44/100 Dollars, (\$5,936.44).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods and/or services, whether more or less than said estimated quantity,

as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Sobol Jordan.

Resolution No. 166-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Abele Davis Corporation for an estimated quantity of Uniform Clothing, Items 21, 22, and 24, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 24, 1995, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Fifteen thousand, eighty three and 15/100 Dollars (\$15,083.15), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80809

Uniform Clothing, various quantities of items 21, 22, and 24, as specified, which shall be certified against such contract in the sum of seven hundred fifty four and 16/100 Dollars (\$754.16).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Sobol Jordan.

Resolution No. 167-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dicar Corporation for an estimated quantity of Uniform Clothing, Items 19, 20, 23, 40, 41, 52, 60, and 61, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 24, 1995, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Twenty one thousand, four hundred five and 00/100 Dollars (\$21,405.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80813

Uniform Clothing, various quantities of items 19, 20, 23, 40, 41, 52, 60, and 61, as specified, which shall be certified against such contract in the sum of one thousand seventy and 25/100 Dollars (\$1,070.25).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Sobol Jordan.

Resolution No. 168-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of J & R Accessories, Inc. for an estimated quantity of Uniform Clothing, Items 46, 53, and 54, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 24, 1995, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Six thousand, nine hundred thirty and 00/100 Dollars (\$6,930.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80813

Uniform Clothing, various quantities of items 46, 53, and 54, as specified, which shall be certified against such contract in the sum of three hundred forty six and 50/100 Dollars (\$346.50).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Director Sobol Jordan.

Resolution No. 169-96.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R. W. Clark Company Inc., including add alternate, Nos. 8 and 9 and deduct alternate No. 10, for the public improvement of performing interior and exterior renovations at the Fairfax Recreation Center, for the Division of Recreation, Department of Parks, Recreation and Properties, received on February 15, 1996, pursuant to the authority of Ordinance No. 1455-94,

passed November 21, 1994, for a gross price for the improvement in the aggregate amount of Two Hundred Thirty-One Thousand Eight Hundred Forty-Nine and No/100 Dollars (\$231,849.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractor to R. W. Clark Company Inc., is hereby approved:

Gateway Electric Inc.
MBE, 15.2%

Yeas: None.

Nays: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Absent: None.

Resolution No. 170-96.

By Director Spellman.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of R. W. Clark Company Inc., including add alternate Nos. 2, 8, 9 and 12 and deduct alternate No. 10, for the public improvement of performing interior and exterior renovations at the Fairfax Recreation Center, for the Division of Recreation, Department of Parks, Recreation and Properties, received on February 15, 1996, pursuant to the authority of Ordinance No. 1455-94, passed November 21, 1994, for a gross price for the improvement in the aggregate amount of Two Hundred Thirty-Nine Thousand Six Hundred Forty-Nine and No/100 Dollars (\$239,649.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractor to R. W. Clark Company Inc., is hereby approved:

Gateway Electric Inc.
MBE, 15.2%

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 171-96.

By Director Spellman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Lesco, Inc., for an estimated quantity of small equipment, four (4) gasoline powered sprayers (All Items), for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for the period of two (2) years beginning with the date of execution of a contract received on the 21st day of February, 1996, pursuant to the authority of Ordinance No. 427-95, passed March 20, 1995, which on the basis of the estimated quantity would amount to Sixteen Thousand, Seven Hundred Eighty-Two and 00/100ths Dollars, (\$16,782.00), (Net 30 Days), is hereby affirmed and approved as the

lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 71738

which shall be certified against such contract in the sum of Sixteen Thousand, Seven Hundred Eighty-Two and 00/100ths Dollars, (\$16,782.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 172-96.

By Director Spellman.

Resolved by the Board of Control of the City of Cleveland that the bid of The Whitmer Company for the following: Pool Filtration System (Item #1 and Item #2), for the Division of Property Management, Department of Parks, Recreation and Properties, received on the 29th day of February, 1996, pursuant to the authority of Ordinance No. 1229-95, passed November 20, 1995, which on the basis of order quantity would amount to \$26,900.00, (1% 30 Days), is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 173-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 107-09-135 under said Land Reutilization Program; and

Whereas, Ordinance No. 2021-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Simon and Mandy Howard have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2021-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of

Cleveland with Simon and Mandy Howard to transfer and sell Permanent Parcel No. 107-09-135, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 174-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 120-09-078 under said Land Reutilization Program; and

Whereas, Ordinance No. 2118-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Ernestine McDonald has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2118-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Ernestine McDonald to transfer and sell Permanent Parcel No. 120-09-078, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 175-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 107-14-040 under said Land Reutilization Program; and

Whereas, Ordinance No. 2022-96 passed February 12, 1996 authorized the sale of said parcel subject to the

direction of the Board of Control; and

Whereas, Darlene Ronney has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2022-96 passed February 12, 1996, by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Darlene Ronney to transfer and sell Permanent Parcel No. 107-14-040, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 176-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 106-02-066 under said Land Reutilization Program; and

Whereas, Ordinance No. 2023-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Hiram and Bernice Matthews have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2023-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Hiram and Bernice Matthews to transfer and sell Permanent Parcel No. 106-02-066, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 177-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 119-11-009 under said Land Reutilization Program; and

Whereas, Ordinance No. 2028-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Solomon McCall, Jr. has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2028-95 passed February 12, 1996, 1994 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Solomon McCall, Jr. to transfer and sell Permanent Parcel No. 119-11-009, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 178-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 107-08-124, southerly half, under said Land Reutilization Program; and

Whereas, Ordinance No. 2020-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Gerald DeBose has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2020-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Gerald DeBose to transfer and sell Permanent Parcel No. 107-08-124, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Whereas, Gerald DeBose has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2020-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Gerald DeBose to transfer and sell Permanent Parcel No. 107-08-124, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 179-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 107-08-066 under said Land Reutilization Program; and

Whereas, Ordinance No. 2036-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Carolyn E. Thompson has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2036-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Carolyn E. Thompson to transfer and sell Permanent Parcel No. 107-08-066, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 180-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 106-07-074 under said Land Reutilization Program; and

Whereas, Ordinance No. 2034-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Beatrice Q. Johnson has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2034-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Beatrice Q. Johnson to transfer and sell Permanent Parcel No. 106-07-074, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2034-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Beatrice Q. Johnson to transfer and sell Permanent Parcel No. 106-07-074, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

Resolution No. 181-96.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 106-13-056 under said Land Reutilization Program; and

Whereas, Ordinance No. 2024-95 passed February 12, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Charles J. and R. Durden have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2024-95 passed February 12, 1996 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Charles J. and R. Durden to transfer and sell Permanent Parcel No. 106-13-056, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$550.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.
Absent:None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date stated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 8, 1996

9:30 A.M.

Calendar No. 96-33: 1732 Catalpa Rd., N.E.

Halbert L. Robinson, owner, to use as three family dwelling house the 24' x 40' two and one half story frame two family dwelling house on a 40' x 120' lot located in a B-Two-Family District at 1732 Catalpa Rd.; said use for three families being contrary to the two family limit of Section 337.03 and said lot not being 7200 square feet in area as required for 3 families and the north side-yard being 3' in width instead of 8' as required for a 3 family dwelling by Section 357.09 of the Codified Ordinances.

Calendar No. 96-34: 3001 Bridge Ave. N.W.

Roy Pogalies, owner, and John Jefferson, prospective purchaser, to convert to an office (advertising agency) and one suite the 22' x 53' two and one story brick 3 dwelling unit building located in a B-Two-Family District on the 35' x 77.5' corner lot on the southwest corner of W. 30 St. and Bridge Ave. and known as 3001 Bridge Ave.; said office use being contrary to the residence limitations of Section 337.03 and there being insufficient parking on the premises contrary to Section 349.04 and the premises not to conform to the landscaping provisions of Sections 352.08 and 352.09 of the Codified Ordinances.

Calendar No. 96-35: Appeal of Issam S. Hani

Issam S. Hani, appeals, under authority of Section 76-6 of the Charter, from the refusal to issue a Hack Drivers License by John A. Hunt,

Commissioner, Division of Assessments and Licenses, based upon Section 443.13 (g) of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 25, 1996

At the Meeting of the Board of Zoning Appeals, on, Monday, March 18, 1996, the following appeals were heard by the Board, and, on, Monday, March 25, 1996 were decided by the Board.

The following appeal was **Granted:**

Calendar No. 96-22: 3584 Jennings Rd., S.W.

LTV Steel Co., Inc., owner, GTE Mobilnet, a limited partnership, tenant; c/o Williams Stevens, to erect an 11' 8" x 20' radio equipment building and an 185' high tower.

The following appeal was **Granted Conditionally:**

Calendar No. 96-23: 3 Evergreen Place, N.W.

Michael Loboda, owner, to convert to a two family dwelling the 20' x 24' two story frame one family dwelling.

The following appeal was **Withdrawn:**

Calendar No. 96-17: 6701 Hubbard Ave., S.E.

The following appeals were **Postponed to April 8, 1996:**

Calendar No. 95-236: 2143 W. 7th Street

Calendar No. 95-237: 2147 W. 7th Street

Calendar No. 95-241: 2169 W. 7th Street

Calendar No. 95-242: 2173 W. 7th Street

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
March 20, 1996

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action the subject meeting is given for publication in the City Record:

* * *

Docket L-1-96.

RE: Appeal of Daniel J. Wiedt, from a JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated February 8, 1996, requiring compliance with the Cod-

ified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Wiedt to renew his JOURNEYMAN PLUMBER LICENSE without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Birch.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-9-96.

RE: Continuance of Appeal of National Terminal Apartments Limited Liability Co., Owner of the Property located on the premises known as 1200 West 10th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 17, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and recognize the declared fifteen foot (15 ft.) easement as a property line setback, and to consider the thirty foot (30 ft.) setback above thirty feet (30 ft.) as the property line setback; to permit the adjacent property to be used for parking with the restriction that an eight foot (8 ft.) physical barrier be placed on the south side of the building to preclude parking any closer than eight feet (8 ft.) from the building; and to require that all openings in the structure adjacent to the structure in question be filled with rated masonry. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-13-96.

RE: Appeal of Walter Robinson, Owner of the Property located on the premises known as 12918 Brackland Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated January 18, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 12918 Brackland Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Birch.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-30-96.

RE: Appeal of The Leader Mortgage Company, Mortgagee of the Property located on the premises known as 9505 Prince Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated January 30, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in

order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to immediately board and secure the property within two weeks (2 wks.), and to grant the Appellant two months (2 mos.) in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by June 3, 1996. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-31-96.

RE: Appeal of Primo Properties, Inc., Owner of the Residential Property located on the premises known as 659-61 East 92nd Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated February 27, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the third floor to be occupied by the second floor tenants provided that the third floor is not used as sleeping rooms; noting that smoke detectors must be installed on the third floor and noting that emergency exiting is being provided. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-34-96.

RE: Appeal of The Cleveland Clinic Foundation, Owner of the Property located on the premises known as 9620-9998 Carnegie Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 7, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action; Docket A-34-96 will be rescheduled for April 3, 1996.

* * *

Docket A-35-96.

RE: Appeal of C.M.H.A./Springbrook High-Rise, Owner of the Property located on the premises known as 1675 Ansel Road from a NOTICE OF VIOLATION - N.E.C. of the Commissioner of the Division of Building and Housing dated February 29, 1996, requiring compliance with the Codified Ordinances of the

City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action taken by the Board at this time, pending further development.

* * *

Docket A-38-96.

RE: Appeal of AWT Properties, Inc., Owner of the Property located on the premises known as 4181 Bradley Road from a NOTICE OF VIOLATION - STOP WORK ORDER of the Commissioner of the Division of Building and Housing dated February 21, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the design and test data submitted, should it be found to be in compliance with the codes and valid by the Building Department's review of the content, would be accepted as compliance with intent of the design drawings and should be reviewed with that in mind. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-41-96.

RE: Appeal of Ronald Burrell, Owner of the Property located on the premises known as 14805 St. Clair Avenue from a NOTICE OF VIOLATION - N.E.C. of the Commissioner of the Division of Building and Housing dated March 5, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the Appellant to open the premises located at 14805 St. Clair Avenue for the purpose of abating the existing electrical violations ONLY, between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, closed on weekends; the Appellant is to submit drawings for permits for any new construction in a normal manner. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Williams.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Docket A-44-96.

RE: Appeal of City of Cleveland/Precision Electric, Inc., Owner of the Property located on the premises known as 601 Lakeside Avenue from a NOTICE OF VIOLATION - N.E.C. of the Commissioner of the Division of Building and Housing dated February 1, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 601 Lakeside Avenue to the Division of Building and Housing, with the understanding that the Appellant will permit inspection of one pole with the intention that the single inspection will allow approval of the entire uninspected installation. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Birch and seconded by Mr. Sullivan for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-16-96—Vincent J. Fiocco
- A-21-96—Honeywell, Inc.
- A-23-96—Alice M. Jones

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

Separate motions were entered by Mr. Williams and seconded by Mr. Birch for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-20-96—Simmons First National Bank
- A-25-96—C.M.H.A./Carver Park Estates

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

AMENDED RESOLUTION FROM MACH 6, 1996:

Docket A-17-96 — Horace L. Williams - 1117-21 East 140th Street:

FROM: . . . REMAND the property at 1117-21 East 140th Street to the Division of Building and Housing for further action. . .

TO: . . . to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one month (1 mo.) in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. . .

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Sullivan and seconded by Mr. Bowes for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

March 6, 1996

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: None. Absent: Mr. Bowes.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

The following are in violation of C.O. 623.14:
Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Clubroom B, Convention Center, in accordance with the appended schedule, and will be opened and read in Clubroom B, Convention Center, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, APRIL 4, 1996

West 14th Street Sewer Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 304-95, passed by the Council of the City of Cleveland, May 15, 1996.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

March 20 and March 27, 1996

WEDNESDAY, APRIL 10, 1996

Mailing, Folding and Inserting Machine, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1226-95, passed by the Council of the City of Cleveland, October 23, 1995.

Emulsion, Support Services and Equipment, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 198-96.

March 20 and March 27, 1996

THURSDAY, APRIL 11, 1996

Fire Baseball Caps, Turnout Hangar and Safety Boots, for the Division of Fire, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

Service and Reload Ammunition, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

March 20 and March 27, 1996

FRIDAY, APRIL 12, 1996

Two (2) Chassis and Cabs with (18) ft. Flat Bed Bodies, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1228-95, passed by the Council of the City of Cleveland, January 29, 1996.

March 20 and March 27, 1996

WEDNESDAY, APRIL 10, 1996

Fairfax Recreation Center Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1455-94 and 683-95, passed by the Council of the City of Cleveland, November 21, 1994 and June 12, 1995, respectively.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

March 27 and April 3, 1996

THURSDAY, APRIL 11, 1996

Jail Cells/Safety Screens and Installation, for the Department of Public Safety, as authorized by Ordinance No. 1333-88, passed by the Council of the City of Cleveland, February 24, 1992.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

March 20 and March 27, 1996

Millcreek Subdivision Phase I and II, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1654-91, 1276-92, 1200-93 and 1909-92, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. **THIS PROJECT IS A MINORITY SET ASIDE PROJECT.**

Bicentennial Village Phase 2, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1654-91, 1276-92, 1200-93 and 1909-92, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

Herron Row at Kingsbury Phase II, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1654-91, 1276-92, 1200-93 and 1909-92, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION.

Central Commons Subdivision No. 5 and 6, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1654-91, 1276-92, 1200-93 and 1909-92, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

March 27 and April 3, 1996

FRIDAY, APRIL 12, 1996

Six (6) Crew Cab Pick-ups with 8 Ft. Bodies, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2101-95, passed by the Council of the City of Cleveland, February 5, 1996.

Manholes, Castings and Grating, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129 of the Codified Ordinances of the City of Cleveland, 1976.

March 27 and April 3, 1996

THURSDAY, APRIL 18, 1996

E-6 Substation Equipment Schedules A, B, C, D, E, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1071-93, passed by the Council of the City of Cleveland, June 7, 1993.

March 27 and April 3, 1996

WEDNESDAY, APRIL 24, 1996

Various Foods, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 33-96, passed by the Council of the City of Cleveland, February 12, 1996.

March 27 and April 3, 1996

FRIDAY, APRIL 26, 1996

Removal of Rubber and Paint from Paved Surfaces, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 2183-95, passed by the Council of the City of Cleveland, January 29, 1996.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, APRIL 19, 1996 AT 1:00 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE.

March 27 and April 3, 1996

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 496-96.**

By Councilman Lewis.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue, and repealing Res. No. 1523-94, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue by Res. No. 1523-94, adopted August 23, 1994; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 7102 Hough Avenue be and the same is hereby withdrawn and Res. No. 1523-94, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 18, 1996.
Effective March 26, 1996.

Res. No. 497-96.

By Councilman Lewis.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 6924 Superior Avenue, and repealing Res. No. 1528-94, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 6924 Superior Avenue by Res. No. 1528-94, adopted August 23, 1994; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 6924 Superior Avenue be and the same is hereby withdrawn and Res. No. 1528-94, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 18, 1996.
Effective March 26, 1996.

Res. No. 498-96.

By Councilman Willis.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 11108 Primrose Avenue, and repealing Res. No. 50-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 11108 Primrose Avenue by Res. No. 50-96, adopted January 8, 1996; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 11108 Primrose Avenue be and the same is hereby withdrawn and Res. No. 50-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 18, 1996.
Effective March 26, 1996.

Ord. No. 90-96.

By Councilmen Polensek, McGuirk and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting various sections of the City's Offenses and Business Activities Code; and to repeal existing sections of said code.

Whereas, the Ohio General Assembly has amended certain sections of the State Criminal Code and added new sections thereto; and

Whereas, such amendments should be reflected in the Codified Ordinances of Cleveland, Ohio, 1976, since ordinances which are enacted as an exercise of the City's police powers are required by the Ohio Constitution not to conflict with the general State law; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that violators may be immediately charged under the City's municipal code instead of the State statutes and providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 601.06, as amended by Ordinance No. 54-74, passed March 25, 1974,

Sections 601.08 and 601.09, as amended by Ordinance No. 2839-89, passed March 19, 1990,

Sections 601.12 and 601.13, as amended by Ordinance No. 54-74, passed March 25, 1974,

Section 601.99, as amended by Ordinance No. 1553-90, passed December 17, 1990,

Section 603.08, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 603.09, as amended by Ordinance No. 1475-78, passed October 9, 1978,

Section 603.10, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 603.12, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 604.01, as amended by Ordinance No. 304-A-89, passed June 19, 1989,

Section 607.01, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 607.03, as amended by Ordinance No. 254-85, passed May 13, 1985,

Section 607.04, as amended by Ordinance No. 1692-76, passed June 29, 1976,

Section 607.05, as amended by Ordinance No. 499-89, passed July 26, 1989,

Sections 607.06 and 607.08, as amended by Ordinance No. 1692-76, passed June 29, 1976

Section 607.15, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 607.16, as amended by Ordinance No. 2797-88, passed May 8, 1989,

Section 609.07, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Section 611.01, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 611.02, as amended by Ordinance No. 1562-90, passed April 8, 1991,

Sections 611.06 and 611.07, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 611.09, as amended by Ordinance No. 1475-78, passed October 9, 1978,

Section 615.01, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Section 615.02, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 615.03, as amended by Ordinance No. 54-74, passed March 25, 1974,

Section 615.04, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Section 615.091, as amended by Ordinance No. 161-80, passed November 10, 1980,

Section 615.10, as amended by Ordinance No. 54-74, passed March 25, 1974,

Section 615.11, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Section 615.14, as amended by Ordinance No. 1020-76, passed June 14, 1976

Sections 617.01, 617.02, and 617.021, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Sections 617.03 and 617.04, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 617.06, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Section 619.01, as amended by Ordinance No. 495-85, passed May 13, 1985,

Section 619.04, as amended by Ordinance No. 1475-78, passed October 9, 1978,

Sections 619.07 and 619.13, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Sections 619.21 and 619.22, as amended by 2823-89, passed March 19, 1990,

Section 621.05, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 627.07, as amended by Ordinance No. 483-75, passed June 9, 1975,

Section 621.072, as amended by Ordinance No. 1298-93, passed June 14, 1993,

Section 623.06, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Sections 625.03, 625.05 and 625.11, as amended by 304-85, passed April 15, 1985,

Section 625.15, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Section 625.26, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 625.27, as amended by Ordinance No. 450-93, passed March 1, 1993,

Section 627.01, as amended by Ordinance No. 2823-89, passed March 19, 1990,

Section 627.02, as amended by Ordinance No. 124-75, passed June 30, 1975,

Section 617.06, as amended by Ordinance No. 1120-87, passed June 13, 1988,

Section 627.23, as amended by Ordinance No. 222-88, passed December 12, 1988,

Section 628.99, as amended by Ordinance No. 2661-91, passed November 18, 1991,

Section 629.01, as amended by Ordinance No. 1414-86, passed November 3, 1986,

Section 647.01, as amended by Ordinance No. 2269-74, passed June 30, 1975,

Sections 657.04 and 657.05, as amended by Ordinance No. 2297-90, passed November 5, 1990,

Section 665.01, as amended by Ordinance No. 2783-87, passed January 11, 1988,

Section 665.02, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 665.03, as amended by Ordinance No. 2783-87, passed January 11, 1988,

Section 665.04, as amended by Ordinance No. 2783-87, passed January 11, 1988,

Section 665.06, as amended by Ordinance No. 77-94, passed March 14, 1994,

Sections 665.07 and 665.08, as amended by Ordinance No. 2783-87, passed January 11, 1988,

Section 665.09, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 665.12, as amended by Ordinance No. 2783-87, passed January 11, 1988,

Sections 670.01, 670.09 and 670.13, as amended by Ordinance No. 164-C-79, passed March 30, 1981,

Sections 670B.02, 670B.03, 670B.04, 670B.05, 670B.06, and 670B.99, as amended by Ordinance No. 2159-92, passed June 14, 1993, and renumbered by Ordinance No. 1545-93, passed July 14, 1993,

Section 671.14, as amended by Ordinance No. 1301-A-44, passed May 7, 1945,

Section 674.01, as amended by Ordinance No. 3080-88, passed December 17, 1990,

Section 674.04, as amended by Ordinance No. 1014-92, passed November 25, 1991,

Section 674.06, as amended by Ordinance No. 1698-76, passed June 21, 1976,

Section 674.07, as amended by Ordinance No. 55-88, passed April 18, 1988,

Section 678.99, as amended by Ordinance No. 341-73, passed May 7, 1973,

Section 683A.191, as amended by Ordinance No. 2673-87, passed June 13, 1988, and

Section 699.99, as amended by Ordinance No. 1890-91, passed March 9, 1992, are hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections

601.06, 601.08, 601.09, 601.12, 601.13, 601.99, 603.08, 603.09, 603.10, 603.12, 604.01, 607.01, 607.03, 607.04, 607.05, 607.06, 607.08, 607.15, 607.16, 609.07, 611.01, 611.02, 611.06, 611.07, 611.09, 615.01, 615.02, 615.03, 615.04, 615.091, 615.10, 615.11, 615.14, 617.01, 617.02, 617.021, 617.03, 617.04, 617.06, 619.01, 619.04, 619.07, 619.13, 619.21, 619.22, 621.072, 623.06, 625.03, 625.05, 625.11, 625.15, 625.26, 625.27, 627.01, 627.02, 617.06, 627.23, 628.99, 629.01, 647.01, 657.04, 657.05, 665.01, 665.02, 665.03, 665.04, 665.06, 665.07, 665.08, 665.09, 665.12, 670.01, 670.09, 670.13, 670B.02, 670B.03, 670B.04, 670B.05, 670B.06, 670B.99, 671.14, 674.01, 674.04, 674.06, 674.07, 678.99, 683A.191, and 699.99, to read, respectively, as follows:

601.06 Requirements for Criminal Liability

(a) Except as provided in subsection (b) hereof, a person is not guilty of an offense unless both of the following apply:

(1) His liability is based on conduct which includes either a voluntary act, or an omission to perform an act or duty which he is capable of performing;

(2) He has the requisite degree of culpability for each element as to which a culpable mental state is specified by the section defining the offense.

(b) When the section defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in such section, then culpability is not required for a person to be guilty of the offense. When the section neither specifies culpability nor plainly indicates a purpose to impose strict liability, recklessness is sufficient culpability to commit the offense.

(c) As used in this section:

(1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of his control thereof for a sufficient time to have ended his possession.

(2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.

(3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 601.07, or any other specific mental state required by any section of this Code. (RC 2901.21)

601.08 Attempt

(a) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct which, if successful, would constitute or result in the offense.

(b) It is no defense to a charge under this section that, in retrospect, commission of the offense which was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

(c) No person who is convicted of committing a specific offense, of complicity in the commission of an offense, or of conspiracy to commit an offense shall be convicted of an attempt to commit the same offense in violation of this section.

(d) It is an affirmative defense to a charge under this section that the actor abandoned his effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(e) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit any misdemeanor is a misdemeanor of the next lesser degree than the misdemeanor attempted. In the case of an attempt to commit an offense other than a violation of RC Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony under the Revised Code, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor, or to engage in conspiracy, is not an offense under this section. (RC 2923.02)

601.09 Complicity

(a) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

(1) Solicit or procure another to commit the offense;

(2) Aid or abet another in committing the offense;

(3) Conspire with another to commit the offense in violation of RC 2923.01;

(4) Cause an innocent or irresponsible person to commit the offense.

(b) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.

(c) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 601.08.

(d) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, or an offense, the court, when it charges the jury, shall state substantially the following:

"The testimony of an accomplice does not become inadmissible because of his complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect his credibility and make his testimony subject to grave suspicion, and require that it be weighed with great caution."

"It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth."

(e) It is an affirmative defense to a charge under this section that, prior to the commission of or attempt to commit the offense, the actor terminated his complicity, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(f) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense. (RC 2923.03)

601.12 Repeat and Dangerous Offenders

As used in Section 601.13:

(a) "Repeat offender" means a person who has a history of persistent criminal activity, and whose character and condition reveal a substantial risk that he will commit another offense. It is prima-facie evidence that a person is a repeat offender if any of the following apply:

(1) Having been convicted of one or more offenses of violence, as defined in RC 2901.01 and Section 601.01(i), and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense of violence;

(2) Having been convicted of one or more sex offenses as defined in RC 2950.01 or Section 619.01, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent sex offense;

(3) Having been convicted of one or more theft offenses as defined in RC 2913.01 or Section 625.01, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent theft offense;

(4) Having been convicted of one or more felony drug abuse offenses as defined in RC Chapter 2925, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent felony drug abuse offense;

(5) Having been convicted of two or more felonies, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense;

(6) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses or minor misdemeanors, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense.

(b) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that he will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.

(c) "Actual incarceration" means that an offender is required to be imprisoned for the stated period of time to which he is sentenced that is specified as a term of actual incarceration. If a person is sentenced to a term of actual incarceration, the court shall not suspend his term of actual incarceration, and shall not grant him probation or shock probation, pursuant to RC 2929.51, 2947.061, 2951.02, or 2951.04, and the department of rehabilitation and correction or the adult parole authority shall not, pursuant to RC Chapter 2967, its rules adopted pursuant to RC Chapter 2967., 5120., or 5149, of the Revised Code, grant him a furlough for employment or education, a furlough for being a trustworthy prisoner other than a furlough pursuant to division (A)(1)(a) or (b) of RC 2967.27, parole, emergency parole, or shock parole until after the expiration of his term of actual incarceration, diminished as provided in RC 2967.19, 2967.193, and 5145.11.

An offender who is sentenced to a term of actual incarceration may be transferred from an institution operated by the department of rehabilitation and correction to the custody of the department of mental health or the department of mental retardation and developmental disabilities, as provided in RC 5120.17, and shall be credited with all time served in the custody of the department of mental health or the department of mental retardation and developmental disabilities against the term of actual incarceration.

(d) "Deadly weapon" has the same meaning as in section 627.01. (RC 2929.01)

601.13 Considerations for Imposing Penalties

(a) In determining whether to impose imprisonment or a fine, or both, for a misdemeanor, and in determining the term of imprisonment and the amount and method of payment of a fine, the court shall consider the risk that the offender will commit another offense and the need for protecting the public from the risk; the nature and circumstances of the offense; the history, character, and condition of the offender and his need for correctional or rehabilitative treatment; any statement made by the victim, if the offense is a misdemeanor

specified in division (A) of RC 2930.01; and the ability and resources of the offender and the nature of the burden that payment of a fine will impose on him.

(b) The following do not control the court's discretion, but shall be considered in favor of imposing imprisonment for a misdemeanor:

(1) The offender is a repeat or dangerous offender;

(2) Regardless of whether or not the offender knew the age of the victim, the victim of the offense was sixty-five years of age or older, permanently and totally disabled, or less than eighteen years of age at the time of the commission of the offense.

(c) The following do not control the court's discretion, but shall be considered against imposing imprisonment for a misdemeanor:

(1) The offense neither caused nor threatened serious physical harm to persons or property, or the offender did not contemplate that it would so do;

(2) The offense was the result of circumstances unlikely to recur;

(3) The victim of the offense induced or facilitated it;

(4) There are substantial grounds tending to excuse or justify the offense, though failing to establish a defense;

(5) The offender acted under strong provocation;

(6) The offender has no history of prior delinquency or criminal activity, or has led a law-abiding life for a substantial time before commission of the present offense;

(7) The offender is likely to respond quickly to correctional or rehabilitative treatment.

(d) The criteria listed in subsections (b) and (c) hereof shall not be construed to limit the matters which may be considered in determining whether to impose imprisonment for a misdemeanor.

(e) The court shall not impose a fine in addition to imprisonment for a misdemeanor, unless a fine is specially adapted to deterrence of the offense or the correction of the offender, the offense has proximately resulted in physical harm to the person or property of another, or the offense was committed for hire or for purpose of gain.

(f) The court shall not impose a fine or fines which, in the aggregate and to the extent not suspended by the court, exceeds the amount which the offender is or will be able to pay by the method and within the time allowed without undue hardship to himself or his dependents, or will prevent him from making restitution or reparation to the victim of his offense.

(g) At the time of sentencing or as soon as possible after sentencing, the court shall notify the victim of the offense of his right to file an application for an award of reparations pursuant to RC 2743.51 to 2743.72. (RC 2929.22)

601.99 Penalties for Misdemeanors

(a) Whoever is convicted of or pleads guilty to a misdemeanor as classified in the Codified Ordinances (the "offender"), other than a minor misdemeanor, shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Whoever is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing a violation of Section 623.01 that is

a misdemeanor, or a violation of division (a)(2) of Section 623.02 when the means used are fire or explosion, shall be required to reimburse agencies for their investigation or prosecution costs in accordance with RC 2929.28.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor	No imprisonment	100.00
(RC 2929.21)		

(b) Notwithstanding the provisions of division (a) of this section, if the sentencing court determines that the victim of an offense set forth in Section 619.04, 621.03, 621.06, 621.07, 621.09, 621.10, 621.11, 623.01, 623.02, 623.03, 623.04, 625.05, 625.07, 625.12, 625.17, 625.20 or 625.26 of these Codified Ordinances was sixty (60) years of age or older at the time of the commission of the offense:

(1) In the case of offenses which are classified misdemeanors of the first degree, the court shall set the offender's fine at \$1,000.00 and in addition to said fine, shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment.

(2) In the case of offenses which are classified minor misdemeanors or misdemeanors of the second, third or fourth degree, the penalty for the offense shall be the next greater degree of misdemeanor than that which is set forth in the section defining the offense.

A. In the case of offenses which become misdemeanors of the first degree pursuant to this division, the court shall set the offender's fine at not less than \$750.00 and, in addition to said fine, shall sentence the offender to not less than sixty (60) days' imprisonment.

B. In the case of offenses which become misdemeanors of the second degree pursuant to this division, the court shall set the offender's fine at not less than \$500.00 and, in addition to said fine, shall sentence the offender to not less than thirty (30) days' imprisonment.

C. In the cases of offenses which become misdemeanors of the third degree pursuant to this division, the court shall set the offender's fine at not less than \$250.00 and, in addition to said fine, shall sentence the offender to not less than fifteen (15) days' imprisonment.

D. In the case of offenses which become misdemeanors of the fourth degree pursuant to this division, the court shall set the offender's fine at not less than \$100.00 and, in addition to said fine, shall sentence the offender to not less than ten (10) days' imprisonment.

(3) Where applicable, the court may require the offender to make restitution for all or part of the

property damage that is caused by his offense and for all or part of the value of the property that is the subject of any theft offense.

(4) The minimum fines and imprisonment to be imposed by the court pursuant to divisions (b)(1) and (b)(2) of this section are mandatory. The court shall not suspend all or any portion of said minimum fines and imprisonment.

(c) Regardless of the penalties provided in division (a) of this section, an organization convicted of an offense pursuant to Section 601.10 shall be fined, which fine shall be fixed by the court as follows:

Type of Misdemeanor	Maximum Fine
1st degree	\$5000.00
2nd degree	4000.00
3rd degree	3000.00
4th degree	2000.00
Minor	1000.00
Misdemeanor not specifically classified	2000.00
Minor misdemeanor not specifically classified	1000.00

(1) When an organization is convicted of an offense not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then such penalty shall be imposed in lieu of the penalty provided in this division (c).

(2) When an organization is convicted of an offense not specifically classified, and the penalty provided includes a higher fine than that provided in this division (c), then the penalty imposed shall be pursuant to the penalty provided for violation of the section defining the offense.

(3) This division (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 601.10, either in addition to or in lieu of a fine imposed pursuant to this division (c). (RC 2929.31)

Note: Section 2 of Ord. No. 1553-90 provides that within 2 weeks of the first 6 months after December 20, 1990, the Director of Public Safety shall submit to the council a report concerning the effectiveness of division (b) of Section 601.99.

603.08 Poisoning Animals

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. (RC 959.03)

(b) Whoever violates this section is guilty of poisoning animals, a misdemeanor of the fourth degree. (RC 959.99(C))

603.09 Cruelty to Animals

(a) No person shall:
 (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it

during such confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "Shelter" means a man-made enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhumane manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water, and attention, nor permit such stock to be so crowded as to overlie, crush, wound, or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water, and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(c) All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if there be such in the county, township, or municipal corporation where such violation occurred. (RC 959.13)

(d) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (RC 959.99(D))

603.10 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry

(a) No person, firm, or corporation shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person, firm, or corporation shall sell, offer for sale, expose for sale, raffle, or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away, or otherwise distributed to any person in lots of less than six. Stores, shops, vendors, and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices

that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (RC 925.62)

(b) Whoever violates this section is guilty of unlawful poultry sale or keeping, a minor misdemeanor.

603.12 Report of Escape of Exotic or Dangerous Animal

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and

(2) The Clerk of the Municipal Legislative Authority where the escape occurred.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by division (a) of this section, then it is sufficient compliance with division (a)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (RC 2927.21)

604.01 Definitions

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

(a) "Animal warden" means the chief dog warden of the City of Cleveland or his duly authorized representative.

(b) "Dangerous Dog" means a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.

(c) "Domestic Animal" means a tamed animal.

(d) "Impounded" means taken into the custody of the public pound in the City of Cleveland.

(e) "Law Enforcement Officer" has the same meaning as division (k) of Section 601.01 of these Codified Ordinances.

(f) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(g) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(h) "Person" means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

(i) "Police dog" means a dog that has been trained, certified and/or approved by the state and may be used, to assist one or more law

enforcement officers in the performance of their official duties.

(j) "Serious injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

(k) "Vicious dog" means a dog that, without provocation, meets any of the following:

(1) Has killed or caused serious injury to any person;

(2) Has caused injury, other than killing or serious injury, to any person, or has killed or caused serious injury to any domestic animal;

(3) Any pit bull dog. "Pit bull dog" is defined to mean any and all of the following dogs:

(a) The Staffordshire Bull Terrier breed of dogs;

(b) The American Staffordshire Terrier breed of dogs;

(c) The American Pit Bull Terrier breed of dogs;

(d) The Pit Bull Terrier breed of dogs;

(e) Dogs of mixed breeds or of other breeds than above listed, which breeds or mixed breeds are known as pit bulls, pit bull dogs, or pit bull terriers;

(f) Dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, Pit Bull Terrier and any other breed of dog commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of those breeds.

The ownership, keeping, or harboring of such breed of dogs shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

(4) Is owned, kept or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(l) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

607.01 Definitions

As used in this chapter, certain terms are defined as follows:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion, or any other means to a person or an animal.

(b) "Controlled substance" means a drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V.

(c) "Dispense" means sell, leave with, give away, dispose of, or deliver.

(d) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.

(e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication.

(f) "Manufacturer" means a person who plants, cultivates, harvests, processes, makes, prepares, or otherwise engages in any part of the production of a controlled substance by propagation, compounding, conversion, or processing, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of

extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container and other activities incident to production, except that this term does not include a pharmacist who prepares, compounds, packages, or labels a controlled substance as an incident to dispensing a controlled substance in accordance with a prescription and in the usual course of professional practice.

(g) "Marihuana" means all parts of any plant of the genus *cannabis*, whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

(h) "Noxious additive" means any element or compound designated by the State Board of Pharmacy for use as a safe and effective ingredient in any product containing the ingredient toluene, the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, that will discourage the intentional smelling or inhaling of the fumes of such product. A noxious additive shall not be added to such a product if such addition would make the product unsuitable for its intended use or adversely affect the performance of the product. The addition of a noxious additive to such a product is not required if the Board determines that the normal chemical composition of the product creates a level of noxiousness that is sufficient to discourage the intentional smelling or inhaling of the product's fumes.

(i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law.

(j) "Pharmacist" means a person registered with the State Board of Pharmacy as a compounder and dispenser of drugs.

(k) "Pharmacy" means any area, room, rooms, place of business, department, or portion of any of the foregoing, where prescriptions are filled or where drugs, dangerous drugs, or poisons are compounded, sold, offered, or displayed for sale, dispensed, or distributed to the public.

(l) "Practitioner" means the following:

(1) A person who is licensed pursuant to RC Chapter 4715, 4731 or 4741 and authorized by law to write prescriptions for drugs or dangerous drugs;

(2) An advanced practice nurse authorized under RC 4723.56 to prescribe drugs and therapeutic devices.

(m) "Prescription" means a written or oral order for a controlled substance for the use of a particu-

lar person or a particular animal given by a practitioner in the course of professional practice and in accordance with the regulations promulgated by the Director of the United States Drug Enforcement Administration, pursuant to the Federal drug abuse control laws.

(n) "Sale" includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each such transaction made by any person whether, as principal, proprietor, agent, servant, or employee.

(o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to RC 3719.41, as amended pursuant to RC 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that he himself has not manufactured, produced, or prepared and includes "wholesale distributor of dangerous drugs" as this term is defined in RC 4729.02. (RC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in division (b) of this section, any harmful intoxicant as defined in division (x) of this section and any dangerous drug as defined in division (r) of this section. (RC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug which, under the "Federal Food, Drug and Cosmetic Act", Federal narcotic law, RC 3715.01 to 3715.72 or RC Chapter 3719, may be dispensed only upon a prescription;

(2) Any drug which contains a Schedule V controlled substance and which is exempt from RC Chapter 3719 or to which such chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (RC 4729.02)

(s) "Bulk amount" of a controlled substance means any of the following:

(1) 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, or cocaine;

(2) 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;

(3) An amount equal to or exceeding 200 grams of marihuana, or an amount equal to or exceeding ten grams of the resin contained in marihuana or of any extraction or preparation of the resin contained in marihuana, or equal to or exceeding two grams of the resin contained in marihuana in a liquid concentrate, liquid extract, or liquid distillate form;

(4) 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, lysergic acid diethylamide, lysergic acid amide, or marihuana, or a Schedule I stimulant or depressant;

(5) 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;

(6) An amount equal to or exceeding one gram or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of lysergic acid diethylamide, lysergic acid amide, or tetrahydrocannabinol;

(7) 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;

(8) 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 II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance, or that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid;

(9) 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 and the federal drug abuse control laws;

(10) 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;

(11) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III anabolic steroid.

(t) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance, such amount or unit being separately identifiable and in such form as to indicate that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(u) "Cultivate" includes planting, watering, fertilizing, or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Sections 607.02 to 607.08, 607.12 or 607.14 of this chapter or RC 2925.02, 2925.03, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37.

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (v)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to

use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit, any offense under division (v)(1), (2), or (3) of this section.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, except a violation of RC 2925.11.

(x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, and any other preparation containing a volatile organic solvent;

(2) Any aerosol propellant;

(3) Any fluorocarbon refrigerant;

(4) Any anesthetic gas.

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

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

(aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a practitioner, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:

(1) "The National Formulary";

(2) "The United States Pharmacopeia", prepared by authority of the United States Pharmacopeial Convention, Inc.;

(3) Other standard references that are approved by the State Board of Pharmacy.

(cc) "Juvenile" means a person under eighteen years of age. (RC 2925.01)

607.03 Drug Abuse: Controlled Substance Possession or Use

(a) No person shall knowingly obtain, possess, or use a controlled substance.

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

(1) Manufacturers, practitioners, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with RC Chapters 3719., 4715., 4729., 4731., and 4741. or RC 4723.56;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use

of an anabolic steroid if the project has been approved by the United States food and drug administration;

(3) 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 approval for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;

(4) Any person who obtained the controlled substance pursuant to a prescription issued by a practitioner, where the drug is in the original container in which it was dispensed to such person.

(c) Whoever violates this section is guilty of drug abuse, and shall be sentenced as follows:

(1) If the drug involved is a compound, mixture, preparation or substance included in Schedule III, IV or V, drug abuse is a misdemeanor of the third degree, and if the offender has previously been convicted of a drug abuse offense, drug abuse is a misdemeanor of the second degree.

(2) If the drug involved is marijuana and the amount is less than the bulk amount as defined in Section 607.01, drug abuse is a misdemeanor of the first degree, unless the amount of marijuana involved is less than 100 grams, the amount of marijuana resin or extraction or preparation of such resin, is less than five grams, and the amount of such resin in a liquid concentrate, liquid extract or liquid distillate form, is less than one gram, in which case drug abuse is a minor misdemeanor.

(3) If the drug involved is an anabolic steroid included in schedule III, drug abuse is a misdemeanor of the third degree and, in lieu of sentencing an offender to a definite or indefinite term of imprisonment in a detention facility, the court may place the offender on conditional probation pursuant to division (H) of RC 2951.02, unless the offender previously has been convicted of a drug abuse offense, in which case drug abuse is a misdemeanor of the second degree.

(d) 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. (RC 2925.11)

607.04 Possessing Drug Abuse Instruments

(a) No person shall knowingly make, obtain, possess, or use any instrument, article, or thing whose customary and primary purpose is for the administration or use of a dangerous drug, other than marijuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article, or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than

marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with RC Chapters 3719, 4715, 4729, 4731 and 4741 or RC 4723.56.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender has previously been convicted of a drug abuse offense, a violation of this section is a misdemeanor of the first degree. (RC 2925.12)

607.05 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 division (A) of RC 4501.01, 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 premises or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person. (RC 2925.13)

(c) No person, being the owner, lessee, occupant, or having custody, control, or supervision of premises, or real estate, including vacant land, shall recklessly permit the premises to be used for the commission of a drug trafficking offense under any provision of this chapter or RC Chapter 2925 or 3719 after the receipt of written notice from a law enforcement officer that a drug trafficking offense under any provision of this chapter or RC Chapter 2925 or 3719 has previously occurred on the premises, or real estate. In multiple unit dwellings, including hotels or motels, the notice provided for in this division shall state the names of the parties and the specific unit involved.

The notice required by this division shall be delivered by certified mail, restricted delivery and return receipt requested, or, if the certified mailing fails to result in delivery of the notice, by personal service. The notice required by this division shall identify the sender, identify the nature of the drug activity occurring on the premises and bear the date of such notice.

It shall be prima facie evidence that the owner or lessor did not recklessly permit the premises to be used for the commission of a drug trafficking offense on the premises if:

(1) The owner or lessor has begun the process of evicting the person or persons committing the drug offense, including sending a notice of eviction; or

(2) The owner or lessor has identified for the police in writing and in a timely manner after receipt of the notice required by this division of the steps that the owner or lessor has commenced to prevent the commission of additional drug trafficking offenses on the premises.

This division (c) shall not apply to any owner or lessor who has filed an action for forcible entry and detainer to remove a lessee or occupant from the premises.

(d) Premises or real estate, including vacant land, used in vio-

lation of division (b) or (c) of this section and where a felony violation of RC Chapter 2925 or 3719 occurs constitute a nuisance subject to abatement pursuant to RC Chapter 3767.

(e) Vehicles used in violation of division (a) hereof shall be seized and forfeited to the City, upon motion to the Common Pleas Court. Forfeiture shall not apply to common carriers or innocent owners, nor shall they affect the rights of a holder of a valid lien.

(f) Whoever violates divisions (a) or (b) of this section is guilty of permitting drug abuse, a misdemeanor of the first degree, if the offender has not previously been convicted of a drug abuse offense. Notwithstanding any other section of this Code, at least thirty (30) days imprisonment is mandatory upon conviction of an offense under this division.

(g) Whoever violates division (c) of this section is guilty of recklessly permitting drug abuse, a misdemeanor of the third degree. Notwithstanding any other section of this Code, at least ten (10) days imprisonment is mandatory upon conviction of a second offense under this division and at least thirty (30) days imprisonment is mandatory upon conviction of a third or subsequent offense under this division.

607.06 Deception to Obtain Dangerous Drugs

(a) No person, by deception as defined in Section 625.01 or RC 2913.01, shall procure the administration of, a prescription for, or the dispensing of, a dangerous drug, or possess an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug.

(b) Whoever violates this section is guilty of deception to obtain a dangerous drug, a misdemeanor of the first degree, if the offender has not previously been convicted of a drug abuse offense, and if the drug involved is marijuana or a compound, mixture, preparation or substance included in Schedule III, IV or V. (RC 2925.22)

607.08 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, dentists, doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatry, veterinarians, and other persons whose conduct is in accordance with RC Chapters 3719, 4715, 4729, 4731 and 4741 or to optometrists whose conduct is in accordance with a valid therapeutic pharmaceutical agents certificate issued under RC Chapter 4725.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples if the drug involved is marijuana or a compound, mixture, preparation or substance included in Schedule III, IV or V. For a first offense an offender is guilty of a misdemeanor of the second degree, and if the offender has previously been convicted of a drug abuse offense, illegal dispensing of drug samples is a misdemeanor of the first degree. (RC 2925.36)

607.15 Illegal Distribution of Cigarettes or Other Tobacco Products

(a) No manufacturer, producer, distributor, wholesaler or retailer of

cigarettes or other tobacco products, or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products shall do any of the following:

(1) Give, sell or otherwise distribute cigarettes or other tobacco products to any person under eighteen years of age;

(2) Give away, sell or distribute cigarettes or other tobacco products in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes or other tobacco products to a person under eighteen years of age is prohibited by law.

(b) No person shall sell or offer to sell cigarettes or other tobacco products by or from a vending machine except in the following locations:

(1) An area either:

A. Within a factory, business, office, or other place not open to the general public; or

B. To which persons under the age of eighteen years are not generally permitted access;

(2) In any other place not identified in division (B)(1) of this section, upon all of the following conditions:

A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person.

B. The vending machine is inaccessible to the public when the place is closed.

(c) As used in this section, "vending machine" has the same meaning as "coin machine" as defined in RC 2913.01.

(d) Whoever violates this section is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender has previously been convicted of a violation of this Section or RC 2927.02, then illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree. (RC 2927.02)

607.16 Definitions

(a) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this Chapter. It includes, but is not limited to:

(1) Kits used, intended for use, or designated for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or

from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(12) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

A. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

B. Water pipes;

C. Carburetion tubes and devices;

D. Smoking and carburetion masks;

E. Roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

F. Miniature cocaine spoons and cocaine vials;

G. Chamber pipes;

H. Carburetor pipes;

I. Electric pipes;

J. Air driver pipes;

K. Chillums;

L. Bongs;

M. Ice pipes or chillers.

(b) In determining whether an object is "Drug paraphernalia", a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any City, State or Federal law relating to any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of this Chapter;

(4) The proximity of the object to controlled substances;

(5) The existence of any residue of controlled substances on the object;

(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Chapter; the innocence of an owner or of anyone in control of the object as to a direct violation of this Chapter shall not prevent a finding that the object is intended for use or designed for use as "Drug paraphernalia";

(7) Instruction, oral or written, provided with the object concerning its use;

(8) Descriptive materials accompanying the object which explain or depict its use;

(9) National and local advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(12) The existence and scope of legitimate uses for the object in the community;

(13) Expert testimony concerning its use.

609.07 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) 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 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.

(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 one year prior to the date of the alleged commission of the act in question.

(e) Whoever violates this section is guilty of domestic violence. A violation of division (a) or (b) of this section is a misdemeanor of the first degree, if the offender has not previously been convicted of domestic violence or a violation of RC 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 or Section 621.03 of the General Offenses Code involving a person

who was a family or household member at the time of such violation. A violation of division (c) of this section is a misdemeanor of the fourth degree. (RC 2919.25)

(f) The same relief available under the Revised Code for filing a complaint for violation of RC 2919.25 shall be available for filing a complaint for violation of this section.

611.01 Definitions

As used in this chapter:

(a) "Bookmaking" means the business of receiving or paying off bets.

(b) "Bet" means the hazarding of anything of value upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.

(c) "Scheme of chance" means a lottery, numbers game, pool or other scheme in which a participant gives a valuable consideration for a chance to win a prize.

(d) "Game of chance" means poker, craps, roulette, a slot machine, a punch board or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.

(e) "Scheme or game of chance conducted for profit" means any scheme or game of chance designed to produce income for the person who conducts or operates the scheme or game of chance, but does not include a charitable bingo game.

(f) "Gambling device" means:

(1) A book, totalizer or other equipment for recording bets;

(2) A ticket, token or other device representing a chance, share or interest in a scheme of chance, except a charitable bingo game, or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, punch board or other apparatus designed for use in connection with any game of chance;

(4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes.

(g) "Gambling offense" means any of the following:

(1) A violation of Sections 611.02 to 611.08 or RC 2915.02 to 2915.11;

(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 division (g)(1) of this section;

(3) Any offense under an existing or former municipal ordinance or law of this or any other state or the United States of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing any offense under division (g)(1), (2) or (3) of this section.

(h) "Charitable organization" means any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen's, senior citizen's, youth athletic or youth athletic park organization. An organization is tax exempt if the organization is and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is exempt from Federal income taxation under subsection 501(c)(3), (4), (8), (10) or (19) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firemen's organization, shall have been in

continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under RC 2915.08 or the conducting of any scheme of chance or game of chance as provided in division (c) of Section 611.02.

(i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.

(j) "Educational organization" means any organization within this State that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction, and that operates or contributes to the support of a school, academy, college or university.

(k) "Veteran's organization" means any individual post of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post or auxiliary unit has been incorporated as a nonprofit corporation for at least two years and has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in, continuous existence as such for a period of at least ten years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(l) "Volunteer firemen's organization" means any organization of volunteer firemen, as defined in RC 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company.

(m) "Fraternal organization" means any society, order or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or brotherhood of its members and that has been in continuous existence in this State for a period of five years.

(n) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in RC 4765.01.

(o) "Service organization" means any organization, not organized for profit, that is organized and operated exclusively to provide or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment.

(p) "Nonprofit medical organization" means any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to

provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public.

(q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(r) "Charitable bingo game" means any bingo game that is conducted by a charitable organization that has obtained a bingo license pursuant to RC 2915.08 and the proceeds of which are used for a charitable purpose.

(s) "Bingo" means:

(1) A game with all of the following characteristics:

A. The participants use bingo cards that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces with each space, except the central space, being designated by a combination of a letter and a number and the central space being designated as a free space;

B. The participants cover the spaces on the bingo cards that correspond to combinations of letters and numbers that are announced by a bingo game operator;

C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards;

D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (s)(1)C. of this section that a predetermined and preannounced pattern of spaces has been covered on a bingo card being used by the participant.

(2) Any scheme or game other than a game as defined in division (s)(1) of this section with the following characteristics:

A. The participants use cards, sheets or other devices that are divided into spaces arranged in horizontal, vertical or diagonal rows of spaces, with each space, except free spaces, being designated by a single letter, number or symbol; by a combination of letters, numbers or symbols; by a combination of a letter and a number, a letter and a symbol, or a number and a symbol; or by any combination of letters, numbers and symbols, with some or none of the spaces being designated as a free, complimentary or similar space;

B. The participants cover the spaces on the cards, sheets or devices that correspond to letters, numbers, symbols or combinations of such that are announced by a bingo game operator or otherwise transmitted to the participants;

C. A bingo game operator announces or otherwise transmits to the participants, letters, numbers, symbols or any combination of such

as set forth in division (s)(2)A. of this section that appear on objects that a bingo game operator selects by chance that correspond to one of the possible letters, numbers, symbols or combinations of such that can appear on the bingo cards, sheets or devices;

D. The winner of the bingo game is any participant who properly announces that a predetermined and preannounced pattern of spaces has been covered on a card, sheet or device being used by the participant.

(t) "Conduct" means to back, promote, organize, manage, carry on or prepare for the operation of a scheme or game of chance, but does not include any act performed by a bingo game operator.

(u) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of a bingo game including, but not limited to, collecting money from participants, handing out bingo cards or objects to cover spaces on the bingo cards, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on the bingo cards, calling out the combinations of letters and numbers, distributing prizes to the winner of the bingo game and preparing, selling and serving food or beverages.

(v) "Participant" means any person who plays bingo by covering the spaces on a bingo card that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(w) "Bingo session" means a period, not to exceed five continuous hours, during which a person conducts one or more bingo games.

(x) "Gross receipts" means all money or assets, including admission fees, that a person receives from a bingo session that the person conducts without the deduction of any amounts for prizes paid out during the session or for the expenses of conducting the bingo session. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting a bingo session, or by a bona fide auxiliary unit or society of a charitable organization, at a bingo session conducted by the charitable organization, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to the bingo session.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage;

(3) The food and beverages are sold at customary and reasonable prices;

(4) No person preparing, selling or serving the food or beverages at the site of the bingo game receives directly or indirectly any form of compensation for the preparation, sale or service of the food or beverages.

(y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to RC 109.71 to 109.79 and who is hired to

provide security for the premises on which a bingo game is conducted.

(z) "To use gross receipts for a charitable purpose" means that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a) (1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo game are used by or given, donated or otherwise transferred to a veteran's organization, as defined in division (k) of this section, that is a post, chapter or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter or organization organized in the United States or any of its possessions, at least seventy-five percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of war veterans, or such individuals, provided that no part of the net earnings of such post or organization inures to the benefit of any private shareholder or individual, and further provided that the bingo game proceeds are used by the post or organization for the charitable purposes set forth in division (B)(12) of RC 5739.02, are used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of RC 5739.02, are donated to a governmental agency, or are used for non-profit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups or other bona fide nonprofit organizations, promotion of patriotism or disaster relief; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a fraternal organization that has been in continuous existence in this State for fifteen years for use exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals and contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code; or that the proceeds of the bingo game are used by a volunteer firemen's organization and are used by the organization for the purposes set forth in division (1) of this Section.

(aa) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(bb) "Youth athletic organization" means any organization, not organized for profit that is organized and operated exclusively to provide financial support to, or to operate athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

(cc) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

A. The playing fields are used at

least one hundred days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

B. The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of the bingo games it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (cc)(1) of this section. (RC 2915.01)

611.02 Gambling

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

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;

(2) Establish, promote or operate or knowingly engage in conduct that facilitates any scheme or game of chance conducted for profit;

(3) Knowingly procure, transmit, exchange or engage in conduct that facilitates the procurement, transmission or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit;

(4) Engage in betting or in playing any scheme or game of chance, except a charitable bingo game, as a substantial source of income or livelihood;

(5) With purpose to violate division (a)(1), (2), (3) or (4) of this section, acquire, possess, control or operate any gambling device.

(b) For purposes of division (a) (1) of this section, a person facilitates bookmaking if he in any way knowingly aids an illegal bookmaking operation, including without limitation placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (a)(2) of this section, a person facilitates a scheme or game of chance conducted for profit if he in any way knowingly aids in the conduct or operation of any such scheme or game, including without limitation playing any such scheme or game.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

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

(1) Schemes of chance conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, provided that all of the money or assets received from such scheme of chance after deduction only of prizes paid out during the conduct of the scheme of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (a)(2) or (a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of

the Internal Revenue Code, and provided that the scheme of chance is not conducted during, or within ten (10) hours of, a bingo game conducted for amusement purposes only pursuant to Section 611.09;

(2) Games of chance, if all of the following apply:

A. The games of chance are not craps for money, roulette for money or slot machines;

B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

C. The games of chance are conducted at festivals of the organization that are conducted for a period of four (4) consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a year, and are conducted on premises owned by the charitable organization for a period of no less than one (1) year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance;

A charitable organization shall not lease premises from a veteran's or fraternal organization, or lease from a governmental unit premises located in a county with a population exceeding five hundred thousand, to conduct a festival described in division (d)(2)C. of this section if the veteran's or fraternal organization or governmental unit already has leased the premises twice during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in division (d)(2)C. of this section, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under division (A)(3) of RC 2915.09 when it leases premises from another charitable organization to conduct bingo games.

D. All of the money or assets received from these games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to any organization that is described in subsection 509(a)(1), (a)(2) or (a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

E. The games of chance are not conducted during, or within ten (10) hours of, a bingo game conducted for amusement purposes only pursuant to Section 611.09. No person shall receive any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any scheme or game of chance.

(3) Any tag fishing tournament

operated under a permit issued under RC 1533.92, as "tag fishing tournament" is defined in RC 1531.01.

(e) Division (d) of this section shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct schemes of chance or games of chance, as granted by division (d) of this section, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree if the offender has not previously been convicted of a gambling offense. Whoever violates this section while upon the grounds of a park, parkway, playground, ball field, tennis court, skating rink, recreation center or model airplane field which is owned and controlled by the City shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000) and sentenced to not less than thirty (30) days' imprisonment. The minimum fine to be imposed by the court for a violation of the provisions of this section is mandatory. The Court shall not suspend all or any portion of said minimum fine; provided that in lieu of all or a portion of the sentence of imprisonment required hereunder, the court may require the offender to perform supervised community service work pursuant to division (H) of RC 2951.02. (RC 2915.02)

611.06 Methods of Conducting a Bingo Game; Prohibitions

(a) A charitable organization that conducts a bingo game shall do all of the following:

(1) Own all of the equipment used to conduct the bingo game or lease such equipment from a charitable organization that is licensed to conduct a bingo game for a rental rate that is not more than customary and reasonable for such equipment;

(2) Use all of the gross receipts from the bingo game for paying prizes, for the charitable purposes listed in its bingo license application, for purchasing or leasing bingo cards and other equipment used in conducting the bingo game, hiring security personnel for the bingo game, or advertising the bingo game provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring or advertising, and for renting premises in which to conduct the bingo game, except that if the building in which the game is conducted is owned by the charitable organization conducting the game, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of four hundred fifty dollars (\$450.00) or forty-five percent of the gross receipts from the session as consideration for the use of the premises;

(3) Conduct the bingo game on premises owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of two hundred fifty dollars (\$250.00) per bingo session, on premises leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in

location, size, and quality but not in excess of two hundred fifty dollars (\$250.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of two hundred fifty dollars (\$250.00) per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo games, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo equipment or any other type of service or equipment. A charitable organization shall not lease or sublease premises that it owns or leases to more than one other charitable organization per calendar week for the purpose of conducting bingo games on the premises. A person who is not a charitable organization shall not lease premises that he owns, leases or otherwise is empowered to lease to more than one charitable organization per calendar week for conducting bingo games on the premises. In no case shall more than two bingo sessions be conducted on any premises in any calendar week;

(4) Display its bingo license conspicuously at the location where the bingo game is conducted;

(5) Conduct the bingo game in accordance with the definition of bingo set forth in division (s)(1) of Section 611.01.

(b) A charitable organization that conducts a bingo game shall not:

(1) Pay any compensation to a bingo game operator for operating a bingo game that is conducted by the charitable organization or for preparing, selling or serving food or beverages at the site of the bingo game, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell or serve food or beverages;

(2) Pay consulting fees to any person for any service performed in relation to the bingo game;

(3) Pay concession fees to any person who provides refreshments to the participants in the bingo game;

(4) Conduct more than two bingo sessions in any seven-day period;

(5) Pay out more than three thousand five hundred dollars (\$3,500) in prizes during any bingo session that is conducted by the charitable organization;

(6) Conduct a bingo session at any time during the ten-hour period between midnight and 10:00 a.m., at any time during or within ten hours of a bingo game conducted for amusement only pursuant to Section 611.09, at any location not specified on its bingo license, or on any day of the week or during any time peri-

od not specified on its bingo license. If circumstances beyond its control make it impossible for the charitable organization to conduct a bingo session at the location specified on its bingo license, or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license, the charitable organization may apply in writing to the Attorney General for an amended bingo license, pursuant to division (F) of RC 2915.08. A charitable organization may apply only once in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license. If the amended license is granted, the organization may conduct bingo sessions at the location on the day of the week, and at the time specified on its amended license;

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which bingo is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo equipment or any other type of service or equipment.

(c) A bingo game operator shall not receive or accept any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, regardless of the source, for operating a bingo game or providing other work or labor at the site of the bingo game.

(d) Notwithstanding the provisions of division (a)(3) of this section, a charitable organization that has, prior to December 6, 1977, entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises and a person who is not a charitable organization that has prior to December 6, 1977, entered into written agreements for the lease of premises he owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease such premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, provided that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of day on which the sessions will be conducted, provided that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and provided that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(e) Whoever violates division (a)

(2) of this section shall be charged with a violation of RC 2915.09. Whoever violates division (a)(1), (3), (4) or (5), (b) or (c) of this section is guilty of a minor misdemeanor. If the offender has previously been convicted of a violation of division (a)(1), (3), (4) or (5), (b) or (c) of this section, a violation of such provision is a misdemeanor of the first degree. (RC 2915.09)

611.07 Bingo Records

(a) A charitable organization that conducts a bingo session or scheme or game of chance pursuant to division (d) of Section 611.02 shall maintain the following records for at least three years from the date on which the bingo session or scheme or game of chance is conducted:

(1) An itemized list of the gross receipts of each session or scheme or game of chance;

(2) An itemized list of all expenses other than prizes that are incurred in conducting the bingo session, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during the bingo session or scheme or game of chance conducted by the charitable organization and the name and address of all persons who are winners of prizes of one hundred dollars (\$100.00) or more in value;

(4) An itemized list of the charitable recipients of the proceeds of the bingo session or scheme or game of chance, including the name and address of each recipient to whom the money is distributed; and if the organization uses the proceeds of a bingo session or the money or assets received from a scheme or game of chance for any purpose set forth in division (z) of Section 611.01 or division (d) of Section 611.02 a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or scheme or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from the definition of "gross receipts" under division (x) of Section 611.01;

(7) An itemized list of all expenses incurred at each bingo session conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid and receipt for all expenses.

(b) The Attorney General or any local law enforcement agency may:

(1) Investigate any charitable organization or any officer, agent, trustee, member or employee of the organization;

(2) Examine the accounts and records of the organization;

(3) Conduct inspections, audits and observations of bingo games or schemes or games of chance while they are in session;

(4) Conduct inspections of the premises where bingo games or schemes or games of chance are operated;

(5) Take any other necessary and reasonable action to determine if a violation of any provision of RC

2915.01, 2915.02 or 2915.07 to 2915.12 or Section 611.01, 611.02 or 611.06 et seq. of this chapter has occurred.

If any local law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member or employee of the organization has violated any provision of RC 2915.01 to 2915.12, the local law enforcement agency may proceed by action in the proper court to enforce RC 2915.01 to 2915.12 provided that the local law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this division.

(c) No person shall destroy, alter, conceal, withhold or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede or interfere with any inspection, audit or observation of a bingo gang or scheme or game of chance or premises where a bingo game or scheme or game of chance is operated, or refuse to comply with any reasonable request of, or obstruct, impede or interfere with any other reasonable action undertaken by, the Attorney General or a local law enforcement agency pursuant to division (b) of this section.

(d) Whoever violates division (a) or (c) of this section is guilty of a misdemeanor of the first degree. (RC 2915.10)

611.09 Bingo Exceptions

RC 2915.07 to 2915.11 or Section 611.06 et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either subsection (a) or (b) hereof:

(a) (1) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game;

(2) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00);

(3) No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game;

(4) The bingo game is not conducted either during or within ten hours of:

A. A bingo session during which a charitable bingo game is conducted pursuant to RC 2915.07 to 2915.11 or Section 611.06 et seq. of this chapter;

B. A scheme or game of chance other than a bingo game conducted pursuant to this section.

(5) The number of players participating in the bingo games does not exceed fifty.

(b) (1) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than

twenty-five cents to purchase a bingo card, sheet, objects to cover the spaces, or other devices used in playing bingo;

(2) The total amount of money paid by all of the participants for bingo cards, sheets, objects to cover the spaces, or other devices used in playing bingo does not exceed one hundred dollars;

(3) All of the money paid for bingo cards, sheets, objects to cover spaces, or other devices used in playing bingo are used only to pay winners monetary and nonmonetary prizes and to provide refreshments;

(4) The total value of all prizes awarded during the game does not exceed one hundred dollars;

(5) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game;

(6) The bingo game is not conducted during or within ten hours of either of the following:

A. A bingo session during which a charitable bingo game is conducted pursuant to RC 2915.07 to 2915.11 or Section 611.06 et seq. of this chapter;

B. A scheme of chance or game of chance other than a bingo game conducted pursuant this section.

(7) All of the participants reside at the premises where the bingo game is conducted;

(8) The bingo games are conducted on different days of the week and not more than twice in a calendar week.

The Attorney General, or any local law enforcement agency, may investigate the conduct of amusement bingo if there is reason to believe that a purported amusement bingo game is operated in violation of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action.

Whoever conducts a bingo game that is not a charitable bingo game and that does not conform to subsections (a) and (b) hereof is guilty of a misdemeanor of the first degree on the first offense. (RC 2915.12)

615.01 Definitions

As used in this chapter:

(a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and including without limitation legislators, judges and law enforcement officers.

(b) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including without limitation a juror, member of a temporary commission, master, arbitrator, advisor or consultant;

(3) A candidate for public office, whether or not he is elected or appointed to the office for which he is a candidate. A person is a candidate for purposes of this division if he has been nominated according to law for election or appointment to public office, or if he has filed a petition or petitions as required by law to have his name placed on the ballot in a primary, general or special election, or if he campaigns as

a write-in candidate in any primary, general or special election.

(c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which he directs, conducts or participates in directing or conducting party affairs at any level of responsibility.

(d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.

(e) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any facility for custody of persons charged with or convicted of crime or alleged or found to be a delinquent child or unruly child; hospitalization, institutionalization, or confinement in any facility that is ordered pursuant to or under the authority of RC 2945.37, 2945.371, 2945.38, 2945.39, or 2945.40; confinement in any vehicle for transportation to or from any such facility; detention for extradition or deportation; except as provided in this division, supervision by any employee of any such facility that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; or supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution other than release on parole or shock probation. For a person confined in a county jail who participates in a county jail industry program pursuant to RC 5147.30, "detention" includes time spent at an assigned work site and going to and from the work site. Detention does not include supervision of probation or parole, or constraint incidental to release on bail.

(f) "Detention facility" means any place used for the confinement of a person charged with or convicted of a crime or alleged or found to be a delinquent child or unruly child.

(g) "Provider agreement" and "medical assistance program" have the same meanings as in RC 2913.40.

(h) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before the effective date of this division.

(i) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," and "political party" have the same meaning as in RC 3517.01. (RC 2921.01)

615.02 Falsification

(a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's function.

(4) The statement is made with

purpose to secure the payment of worker's compensation, unemployment compensation, aid for the aged, aid for the blind, aid for the permanently and totally disabled, aid to dependent children, disability assistance, retirement benefits, economic development assistance, as defined in RC 9.66, or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing, and is made with purpose to induce another to extend credit to or to employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom such statement is directed relies upon it to his detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense involving the proceeds of an insurance policy.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an application for a marriage license under RC 3101.05.

(12) The statement is made, either orally or in writing, in connection with an application for legal representation submitted to a court, the state public defender, a county public defender, or a joint county public defender by a defendant in a criminal case for the purpose of a determination of indigency and eligibility for legal representation by the state public defender, a county public defender, a joint county public defender, or court-appointed counsel.

(b) It is no defense to a charge under division (a)(4) of this section that the oath or affirmation was administered or taken in an irregular manner.

(c) Where contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

(d) (1) Whoever violates any provision of divisions (a)(1) to (8), (10), or (11) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (a) (9) of this section is guilty of falsification of an insurance claim, a misdemeanor of the first degree if the amount of the claim is less than three hundred dollars (\$300.00), if the offender has not previously been convicted of a theft offense and if

the claim is not made for the theft of a motor vehicle.

(3) Whoever violates division (a) (12) of this section is guilty of falsification, a misdemeanor of the first degree. If as a result of the false statement that is the basis of the conviction under division (a) (12) of this section the offender received legal representation to which the offender was not entitled from the state public defender, a county public defender, a joint county public defender, or court-appointed counsel, the court shall order the offender to make restitution, in an amount equal to the value of the legal representation provided by the state public defender, county public defender, joint county public defender, or court-appointed counsel, to the public entity that paid for the legal representation. (RC 2921.13)

615.03 Compounding a Crime

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

(1) The pending prosecution involved is for a violation of Sections 625.05, 625.11 or 625.12(b)(2) of which the actor under this section was the victim;

(2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount which the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, such abandonment or agreement in no way binds the State to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (RC 2921.21)

615.04 Failure to Report a Crime, Injury or Knowledge of Death

(a) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(b) Except for conditions that are within the scope of division (e) of this section, no physician, limited practitioner, nurse or person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by him, or any serious physical harm to persons that he knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of any person shall fail to report the death immediately to any physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred or knowledge concerning the death is obtained.

(d) No person shall fail to provide upon request of the person to whom

he has made a report required by division (c) of this section, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within his knowledge that may have a bearing on the investigation of the death.

(e) (1) As used in this division (e), "burn injury" means any of the following:

A. Second or third degree burns;

B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air;

C. Any burn injury or wound that may result in death.

(2) No physician, nurse or limited practitioner who, outside a hospital, sanitarium or other medical facility, attends or treats a person who has sustained a burn injury 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 bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(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 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 bureau, if there is such a bureau 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 division (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 be made on a form provided by the State Fire Marshal.

(5) Anyone participating in the making of reports under division (e) of this section or anyone participating in a judicial proceeding resulting from the reports shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding RC 4731.22, the physician-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 pursuant to division (e) of this section.

(f) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, or licensed counselor's assistant who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in RC 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding RC 4731.22, the doctor-patient privilege shall not be a ground for excluding any infor-

mation regarding the report containing the knowledge or belief noted pursuant to division (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(g) Division (a) or (d) of this section does 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, doctor and patient, licensed psychologist or licensed school psychologist and client, clergyman or rabbi or minister or priest and any person communicating information confidentially to him for a religious counseling purpose in his 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 RC 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by an ordained clergyman of an organized religious body of a confidential communication made to him in his capacity as such by a person seeking his aid or counsel.

(5) Disclosure would amount to revealing information acquired by the actor in the course of his duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency or organization certified pursuant to RC 3793.06.

(6) Disclosure would amount to revealing information acquired by the actor in the course of his duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of RC 2907.02, 2907.05 or 2907.12. As used in this division, "counseling services" include services provided in an informal setting by a person who by education or experience, is competent to provide such services.

(h) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(i) Whoever violates division (a) or (b) of this section is guilty of failure to report a crime. Violation of division (a) of this section is a misdemeanor of the fourth degree. Violation of division (b) of this section is a misdemeanor of the second degree.

(j) Whoever violates division (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

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

(2) Whoever knowingly violates division (e) of this section is guilty of a misdemeanor of the second degree. (RC 2921.22)

615.091 Impersonation of Peace Officer or Private Policeman

(a) As used in this section:

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal

corporation or township constable who is employed by a political subdivision of this State, a member of a police force employed by a metropolitan housing authority under RC 3735.31, a State university law enforcement officer appointed under RC 3345.04, an Ohio veterans' home policeman appointed under RC 5907.02, or a State highway patrol trooper and whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.

(2) "Private policeman" means any security guard, special policeman, private detective or other person who is privately employed in a police capacity.

(3) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer or a private policeman.

(c) No person, by impersonating a peace officer or a private policeman, shall arrest or detain any person, search any person or search the property of any person.

(d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private policeman or an officer, agent or employee of the State or the Municipality.

(e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree, provided that the purpose of a violation of subsection (d) hereof is not to commit or facilitate the commission of a felony. (RC 2921.51)

615.10 Having an Unlawful Interest in a Public Contract

(a) No public official shall knowingly do any of the following:

(1) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he 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 political subdivision or governmental agency or instrumentality with which he is connected;

(3) Have an interest in the profits or benefits of a public contract which is not let by competitive bidding when required by law, and which 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 his family, or any of his business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of such person is

limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, which is the contractor on the public contract involved, or which is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by such person do not exceed five percent of the outstanding shares of the corporation, and the amount due such person as creditor does not exceed five percent of the total indebtedness of the corporation or other organization;

(3) Such person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving his 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 his family, or one of his 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 political subdivision 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 political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision 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 political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of his family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(d) Division (a)(4) of this section 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 his 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 RC 309.06 and RC 2921.421, 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 RC 733.621 and RC

2921.421, or for a township law director appointed under RC 504.15 to appoint assistants and employees in accordance with RC 504.151 and RC 2921.421.

(g) 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 RC 733.621. (RC 2921.42)

615.11 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 divisions (G), (H), and (I) of RC 102.03 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 City for a period of seven years from the date of conviction.

(f) Divisions (a), (b) and (c) of this section do not prohibit a person from making voluntary contribu-

tions 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. (RC 2921.43)

615.14 Copying Police and Fire Uniforms

(a) No person not a member of the Police or Fire Division shall wear a uniform, cap, badge or buttons similar to, or in imitation of the official uniform, cap, badge or buttons at the time in use by members of the Police and Fire Divisions. This section does not apply to guards at the Cleveland House of Correction, or other City inspectors, while such guards or inspectors are engaged in the performance of their respective official duties.

(b) No person, firm or corporation desiring to provide special police, watchmen, or detective service, either for itself or for hire to others, shall use a distinctive uniform cap, badge or buttons, to be worn by such person or any employees engaged for such purpose, until the form, design and color thereof have first been submitted to and approved by the Director of Public Safety, and a record sufficient to identify the users thereof has been made by the Director.

(c) Whoever violates this section is guilty of copying official uniforms, a minor misdemeanor.

617.01 Definitions

As used in the Codified Ordinances:

(a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Alcohol does not include denatured alcohol and wood alcohol.

(b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in division (c) of this section containing one-half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether or not the same are medicated, proprietary or patented. The phrase includes wine as defined in RC 4301.01 even if it contains less than four percent (4%) of alcohol by volume, mixed beverages as defined in RC 4301.01 even if they contain less than four percent (4%) of alcohol by volume, cider, as defined in RC 4301.01, alcohol and all solids and confections which contain any alcohol.

(c) "Beer", "malt liquor" or "malt beverages" includes all brewed or fermented malt products containing one-half of one percent (0.5%) or more of alcohol by volume but not more than six percent (6%) of alcohol by weight.

(d) "Person" includes firms and corporations.

(e) "Cider" means all liquids fit to use for beverage purposes that contain one-half of one percent of alcohol by volume, but not more than six percent of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must. (RC 4301.01)

617.02 Sales to and Use by Minors; Securing Public Accommodations

(a) Except as otherwise provided in this chapter or RC Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or buy beer or intoxicating liquor for, or furnish it to, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, his employee or agent charged with a violation of this division shall, for the same offense, be charged with a violation of division (A)(1) of RC 4301.22.

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that public place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and who is not himself an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

(d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not accompanied by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any

hotel, inn, cabin or campground by presenting identification that falsely indicates that he is twenty-one years of age or older for the purpose of violating this section.

(e) No underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the beer or intoxicating liquor is given by a physician in the regular line of his practice or given for established religious purposes.

(f) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or divisions (a) to (d) of Section 617.021.

(g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(h) As used in this section:

(1) "Drug of abuse" has the same meaning as in RC 3719.011.

(2) "Hotel" has the same meaning as in RC 3731.01.

(3) "Minor" means a person under the age of eighteen years.

(4) "Practitioner" and "prescription" have the same meanings as in RC 3719.01.

(5) "Underage person" means a person under the age of twenty-one years. (RC 4301.69)

(i) Whoever violates division (b), (c), (d), (e), or (f) of this section is guilty of a misdemeanor of the first degree. Whoever violates division (a) of this section is guilty of a misdemeanor, shall be fined not less than five hundred and not more than one thousand dollars, and, in addition to the fine, may be imprisoned for a definite term of not more than six months. (RC 4301.99)

(j) The provisions of this section relating to the attempted purchase, purchase, sale, possession or consumption of beer apply only to persons who on July 31, 1987, are less than nineteen years of age.

617.021 Purchase, Consumption or Possession by Minor; Misrepresentation

(a) Except as otherwise provided in this chapter or RC Chapter 4301, no person under the age of twenty-one years shall purchase beer or intoxicating liquor. (RC 4301.63)

(b) Except as otherwise provided in this chapter or RC Chapter 4301, no person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, or consume any beer or intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, or possess any beer or intoxicating liquor, in any public or private place. (RC 4301.632)

(c) Except as otherwise provided in this chapter or RC Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (RC 4301.633)

(d) Except as otherwise provided in this chapter or RC Chapter 4301, no person under the age of twenty-one years shall knowingly show or

give false information concerning his name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the Department of Liquor Control or sold by the Department of Liquor Control. (RC 4301.634)

(e) No person shall manufacture, sell or distribute in any manner any identification card issued for the purpose of establishing a person's age that displays the great seal of the State of Ohio, the words "Ohio", "State", "Official", or any other designation that represents the card as the official identification card of Ohio, except for those cards issued pursuant to RC 4507.50. (RC 4301.636(A)(2))

(f) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (a) of this section, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of division (a) of this section may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed. (RC 4301.99(F))

(g) The provisions of this section relating to the attempted purchase, purchase, sale, possession or consumption of beer apply only to persons who on July 31, 1987, are less than nineteen years of age.

617.03 Sales to Intoxicated Persons

(a) No permit holder and no agent or employee of a permit holder shall sell or furnish beer or intoxicating liquor to an intoxicated person.

(b) No intoxicating liquor shall be sold to any individual who habitually drinks intoxicating liquor to excess, or to whom the department has, after investigation, determined to prohibit the sale of such intoxicating liquor, because of cause shown by the husband, wife, father, mother, brother, sister, or other person dependent upon, or in charge of such individual, or by the mayor of any municipal corporation, or a township trustee of any township in which the individual resides. The order of the department in such case shall remain in effect until revoked by the department. (RC 4301.22)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. (RC 4301.99(E))

617.04 Liquor Consumption in Motor Vehicle

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in division (D) of RC 4301.62. (RC 4301.64)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (RC 4301.99(B))

617.06 Printed Warnings to be Posted

(a) Every place in the City where beer, intoxicating liquor, or any low-alcohol beverage is sold for beverage purposes, either under a permit issued by the Ohio Department of Liquor Control, or by the Ohio Department of Liquor Control shall

display at all times, in a prominent place on the premises thereof, a printed card, which shall be furnished by the Department and which shall read substantially as follows:

WARNING TO PERSONS UNDERAGE

If you are under the age of 21 Under the statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or possess or consume beer or intoxicating liquor, in any public place, or furnish false information as to name, age or other identification, you are subject to a fine of up to one thousand dollars, or imprisonment up to six months, or both.

If you are under the age of 18 Under the statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or possess or consume, any type of beer or wine that contains either no alcohol or less than one-half of one per cent of alcohol by volume in any public place, or furnish false information as to name, age, or other identification, you are subject to a fine of up to two hundred fifty dollars or to imprisonment up to thirty days, or both.

No person shall be subject to any criminal prosecution or any proceedings before the Department or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card.

(b) Every place in the City for which a D permit has been issued under RC Chapter 4303 shall be issued a printed card, that shall be furnished by the Department of Liquor Control that shall read substantially as follows:

WARNING

If you are carrying a firearm Under the statutes of Ohio, if you possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under RC Chapter 4303, you may be guilty of a felony and are subject to a term of actual incarceration of one or two years.

No person shall be subject to any criminal prosecution or any proceedings before the Department of Liquor Control or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card. (RC 4301.637; Ord. No. 2823-89. Passed 3-19-90, eff. 3-22-90)

619.01 Definitions

(a) As used in Sections 619.01 to 619.19:

(1) "Sexual conduct" means vaginal intercourse between a male and female, and anal intercourse, fellatio and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(2) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttocks, pubic region or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(3) "Sexual activity" means sexual conduct or sexual contact, or both.

(4) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regard-

less of whether the hire is paid to the prostitute or to another.

(5) Any material or performance is "harmful to juveniles" if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

A. It tends to appeal to the prurient interest of juveniles;

B. It contains a display, description or representation of sexual activity, masturbation, sexual excitement, or nudity;

C. It contains a display, description or representation of bestiality or extreme or bizarre violence, cruelty or brutality;

D. It contains a display, description or representation of human bodily functions of elimination;

E. It makes repeated use of foul language;

F. It contains a display, description or representation in lurid detail of the violent physical torture, dismemberment, destruction or death of a human being;

G. It contains a display, description or representation of criminal activity which tends to glorify or glamorize such activity, and which, with respect to juveniles, has a dominant tendency to corrupt.

(6) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:

A. Its dominant appeal is to prurient interest;

B. Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;

C. Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;

D. Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;

E. It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

F. When taken as a whole, it lacks serious literary, artistic, political or scientific value.

(7) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(8) "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.

(9) "Nudity-oriented material" means any material that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.

(10) "Juveniles or minors" means an unmarried person under the age of eighteen.

(11) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record or tape or other tangible thing capable of arousing interest through sight, sound or touch.

(12) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience. (RC 2907.01)

(13) "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, sado-masochistic 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.

(b) As used in Sections 619.17 to 619.19:

(1) "Obscene" means that to the average person applying contemporary community standards:

A. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., a shameful or morbid interest in sexual conduct, nudity or excretion;

B. The matter depicts or describes in a patently offensive manner sexual conduct;

C. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

(2) "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment or machines.

(3) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(4) "Disseminate" means to transfer possession of, with or without consideration.

(5) "Knowingly" means being aware of the character and the content of the material.

(6) "Nudity" means the showing of the human male or female genitals or pubic area with less than fully opaque covering, or the depiction of covered male genitals in a discernibly turgid state.

(7) "Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience.

(8) "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement or for a separate fee for each item or performance.

(9) "Service to patrons" means the

provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing and entertaining.

(10) "Promote" means to cause, permit, procure, counsel or assist.

619.04 Sexual Imposition

(a) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) 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.

(2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.

(3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.

(4) The other person or one of the other persons is over twelve but not over fifteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.

(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. (RC 2907.06)

619.07 Public Indecency

(a) No person shall recklessly do any of the following, under circumstances in which his or her conduct is likely to be viewed by and affront others, not members of his or her household:

(1) Expose his or her private parts, or engage in masturbation;

(2) Engage in sexual conduct;

(3) Engage in conduct which to an ordinary observer would appear to be sexual conduct or masturbation.

(b) Whoever violates this section is guilty of public indecency. If the offender previously has not been convicted of or pleaded guilty to a violation of this section, public indecency is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, public indecency is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, public indecency is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, public indecency is a misdemeanor of the first degree. (RC 2907.09)

619.13 Deception to Obtain Matter Harmful to Juveniles

(a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles, shall do either of the following:

(1) Falsely represent that he is

the parent, guardian, or spouse of such juvenile;

(2) Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

(b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

(1) Falsely represent that he is eighteen years of age or over or married;

(2) Exhibit any identification or document purporting to show that he is eighteen years of age or over or married.

(c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates subsection (b) hereof shall be adjudged an unruly child, with such disposition of the case as may be appropriate under RC Chapter 2151. (RC 2907.33)

619.21 Material Disposition; Penalty

(a) In an in rem proceeding against sexually explicit material under Section 619.19(a), the court shall, upon a determination by the trier of fact that the material is obscene material, authorize and direct the Chief of Police, pending the exhaustion of all appeals, to destroy the same.

(b) Notwithstanding the provisions of Section 601.99(b), whoever violates Section 619.17 shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), or imprisoned not less than thirty days and not more than one year, or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

619.22 License Requirements for Publishing, Selling Printed Material

Any person publishing or involved in the sale of material as defined in Section 619.01(b)(2) shall first obtain a license from the office of the Division of Assessments and Licenses. The license shall be prominently displayed and show the ownership of and the principal officers of the corporation or company, as well as the addresses of the owners or officers of the company or corporation; further, upon change of ownership or corporate structure, the license shall be required to be renewed showing new information as to corporate or company status. The license fee shall be fifty dollars (\$50.00) per each application.

621.072 Violating Anti-Stalking Protection Order Issued Under State Law

(a) No person shall recklessly violate any terms of an anti-stalking protection order issued by a court.

(b) Whoever violates this section is guilty of violating an anti-stalking protection order. If the offender has not been previously convicted of or has not previously pleaded guilty to a violation of this section or a violation of RC 2903.21, 2903.211, 2903.22, 2911.211, 2903.214, or of Sections 621.06, 621.07, 621.071 or 623.041 of the Codified Ordinances, that involves the same person who is the subject of the anti-stalking protection order, violating an anti-stalking protection order is a misdemeanor of the fourth degree. If the offender has been previously convicted of or has previously pleaded guilty to

one violation of this section or one violation of RC 2903.21, 2903.211, 2903.22, 2911.211, 2903.214, or of Sections 621.06, 621.07, 621.071 or 623.041 of the Codified Ordinances, that involves the same person who is the subject of the anti-stalking protection order, violating an anti-stalking protection order is a misdemeanor of the first degree. (RC 2903.214)

(c) This section shall not apply whenever the conduct prohibited by this section constitutes a felony under RC 2903.214.

623.06 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) Whoever violates this section is liable in treble damages for the injury caused. (RC 901.51)

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (RC 901.99(A))

625.03 Valuation of Property

(a) When a person is charged with a theft offense involving property or services valued at three hundred dollars (\$300.00) or more, the jury or court trying the accused shall determine the value of such property or services as of the time of the offense and, if a guilty verdict is returned, shall return the finding of value as part of the verdict. In any such case it is unnecessary to find and return exact value, and it is sufficient if the finding and return is to the effect that the value of the property or services involved was less than three hundred dollars (\$300.00) or was three hundred dollars (\$300.00) or more.

(b) Where more than one item of property or services is involved in a theft offense, the value of the property or services involved for the purpose of determining the value as required by subsection (a) hereof, is the aggregate value of all property or services involved in the offense.

(c) When a series of offenses under Section 625.05 is committed by the offender in his same employment, capacity or relationship to another, all such offenses shall be tried as a single offense, and the value of the property or services involved for the purpose of determining the value as required by subsection (a) hereof, is the aggregate value of all property and services involved in all offenses in the series. In prosecuting a single offense under this section, it is not necessary to separately allege and prove each offense in the series. It is sufficient to allege and prove that the offender, within a given span of time committed one or more theft offense in his same employment, capacity or relationship to another.

(d) The following criteria shall be used in determining the value of property or services involved in a theft offense:

(1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing which has intrinsic worth to its owner and which is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, is the amount which would compensate the owner for its loss.

(2) The value of personal effects and household goods, and of mate-

rials, supplies, equipment and fixtures used in the profession, business, trade, occupation or avocation of its owner, which property is not covered under subsection (d)(1) hereof, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing such property with new property of like kind and quality.

(3) The value of any property, real or personal, not covered under subsection (d)(1) or (2) hereof, and the value of services, is the fair market value of such property or services. As used in this section "fair market value" is the money consideration which a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction and that neither is under any compulsion to act.

(e) Without limitation on the evidence which may be used to establish the value of property or services involved in a theft offense:

(1) When the property involved is personal property held for sale at wholesale or retail, the price at which such property was held for sale is prima-facie evidence of its value.

(2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest market quotation prior to the offense, is prima-facie evidence of the value of such security or commodity.

(3) When the property involved is livestock, poultry or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of such livestock, poultry or product.

(4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of such instrument.

(5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima-facie evidence of the value of the instrument.

(6) When the property involved is a ticket of admission, ticket for transportation, coupon, token, or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services which may be received thereby, is prima-facie evidence of the value of such instrument.

(7) When the services involved are gas, electricity, water, telephone, transportation, shipping or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of such services.

(8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for such services, either in writing or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in such notice is prima-facie

evidence of the value of such services. (RC 2913.61)

625.05 Petty Theft

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

(1) Without the consent of the owner or person authorized to give consent;

(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;

(3) By deception;

(4) By threat.

(b) This section shall not apply if the value of the property involved is three hundred dollars (\$300.00) or more, or is any of the property listed in Section 625.04.

(c) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree. (RC 2913.02)

625.11 Passing Bad Checks

(a) No person, with purpose to defraud, shall issue, transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored.

(b) For purposes of this section, a person who issues or transfers a check or negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, endorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(c) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with RC 1349.16 by doing any of the following when opening a checking account intended for personal, family, or household purposes at a financial institution:

(1) Falsely stating that he has not been issued a valid driver's or commercial driver's license or identification card issued under RC 4507.50;

(2) Furnishing such license or card, or another identification document that contains false information;

(3) Making a false statement with respect to his current address or any additional relevant information reasonably required by the financial institution.

(d) This section shall not apply if the check or other negotiable instrument is for payment of three hundred dollars (\$300.00) or more.

(e) Whoever violates this section is guilty of passing bad checks, a misdemeanor of the first degree. (RC 2913.11)

625.15 Defrauding a Livery or Hostelery

(a) No person, with purpose to defraud or knowing that he is facilitating a fraud, shall do either of the following:

(1) Hire an aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse or buggy, or keep or operate any of the same which has been hired;

(2) Engage accommodations at a hotel, motel, inn, campground or other hostelry.

(b) It is prima-facie evidence of purpose to defraud if the offender does any of the following:

(1) Uses deception to induce the rental agency to furnish the offender with any of the property listed in subsection (a)(1) hereof, or uses deception to induce the hostelry to furnish him with accommodations;

(2) Hires any of the property named in subsection (a)(1) hereof, or engages accommodations knowing he is without sufficient means to pay the hire or rental;

(3) Absconds without paying the hire or rental;

(4) Knowingly fails to pay the hire or rental as required by the contract of hire or rental, without reasonable excuse for such failure;

(5) Knowingly fails to return hired property as required by the contract of hire, without reasonable excuse for such failure.

(c) Whoever violates this section is guilty of defrauding a livery or hostelry, a misdemeanor of the first degree. (RC 2913.41)

625.26 Defrauding Fire and Damage Victims

(a) No person, firm or corporation, or the employees or agents thereof, shall falsely identify himself in any manner to the owner or tenant of any premises damaged by fire, hurricane, tornado or other disaster or accident as an officer or employee of the City, or falsely represent in any manner to such owner or tenant the contents of laws of the State or the Codified Ordinances of the City as an inducement to obtain the signature of such owner or tenant upon a contract for the repair of the damaged premises.

(b) Whoever violates this section is guilty of defrauding fire and damage victims, a misdemeanor of the first degree.

625.27 Trafficking In or Illegal Use of "WIC" Coupons

(a) Definitions. The following terms as used in this section are used as defined in the Ohio Administrative Code, Section 3701.42-01:

(1) "WIC program" means the special supplemental food program for women, infants, and children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, and administered in Ohio by the Ohio Department of Health under RC 3701.132.

(2) "Coupon" means a document issued by the Ohio Department of Health that may be exchanged by a participant or proxy for authorized foods at a WIC retail vendor store location.

(3) "Participant" means a pregnant, postpartum, or breastfeeding woman, or an infant or child who is receiving supplemental foods or coupons under the WIC program, and the breastfed infants of participant breastfeeding women.

(4) "Proxy" means an individual who is designated as the parent, guardian, or alternate shopper and who is listed on the "State of Ohio WIC Program Identification and Verification of Certification Coupon Holder" issued to the participant by the Ohio Department of Health as being authorized to receive and

negotiate coupons on behalf of the participant.

(5) "WIC retail vendor" or "vendor" means an individual or business entity that operates one or more grocery stores or pharmacies and that is authorized to redeem coupons under a retail vendor contract executed under paragraph (f) of 7 C.F.R. 246.12 and paragraph (A) of Rule 3701.42-03 of the Ohio Administrative Code. (OAC 3701.42-01)

(b) No participant or proxy in the WIC program, or WIC retail vendor, or individual, shall knowingly possess, buy, sell, use, alter, accept, or transfer WIC coupons in any manner not authorized by the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. Section 1786, as amended, and administered in Ohio by the Ohio Department of Health under RC 3701.132, or by Chapter 3701.42 of the Ohio Administrative Code.

(c) No WIC retail vendor shall:

(1) Knowingly allow an employee to sell, transfer, or trade items or services, the purchase of which is prohibited by the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, and administered in Ohio by the Ohio Department of Health under RC 3701.132, or by Chapter 3701.42 of the Ohio Administrative Code;

(2) Negligently allow an employee to sell, transfer, or exchange WIC coupons in any manner unauthorized by 42 U.S.C. Section 1786, as amended, and administered in Ohio under RC 3701.132, or by Chapter 3701.42 of the Ohio Administrative Code.

(d) Whoever violates division (b) of this section is guilty of trafficking in WIC coupons, a misdemeanor of the first degree.

(e) Whoever violates division (c) of this section is guilty of illegal use of WIC coupons, a misdemeanor of the first degree.

Note: Section 625.27 was enacted by Ord. No. 2213-92, passed 2-8-92, eff. 2-16-92.

627.01 Definitions

As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially

adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(k) "Dangerous ordnance" means any of the following, except as provided in division (1) of this section:

(1) Any automatic or sawed-off firearm, zipgun or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(1) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition

for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (1)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder. (RC 2923.11)

627.02 Carrying Concealed Weapons

(a) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon or dangerous ordnance.

(b) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

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

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed.

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

(3) The weapon was carried or kept ready at hand by the actor for

any lawful purpose and while in his own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Section 627.04(c).

(d) This section shall not apply if:

(1) The offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft;

(2) The weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand;

(3) The offender has previously been convicted of a violation of this section or of any offense of violence as defined in Section 601.01 or RC 2909.01.

(e) Notwithstanding the provisions of Section 601.99(a), whoever violates this section is guilty of carrying concealed weapons, a misdemeanor, and shall be fined one thousand dollars (\$1,000) and imprisoned for six months.

No part of this sentence shall, in any case, be suspended or otherwise reduced except that any person convicted under this section, if he is at the time of such conviction shown to be gainfully employed, shall be released each day from the workhouse or other place of incarceration, to go to work, and shall at the conclusion of each such working day, during the term of his sentence, promptly return to the workhouse or place of incarceration until his sentence has been served. (RC 2923.12)

627.06 Unlawful Transactions in Weapons

(a) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or spring-loaded weapon capable of propelling a knife or knifelike projectile, including, but not limited to, a ballistic knife (sometimes referred to commonly as a KGB knife) or similar weapon and/or advanced martial arts weapons, including, but not limited to shurikan (throwing star), nunchuck, sword, knife, staff, Tonfa, Kama, and Sai and/or other similar weapons.

This paragraph does not apply to the possession and/or use of advanced martial arts weapons on the premises of a recognized martial arts school or during the time said weapons are being transported directly to or from said premises.

(2) As used in paragraph (a)(1) hereof, the following designated martial arts weapons are defined as follows:

(a) "Nunchuck" -two pieces of hardwood sticks, generally equal in size and weight, held together by a piece of string, leather or chain.

(b) "Sword" -a weapon with a long blade for cutting or thrusting designed, manufactured or marketed as a martial arts weapon.

(c) "Knife" -a weapon consisting of a single- or double-edged short blade for cutting or throwing and designed, manufactured or marketed as a martial arts weapon.

(d) "Staff" -a hardwood stick the size of which can vary from two to six feet in length which can be used

to strike, to block, to jab, to hold and throw an opponent.

(e) "Tonfa" -a hardwood shaft which measures about 17 inches in length with a handle approximately 4 1/2 inches in length affixed to the shaft.

(f) "Kama" -an instrument consisting of a handle with a long curved single-edged blade affixed at the end of the handle.

(g) "Sai" -a piece of steel or heavy metal that is approximately 12 inches in length with a pointed or blunted end and two prongs that extend down from the blade to form a handle and a protection for strikes.

(3) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 627.05 or RC 2933.17, 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;

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

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated. However, this prohibition shall not apply to any person who is in possession of such a handgun on June 9, 1975, and who within a period of thirty days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number according to a numbering system established by the Chief of Police. In no case shall a person sell, transfer, give, deliver or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsection (a)(1) or (3) hereof is a misdemeanor of the second degree. Notwithstanding the provisions of Section 601.13 or 601.99(a), whoever violates subsection (a)(4) hereof shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) and shall be imprisoned not more than thirty days. No part of the fine of this sentence shall, in any case, whatsoever, be suspended or otherwise reduced. Notwithstanding the provisions of Section 601.13 or 601.99(a), whoever violates subsection (a)(5) hereof shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000) and imprisoned not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

627.23 Facsimile Firearms

(a) (1) "Firearm" shall have the same meaning as used in Section 627.01(b) of this Chapter.

(2) "Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal or any other material which is a replica, facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, inoperative firearms or any other device which might reasonably be perceived to be a real firearm.

(b) No person shall display, market for sale or sell any replica or facsimile of a firearm in the City. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm.

(c) Except in self-defense, no person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry or threatening manner, with the intent to frighten, vex, harass or annoy or with the intent to commit an act which is a crime under the laws of the City, State or Federal government against any other person.

(d) No person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a law enforcement officer, fire fighter, emergency medical technician or paramedic engaged in the performance of his or her duties, when the person committing such brandishing knows or has reason to know that such law enforcement officer, fire fighter, emergency medical technician or paramedic is engaged in the performance of his or her duties.

(e) (1) Whoever violates Section 627.23(b) is guilty of unlawful sale of a replica firearm, a misdemeanor of the third degree.

(2) Whoever violates Section 627.23(c) is guilty of brandishing a replica firearm, a misdemeanor of the first degree.

(3) Whoever violates Section 627.23(d) is guilty of brandishing a replica firearm in the presence of a public safety officer, a misdemeanor of the first degree.

628.99 Penalty

Whoever violates Section 628.03 is guilty of unlawful possession of an assault weapon, and shall be sentenced to six months imprisonment and fined one thousand dollars (\$1,000.00) and no part of said sentence shall be reduced in any manner.

629.01 Venting of Heaters and Burners

(a) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases:

(1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors; except in storage, factory, or industrial build-

ings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;

(2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in division (a) (1) of this section, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Division (a) of this section does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under RC 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from division (a) of this section when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under RC 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this division.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100 degrees fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from division (a) of this section unless it is marked conspicuously by the manu-

facturer on the container with the phrase "Not Approved For Home Use".

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under RC 3737.82. (RC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree. (RC 3701.99(C))

647.01 Definitions

As used in this chapter:

(a) "Consumer commodity" means any food, drug, device or cosmetic and any other article, product or commodity of any kind or class which is customarily necessary or used for personal, family or household use and offered for sale at retail.

(b) "Unit price" means the price per measure.

657.04 Regulations Governing Motor Vehicle Repairs or Services

(a) In connection with a consumer transaction involving a motor vehicle repair service on a motor vehicle where the anticipated cost exceeds twenty five dollars (\$25.00) and there has been face-to-face contact at the supplier's place of business during the hours such repairs or services are offered, between the consumer or his representative and the supplier or his representative, prior to the commencement of the repair, no supplier shall:

(1) Fail, at the time of initial face-to-face contact and prior to the commencement of any repair or service, to provide the consumer with a form which indicates the date, the identity of the supplier, the consumer's name and phone number, the reasonably-anticipated completion date, and, if the consumer chooses to be provided with a written estimate, the anticipated cost of the repair or service. The form shall also clearly and conspicuously contain a disclosure in substantially the following language:

ESTIMATE

You have the right to an estimate if the expected cost of repairs or services will be more than Twenty-Five Dollars (\$25.00). Your bill will not be higher than the estimate by more than ten percent (10%) unless you approve a larger amount before repairs are finished. Initial your choice:

- Written Estimate
- Oral Estimate
- No Estimate

(2) Fail to post a sign in a conspicuous place within that area of the supplier's place of business to which consumers requesting any repair or service are directed by the supplier or to give the consumer a separate form at the time of the initial face to face contact and prior to the commencement of any repair or service which clearly and conspicuously contains the following language:

NOTICE

IF THE EXPECTED COST OF A REPAIR OR SERVICE IS MORE THAN TWENTY-FIVE DOLLARS (\$25.00), YOU HAVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE OR ORAL ESTIMATE, OR YOU CAN CHOOSE TO RECEIVE NO ESTIMATE BEFORE WE BEGIN WORK. YOUR BILL WILL NOT BE HIGHER THAN THE ESTIMATE BY MORE THAN TEN

PERCENT (10%) UNLESS YOU APPROVE A LARGER AMOUNT BEFORE REPAIRS ARE FINISHED. OHIO LAW REQUIRES US TO GIVE YOU A FORM SO THAT YOU CAN CHOOSE EITHER A WRITTEN, ORAL, OR NO ESTIMATE.

(3) Fail, where a consumer requests a written estimate of the anticipated cost of repairs or services; to make a bona fide effort during the initial face to face contact to provide the written estimate on the form required by paragraph (A)(1) of this section;

(4) Fail, where a consumer requests a written or oral estimate, to give the estimate to the consumer before commencing the repair or service.

(b) In connection with a consumer transaction involving the performance of either repairs or any service upon a motor vehicle where there has not been face-to-face contact between the consumer or his representative and the supplier or his representative prior to the commencement of the repair or service, no supplier shall:

(1) Fail to make available to a consumer who makes a supplier-authorized delivery of a motor vehicle for repair or service at the supplier's place of business during non-business hours of the repair or service facility, a form in duplicate with instructions directing the consumer to retain a copy which indicates the identity of the supplier. The form shall contain disclosures in substantially the following language:

ESTIMATE

YOU HAVE THE RIGHT TO AN ESTIMATE OF THE COST OF REPAIRS OR SERVICES WHICH YOU ARE REQUESTING. YOUR BILL WILL NOT BE HIGHER THAN THE ESTIMATE BY MORE THAN TEN PERCENT (10%) UNLESS YOU APPROVE A LARGER AMOUNT BEFORE REPAIRS ARE FINISHED. YOU CAN CHOOSE THE KIND OF ESTIMATE YOU WANT TO RECEIVE BY SIGNING YOUR NAME UNDER ONE OF THE FOLLOWING CHOICES AND INDICATING A TELEPHONE NUMBER WHERE YOU CAN BE REACHED IF NECESSARY:

- (a) Written Estimate
(Customer Signature)
- (b) Oral Estimate
(Customer Signature)
- (c) No Estimate
(Customer Signature)
- Customer Name
- Customer Telephone Number
- Date

(2) Fail in all other instances, upon the first contact with the consumer, to inform the consumer of the right to receive a written or oral estimate of the anticipated cost of the repair or service;

(3) Fail, where the consumer requests an oral estimate, to give the oral estimate to the consumer before commencing the repair or service;

(4) Fail, where the consumer requests a written estimate, to prepare a written estimate, inform the consumer that the estimate is available and upon the consumer's request, give the estimate to the consumer before commencing the repair or service.

For purposes of this division, a supplier has not authorized delivery of a motor vehicle during non-business hours of the repair or service facility where there has not been

communication of that fact to the general public by the supplier or his representative.

(5) The forms required by divisions (a)(1) and (b)(1) of this section may be separate or may be incorporated into another form used by the supplier so long as the required disclosures are easily legible and clearly and conspicuously appear on the form. Nothing in this division shall preclude a supplier from incorporating additional disclosures into the same form.

(6) The sign or form required by paragraph (a)(2) of this section shall be printed in such a size and manner so that the notice is easily legible. Additional disclosures required by this section may be incorporated into the sign or form so long as the language required by paragraph (a)(2) of this section prominently appears as the first listed disclosure. Where a supplier gives written estimates to consumers prior to the commencement of any repair or service regardless of the anticipated cost of repairs or services, the language in the form required by paragraph (a)(1) and the sign or form required by paragraph (a)(2) of this section may be modified to disclose that fact.

(c) In any consumer transaction involving the performance of any repair or service upon a motor vehicle, no supplier shall:

(1) Fail to disclose prior to acceptance of any motor vehicle for inspection, repair, or service, that, in the event the consumer authorizes commencement but does not authorize completion of a repair or service, charges will be imposed for disassembly, reassembly, and partially completed work. Any charge so imposed shall be directly related to the actual amount of labor or parts included in the inspection, repair, or service;

(2) Charge for any repair or service which has not been authorized by the consumer;

(3) Fail to disclose upon the first contact with the consumer that any charge not directly related to the actual performance of the repair or service will be imposed by the supplier whether or not repairs or services are performed;

(4) If the motor vehicle will be towed, fail to disclose upon first contact with a consumer the basis upon which a charge will be imposed for such towing;

(5) Charge a consumer an amount which exceeds the quoted estimate by more than ten percent (10%) without the consumer's approval prior to the completion of the repair;

(6) Materially understate or misstate the estimated cost of the repair;

(7) Fail to provide the consumer with an itemized list of repairs performed or services rendered, including a list of parts and materials, a statement of whether they are used, re-manufactured or rebuilt, if not new, the cost thereof to the consumer, the amount charged for labor, and the identity of the individual performing the repair or service;

(8) Fail to tender to the consumer any replaced parts, unless the parts are to be rebuilt or sold by the supplier or returned to the manufacturer in connection with warranted repair or services, and such intended reuse or return is made known to the consumer prior to commencing any repair or service;

(9) Fail, at the time of the sign-

ing or initialing of any document by a consumer, to provide the consumer with a copy of the document;

(10) Fail to disclose to the consumer prior to the commencement of any repair or service that any part of the repair or service will be performed by a person other than the supplier or his employees; the nature of the repair which any such person will perform and the identity of that person; and the existence of any warranties or the lack thereof on work performed by any such person;

(11) Fail to give the consumer written notification that delivery to the supplier of the parts required for the repair will be delayed for a period of ten (10) days or more;

(12) In the case of lengthy repairs, fail to obtain written consent from the consumer to possess said consumer's motor vehicle for a period in excess of thirty (30) calendar days.

(13) Fail, where an estimate has been requested by a consumer, to obtain oral or written authorization from the consumer for the anticipated cost of any additional, unforeseen, but necessary repairs or services when the cost of those repairs or services amounts to ten per cent or more (excluding tax) of the original estimate;

(14) Fail, where the anticipated cost of a repair or service is less than twenty-five dollars and an estimate has not been given to the consumer, to obtain oral or written authorization from the consumer for the anticipated cost of any additional, unforeseen, but necessary repairs or services when the total cost of the repairs or services, if performed, will exceed twenty-five dollars;

(15) Fail to provide to the consumer upon his request a written, itemized receipt for any motor vehicle or part thereof that is left with, or turned over to, the supplier for repair or service. Such receipt shall include:

A. The identity of the supplier which will perform the repair or service;

B. The name and signature of the supplier or a representative who actually accepts the motor vehicle or any part thereof;

C. A description including make and model number or such other features as will reasonably identify the motor vehicle or any part thereof to be repaired or serviced;

D. The date on which the motor vehicle or any part thereof was left with or turned over to the supplier.

(d) In any consumer transaction involving the performance of any repair upon a motor vehicle, no supplier shall:

(1) Condition the performance of any repair or service upon a consumer's waiver of any rights provided for in this chapter or require the consumer to give any additional security beyond the mechanic's lien authorized by common law;

(2) Represent that repairs or services are necessary when such is not the fact;

(3) Represent that repairs have been made or services have been performed when such is not the fact;

(4) Represent that a motor vehicle or any part thereof which is being inspected or diagnosed for a repair or service is in a dangerous condition or that the consumer's continued use of it may be harmful, when such is not the fact.

(e) In lieu of complying with the

requirements of paragraphs (a)(1) and (b)(1) to (b)(4) of this section, a supplier may provide a consumer, prior to the commencement of any repair or service, with a written quotation of the price at which the repair or service will be performed, which shall indicate that the quotation shall be binding upon the supplier for a period of five days, provided that the subject of the consumer transaction is made available to the supplier for the repair or service within that period.

657.05 Registration of Motor Vehicle Repair Persons; Fee; Renewal

(a) No motor vehicle repair person shall perform repairs without registering with the Director pursuant to this section.

(b) Every motor vehicle repair person desiring to perform repairs within the City shall make application to the Director for a certificate of registration upon forms to be prescribed by the Director. The forms shall include:

(1) The name, address, phone number, birth date, and social security number of the motor vehicle repair person;

(2) The principal occupation and place of business of the motor vehicle repair person for the five (5) years immediately preceding the date of the application;

(3) The name of the repair facility at which the motor vehicle repair person is employed; and

(4) Such other related information as the Director shall require.

(c) The annual registration fee for a motor vehicle repair person shall be fifteen dollars (\$15.00). Upon receipt of a completed application and the annual fee, the Director shall issue a certificate of registration which, regardless of the date of issuance, shall cover the period of July 1 to June 30.

(d) The certificate of registration issued pursuant to division (c) of this section shall be permanently and conspicuously displayed at the location where the motor vehicle repair person performs repairs.

665.01 Definitions

(a) "Chairman" means the Chairman of the Fair Housing Review Board, established pursuant to Section 665.04 of this chapter.

(b) "Community Relations Board" has the same meaning as in Chapter 157 of the Codified Ordinances of Cleveland, Ohio, 1976.

(c) "Discriminate" includes segregate or separate.

(d) "Executive Director" means the Executive Director of the Community Relations Board.

(e) "Fair Housing Review Board" means the board established by Section 665.04 of this chapter.

(f) "Handicap" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

(g) "Housing accommodations" or "housing" includes any building or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not

living independently of each other; and any vacant land offered for sale or lease.

It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative.

(h) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(i) "Solicitation" or "solicit" means the mailing or delivery of any printed matter or any oral communication made either in person or by telephone to the owner or occupant of housing accommodations by any real estate broker, agent, sales representative or other person for any of the following purposes:

(1) Advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent housing accommodations;

(2) Requesting or suggesting that the owner or occupant list his housing accommodations for sale or rent; or

(3) Offering to purchase or rent the owner's housing accommodations.

(j) "Watch area" means an area of the City designated by the Community Relations Board exhibiting certain conditions of change which have historically led to panic selling, racial change and/or incidents with consideration of the factors listed in division (b) of Section 665.08.

665.02 Unlawful Discriminatory Housing Practices

It shall be an unlawful discriminatory housing practice for any person to:

(a) Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of any prospective owner, occupant, or user of the housing;

(b) Represent to any person that housing accommodations are not available for inspection, sale or rental, when in fact they are available, because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of any prospective owner, occupant, or user of the housing;

(c) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing or otherwise, withhold financing of housing from any person because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of any present or prospective owner, occupant, or user of the housing, or because of the racial composition or

presence of any other protected class of the neighborhood in which the housing is located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to his principal business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend;

(d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of any present or prospective owner, occupant, or user of the housing accommodations, or because of the racial composition or presence of any other protected class of the neighborhood in which the housing accommodations are located;

(e) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of any present or prospective owner, occupant, or user of the housing accommodations, or because of the racial composition or presence of any other protected class of the neighborhood in which the housing accommodations are located;

(f) Refuse to consider without prejudice the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member thereof;

(g) Print, publish, or circulate any statement or advertisement, or make or cause to be made any statement or advertisement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations which indicates any preference, limitation, specification, or discrimination based upon race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, or an intention to make any such preference, limitation, specification, or discrimination.

(h) Except as otherwise provided in this division, make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of hous-

ing accommodations. Any person may make inquiries, and make and keep records, concerning race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status for the purpose of monitoring compliance with this chapter:

(i) Include in any transfer, rental, or lease of housing accommodations any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant;

(j) Induce or solicit or attempt to induce or solicit a housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur with respect to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of the block, neighborhood, or other area in which the housing accommodations are located, or induce or solicit or attempt to induce or solicit a housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, in the block, neighborhood, or other area will or may have results including, but not limited to, the following:

(1) The lowering of property values;

(2) A change in the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of the block, neighborhood, or other area;

(3) An increase in criminal or anti-social behavior in the block, neighborhood, or other area;

(4) A decline in the quality of the schools serving the block, neighborhood, or other area.

(k) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status;

(l) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

(m) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status;

(n) Discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section, or because that person has made a charge, testified, assisted, or participated in any man-

ner in any investigation, proceeding, or hearing under Sections 4112.01 to 4112.07 of the Revised Code;

(o) Aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with Sections 4112.01 to 4112.11 of the Revised Code, or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice (RC 4112.02(H), (I), (J));

(p) Discriminate against any person in appraising the value of any housing accommodations in connection with its sale or rental because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, or because of the racial composition of the neighborhood in which the housing accommodations are located.

665.03 Exemptions

(a) Nothing in this chapter shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin. Nothing in this chapter shall bar any bona fide private or fraternal organization which, incidental to its primary purpose, owns or operates lodging for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(b) Nothing in this chapter shall be construed to require any person selling or renting property to modify such property in any way or to exercise a higher degree of care for a person having a handicap, nor shall it be construed to relieve any handicapped person of any obligation generally imposed on all persons regardless of handicap in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract. (RC 4112.02(K), (M))

665.04 Powers, Duties and Responsibilities of the Fair Housing Review Board

(a) Fair Housing Review Board.
(1) There is hereby created a five-member Fair Housing Review Board which shall consist of the Executive Director of the Community Relations Board, and four members appointed by the Mayor with approval of Council. Appointments to the Fair Housing Review Board shall be for two (2) years, except that the initial appointments of two of the members shall be for one (1) year. No person shall be appointed to the Fair Housing Review Board who has any interest in any firm, association, company or corporation engaged in the sale of real estate

in the City of Cleveland. The Executive Director of the Community Relations Board shall be the Chairman of the Fair Housing Review Board.

(2) The Fair Housing Review Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of its sections. The Fair Housing Review Board shall have and may exercise the following powers to implement the purposes of this chapter:

A. To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

B. To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Fair Housing Review Board, and enforce such powers by proper petition to any court of competent jurisdiction;

C. To adopt such rules and regulations as the Fair Housing Review Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

D. To do such other acts as are necessary and proper to perform those duties with which the Fair Housing Review Board is charged under this chapter, including the provision of referral services for the community;

E. To collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before January 31 of each calendar year on the working of this chapter and for the purpose of advising on and recommending amendments to this chapter in order to effectuate its purposes;

F. To conduct a continuing program of education and community organization in the several sections of the City;

G. To initiate an investigation without the filing of an official complaint provided a majority of the Fair Housing Review Board elect to proceed based on reasonable cause to believe that violations of this chapter are occurring or have occurred. The Fair Housing Review Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

H. To enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;

I. To refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate.

(b) Complaints.

Any person claiming to be aggrieved by a violation of the provisions of this chapter, hereinafter referred to as the complainant, may file a complaint, in writing and under oath, with the Fair Housing Review Board. The complaint shall state the name and address of the person alleged to have committed the violation, hereinafter referred to as the respondent, and such other information as the Fair Housing Review Board may require. The

complaint shall not constitute a public record unless and until a hearing is held pursuant to division (d) of this section. The complaint shall be filed within 180 days after the alleged act of discrimination.

(c) Investigations.

(1) The Fair Housing Review Board shall cause a prompt investigation to be commenced within ten (10) days after the filing of the complaint. The Fair Housing Review Board may be assisted in the investigation by a fair housing agency or other organization or person under contract with the City. The Chairman may assign employees of the Community Relations Board to assist in the investigation.

(2) If the Fair Housing Review Board determines after a preliminary investigation that it is probable that an unlawful discriminatory housing practice has been or is being engaged in, it shall endeavor, with the consent of both complainant and respondent, to eliminate the alleged discriminatory housing practice by conference, conciliation and persuasion. If successful, the terms of the conciliation shall be reduced to writing and incorporated into a consent agreement to be signed by the complainant, the respondent and the Chairman.

(3) If conciliation is not undertaken pursuant to division (c)(2) of this section, or if conciliation is undertaken without success, and if the Fair Housing Review Board determines through its investigation that probable cause exists for believing the allegations of the complaint, the Chairman shall cause a written notice and a copy of the complaint to be served on the respondent. The notice shall specify a time and place for a public hearing on the allegations of the complaint. Notwithstanding the previous sentence, the Fair Housing Review Board, with consent of both complainant and respondent, may make findings and issue appropriate orders without the necessity of a public hearing on the complaint.

(d) Hearings.

(1) A public hearing shall be held not less than ten (10) nor more than thirty (30) days from the service of the written notice provided for in division (c)(3) of this section. The respondent may file a written verified answer to the complaint. The parties shall have the right to present testimony in person or otherwise, with or without counsel, at the hearing. The Fair Housing Review Board or the complainant shall have the power reasonably and fairly to amend any complaint and the respondent shall have like power to amend his answer. The Fair Housing Review Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and recorded.

(2) The parties may apply to the Fair Housing Review Board to have subpoenas issued in the Fair Housing Review Board's name. Failure to comply with a subpoena shall constitute a violation of this chapter. The parties may file such statements with the Fair Housing Review Board as they deem necessary. No fewer than three (3) of the same members of the Fair Housing Review Board must be present at all times during a hearing. The parties may appear before the Fair Housing Review Board in person or by

duly authorized representative, and may be represented by legal counsel. The parties shall have the right to present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.

(e) Hearing Decisions.

(1) Where a hearing has been held before the Fair Housing Review Board, only those members of the Fair Housing Review Board who have attended the hearing on the complaint shall participate in the determination of the complaint. Within fifteen (15) days of the close of the hearing, the decision shall be rendered in the form of a written order, which shall include findings of fact, a statement of whether the respondent is in violation of the provisions of this chapter, and such remedial actions as the Fair Housing Review Board may order. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection and a copy shall be provided to any person upon request and payment of reproduction costs.

(2) If, at the conclusion of the hearing, the Fair Housing Review Board shall determine upon the preponderance of the evidence that the respondent has engaged or is engaging in any unlawful discriminatory practice, it shall issue such order or orders as the facts warrant and shall state its findings of fact in support thereof. Such order or orders may include:

A. That the respondent forthwith permit the complainant such right or privilege as constituted the subject of the complaint;

B. That the respondent perform an affirmative act that would otherwise have been performed had the complainant not been discriminated against because of race, color, religion, sex, ancestry, handicap or national origin;

C. Directing the respondent to comply with such other or further relief as the Fair Housing Review Board may deem appropriate for the enforcement of this chapter.

(3) If there are reasonable grounds to believe that a violation of the provisions of this chapter has not occurred, then the Fair Housing Review Board shall dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal, within five (5) days, by serving a copy of the notice of dismissal by certified mail on the parties. A copy of the notice shall also be filed with the Fair Housing Review Board. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen (14) days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Community Relations Board for a review of the complaint. By a majority vote, the Community Relations Board may overrule the dismissal and refer the complaint to the Fair Housing Review Board for a hearing pursuant to this section.

(4) In the event the respondent fails within a reasonable time to comply with an order issued by the Fair Housing Review Board, it shall certify the case, together with the record of its proceedings and the available evidence of non-compliance to the Director of Law for

appropriate action on behalf of the City to effectuate the purposes of this chapter.

665.06 Prohibition against Real Estate Steering

No person who receives or expects to receive pecuniary gain from the sale or rental of housing accommodations shall:

(a) Influence or attempt to influence any other person who purports or represents himself to be a prospective purchaser, occupant, or tenant of housing accommodations to refrain from purchasing or renting housing accommodations by referring to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, of occupants or prospective occupants of other housing accommodations in the neighborhood;

(b) Influence or attempt to influence, by any words, acts, or failure to act, any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord, or tenant of housing accommodations, in connection with the sale or rental of housing accommodations, so as to promote or tend to promote the continuance or maintenance of segregated housing or so as to retard, obstruct, or discourage integrated housing on or in any street, block, or neighborhood;

(c) Discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord, or tenant of housing accommodations by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or rental of housing accommodations or in the furnishing of information, services, or facilities relative thereto because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of any person.

665.07 Watch Area Designation

(a) Upon consideration of the factors listed in division (b) of Section 665.08, the Community Relations Board may designate any area of the City as a "watch area." A watch area designation shall signify that the area is sensitive to change and that real estate brokers, agents, sales persons or other persons who are licensed or required to be licensed pursuant to RC Chapter 4735 are advised to solicit the area only with due caution. Whenever an area of the City is designated as a watch area, the Community Relations Board shall monitor the situation and actively work towards eliminating or reducing the factors that caused the area to be designated as a watch area. In any area designated as a watch area, the Community Relations Board may seek a voluntary real estate solicitation moratorium for such length of time as appropriate, but only if such voluntary moratorium is warranted in the opinion of the Community Relations Board by the circumstances in a given watch area.

(b) At any time that an area is not under a non-solicitation area designation pursuant to Section 665.08, the Community Relations Board may cancel a watch area designation if it finds that the factors that caused the area to be designated as a watch area have been

eliminated or reduced and that the designation is no longer warranted.

(c) Upon each designation or cancellation of a watch area, the Community Relations Board shall promptly notify the Mayor and Council in writing and publish a notice in the City Record or newspaper of general circulation describing the boundaries of the area by reference to streets, census tracts or common landmarks. Each designation or cancellation shall take effect upon publication. The Community Relations Board shall maintain a list of designated watch areas and make it available to any person upon request.

665.08 Non-solicitation

(a) No real estate broker, agent, sales representative or other person who is licensed or required to be licensed pursuant to RC Chapter 4735 shall solicit the owner or occupant of any housing accommodations located within a non-solicitation area designated by the Fair Housing Review Board.

(b) Any area that the Community Relations Board has designated as a watch area may be designated by the Fair Housing Review Board as a non-solicitation area for an initial period of up to forty-five days upon making written findings based on substantial evidence introduced at a public hearing that real estate solicitation in the area is or is likely to cause or contribute to blockbusting or panic selling. In determining whether a non-solicitation area should be designated, the Fair Housing Review Board shall consider the following factors, and such other factors it may deem appropriate, as they pertain to the area under consideration:

- (1) The frequency of real estate solicitation;
- (2) The content of the solicitations;
- (3) The racial composition and rate of racial change;
- (4) The frequency of home sales and other real estate activity; and
- (5) The number, severity and history of racial incidents.

(c) The Fair Housing Review Board may extend for one time the designation of a non-solicitation area for a period of forty-five (45) days upon making written findings based on substantial evidence introduced at a public hearing that continuation of the solicitation ban is warranted. The public hearing to extend the designation of a non-solicitation area shall be held before the date on which the designation is scheduled to expire, but not more than ten days before the date on which the designation is scheduled to expire. If an area is designated as a non-solicitation area and the designation is extended one time, the designation shall cease after the extension expires.

(d) The Fair Housing Review Board may, following public hearing, cancel the designation of a non-solicitation area or extension of any such designation made pursuant to this section.

(e) If a designation of a non-solicitation area expires without extension or is cancelled, or if an extension made pursuant to division (c) of this section expires or is cancelled, the area may be designated anew as a non-solicitation area pursuant to division (b) of this section.

(f) Upon expiration or cancellation of a designation or extension of a non-solicitation area, the area

shall remain a watch area until the watch area designation is cancelled by the Community Relations Board pursuant to division (b) of Section 665.07.

(g) Upon each designation, extension or cancellation made pursuant to this section, the Fair Housing Review Board shall promptly notify the Mayor and Council in writing and publish a notice in the City Record or newspaper of general circulation describing the boundaries of the area by reference to streets, census tracts or common landmarks. Each designation, extension or cancellation shall take effect upon publication. The Fair Housing Review Board shall maintain a list of designated non-solicitation areas and make it available to any person upon request.

665.09 Intimidation or Interference in Housing

(a) No person, whether or not acting under color of law, shall by force or threat of force willfully intimidate, or interfere with, or attempt to intimidate or interfere with any of the following:

(1) Any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any housing accommodations, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

(2) Any person because that person is or has been, or in order to intimidate that person or any other person or any class of persons from doing either of the following:

A. Participating, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, in any of the activities, services, organizations, or facilities described in division (a)(1) of this section;

B. Affording another person or class or persons opportunity or protection so to participate.

(3) Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, in any of the activities, services, organizations, or facilities described in division (a)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(b) This section shall not apply whenever the conduct proscribed in this section constitutes a felony under RC 2927.03.

665.12 Scope/Severability

(a) Scope. The provisions of this chapter shall apply to all housing accommodations located within the territorial limits of the City of Cleveland, Ohio.

(b) Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction,

the remaining provisions of the chapter shall not be invalidated.

670.01 Definitions

As used in this chapter:

(a) "Armed security guard" means, except when performed by a person excluded under subsection (c) hereof, a person engaged for hire or employed as a watchman, guard, private policeman or other person whose primary duty is to protect persons or property or both, with the exception of such persons who do not carry a weapon of any kind.

(b) "Private security service" means, except when performed by a person excluded under subsection (c) hereof, the furnishing for hire of watchmen, guards, private policemen or other persons whose primary duty is to protect persons or property or both, with the exception of such persons who do not carry a weapon of any kind.

(c) "Armed security guard" and "private security service" do not include:

(1) A police officer compensated by a public or governmental body or authority; or

(2) Special police of a port authority, regional transit, university or college or mental health retardation board, as provided for in the Revised Code; special police, as provided for in RC 4973.17; or security officers as provided for in RC 306.35.

670.09 Requirements of Armed Security Guards

A person may be licensed as an armed security guard provided that he or she:

(a) Is twenty-one years of age or older;

(b) Is a United States citizen;

(c) Is able to read, write and speak the English language;

(d) Is not addicted to the use of intoxicating liquors or drugs;

(e) Is of sound physique, has good eyesight and is not subject to vertigo, heart disease or any other infirmity, defect or disorder of mind or body which might reasonably render him or her unfit for the safe carrying out of the duties of armed security guard or for the use of the deadly force in such capacity, as determined by the Director of Public Safety from all reliable medical, psychological or health information supplied by the applicant or from other information concerning the applicant's physical or mental condition.

Where such facts indicate that an applicant is suffering from any such infirmity, defect or disorder of mind or body, the Director may require the applicant, at his or her expense, to be examined by a licensed physician, psychologist or psychiatrist and to submit such physician's, psychologist's or psychiatrist's written report of such examination to the director for use in determining the applicant's fitness.

The subsection does not apply to an applicant who holds a valid and existing commission for the City under Section 135.20 as of April 1, 1981, with regard to pre-existing physical or mental conditions.

(f) Has a good reputation for integrity and that he or she is not under any of the disabilities set forth in RC 2923.13 preventing such person from acquiring, having, carrying or using any firearm, and is not suffering from a mental defect or disorder which renders the applicant unable to perform the duties of an armed security guard;

(g) Passes a weapons qualification test, devised and administered by the Director of Public Safety or his or her agent. Such test shall also be passed as a condition of the renewal of the license for an armed security guard. In no event shall the weapon used for testing or duty be greater than a .38 caliber handgun.

(h) Has satisfactorily completed a minimum of 120 hours in a training program approved by the Ohio Peace Officers Training Council pursuant to RC 109.78.

670.13 Firearms

The issuance of a commission as an armed security guard shall not of itself constitute the authority to carry firearms.

Armed security guards may carry weapons only after completing the basic State required instruction contained in Ohio Administrative Code Chapter 109:2-3. Personnel who are armed may carry weapons only when on duty at the premises guarded or when going directly to or from such premises. An armed security guard shall file a report with the Department of Public Safety each time his or her firearm is discharged in the City while away from a training range. In no event shall an armed security guard use or carry a firearm greater than a .38 caliber handgun.

670B.02 General Prohibition on Placement

(a) No person shall install, place or maintain an outdoor pay telephone within the public right-of-way or on public property unless the owner of the telephone has entered into a contract with the Director that grants to such owner the privilege of installing and maintaining the outdoor pay telephone in the public right-of-way or on public property. All contracts entered into by the Director for the installation, placement or maintenance of outdoor pay telephones within the public right-of-way or on public property shall be in accordance with the provisions of Section 6708.03.

(b) No person shall install, place or maintain an outdoor pay telephone on property other than the public right-of-way or public property unless the telephone has been registered in accordance with the requirements of Section 6708.04.

Note: No person may install or place an outdoor pay telephone within the public right-of-way or on public property on or after January 1, 1995 unless the installation is made pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. Beginning January 1, 1995, no outdoor pay telephone may remain in the public right-of-way or on public property other than pursuant to a contract entered into in accordance with Section 6708.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. The authority of the Director of Public Safety set forth in Section 670B.05 to order an outdoor pay telephone to be removed or modified, as set forth in division (a) therein, applies to all outdoor pay telephones within the public right-of-way or on public property, whether or not an agreement exists with the city for the placement and

maintenance of such outdoor pay telephones, until January 1, 1995.

670B.03 Contracts with Outdoor Pay Telephone Owners; Public Right-of-Way and Public Property

(a) The Director shall have the authority to enter into contracts that grant to one or more owners the privilege of installing and maintaining outdoor pay telephones in public rights-of-way or on public property, subject to the terms and conditions set forth in the contract and this section. The Director shall enter into these contracts through the use of competitive proposals, with the selection to be made by Council upon nomination of the Director.

(b) Any contract entered into pursuant to division (a) of this section must include the following terms and conditions:

(1) The Director shall approve the location of any outdoor pay telephone to be installed and maintained pursuant to the contract. In determining whether to approve the installation and maintenance of an outdoor pay telephone at a particular location, the Director shall consider the following factors:

A. Possible obstruction of pedestrian and vehicular traffic;

B. The existence of or lack of other pay telephones in the vicinity of the proposed location on public or private property;

C. The size of the telephone and any booth, stand, or pole accompanying the telephone;

D. The ability to provide access to the outdoor pay telephone by disabled persons;

E. The proliferation of visual clutter if the outdoor pay telephone is installed in the proposed location; and

F. Such other factors as are delineated in the contract.

In addition, the Director shall notify the Director of Public Safety, the Director of Public Service and the member of Council in whose ward the telephone will be located of the proposed installation of the telephone and inquire whether these officials know of any reason why the installation of the outdoor pay telephone should not be approved.

(2) Any outdoor pay telephone installed and maintained in accordance with the contract must:

A. Be well-lighted at all times;

B. Must allow a "direct dial" of 911 without the need to first use a coin or a credit card or the need to dial the operator;

C. Have a functioning coin return mechanism;

D. Have affixed in a readily visible place a notice setting forth the name of the owner, the owner's telephone number for repair and the telephone number or serial number of the outdoor pay telephone.

E. Be maintained in a properly functioning, clean, neat and attractive condition, free of rust and free of danger of electrical shock; and

F. Not be used for advertising signs or publicity of any sort.

(3) The owner of each outdoor pay telephone shall hold the City harmless from any and all liability, for any reason whatsoever, occasioned upon the installation and use of such telephone, other than liability arising from any negligent act or omission which is solely attributable to the City, and shall furnish, at said owner's expense, such general commercial liability insurance as shall protect said owner and the

City from all claims for damage to property or bodily injury, including death, which may arise from installation, maintenance and operation of the telephone or in connection therewith. Such policy shall name the City as an additional insured, shall be in an amount to be determined by the Director but not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damage to property, and shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without thirty (30) days' prior written notice to the City. A certificate of such insurance shall be provided to the Director at the time of execution of the contract and shall be maintained before and during the installation of any telephone in accordance with the contract and throughout the period that the contract for any telephone is in effect.

(4) Upon request of the member of Council in whose ward an outdoor pay telephone is located or upon receipt of citizen complaints concerning an outdoor pay telephone, the Director of Public Safety shall conduct an investigation into whether the installation and maintenance of the outdoor pay telephone constitutes a public nuisance.

Upon a determination by the Director of Public Safety that a particular outdoor pay telephone which has been installed and maintained in accordance with the contract constitutes a public nuisance, the Director shall order that the telephone be removed or, provided the Director of Public Safety concurs, that such special telephone service features as are acceptable to the Director shall be provided by the outdoor pay telephone. A particular outdoor pay telephone shall constitute a public nuisance when the Director of Public Safety determines that one or more of the following conditions exist:

A. The outdoor pay telephone has been used in the commission of illegal drug transactions or other criminal activity;

B. The existence of the outdoor pay telephone has resulted in the congregation of persons who have made loud noises and other disturbances that have disrupted persons residing near the telephone or disrupted business enterprises located near the telephone; or

C. The existence of the outdoor pay telephone has resulted in the congregation of persons who have interfered with pedestrian or vehicular traffic in the public right-of-way near the telephone.

D. Usage of the outdoor pay telephone between the hours of 1:00 a.m. and 5:00 a.m. is significantly and repeatedly above normal usage for similarly situated outdoor pay telephones during the same hours so as to indicate that the telephone is being used in the commission of illegal drug activity or other criminal activity.

(5) Any outdoor pay telephone installed or maintained in violation of the contract and the requirement of this chapter shall be subject to an order issued by the Director of immediate removal at the owner's expense. The owner shall remove the outdoor pay telephone within five (5) working days of an order to remove the telephone and shall restore the public right-of-way or public property to its original condition. Any outdoor pay telephone

which is not removed within five (5) working days of an order to remove the telephone shall be subject to immediate removal by the City at the owner's expense and shall constitute a default of the owner's contract. The owner must reimburse the City for the cost of removing and storing the telephone before the telephone may be reclaimed by the owner. Such costs shall also include the cost of removing any installation ancillary to the outdoor pay telephone and the cost of restoring the public right-of-way or public property to its original condition.

(6) If the total number of outdoor pay telephones in an area must be reduced in order to abate a public nuisance declared by the Director of Public Safety pursuant to division (b)(4) of this section, the determination as to the order in which an outdoor pay telephone or telephones must be removed shall be based upon the total period of time that a telephone has been either registered with the City pursuant to Section 670B.04 or placed pursuant to a contract with the City entered into pursuant to this section, with the telephone with the shortest registration period or placement period being removed first.

Note: No person may install or place an outdoor pay telephone within the public right-of-way or on public property on or after January 1, 1995 unless the installation is made pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. Beginning January 1, 1995, no outdoor pay telephone may remain in the public right-of-way or on public property other than pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by ordinance No. 1545-93, passed July 14, 1993. The authority of the Director of Public Safety set forth in Section 670B.05 to order an outdoor pay telephone to be removed or modified, as set forth in division (a) therein, applies to all outdoor pay telephoned within the public right-of-way or on public property, whether or not an agreement exists with the city for the placement and maintenance of such outdoor pay telephones, until January 1, 1995.

670B.04 Registration of Outdoor Pay Telephones

(a) Prior to the installation or placement of an outdoor pay telephone on property other than the public right-of-way or public property, the owner of the telephone shall submit a registration form with the Director containing the following information:

- (1) The name, address and telephone number of the owner;
- (2) The name, address and telephone number of the individual or other person to whom the City shall serve in person or by mail any order required by Section 670B.05;
- (3) The serial number or telephone number, location and dimensions of each outdoor pay telephone and the dimensions of any telephone enclosure for which the registration is being made;
- (4) A description of the services

provided for users of the outdoor pay telephone, including any special telephone service features;

(5) An affidavit that the proposed outdoor pay telephone or telephones will be in compliance with all relevant PUCO regulations.

(b) One registration form may be submitted to include any number of outdoor pay telephones and shall be signed by the owner.

(c) A ten dollar (\$10.00) fee for each outdoor pay telephone must accompany the registration form to defray the expenses incident to the administration of the provisions of this chapter.

(d) The owner shall promptly notify the Director in writing of any change in the information required by division (a) of this section. If the owner proposes to change the location of an outdoor pay telephone, a new registration form, together with a ten dollar (\$10.00) fee to defray the expenses incident to the administration of the provisions of this chapter, must be filed prior to the change in location.

(e) Upon receipt of the information filed pursuant to division (a) of this section and payment of the required fee to the Director, the Director shall provide written verification to the owner that the outdoor pay telephones identified on the form have been registered with the City and shall provide the owner with a label to be affixed to each such telephone identifying the registration number and location of the telephone.

Note: No person may install or place an outdoor pay telephone within the public right-of-way or on public property on or after January 1, 1995 unless the installation is made pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. Beginning January 1, 1995, no outdoor pay telephone may remain in the public right-of-way or on public property other than pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. The authority of the Director of Public Safety set forth in Section 670B.05 to order an outdoor pay telephone to be removed or modified, as set forth in division (a) therein, applies to all outdoor pay telephones within the public right-of-way or on public property, whether or not an agreement exists with the city for the placement and maintenance of such outdoor pay telephones, until January 1, 1995.

670B.05 Public Nuisance; Removal of Outdoor Pay Telephones

(a) Upon request of the member of Council in whose ward an outdoor pay telephone is located or upon receipt of citizen complaints concerning an outdoor pay telephone, the Director of Public Safety shall conduct an investigation into whether the installation and maintenance of the outdoor pay telephone constitutes a public nuisance.

Upon a determination by the Director of Public Safety that a particular outdoor pay telephone which has been registered pursuant to Section 670B.04 constitutes a public nuisance, the Director shall order that the telephone be removed or, pro-

vided the Director of Public Safety concurs, that such special telephone service features as are acceptable to the Director shall be provided by the outdoor pay telephone. A particular outdoor pay telephone shall constitute a public nuisance when the Director of Public Safety determines that one or more of the following conditions exist:

(1) The outdoor pay telephone has been used in the commission of illegal drug transactions or other criminal activity;

(2) The existence of the outdoor pay telephone has resulted in the congregation of persons who have made loud noises and other disturbances that have disrupted persons residing near the telephone or disrupted business enterprises located near the telephone;

(3) The existence of the outdoor pay telephone has resulted in the congregation of persons who have interfered with pedestrian or vehicular traffic in the public right-of-way near the telephone;

(4) Usage of the outdoor pay telephone between the hours of 1:00 a.m. and 5:00 a.m. is significantly and repeatedly above normal usage for similarly situated outdoor pay telephones during the same hours so as to indicate that the telephone is being used in the commission of illegal drug activity or other criminal activity.

(b) The owner shall remove an outdoor pay telephone within five (5) working days of an order to remove the telephone issued pursuant to division (a) of this section and shall restore the property to its original condition. Any outdoor pay telephone which is not removed within five (5) working days of an order to remove the telephone shall be subject to immediate removal by the City at the owner's expense. The owner shall reimburse the City for the cost of removing and storing the telephone before the telephone may be reclaimed by the owner. Such costs shall also include the cost of removing any installation ancillary to the outdoor pay telephone and the cost of restoring the public right-of-way or public property to its original condition.

(c) If the total number of outdoor pay telephones in an area must be reduced in order to abate a public nuisance declared by the Director of Public Safety pursuant to division (a) of this section, the determination as to the order in which an outdoor pay telephone or telephones must be removed shall be based upon the total period of time that a telephone has been either registered with the City pursuant to Section 670B.04 or placed pursuant to a contract with the City entered into pursuant to Section 670B.03, with the telephone with the shortest registration period or placement period being removed first.

Note: No person may install or place an outdoor pay telephone within the public right-of-way or on public property on or after January 1, 1995 unless the installation is made pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. Beginning January 1, 1995, no outdoor pay telephone may remain in the public right-of-way or on public property other than pursuant to a contract entered into in accordance with Section 670B.03 of

the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. The authority of the Director of Public Safety set forth in Section 670B.05 to order an outdoor pay telephone to be removed or modified, as set forth in division (a) therein, applies to all outdoor pay telephones within the public right-of-way or on public property, whether or not an agreement exists with the city for the placement and maintenance of such outdoor pay telephones, until January 1, 1995.

670B.06 Appeal

The owner of an outdoor pay telephone may appeal from an order of removal issued pursuant to Section 670B.05 to the Board of Zoning Appeals within five (5) working days after receipt of the order. The order of removal shall be stayed during the pendency of the appeal before the Board. The Board shall commence to hear the merits of an appeal within thirty (30) days of the filing of an appeal. The Board shall render a decision within ten (10) days of the date of the hearing, which decision may affirm, disaffirm, or grant exception from the order, requirement, decision or determination from which the appeal has been taken. If the Board affirms an order of the Director issued pursuant to division (a) of Section 670B.05, the owner shall have three (3) working days to remove the outdoor pay telephone in question; if the owner fails to correct the violation within that time, the outdoor pay telephone may be removed by the Director at the owner's expense.

Note: No person may install or place an outdoor pay telephone within the public right-of-way or on public property on or after January 1, 1995 unless the installation is made pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. Beginning January 1, 1995, no outdoor pay telephone may remain in the public right-of-way or on public property other than pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. The authority of the Director of Public Safety set forth in Section 670B.05 to order an outdoor pay telephone to be removed or modified, as set forth in division (a) therein, applies to all outdoor pay telephones within the public right-of-way or on public property, whether or not an agreement exists with the city for the placement and maintenance of such outdoor pay telephones, until January 1, 1995.

670B.99 Penalty

Whoever violates Section 670B.02 shall be guilty of a misdemeanor and fined not more than one hundred dollars (\$100.00) for a first offense and not more than five hundred dollars (\$500.00) for a second or subsequent offense. Each day's violation constitutes a separate offense.

Note: No person may install or place an outdoor pay telephone within the public right-of-way or on public property on or after January

1, 1995 unless the installation is made pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. Beginning January 1, 1995, no outdoor pay telephone may remain in the public right-of-way or on public property other than pursuant to a contract entered into in accordance with Section 670B.03 of the Codified Ordinances as enacted by Ordinance No. 2159-92, passed June 14, 1993, as renumbered by Ordinance No. 1545-93, passed July 14, 1993. The authority of the Director of Public Safety set forth in Section 670B.05 to order an outdoor pay telephone to be removed or modified, as set forth in division (a) therein, applies to all outdoor pay telephones within the public right-of-way or on public property, whether or not an agreement exists with the city for the placement and maintenance of such outdoor pay telephones, until January 1, 1995.

671.14 Article Labeling Requirements

No person licensed hereunder shall offer for sale by auction any article to which there is not attached a card, ticket or label containing a true and correct statement plainly written or printed in English specifying the kind and quality of the metal of which such article is made or composed, or the percentage, karat or purity of such metal. If such articles are plated or overlaid, then such tag or label shall contain a true statement of the kind of plate. When precious stones are for sale or sold by auction as such or as part of an article of jewelry, such written statement shall set forth the true name, weight and quality of such stone or stones. When semiprecious stones are offered for sale or sold by auction as such or as part of an article of jewelry, such written statements shall set forth the true name of the stones. When imitations of precious or semiprecious stones are offered for sale or sold by auctions as such or as part of an article of jewelry, the imitations shall be described or defined as synthetic or imitations of such stones as they purport to represent. When watches and clocks are sold the true names of the manufacturers shall be stated in writing and no parts of the movements or mechanism thereof shall be substituted or contain false and misleading names or trademarks; neither shall secondhand or old movements be offered for sale in new cases without a true statement to that effect. Used and rebuilt watches should be so indicated in accordance with Section 653.04. Such tag or label shall remain securely attached to any such article or merchandise, shall be delivered to the purchaser as a true and correct description and representation of the article sold and shall be deemed prima-facie evidence of intent to defraud in case such written statement is not a true and correct description and representation of the articles sold.

674.01 Definitions

As used in this chapter:

(a) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion of a rod with the receiver or slide

closed, or the barrel, receiver or any part of the firing mechanism of such weapon; which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable handguns which cannot be rendered operable, curios, relics or antique handguns as presently or hereafter defined in Title 27, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

(b) "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(c) "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

(d) "Nonresident" means any person who does not have a place of residence within the limits of the City of Cleveland.

(e) "Identification card" means a hand gun owner's identification card issued pursuant to Section 674.04.

(f) "Registration card" means a handgun registration card issued pursuant to Section 674.05.

674.04 Handgun Owner's Identification Card; Application; Prohibitions

(a) Application for an identification card shall be made in writing, and shall be accompanied by an application fee of nine dollars (\$9.00) which shall be paid into the treasury of the City, with a separate accounting made therefor. If it does not appear upon investigation that the applicant is prohibited by this section from being issued an identification card, the Chief of Police shall issue an identification card to the applicant within not less than seven (7) days nor more than sixty (60) days from the date of application.

For purposes of procuring an identification card, any and all forms and applications required shall be available, and may be filled out at the Central Police Station or any district police station.

(b) All handgun identification cards issued pursuant to this section shall be entitled "City of Cleveland, Ohio, Handgun Owner's Identification Card," be serially numbered according to a system devised by the Chief of Police; bear the date of issue, the date of expiration, the name of the Chief of Police, and the applicant's name, home address, birth date, physical description, and full face photograph; and shall be signed by the holder. A copy of each identification card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall be confidential and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) An identification card shall expire three (3) years after the applicant's birthday next succeeding the date of issuance.

(d) An identification card shall not be issued to:

(1) A person now or hereafter prohibited by RC 2923.13 from knowingly acquiring, having, carrying, or using any firearm or dangerous ordinance;

(2) A person under twenty-one (21) years of age;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one conviction of being drunk and disorderly or driving a motor vehicle while intoxicated, either of which occurs within one (1) year prior to the date of application;

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within two (2) years prior to application for such identification card.

(e) No person shall knowingly give any false information in making application for an identification card, and no person shall use or attempt to use an identification card to purchase, own, possess, receive, have on or about his person, or use any handgun, knowing such identification card belongs to another, or knowing it was obtained by means of false information, or when it is void by reason of the holder becoming a member of the class of persons prohibited by division (d) hereof from being issued an identification card.

(f) A possessor of an identification card shall become ineligible to possess such a card if he becomes one of that class of persons to whom an identification card cannot be issued pursuant to division (d) hereof, and he shall thereupon immediately forfeit such card and return the same to the Chief of Police. Any and all handguns owned by him or in his possession shall be forthwith confiscated and disposed of by the Division of Police as provided in Section 674.03.

674.06 Exemptions

(a) The following shall be exempt from the provisions of this chapter:

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) An officer or agent of any state of the United States, or any agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry or use handguns and not for the personal use of such individual.

(b) The requirements of an identification card and registration card contained in Sections 674.04 and 674.05 shall not apply to:

(1) A holder of a dealer's license issued pursuant to Section 674.07.

(2) A nonresident of the City who holds and exhibits upon request a valid permit, authorization or identification issued by the chief of police or the sheriff of his place of residence, to purchase, own, possess, receive, carry or use any handgun. It is provided further that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition.

(3) A new resident of the City, during a period not exceeding thirty days after he becomes a resident. However, such person shall possess and exhibit upon request such valid permit, authorization or identifica-

tion as may be required by the laws of his former domicile to own, possess, receive or have on or about the person any handgun, or proof of former residence in a jurisdiction which does not require the same.

(4) An executor, administrator, guardian, receiver, trustee in bankruptcy, or other fiduciary duly qualified and appointed by a court of competent jurisdiction, when acting in his fiduciary capacity, and an attorney for such a person, when such handgun constitutes property of the estate or trust, but not for the personal use by such individual.

(5) The next of kin or legatee of a decedent acquiring a handgun through distribution of an estate, during a period not exceeding thirty days from the date of his coming into possession thereof, but in any event not more than fifteen days after the appointment of an executor, administrator or other fiduciary.

(6) Carriers, warehousemen and others engaged in the business of transportation and/or storage and their employees, to the extent that the possession, receipt or having on or about the person of any handgun is in the ordinary course of business and in conformity with State or Federal laws, but not for the personal use of any such person.

(7) A person owning or possessing any handgun on February 9, 1976, who files an application for an identification card during a period not to exceed 100 days from such date, until such application is granted or denied. During any 100-day period, any person required to register a handgun shall cause the handgun to be brought, unloaded and securely wrapped, to the Central Police Station or to a district police station for verification of its type, caliber and serial number.

(8) A Federally licensed manufacturer of handguns.

674.07 Handgun Dealer's License; Fee

(a) Every dealer in the City shall procure a license to engage in such business. Any dealer engaged in such business at more than one location in the City shall procure a separate license for each such location.

Application for a dealer's license shall be made in writing at the office of the Chief of Police and shall be accompanied by an application fee of one hundred dollars (\$100.00), which shall be paid into the City treasury, with a separate accounting made therefor. If it appears upon investigation that the applicant holds a Federal dealer's license, the Chief of Police shall issue a dealer's license to the applicant within not less than seven days nor more than sixty days from the date of application. A copy of each dealer's license shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief.

(b) A dealer's license shall remain in effect for one year or until such time as it is revoked, surrendered or the dealer discontinues business as a dealer. Licenses issued pursuant to the provisions of this section are not transferable.

(c) Notwithstanding the provisions of division (a) hereof, no dealer's license shall be issued to any applicant whose dealer's license has been revoked, nor to any applicant who has been convicted of a violation of any provision of this chapter, until the expiration of five

years from the effective date of such revocation or five years from the date of conviction. The license issued pursuant to this section shall be prominently displayed by every dealer at his place of business.

(d) The issuance of a dealer's license shall be restricted to locations within a general retail district or a semi-industrial district. Further, a dealer's license shall not be issued to an applicant whose location is within 1,000 feet of a school, church, day care center, liquor establishment or another handgun dealer.

(e) Ninety days after February 9, 1976, no person, firm or corporation shall engage in business as a dealer in the City without a dealer's license. Each day of continuing violation of this section shall be deemed a separate offense.

(f) No dealer, or any agent or employee of a dealer, shall fail to comply with this section or knowingly cause any false information to be entered on a record of purchase or sale of any handgun. No purchaser of any handgun shall give any false information for entry on such record of sale.

678.99 Penalty

Any person or persons, who either for themselves or as an officer, agent or employee of any person, firm or corporation who violates any of the provisions of Section 678.03 shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) plus the cost of prosecution, or be imprisoned not more than six months, or both.

683A.191 Reapplication Restriction

(a) No person may reapply for a masseur or masseuse permit within one year of the date of a denial or revocation of the same by the Commissioner of Assessments and Licenses.

(b) If any person has been denied a permit to operate a massage establishment at a given location or has had a permit revoked, then no person may submit an application to operate a massage establishment at the same location within one year of the denial or revocation by the Commissioner of Assessments and Licenses.

(c) In addition to and not in limitation of division (b) of this section, no person who has been denied a permit to operate a massage establishment at a given location or has had a permit revoked may apply to operate a massage establishment at any other location within one year of the denial or revocation by the Commissioner of Assessments and Licenses. This division shall not apply if the sole reason for the denial or revocation was that the physical facility of the massage establishment failed to meet any of the requirements of Section 683A.11, or the second and third sentences of division (c) of Section 683A.12, or division (h) of Section 683A.12, the Building Code or the Fire Prevention Code.

699.99 Penalties

Any person who violates any of the provisions of this chapter, other than division (c) of Section 699.12 shall be guilty of a misdemeanor of the fourth degree. Any operator who, personally or through an agent or employee, permits a minor to enter a picture arcade or booth in

violation of division (c) of Section 699.12 shall be guilty of a misdemeanor of the first degree. Each day upon which any violation occurs or continues shall constitute a separate offense and punishable as such hereunder.

Section 3. That the Clerk shall deposit in File No. 90-96-A the amendments made to the previous versions of the Code sections identified in this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.

Effective March 26, 1996.

Ord. No. 91-96.
By Councilmen Polensek, McGuirk and Rokakis (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting various sections of the City's Traffic Code; and to repeal existing sections of said code.

Whereas, the Ohio General Assembly has amended certain sections of the State Criminal Code and added new sections thereto; and

Whereas, such amendments should be reflected in the Codified Ordinances of Cleveland, Ohio, 1976, since ordinances which are enacted as an exercise of the City's police powers are required by the Ohio Constitution not to conflict with the general State law; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that violators may be immediately charged under the City's municipal code instead of the State statutes and providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 401.06, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Section 401.07, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 401.14, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 401.16, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Section 401.26, as amended by Ordinance No. 1459-78, passed November 22, 1978,

Section 401.43, as amended by Ordinance No. 280-80, passed December 15, 1980,

Sections 401.49, 401.52, 401.67, 401.69, 401.73, and 403.12, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 403.99 and 405.02, as amended by Ordinance No. 820-90, passed June 14, 1993,

Section 411.01, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Section 413.02, as amended by Ordinance No. 280-80, passed December 15, 1980,

Section 413.03, as amended by Ordinance No. 1459-78, passed November 22, 1978,

Sections 413.07, 413.08, 413.09, and 413.12, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 433.01, as amended by Ordinance No. 820-90, passed June 14, 1993,

Section 433.02, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 433.03, as amended by Ordinance No. 2822-89, passed March 19, 1990,

Sections 433.04, 433.07, 435.01, 435.02, and 435.03 as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 435.04, as amended by Ordinance No. 1459-78, passed November 22, 1978,

Section 435.06, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 435.07, as amended by Ordinance No. 820-90, passed June 14, 1993,

Section 435.08, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Section 435.09, as amended by Ordinance No. 2822-89, passed March 19, 1990,

Sections 435.16 and 435.17, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 437.02, as amended by Ordinance No. 1459-78, passed November 22, 1978,

Section 437.10, as amended by Ordinance No. 2822-89, passed March 19, 1990,

Section 437.16, as amended by Ordinance No. 2684-76, passed June 29, 1976,

Section 437.18, as amended by Ordinance No. 1459-78, passed November 22, 1978,

Sections 437.19 and 437.22, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 437.26, as amended by Ordinance No. 1472-94, passed October 17, 1994,

Section 437.27, as amended by Ordinance No. 38-93, passed April 26, 1993,

Section 439.07, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Sections 439.10, 439.15, and 439.16, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 451.041 and 471.01, as amended by Ordinance No. 2822-89, March 19, 1990,

Section 471.03, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 473.02, as amended by Ordinance No. 280-80, passed December 15, 1980,

Section 473.06, as amended by Ordinance No. 2822-89, passed March 19, 1990,

Sections 473.14 and 483.06, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Section 485.03, as amended by Ordinance No. 2822-89, passed March 19, 1990,

Sections 485.09 and 487.05, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 487.06 and 487.09, as amended by Ordinance No. 755-A-86, passed October 27, 1986; and

Section 487.10, as amended by Ordinance No. 1684-76, passed June 29, 1976 are hereby repealed.

Section 2. That the Codified Ordina-

nances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 401.06, 401.07, 401.101, 401.14, 401.16, 401.26, 401.43, 401.49, 401.52, 401.67, 401.69, 401.73, 403.12, 403.99, 405.02, 411.01, 413.02, 413.03, 413.07, 413.08, 413.09, 413.12, 433.01, 433.02, 433.03, 433.04, 433.07, 435.01, 435.02, 435.03, 435.04, 435.06, 435.07, 435.08, 435.09, 435.16, 435.17, 437.02, 437.10, 437.16, 437.18, 437.19, 437.22, 437.26, 437.27, 439.07, 439.10, 439.15, 439.16, 451.041, 471.01, 471.03, 471.041, 473.02, 473.06, 473.14, 483.06, 485.03, 485.09, 487.05, 487.06, 487.09, and 487.10, to read, respectively, as follows:

401.06 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 as defined in RC 4511.01 (DDD), and every motor vehicle, automobile for hire or funeral car, other than a taxicab motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (RC 4511.01(L))

401.07 Business District

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where fifty percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent 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 such territory is indicated by official traffic control devices. (RC 4511.01(NN))

401.101 Commercial Motor Vehicle

"Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(a) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(b) Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;

(c) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials;

(d) Any school bus with a gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(e) Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended;

(f) 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 highway 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. (RC 4506.01(E))

401.14 Crosswalk

"Crosswalk" means:

(a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where local authorities have placed signs indicating no crossing. (RC 4511.01(LL))

401.16 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 Ohio Director of Public Safety, or local authorities, and motor vehicles when commanded by a police officer. (RC 4511.01(D))

401.26 Motor Vehicle

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized 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, trailers 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 public street or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products, 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. (RC 4511.01(B))

401.43 Public Safety Vehicle

"Public safety vehicle" means any of the following:

(a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county, and private ambulances and nontransport vehicles bearing license plates issued under RC 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 or the Municipality;

(c) Any motor vehicle when properly identified as required by the Ohio 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 Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);

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

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 a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital. (RC 4511.01(E))

401.49 Right of Way

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

(a) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or he is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or his 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 right-of-way limits under the control of the state or local authority. (RC 4511.01(UU))

401.52 School Bus

"School bus" means every bus designed for carrying more than nine passengers which 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; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the City, or within such limits and the territorial limits of municipal corporations immediately contiguous to the City, 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, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at anytime. (RC 4511.01(F))

401.67 Traffic Control Devices

"Traffic control devices" means all flaggers, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or

guiding traffic, including signs denoting names of streets and highways. (RC 4511.01(QQ))

401.69 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 such 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, and 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 public 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. (RC 4511.01(M))

401.73 Vehicle

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices other than bicycles moved by human power. (RC 4511.01(A))

403.12 Freeway Use Prohibited by Pedestrians, Bicycles and Animals

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

(a) 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.

(b) 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; a bicycle with motor attached; a motor-driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; or farm machinery; except in the performance of public works or official duties. (RC 4511.051)

403.99 Traffic Code Misdemeanor Classifications and Penalties

(a) Misdemeanor Classifications.

(1) General classification. Whoever violates any provision of this Traffic Code or any regulation lawfully adopted pursuant thereto, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for violation of Section 433.03, upon a finding that he operated a motor vehi-

cle in excess of the posted speed limit by ten miles an hour or more, such person is guilty of a misdemeanor of the fourth degree. (RC 4511.99(D), 4513.99(C)). When any person is found guilty of a violation of Section 433.07(b)(8), in addition to all other penalties provided by law, such person shall be fined two times the usual amount imposed for the violation.

(2) Driving under the influence. Whoever violates division (a) of Section 433.01, in addition to the license suspension or revocation provided in RC 4507.16 and any disqualification imposed under RC 4506.16 shall be punished as provided in division A., B., C. or D. below:

A. If, within five years of the offense, the offender has not been convicted of or pleaded guilty to any violation of division (a) or (b) of Section 433.01, RC 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000).

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to RC Chapter 3793, by the Director of Alcohol and Drug Addiction Services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that

the offender should attend and to report periodically to the court on his progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

B. If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (a) or (b) of Section 433.01, RC 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than three hundred dollars (\$300.00) and not more than one thousand five hundred dollars (\$1,500). In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to RC 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender.

C. If, within five years of the offense, the offender has been convicted of or pleaded guilty to two violations of division (a) or (b) of Section 433.01, RC 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by RC

3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that the payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund, created pursuant to division (N) of RC 4511.191.

D. If, within five years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of division (a) or (b) of Section 433.01 and RC 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of sixty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition and notwithstanding division (b) of Section 403.99, the court shall impose upon the offender a fine of not less than seven hundred fifty dollars (\$750.00) nor more than ten thousand dollars (\$10,000).

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that the payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund, created pursuant to division (N) of RC 4511.191.

E. Twenty-five dollars (\$25.00) of each fine imposed pursuant to divisions (a) (2)A., B., C. or D. of this Section shall be deposited into the indigent drivers alcohol treatment fund of the court, created pursuant to division (N) of RC 4511.191.

F. Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to divisions (a) (2)A. to D. of this section to continue his employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a) (2)A. to D. of this Section to impose. No court shall authorize work release from imprisonment during the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a) (2)A. to D. of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and

the place of imprisonment and the time actually spent under employment.

G. Notwithstanding any section of the Revised Code or this Traffic Code that authorizes suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten, thirty, or sixty consecutive days of imprisonment required to be imposed by divisions (a) (2)B. to D. of this section or place an offender who is sentenced pursuant to division (a) (2)B. to D. of this section in any treatment program in lieu of imprisonment until after the offender has served the ten, thirty, or sixty consecutive days of imprisonment required to be imposed pursuant to division (a) (2)B. to D. of this section.

Notwithstanding any section of the Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (a) (2)A. of this section, shall suspend the three consecutive days of imprisonment required to be imposed by division (a) (2)A. of this section or place an offender who is sentenced pursuant to division (a) (2)A. of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (a) (2)A. of this section.

H. No court shall sentence an offender to an alcohol treatment program pursuant to division (a) (2)A. to D. of this section unless the treatment program complies with the minimum standards adopted pursuant to RC Chapter 3793, by the director of alcohol and drug addiction services (RC 4511.99(A)).

I. As used in this section, "three consecutive days" means seventy-two consecutive hours. (RC 4511.991)

(3) Physical control. Whoever violates division (b) of Section 433.01 is guilty of a misdemeanor of the first degree.

(4) Street racing. Whoever violates Section 433.07 is guilty of a misdemeanor of the first degree.

(5) Licensing drivers. Whoever violates any provision of Sections 435.01 to 435.07, inclusive, is guilty of a misdemeanor of the first degree.

(6) Accidents. Whoever violates any provision of Sections 435.15 to 435.17, inclusive, is guilty of a misdemeanor of the first degree.

Misdemeanor Classification	Maximum Imprisonment Term		Maximum Fine
	Maximum Imprisonment Term	Maximum Fine	
1st degree	6 months		
2nd degree	90 days		\$1,000.00
3rd degree	60 days		750.00
4th degree	30 days		500.00
Minor	None		250.00
(RC 2929.21)			100.00

(7) Willfully fleeing a police officer. Whoever violates division (b) of Section 403.02 is guilty of a misdemeanor of the first degree.

(8) Stopping for school buses. Whoever violates division (a) of Section 431.38 may be fined not more than five hundred dollars (\$500.00).

(9) Placing dangerous material on streets. Whoever violates division (e) of Section 411.01 is guilty of a misdemeanor of the first degree.

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

(c) License Suspension. (1) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for not less than thirty days nor more than three years or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to any of the following:

A. Division (a) of Section 431.38:
B. Sections 435.01 to 435.07, inclusive;

The trial judge, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence of not to exceed six months, if that imprisonment was not imposed for the offense for which the person was convicted.

(2) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to a violation of division (b) of Section 433.01. The length of the suspension or revocation imposed by the trial judge upon a person who is convicted or pleads guilty to a violation of division (b) of Section 433.01 shall be the same as that imposed pursuant to division (B) of RC 4507.16 upon a person who is convicted of or pleads guilty to a violation of RC 4511.19, or 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 a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(3) The trial judge of the Cleveland Municipal Court may, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than fifteen days who is convicted of or pleads guilty to a violation of operating a motor vehicle faster than five miles per hour in excess of the prima-facie speed limits specified in Section 433.03 relating to passing a school building or grounds or operating a motor vehicle in a residential district.

For any subsequent conviction of any such provision, the trial judge shall, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than thirty days who is convicted of or pleads guilty

to any offense specified in this division. The first five days may not be suspended by the Court.

405.02 Impounding of Vehicles

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

(a) When any vehicle is left unattended upon any street, alley or bridge and constitutes an unreasonable hazard or obstruction to the normal movement of traffic or unreasonably interferes with street cleaning or snow removal operations, or when any vehicle is left on any street or public property for more than seventy-two hours.

(b)(1) Upon complaint of any person adversely affected, when any motor vehicle, other than an abandoned junk motor vehicle as defined in RC 4513.63 has been left on private residential or agricultural property as defined in RC 4513.60 for more than four hours without the permission of the person having the right to the possession of the property. (RC 4513.60(A)(1))

(2) When any motor vehicle, other than an abandoned junk motor vehicle as defined in RC 4513.63, has been left on a public street or other property open to the public for the 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 Police of the reasons for leaving the motor vehicle in such place. (RC 4513.61)

(3) When any motor vehicle is an abandoned junk motor vehicle as defined in RC 4513.63 and removal is authorized by that Section. (RC 4513.63)

(4) When any junk motor vehicle as defined in RC 4513.65 has not been either covered by being housed in a garage or other suitable structure, or removed from the property, within ten days of the date of receipt of a notice meeting the requirements of division (b) of Section 451.27 by the person having the right to possession of the property on which the junk motor vehicle is left.

(c) When any vehicle has been stolen or operated without the consent of the owner.

(d) When any vehicle is parked on any street or other public property and displays illegal plates or fails to display the current lawfully required license plates.

(e) When any vehicle has been used in or connected with the commission of procuring, soliciting, prostitution, soliciting drug sales in violation of Section 607.20, or any felony.

(f) 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.

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

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

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

(j) When any vehicle is found standing or parked in violation of the provisions of Section 451.04 through 451.06, 451.11, 451.13, 453.01,

453.02, 455.05, 455.06 or 455.07 of these Codified Ordinances and such vehicle has four or more parking infraction judgments or previously issued outstanding criminal citations or notices of violation of any of the provisions of the Traffic Code.

(k) When any vehicle constitutes an unreasonable hazard to persons or property at the scene of a fire, accident, disaster, riot or emergency of any kind.

(l) When any vehicle is found standing or parked in violation of the provisions of Sections 451.03, 451.08 through 451.10, 451.12, 451.15 through 451.25, division (e) or division (f) or of Section 451.33, or division (a) of Section 461.15.

(m) When any vehicle is ordered immobilized pursuant to RC Chapters 4503., 4507. or 4511.

(n) When any vehicle that is subject to an order of immobilization and impoundment pursuant to RC 4503.233 is found being operated on any street or highway.

411.01 Placing Injurious Material or Obstruction in Street

(a) No person shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such street, except such substances that may be placed upon the roadway by proper authorities for the repair or construction thereof.

(b) Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.

(c) Any person authorized to remove a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

(d) No person shall place any obstruction in or upon a street without proper authority.

(e) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof. (RC 4511.74)

413.02 Through Streets; Stop and Yield Right-of-Way Signs

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

Whenever the Director of the Ohio Department 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 his jurisdiction. Before the Director either installs or removes a stop sign under this division, he shall give notice, in writing, of that proposed action to the City at least, thirty days before installing or removing the stop sign.

(b) Other streets or highways, or portions thereof, are hereby designated through streets or highways, if they are within the City, 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 traffic control 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 such street 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 City may by ordinance designate such street or highway, or portion thereof, not to be a through street or highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more through streets or highways designated under this subsection (b) intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the City, 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 street or 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 street or highway.

(d) Council may designate additional through streets or highways whereupon the appropriate executive officers shall erect stop signs, yield signs or traffic control signals at all streets and highways intersecting such through streets or 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. (RC 4511.65)

(e) The following are additional through streets or highways designated by Council:

Bellaire Rd., from West 130th St. to Puritas Ave.
Berea Rd., from Detroit Ave. to Triskett Rd.
Carnegie Ave.
Columbus Rd.
East Blvd.
Fairhill Rd.
Fulton Rd.
Independence Rd.
Jennings Rd.
Lake Ave., from Detroit Ave. to Clifton Rd., and from West Blvd. to West 117th St.
Lee Rd.
Liberty Blvd.
Nottingham Rd., from East 185th St. to southerly City limits.
Scranton Rd.

Train Ave., from Scranton Rd. to West 47th St.
Triskett Rd., from West 117th St. to Lorain Ave.
Turney Rd.
West 117th St.
West Blvd.

413.03 Traffic Control Signal Terms and Lights

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying words or symbols. The lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green Indication.

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian control signal as provided in Section 413.05, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady Yellow Indication.

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 413.05, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady Red Indication.

(1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown except as provided in subsections (c)(2) and (3) hereof.

(2) Unless a sign is in place prohibiting a right turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection (c)(1) hereof. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adja-

cent crosswalk and to other traffic lawfully using the intersection.

(3) Unless a sign is in place prohibiting a left turn as provided in subsection (c) (5) hereof, vehicular traffic facing a steady red signal on a one-way street that intersects another one-way street on which traffic moves to the left may cautiously make a left turn into the one-way street after stopping as required by subsection (c)(1) hereof, and yielding the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) Unless otherwise directed by a pedestrian control signal as provided in Section 413.05, pedestrians facing a steady red signal alone shall not enter the roadway.

(5) Council may by ordinance, as provided in Sections 413.09 and 413.10, prohibit a right or left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(d) Signals; Locations Other than Intersections. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (RC 4511.13)

413.07 Unauthorized Signs and Signals; Bidding from View; Advertising

(a) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any street any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices or the erection upon private property of traffic control devices by the owner of real property in accordance with RC 4511.211 and RC 4511.32.

(b) Every such prohibited sign, signal, marking or device is a public nuisance, and the Director of Public Safety is authorized to remove the same or cause it to be removed. (RC 4511.16)

(c) No person shall stick, post or attach any advertisement, poster, sign, handbill or placard of any kind or description upon any portion of a traffic control device or pole, post or stanchion upon which such device is placed or to which such device is attached, except such as may be required or permitted by the State laws or City ordinances.

413.08 Tampering with Traffic Control Devices Prohibited

No person, without lawful authority, shall do any of the following:

(a) Knowingly move, deface, dam-

age, destroy, or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield, or insignia on the device, sign, or signal, or any part of the device, sign, or signal;

(b) Knowingly drive upon or over any freshly applied pavement marking material or the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs, or other devices intended to protect it;

(c) Knowingly move, damage, destroy, or otherwise improperly tamper with a manhole cover. (RC 4511.17)

431.09 Following Too Closely

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, and the traffic upon and the condition of the street.

(b) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions. (RC 4511.34)

431.12 "U" Turns Restricted

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

(b) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This division applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell. This division does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (RC 4511.37)

(c) No vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable

safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement.

433.01 Driving or Physical Control While Under the Influence: Evidence

(a) Operation. No person shall operate any vehicle within the City, if any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(2) The person has a concentration of ten-hundredths of one percent (0.10%) or more by weight of alcohol in his blood;

(3) The person has a concentration of ten-hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his breath;

(4) The person has a concentration of fourteen-hundredths (0.14) of one gram or more by weight of alcohol per 100 milliliters of his urine. (RC 4511.19(A))

(b) Physical Control. No person shall be in actual physical control of any vehicle within the City, if any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(2) The person has a concentration of ten-hundredths of one percent (0.10%) or more by weight of alcohol in his blood;

(3) The person has a concentration of ten-hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his breath;

(4) The person has a concentration of fourteen-hundredths (0.14) of one gram or more by weight of alcohol per 100 milliliters of his urine.

(c) Operation - Juveniles. No person under twenty-one (21) years of age shall operate any vehicle within the City, if any of the following apply:

(1) The person has a concentration of at least two-hundredths of one percent (0.02%) but less than ten-hundredths of one percent (0.10%) by weight of alcohol in his blood;

(2) The person has a concentration of at least two-hundredths (0.02) of one gram but less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath;

(3) The person has a concentration of at least twenty-eight one-thousandths (0.028) of one gram but less than fourteen-hundredths (0.14) of one gram by weight of alcohol per one hundred milliliters of his urine.

(d) In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1) and a violation of division (b)(1), (2), or (3) of this section, but he may not be convicted of more than one violation of these divisions.

(e) Evidence; Tests; Immunity. In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance withdrawn within two hours of the time of the alleged violation.

When a person submits to a blood test at the request of a police officer under RC 4511.191, only a physi-

cian, a registered nurse or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in his opinion the physical welfare of the person would be endangered by the withdrawing of blood.

Such bodily substance shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to RC 3701.143.

If there was at the time the bodily substance was withdrawn a concentration of less than ten-hundredths of one percent (0.10%) by weight of alcohol in the defendant's blood, less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath or less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of his urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This paragraph does not limit or affect a criminal prosecution for a violation of division (c) of this section relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine.

Upon the request of the person who was tested, the results of the chemical test shall be made available to him, his attorney or agent, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse or a qualified technician or chemist of his own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. 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 police officer.

Any physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from a person. (RC 4511.19(B) to (D))

433.02 Operation in Willful or Wanton Disregard of Safety

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (RC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of 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. (RC 4511.201; Ord. No. 1684-76. Passed 6-29-76, eff. 7-6-76)

433.03 Maximum Speed Limits; Assured Clear Distance Ahead

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

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

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (b) (4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (b) (7) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means any school chartered under RC 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for non-chartered, non-tax supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from the City for streets and highways under its jurisdiction and that portion of a state highway under the jurisdiction of the Ohio Director of Transportation, the Director may extend the traditional school zone boundaries. The distances in divisions (b) (1) C.1. to 3. of this section 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 divisions (b) (1)A. and C. of this section.

D. As used in this division, "crosswalk" has the meaning given that term in Section 401.14. The Director may, upon request by resolution of Council, and upon submission by the City 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 City 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 City, except on State routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five miles per hour on all State routes for through highways within the City outside business districts, except as provided in divisions (b) (4) and (5) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within the City;

(5) Fifty miles per hour on State routes within the City 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 City;

(7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the City, other than freeways as provided in division (B) (8) of this section;

(8) Sixty-five miles per hour at all times on all portions of freeways that are part of the interstate system and are eligible for such speed in accordance with criteria issued by the federal highway administration and on all portions of freeways greater than five miles in length that are eligible for such speed in accordance with criteria issued by the federal highway administration or established by the "Intermodal Surface Transportation Efficiency Act of 1991," 105 Stat. 1968, 23 U.S.C.A. 154(a), for any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus, except fifty-five miles per hour for operators of any motor vehicle weighing in excess of eight

thousand pounds empty weight and any noncommercial bus.

(9) A speed posted on signs erected on streets or highways in a construction zone advising motorists that increased penalties apply for certain traffic violations occurring on streets or highways in a construction zone during actual hours of work within the construction zone.

A. As used in this section, "construction zone" means that lane or portion of a street or highway open to vehicular traffic and adjacent to a lane, berm or shoulder of a street or highway within which lane, berm, or shoulder construction, reconstruction, resurfacing, or any other work of a repair or maintenance nature, including public utility work, is being conducted, commencing with the point where the first worker or piece of equipment is located and ending where the last worker or piece of equipment is located. (RC 5501.27)

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

(d) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in division (b)(8) of this section;

(2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in division (b)(8) of this section except as otherwise provided in division (d)(3) of this section;

(3) If a motor vehicle weighing in excess of eight thousand pounds empty weight or a noncommercial bus as prescribed in division (b) (8) of this section, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that division.

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (c) of this section also the speed which divisions (b)(1)A. to (b)(6) of this section, or a limit declared pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and the limitation in division (d) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both divisions (b)(1)A. to (b)(6) of this section, or of a limit declared pursuant to this section by the Director or local

authorities, and of division (d) of this section. If the court finds a violation of divisions (b)(1)A. to (b)(6) of this section, or a limit declared pursuant to this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (d) of this section. If it finds no violation of divisions (b) (1)A. to (b) (6) of this section or a limit declared pursuant to this section, it shall then consider whether the evidence supports a conviction under division (d) of this section.

(g) Points shall be assessed for violation of a limitation under division (d) of this section only when the court finds the violation involved a speed of five miles per hour or more in excess of the posted speed limit.

(h) Whenever the Ohio Director of Transportation determines upon the basis of an engineering and traffic investigation that any speed limit set forth in divisions (b)(1)A. to (d) of this section is greater than is reasonable or safe under the conditions found to exist at any intersection or other place upon any part of a State route, the Director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice are erected at the intersection or other part of the State route.

(i) Whenever Council determines upon the basis of an engineering and traffic investigation that the speed permitted by divisions (b) (1)A. to (d) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, Council may by resolution request the Director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the Director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the Director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the City. The Director may withdraw his declaration of any prima-facie speed limit whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the City.

(j) Council may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but Council shall not modify or alter the basic rule set forth in division (a) of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on State routes by Council shall not be effective until the alteration has been approved by the Director. The Director may withdraw his approval of any altered prima-facie speed limits whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and

the signs relating thereto shall be immediately removed by the City. (RC 4511.21)

(k) Whenever, in accordance with RC 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

433.04 Stopping or Slow Speed; Posted Minimum Speeds

(a) No person shall stop or operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever the Ohio Director of Transportation or the Council determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Director or the Council may declare a minimum speed limit below which no person shall operate a motor vehicle, trackless trolley, or street car except when necessary for safe operation or in compliance with law. No minimum speed limit established hereunder shall be less than thirty miles per hour, greater than fifty miles per hour, nor effective until the provisions of RC 4511.21 and Section 433.03, relating to appropriate signs, have been fulfilled and the City has obtained the approval of the Director. (RC 4511.22)

(c) It is prima-facie unlawful for the operator of a vehicle to operate such vehicle on any portion of a controlled-access highway at a speed less than thirty-five miles per hour where the speed limit is fifty miles per hour and at a speed less than forty miles per hour where the speed limit is fifty-five miles per hour.

This limit shall not apply to any operation on a ramp nor to any person while engaged in maintenance or construction work on such highway or to any employee of a public agency while engaged in the performance of his official duties.

433.07 Street Racing and Racing Prohibited

(a) "Street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 433.03 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.

(b) No person shall participate in a street race as defined in subsection (a) of this section upon any

public road, street or highway in the City. (RC 4511.251)

(c) No person shall race or cause any motor vehicle to be raced on any public road, street, highway or other public place.

435.01 Driver's or Commercial Driver's License Required; Restriction Violation

(a) No person, except those expressly exempted under RC 4507.03 to 4507.05, inclusive, shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in the City unless such person has a valid driver's license issued under RC Chapter 4507 or a valid commercial driver's license issued under RC Chapter 4506.

No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing such operator does not have a valid driver's license issued to the operator by the registrar of motor vehicles under RC Chapter 4507 or a valid commercial driver's license issued under RC Chapter 4506.

No person, except those expressly exempted under RC 4507.03 to 4507.05, inclusive, shall operate any motorcycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in the City unless such person has a valid license as a motorcycle operator, that was issued upon application by the registrar under this chapter. The license shall be in the form of an endorsement, as determined by the registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in RC 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle. (RC 4507.02(A)(1) to (3))

(b) No nonresident of Ohio shall drive any motor vehicle upon a street or highway of the City unless he has in his possession a valid and current driver's or commercial driver's license issued to him by another jurisdiction recognized by the State of Ohio.

No nonresident of Ohio, upon demand of any police officer at any time or place, shall fail to prove lawful possession or his right to operate such motor vehicle, or fail to establish proper identity. (RC 4507.04)

(c) No person shall operate any motor vehicle in violation of any restriction imposed on his driver's or commercial driver's license by the Ohio Registrar of Motor Vehicles pursuant to RC 4507.14.

435.02 Possession of More Than One License Prohibited

No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until he surrenders to the Registrar all valid licenses issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have more than one valid license at any time. (RC 4507.02(A) (4).)

435.03 Driving with Temporary Instruction Permit Without Licensed Driver

No person, who is the holder of a temporary instruction permit, issued by the Ohio Registrar of Motor Vehicles pursuant to RC 4507.05, shall drive a motor vehicle upon a street or highway, except when having such permit in his immediate possession and when accompanied by a licensed operator who is actually occupying a seat beside the driver. The holder of a temporary instruction permit issued by the Registrar pursuant to RC 4507.05 is not entitled under this section to drive a commercial motor vehicle. (RC 4507.05).

435.04 Certain Acts prohibited

No person shall:

(a) 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, revoked, suspended or altered;

(b) Lend to a person not entitled thereto, or knowingly permit him 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;

(c) 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;

(d) Fail to surrender to the Ohio Registrar of Motor Vehicles, upon his demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit which has been suspended, canceled or revoked;

(e) 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 or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under RC 4507.08 or 4507.081 when knowing the same to be false or fictitious. (RC 4507.30)

435.06 Display of License

The operator of a motor vehicle shall display his license, or furnish satisfactory proof that he has such license, upon demand of any peace officer or of any person damaged or injured in any collision in which such licensee may be involved, when a demand is properly made and the operator has his license on or about his person, he shall not refuse to display such license. Failure to furnish satisfactory evidence that such person is licensed under RC 4507.01 to 4507.30, inclusive, when such person does not have his license on or about his person shall be prima-facie evidence of his not having obtained such license. (RC 4507.35)

435.07 Driver Under Suspension or Revocation

(a) No person whose driver's or commercial driver's license or permit or nonresident's operating privilege has been suspended or revoked pursuant to RC Chapter

4509, shall operate any motor vehicle within this City, or knowingly permit any motor vehicle owned by him to be operated by another person in the City, during the period of the suspension or revocation, except as specifically authorized by RC Chapter 4509. No person shall operate a motor vehicle within this city, or knowingly permit any motor vehicle owned by him to be operated by another person in the city, during the period in which he is required by RC 4509.45 to file and maintain proof of financial responsibility for a violation of RC 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(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 city in violation of any restriction of the person's driver's or commercial driver's license imposed under division (D) of RC 4506.10 or RC 4507.14.

(c) No person, whose driver's or commercial driver's license or permit has been suspended pursuant to RC 4511.191, RC 4511.196, or division (B) of RC 4507.16 shall operate any motor vehicle within this City until after he has paid the license reinstatement fee required pursuant to division (L) of RC 4511.191 and the license or permit has been returned to the person or a new license or permit has been issued to the person.

(d) No person, whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended or revoked under any provision of the Revised Code other than RC Chapter 4509 or under any applicable law in any other jurisdiction in which the person's license or permit was issued, shall operate any motor vehicle upon the highways or streets within this City during the period of the suspension or within one year after the date of the revocation. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this City except in accordance with the terms of the privileges.

(e) No person, whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (B) of RC 4507.16, shall operate any motor vehicle upon the highways or streets within this city during the period of suspension. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this city except in accordance with the terms of those privileges. (RC 4507.02(B) to (D))

(f) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under RC 4511.191 or RC 4511.196 shall operate a vehicle upon the highways or streets within this City. (RC 4511.192)

(g) It is an affirmative defense to any prosecution brought pursuant to divisions (a) to (d) of this Section that the alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency. (RC 4507.02(E))

435.09 Display of License Plates; Expired or Unlawful Plates

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of such motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under RC 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in transit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, trailer or semitrailer shall display on the rear only. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the plate only on the front of a semitractor and on the rear of all other vehicles. Such number plates shall be securely fastened so as not to swing, and shall not be covered by any material which obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under RC 4503.182, and no operator of such motor vehicle, shall fail to display such temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display such windshield sticker in plain view on the rear window of the motor vehicle. Such temporary license placard or windshield sticker shall not be covered by any material which obstructs its visibility. (RC 4503.21)

(b) 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 RC Chapter 4503. (RC 4503.11)

(c) No person shall park or operate upon the public streets or highways a motor vehicle acquired from a former owner who has registered the same in Ohio, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (RC 4549.11)

(d) No person who is the owner of a motor vehicle and a resident of Ohio shall park or operate such 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. (RC 4549.12)

(e) 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.

(f) 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.

435.16 Stopping After Accident upon Property Other Than Streets

In case of accident or collision resulting in injury or damage to

persons or property upon any public or private property other than public streets or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give such person his name and address, and if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, and if available, exhibit his driver's or commercial driver's license.

If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall, within twenty-four hours after such accident or collision, forward to the Police Division the same information required to be given to the owner or person in control of such damaged property and give the date, time and location of the accident or collision.

If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle. (RC 4549.021)

435.17 Vehicle Accident Resulting in Damage to Realty

The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to such real property, legally upon or adjacent to a public street or highway, shall immediately stop and take reasonable steps to locate and notify the owner or person in charge of such property of such fact, of his name and address, and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his driver's or commercial driver's license.

If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within twenty-four hours after such accident, forward to the Police Division the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known. (RC 4549.03)

437.02 Lighted Lights; Measurement of Distances and Heights

(a) Every vehicle upon a street or highway during the time from one-half hour after sunset to one-half hour before sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the street or highway at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by this chapter for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under RC 4511.521. No motor vehicle, during such times, shall be operated

upon a street or highway using only parking lights as illumination.

(b) Whenever in such sections a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

(c) Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands. (RC 4513.03)

437.10 Lights on Slow-Moving Vehicles; Emblem Required

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (c) of Section 437.01, not specifically required to be equipped with lights or other lighting devices by Sections 437.02 to 437.09, shall at all times specified in Section 437.02, be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and shall also be equipped with two lights displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

Lights and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagman, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in RC 4511.09, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

As used in this division (b), "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in division (b) of

this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (b) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (b) of this section.

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (b) of this section may, in addition to the use of the slow-moving vehicle emblem, be equipped with a red flashing light which shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in Section 437.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1) With a slow-moving vehicle emblem complying with division (b) of this section;

(2) With alternate reflective material complying with rules adopted under this division (f);

(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division (f).

The Ohio Director of Public Safety, subject to RC Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times specified in Section 437.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) As used in this section, "boat trailer" means any 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 no more than ten miles and at a speed of twenty-five miles per hour or less. (RC 4513.11)

437.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights

(a) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when such vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, which projects a beam of light of an intensity greater than

300 candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles transporting preschool children as provided in RC 4513.182, Ohio Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any color, nor to vehicles or machinery permitted by Section 437.10 to have a flashing red light.

(d) Except a person operating a public safety vehicle, as defined in Section 401.43, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any public street or highway any vehicle or equipment which is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or City, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any street or highway any vehicle or equipment which is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light. This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles. (RC 4513.17)

437.18 Motor Vehicle and Motorcycle Brakes

The following requirements govern as to brake equipment on vehicles:

(a) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

(c) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under RC 4511.521.

(d) Every trailer or semitrailer, except a pole trailer, of a gross weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942, when operated upon the streets or highways of the City, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and such brakes shall be so designed and connected that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied.

(e) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rear-most brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rear-most wheels at the fastest rate; or means shall be provided for applying braking effort first on the rear-most brakes; or both of the above means, capable of being used alternatively, may be employed.

(f) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(g) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(h) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sus-

tained rate corresponding to these distances:

Brakes	From speed of 20 mph.	
	Stopping Distance (Ft.)	Deceleration (Ft. per Sec.)
All wheels	30	14
Not on all 4 wheels	40	10.7

(i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (RC 4513.20)

437.19 Horn, Siren and Theft Alarm Signal

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof. (RC 4513.21)

(c) No person shall use the horn of a motor vehicle except to give warnings to other drivers or pedestrians.

437.22 Sign or Poster upon Windshield; Windshield Wiper

(a) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other non-transparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower lefthand or righthand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle. (RC 4513.24)

437.26 Child Restraint System Usage; Exceptions, Dismissal and Penalty

(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 Section 401.43, that is registered in this State, and 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 vehicle 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 registered in this State and is owned, leased or otherwise under the control of a nursery school, kindergarten or day 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) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(d) The failure of an operator of a motor vehicle to secure a child in a child restraint system 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.

(e) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(f) If a person who is not a resident of this State is charged with a violation of division (a) or (b) of this section and does not prove to the court, by a preponderance of the evidence, that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident, the court shall impose the fine levied by division (h) of this section. (RC 4511.81)

(g) Whoever is a resident of this state and violates division (a) or (b) of this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree.

(h) Whoever is not a resident of this state and violates division (a) or (b) of this section and fails to prove by a preponderance of the evidence that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

with the law of the state of which he is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

(i) Sixty-five percent of every fine imposed pursuant to divisions (g) or (h) above shall be forwarded to the Treasurer of the State of Ohio for deposit in the "Child Highway Safety Fund" pursuant to RC 4511.99(H)(3). The balance of the fine shall be disbursed as otherwise provided by law.

437.27 Drivers and Passengers Required to wear Seat Belts; Penalty

(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 RC 4501.01.

(5) "Vehicle" and "motor vehicle," as used in the definition of the terms set forth in division (a)(4) of this section, have the same meanings as provided in Chapter 401.

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

(1) Operate an automobile on any street or highway unless he 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 he 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 division (b)(3) of this section 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 he 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) Division (b)(3) of this section does not apply to a person who is required by Section 437.26 to be secured in a child restraint device. Division (b)(1) of this section 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 addresses. Divisions (b) (1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under RC Chapter 4731 or a chiropractor licensed to practice in this State under RC Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(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 division (b) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation, 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 such a violation has been or is being committed.

(e) All fines collected for violations of division (b) of this section shall be forwarded to the Treasurer of State for deposit in the Seat Belt Education Fund.

(f) (1) Subject to division (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device or to ensure that each passenger of an automobile being operated by the person is wearing all of the available elements of such a device, in violation of division (b) of this section, shall not be considered or used as evidence of negligence or contributory negligence, shall not diminish recovery for damages in any civil action involving the person arising from the ownership, maintenance or operation of an automobile, 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 any civil or criminal action involving the person other than a prosecution for a violation of division (b) 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 such 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 such 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 such occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(3) As used in division (f)(2) of this section, "tort action" means a civil action for damages for injury, death or loss to person or property. "Tort action" includes a product liability claim that is subject to RC 2307.71 to 2307.80, but does not include a civil action for damages for a breach of a contract or another agreement between persons. (RC 4513.263)

(g) Whoever violates division (b)(1) of this section shall be fined twenty five dollars (\$25.00). (RC 4513.99(F))

(h) Whoever violates division (b) (3) of this section shall be fined fifteen dollars (\$15.00). (RC 4513.99(G))

(i) Whoever violates division (b) (4) of this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. (RC 4513.99(B))

439.07 Maximum Width, Height and Length

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

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

(1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;

(2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of 102-inch buses are prohibited by order of the Ohio Director of Transportation;

(3) 132 inches for traction engines;

(4) 102 inches, including load, for all other vehicles, except that the Director may, by journal entry, prohibit operation of 102-inch vehicles on such State routes or portions thereof as the Director designates.

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

(1) 60 feet for passenger bus type vehicles operated by a regional transit authority pursuant to Sections 306.30 to 306.54 of the Revised Code.

(2) 40 feet for any other passenger bus type vehicle;

(3) 53 feet for any semitrailer when operation in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State routes or portions thereof as the Director designates.

(4) Seventy-five feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations no to exceed three saddlemounted vehicles, but which may include one fullmount.

(5) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semi-trailer-trailer combination, except that the Director may, by journal entry, prohibit the

operation of any such commercial tractor-semitrailer-trailer combination on such State routes or portions thereof as the Director designates;

(6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in divisions (b)(3) and (5) of this section and in division (d) of this section;

(7) 40 feet for all other vehicles except trailers and semitrailers, with or without load.

(c) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

(d) Any combination of vehicles designed and used exclusively for the transportation of motor vehicles shall be allowed a length of 65 feet, except that the load thereon may extend no more than four feet beyond the rear of such combination of vehicles and may extend no more than three feet beyond the front of such combination of vehicles.

The lengths prescribed in divisions (b)(2) to (7) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules promulgated by the Ohio Director of Transportation.

This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, shall when operating the same on the highways and streets of this state comply with the rules of the Director governing such movement, which rules the Director may adopt and promulgate. Sections 119.01 to 119.13 of the Revised Code apply to any rules adopted under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in such sections.

This section does not require the State, the City, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the City. (RC 5577.05)

439.10 Towing Requirements

(a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection

between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(c) In addition to such drawbar or other connection, each trailer and each semi-trailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

(d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in RC 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, and vehicles 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, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, unless the towing vehicle is an agricultural tractor, as defined in Section 401.02. (RC 4513.32)

439.15 Permitting or Driving while Fatigued or Ill Prohibited

(a) No person shall drive a commercial motor vehicle, commercial car or commercial tractor while his ability or alertness is so impaired by fatigue, illness or other causes that it is unsafe for him to drive such vehicle. No driver shall use any drug which would adversely affect his ability or alertness.

(b) No owner of a commercial motor vehicle, commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in subsection (a) hereof to drive such vehicle upon any street or highway. (RC 4511.79)

451.041 Physically Handicapped Parking

(a) (1) As used in this section,

"handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition. (RC 4503.44)

(2) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under RC 4503.41 or RC 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (RC 4511.69)

(b) When a motor vehicle is being operated by or for the transport of a person with disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary movable windshield placard or special plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a removable windshield placard or a temporary windshield placard or special license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by ordinances or regulations, except where such ordinances or regulations specifically provided otherwise or where the vehicle is parked in such manner as to be clearly a traffic hazard.

(c) Special off-street parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by the City and all agencies and instrumentalities thereof at all offices and facilities, where off-street parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be mounted at a distance from the ground to the top edge of the sign of five feet. Such locations shall be reasonably close to exits, entrances, elevators and ramps.

(d) Special reserved on-street parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided upon full compliance with the following requirements:

(1) An investigation determining need for proposed reserved on-street parking for the handicapped must be performed through the Division of Traffic Engineering, including verification that the proposed on-street parking location meets the requirements of this section. The Commissioner of Traffic Engineering must approve the on-street parking for practicality and feasibility of traffic operations. Upon completion of the investigation and the approval of the Commissioner of Traffic Engineering, the Director of Public Safety may designate reserved on-street parking for persons with disabilities that limit or

impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in accordance with the requirements of Section 403.03.

(2) When applying for an on-street parking space for the exclusive use by persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, the following information shall be supplied by the applicant to the City and shall be used as criteria for determining the appropriate location for a handicapped parking space:

A. The nature and use of adjacent buildings;

B. The number of on-street parking spaces requested, with the maximum requested spaces not to exceed three (3) adjacent or contiguous spaces;

C. Any other information which the Director of Public Safety or Commissioner of Traffic Engineering may require.

(3) Reserved on-street parking spaces for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall not be provided at any location where off-street parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, are available in close proximity to the proposed on-street parking location.

(4) Reserved on-street parking spaces for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be located as close as practicable to educational institutions, government buildings, hospitals, medical centers, cultural institutions and recreational facilities.

(5) Reserved on-street parking spaces shall not be provided at any location where parking is prohibited by ordinance.

(6) Reserved on-street parking for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in residential areas may be provided upon satisfying the requirements found in divisions (d)(1), (2), (3) and (5) of this section.

(e) Any handicapped person as defined in division (a) of this section or any property owner may request that a parking space be designated as reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces. Approval of the property owner adjacent to the proposed parking space must be obtained prior to the handicap designation. All requests for designations shall be submitted to the Commissioner of Traffic Engineering. Following the designation of a parking space as reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, by the Director of Public Safety, the Division of Traffic Engineering shall install a sign or signs indicating that an on-street parking space is reserved for the exclusive use of handicapped persons.

(f) When a motor vehicle is being operated by or for the transport of a person with a disability that lim-

its or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, the motor vehicle shall be permitted to park in any reserved on-street parking space for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, for a period of two hours in excess of the legal parking period permitted in adjacent parking spaces by ordinances or regulations, except where such ordinance or regulation specifically provides otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(g) The Chief of Police or his designee, in his discretion, may limit or temporarily suspend any of the parking privileges specified in this section to cover emergencies or special events and may impose any other restriction deemed necessary in the interest of traffic safety and control.

(h) No person shall stop, stand or park any motor vehicle at special parking locations provided for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in or on privately owned parking lots, parking garages or other parking areas, unless the motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates.

471.01 Right of Way in Crosswalk

(a) When traffic control 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 413.11, 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) Division (a) of this section does not apply under the conditions stated in division (b) of Section 471.03.

(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. (RC 4511.46; Ord. No. 2822-89. Passed 3-19-90, eff. 3-22-90)

471.03 Crossing Roadway Outside Crosswalk

(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 traffic control 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 improvements.

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway. (RC 4511.48; Ord. No. 1684-76. Passed 6-29-76, eff. 7-6-76)

471.041 Persons Operating Motorized Wheelchairs

Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this chapter, except those provisions which by their nature can have no application. (RC 4511.491)

473.02 Riding upon Seats; Handle Bars; Helmets and Glasses

(a) For purposes of this section "snowmobile" has the same meaning as given that term in RC 4519.01.

(b) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

(c) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(d) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(e) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

(f) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement

or license bearing a "novice" designation that is currently in effect as provided in RC 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action. (RC 4511.53; Ord. No. 280-80. Passed 12-15-80, eff. 12-17-80)

473.06 Lights and Reflector on Bicycle; Brakes

(a) Every bicycle when in use at the times specified in Section 437.02 shall be equipped with the following:

(1) A lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front;

(2) A red reflector on the rear of a type approved by the Ohio Director of Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector;

(4) An essentially colorless reflector on the front of a type approved by the Director;

(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Director.

(b) Every bicycle shall be equipped with an adequate brake when used on a street or highway. (RC 4511.56(A), (C))

473.14 Motorized Bicycle Operation, Equipment and License

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking unless all of the following conditions are met:

(1) The person possesses a valid license or permit laminated with a transparent plastic material authorizing such operation and which is issued by the Ohio Registrar of Motor Vehicles under RC Chapter 4507 (Driver's License Law) or RC 4511.521;

(2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;

(3) The person, if he is under eighteen years of age, is wearing a protective helmet on his head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror;

(4) The person operates the motorized bicycle when practicable within three feet of the right edge

of the roadway obeying all traffic rules applicable to vehicles; and

(5) The motorized bicycle displays on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Public Safety under RC 4503.191. Division (a) (5) of this section is not effective until the end of the first month of the registration period in 1985 to which the motorized bicycle is assigned by the Ohio Registrar of Motor Vehicles as provided in RC 4503.101.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle. (RC 4511.521)

483.06 Prohibited Riding Positions

(a) No person operating a watercraft shall allow any person to ride or sit on either the gunwale or the decking over the bow of the watercraft while underway.

(b) No occupant of any vessel underway on the waters of Cleveland shall sit, stand or walk upon any portion of the vessel not specifically designed for such movement, except when immediately necessary for the safe and reasonable navigation or operation of the vessel. No operator of a vessel underway on the waters of Cleveland shall allow any occupant of the vessel to sit, stand or walk on any portion of the vessel underway not specifically designed for that use except when immediately necessary for the safe and reasonable navigation or operation of the vessel. (RC 1547.22)

485.03 Operating Under Influence of Alcohol or Drugs prohibited; Evidence

(a) No person shall operate, be in physical control of any vessel underway or manipulate any water skis, aquaplane or similar device upon the waters of this City, if any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(2) The person has a concentration of ten-hundredths of one percent (0.10%) or more by weight of alcohol in his blood;

(3) The person has a concentration of fourteen-hundredths (0.14) of one gram or more by weight of alcohol per 100 milliliters of his urine;

(4) The person has a concentration of ten hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his breath.

(b) In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol or a drug of abuse in the defendant's blood, urine or breath at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine or breath, taken within two hours of the time of the alleged violation.

When a person submits to a blood test, only a physician, registered nurse or qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol or drug of abuse content. This limitation does not apply to the taking of breath or urine specimens. A physician, registered nurse or qualified technician or chemist may refuse to withdraw blood for the purpose of determining its alcohol or drug of abuse content if in his opinion the physical welfare of the person would be endangered by the withdrawing of blood.

The blood, urine or breath shall

be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to RC 3701.143.

If there was at the time the blood, urine or breath was taken a concentration of less than ten-hundredths of one percent (0.10%) by weight of alcohol in the defendant's blood, less than fourteen hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of his urine, or less than ten hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

Upon the request of the person who was tested, the results of the test shall be made available to him, his attorney or agent immediately upon the completion of the test analysis.

The person tested may have a physician, registered nurse or qualified technician or chemist of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

A physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and a hospital, first aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from the person. (RC 1547.11)

485.09 Reporting a Collision or Accident

(a) The operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew and passengers, shall render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also shall give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty, or to any person who requests such information.

Any person who renders assistance at the scene of a collision, accident, or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in rendering assistance or in providing or arranging salvage, towage, medical treatment, or other assistance except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision; accident, or

other casualty, of damages caused or aggravated by the rendering of assistance.

(b) In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, or damage to property in excess of two hundred dollars (\$200.00), shall file with the Police Division a full description of such collision, accident or other casualty, within twenty-four hours, on such form as may be prescribed.

(c) If the vessel operator involved in a collision, accident or other casualty is incapacitated, the investigating police officer shall file the required form. (RC 1547.59)

487.05 Flashing Lights

No person shall install or use any intermittently flashing lights of any type or color on any vessel in use or operation, except in an emergency to attract attention for aid and relief of the distressed. A blue revolving or flashing horizontal beam located at any effective point on the vessel may be displayed by authorized patrol boats engaged in law enforcement duties. (RC 1547.03)

487.06 Personal Flotation Devices

(a) No person shall operate or permit to be operated any vessel under eighteen feet in length while there is present in such vessel any person under ten years of age, not wearing a Coast Guard approved type one, two or three personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten years of age. (RC 1547.24)

(b) No person shall operate or permit to be operated any vessel on the waters of Cleveland:

(1) Sixteen feet or greater in length without carrying on board one type one, two or three personal flotation device for each person on board and one type four personal flotation device;

(2) Less than sixteen feet in length, including canoes, without carrying on board one type one, two, three or four personal flotation device for each person on board.

(c) A recreational hybrid personal flotation device that is marked "REQUIRED TO BE WORN" may be used to meet the carriage requirements of this section if both of the following conditions are met:

(1) The device is worn whenever the watercraft is underway;

(2) The intended wearer is not in an enclosed space. If recreational hybrid personal flotation devices with the marking "REQUIRED TO BE WORN" are not worn under these conditions, other personal flotation devices shall be provided to comply with the carriage requirements of this section.

(d) Each personal flotation device shall be Coast Guard approved and in good and serviceable condition, of appropriate size for the wearer, and readily accessible to each person aboard such vessel at all times. (RC 1547.25)

487.09 Fire Extinguishers

(a) Except those powercraft propelled by an electric motor and those less than twenty-six feet in length designed for use with an outboard motor, of open construction and not carrying passengers for hire, all powercraft shall carry fire

extinguishers as prescribed in this section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be so placed as to be readily accessible and in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States Coast Guard.

(b) Class A and class 1 powercraft shall carry at least one B-1 fire extinguisher.

Class 2 powercraft shall carry at least two B-1 fire extinguishers or at least one B-2, fire extinguisher.

Class 3 powercraft shall carry at least three B-1 fire extinguishers, or at least one B-1 and one B-2 fire extinguishers.

A B-1 fire extinguisher is one containing a minimum of one and one-fourth gallons foam, four pounds carbon dioxide, two pounds dry chemicals, two and one-half pounds halon, or another extinguishing material approved by the United States Coast Guard in a quantity approved by the United States Coast Guard, for such use. A B-2 fire extinguisher is one containing a minimum of two and one-half gallons foam, fifteen pounds carbon dioxide, ten pounds dry chemical, ten pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use.

No person shall operate or permit to be operated on the waters of Cleveland any powercraft that does not comply with this section. (RC 1547.27)

487.10 Anchor

All vessels, except sailboats less than sixteen feet long having a cockpit depth of less than twelve inches and except canoes, shall carry an anchor of proper weight with line of sufficient weight and length to anchor such vessel securely. (RC 1547.26)

Section 3. That the Clerk shall deposit in File No. 91-96-A the amendments made to the previous versions of the Code sections identified in this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 206-96. By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Federation for Community Planning for the 1996 Immunization Action Program.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the estimated amount of \$247,318.00,

and such other funds as may become available during the grant period, from the Federation for Community Planning, to conduct the 1996 Immunization Action Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 206-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 256-96. By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, for the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

Whereas, in *Argersinger v. Hamlin* and *Scott v. Illinois*, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he has been afforded the right to assistance of appointed counsel in his defense; and

Whereas, the City of Cleveland, through the Cleveland Municipal Court, is therefore obligated to provide an indigent defendant appointed counsel in order to permit the imposition of a sentence including a term of imprisonment; and

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that such indigent defense should be provided by the Legal Aid Society of Cleveland; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance, for the Cleveland Municipal Court, is hereby authorized and directed to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the period of one year beginning January 1, 1996 through December 31, 1996, at the estimated cost of \$713,750.00, payable from Fund No. 01-01-15-0320, Request No. 21811.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 257-96. By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay the cost of extraction of 1994 Ohio income tax master file data.

Whereas, the State of Ohio is the sole source of state income tax data; and

Whereas, the State of Ohio has provided 1994 Ohio income tax master file data to the City of Cleveland; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is hereby directed to pay the sum of Eighteen Thousand Two Hundred Fifty-Six Dollars and Fifty-Nine Cents (\$18,256.59) to the Treasurer of the State of Ohio from Fund No. 81 SF 001, Request No. 21213, for extraction from the 1994 Ohio Individual Master File of taxpayer information relating to the communities served by the Central Collection Agency.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 259-96. By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Fraternal Order of Police, Lodge No. 8.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves the collective bargaining agreement with Fraternal Order of Police, Lodge No. 8, as set forth in File No. 259-96-A, for the period from April 1, 1995, through March 31, 1998, which provides, among other things, for a percentage increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Percentage Increase	Effective Date of Increase
Two percent (2%)	April 1, 1995
Three percent (3%)	April 1, 1996
Three percent (3%)	April 1, 1997

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 260-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Local 93, International Association of Firefighters.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves the collective bargaining agreement with Local 93, International Association of Fire-

fighters, as set forth in File No. 260-96-A, for the period from April 1, 1995, through March 31, 1998, which provides, among other things, for a percentage increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Percentage Increase	Effective Date of Increase
Two percent (2%)	April 1, 1995
Three percent (3%)	April 1, 1996
Three percent (3%)	April 1, 1997

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 261-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Ohio Department of Development for the Public Housing Violence Reduction and Mediation Program.

Whereas, this ordinance constitutes an emergency measure pro-

viding for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Law is hereby authorized to apply for and accept a grant in the amount of \$48,600, from the Ohio Department of Development, to conduct the Public Housing Violence Reduction and Mediation Program, at all public housing family estates throughout the City for the purposes set forth in the application and according thereto; that the Director of Law is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 261-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 372-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance to amend Sections 5, 8, 10, 15, 20, 23 and 48 of Ordinance No. 2114-95, passed November 27, 1995, relating to compensation for various classifications.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Sections 5, 8, 10, 15, 20, 23 and 48 of Ordinance No. 2114-95, passed November 27, 1995, are hereby amended to read, respectively, as follows:

Section 5. Secretary of Civil Service Commission, Secretaries to Director, and Executive Assistants to the Mayor.

That the salary of the Secretary of the Civil Service Commission, the salary of the Secretary to each Director of a Department, and the salaries of four Executive Assistants to the Mayor shall be fixed by the Mayor in accordance with the following schedule:

	Minimum	Maximum
1. Four Executive Assistants to the Mayor.....	\$35,410.47	\$85,183.26
2. Special Assistant to the Mayor.....	\$20,410.00	\$54,345.33
3. Secretary to Directors of Departments.....	\$36,590.39	\$77,959.26
4. Secretary of the Civil Service Commission.....	\$25,011.85	\$49,058.84

Section 8. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant I.....	\$ 6.36 per hour	\$13.83 per hour
2. Accountant II.....	\$ 7.06 per hour	\$15.17 per hour
3. Accountant III.....	\$ 7.96 per hour	\$16.82 per hour
4. Accountant Clerk I.....	\$ 4.81 per hour	\$11.20 per hour
5. Accountant Clerk II.....	\$ 5.46 per hour	\$12.11 per hour
6. Activities Therapist.....	\$ 9.15 per hour	\$10.65 per hour
7. Aids Support Services Coordinator	\$10.49 per hour	\$11.91 per hour
8. Air Pollution Control, Engineer I	\$ 8.43 per hour	\$17.79 per hour
9. Air Pollution Control, Engineer II	\$ 8.96 per hour	\$18.74 per hour
10. Air Pollution Control, Engineer III	\$ 9.50 per hour	\$19.75 per hour
11. Air Pollution Engineer	\$12.04 per hour	\$13.88 per hour
12. Air Pollution Inspector I.....	\$ 9.48 per hour	\$14.30 per hour
13. Air Pollution Inspector II	\$ 7.53 per hour	\$15.96 per hour
14. Air Pollution Technician I	\$ 7.12 per hour	\$15.17 per hour
15. Air Pollution Technician II	\$ 7.53 per hour	\$15.96 per hour
16. Air Pollution Technician III	\$ 8.43 per hour	\$17.79 per hour

	Minimum	Maximum
17. Airport Information Representative	\$ 8.31 per hour	\$11.62 per hour
18. Airport Operations Agent I	\$11.74 per hour	\$14.37 per hour
19. Airport Operations Agent II	\$14.74 per hour	\$16.91 per hour
20. Airport Safety Man	\$24,502.40	\$30,585.56
21. Architect	\$ 9.73 per hour	\$20.91 per hour
22. Assistant Buyer	\$ 6.71 per hour	\$14.51 per hour
23. Assistant City Planner	\$ 7.12 per hour	\$15.17 per hour
24. Assistant Civil Engineer	\$ 7.12 per hour	\$15.17 per hour
25. Assistant Electrical Engineer	\$ 7.12 per hour	\$15.17 per hour
26. Assistant Mechanical Engineer	\$ 7.12 per hour	\$15.17 per hour
27. Assistant Plan Examiner	\$ 7.53 per hour	\$15.96 per hour
28. Associate Programmer	\$ 7.55 per hour	\$16.26 per hour
29. Bacteriologist	\$ 7.96 per hour	\$16.82 per hour
30. Bill Collector	\$ 8.31 per hour	\$11.62 per hour
31. Building Inspector	\$11.82 per hour	\$15.43 per hour
32. Camera Room Operator	\$ 6.04 per hour	\$13.20 per hour
33. Caseworker I	\$ 5.73 per hour	\$12.62 per hour
34. Caseworker II	\$ 6.36 per hour	\$13.83 per hour
35. Cashier/Starter	\$ 6.36 per hour	\$13.83 per hour
36. Chemist	\$ 8.90 per hour	\$18.13 per hour
37. Chief Miscellaneous Investigator	\$ 7.53 per hour	\$15.96 per hour
38. Citizens Information Representative	\$ 6.04 per hour	\$13.20 per hour
39. Civil Engineer	\$ 9.50 per hour	\$20.91 per hour
40. Claims Examiner	\$ 7.53 per hour	\$15.96 per hour
41. Clerk Typist	\$ 7.62 per hour	\$ 8.66 per hour
42. Clinical Laboratory Assistant	\$ 6.36 per hour	\$13.20 per hour
43. Clinical Laboratory Technician I	\$ 7.12 per hour	\$15.17 per hour
44. Clinical Laboratory Technician II	\$ 7.37 per hour	\$16.26 per hour
45. Cocaine Treatment Counselor I	\$ 8.56 per hour	\$12.55 per hour
46. Cocaine Intake Specialist	\$ 9.95 per hour	\$11.30 per hour
47. Community Development Code Enforcement Inspector I	\$14.08 per hour	\$16.83 per hour
48. Community Development Code Enforcement Inspector II	\$14.89 per hour	\$17.79 per hour
49. Community Development Code Enforcement Inspector III	\$15.70 per hour	\$18.74 per hour
50. Community Development Code Enforcement Inspector/Heating I	\$14.08 per hour	\$16.83 per hour
51. Community Development Code Enforcement Inspector/Heating II	\$14.89 per hour	\$17.79 per hour
52. Community Development Code Enforcement Inspector/Heating III	\$15.70 per hour	\$18.74 per hour
53. Community Development Code Enforcement Inspector/Refrigeration I	\$14.08 per hour	\$16.83 per hour
54. Community Development Code Enforcement Inspector/Refrigeration II	\$14.89 per hour	\$17.79 per hour
55. Community Development Code Enforcement Inspector/Refrigeration III	\$15.70 per hour	\$18.74 per hour
56. Community Development Code Enforcement Inspector/Trainee	\$ 9.97 per hour	\$13.57 per hour
57. Community Development Planner	\$ 9.87 per hour	\$20.12 per hour
58. Community Health Aide	\$ 4.81 per hour	\$11.20 per hour
59. Community Relations Representative I	\$ 6.04 per hour	\$13.20 per hour
60. Community Relations Representative II	\$ 7.53 per hour	\$15.96 per hour
61. Community Relations Representative III	\$ 9.51 per hour	\$19.75 per hour
62. Composing Equipment Operator	\$ 6.71 per hour	\$14.51 per hour
63. Computer Monitor Assistant	\$ 8.43 per hour	\$ 9.58 per hour
64. Computer Operator	\$ 7.53 per hour	\$15.96 per hour
65. Consumer Protection Specialist	\$ 5.73 per hour	\$12.67 per hour
66. Cook	\$ 9.45 per hour	\$10.92 per hour
67. Copy Center Operator	\$ 5.67 per hour	\$12.11 per hour
68. Cost Construction Estimator	\$ 8.34 per hour	\$15.53 per hour
69. Customer Service Representative	\$ 8.31 per hour	\$11.62 per hour
70. Data Control Clerk	\$ 5.24 per hour	\$11.63 per hour
71. Data Conversion Operator	\$ 8.23 per hour	\$10.52 per hour
72. Dental Assistant	\$ 4.71 per hour	\$10.98 per hour
73. Development Officer	\$ 8.96 per hour	\$18.73 per hour
74. Dietician	\$ 9.08 per hour	\$13.82 per hour
75. Drug and Alcohol Counselor	\$ 9.05 per hour	\$10.28 per hour
76. Electrical Engineer	\$ 9.50 per hour	\$20.91 per hour
77. Electronic Engineer	\$ 9.45 per hour	\$21.29 per hour
78. Elevator Inspector	\$11.81 per hour	\$16.83 per hour
79. Environmental Technician	\$10.59 per hour	\$12.63 per hour
80. Family Planning Clerk	\$ 7.22 per hour	\$ 9.69 per hour
81. Financial Analyst	\$ 7.12 per hour	\$15.17 per hour
82. Financial Counselor	\$ 7.94 per hour	\$15.96 per hour

	Minimum	Maximum
83.	Fuel System Technician	\$ 8.96 per hour \$14.09 per hour
84.	General Health Aide	\$ 4.81 per hour \$11.20 per hour
85.	General Storekeeper	\$ 7.96 per hour \$16.82 per hour
86.	Geriatric Outreach Worker	\$ 7.12 per hour \$15.17 per hour
87.	Guard	\$ 6.55 per hour \$11.19 per hour
88.	Head Cook	\$ 5.46 per hour \$12.10 per hour
89.	Head Storekeeper	\$ 7.11 per hour \$15.18 per hour
90.	Health Educator I	\$ 6.36 per hour \$13.83 per hour
91.	Health Educator II	\$ 7.12 per hour \$15.17 per hour
92.	Heating Inspector	\$11.81 per hour \$15.43 per hour
93.	HIV Educator	\$ 8.17 per hour \$ 8.83 per hour
94.	House Connection Inspector	\$10.31 per hour \$12.90 per hour
95.	House of Correction Guard	\$10.10 per hour \$11.90 per hour
96.	Housing Inspector	\$12.11 per hour \$13.73 per hour
97.	Human Resources Contract Specialist	\$ 9.73 per hour \$20.90 per hour
98.	Human Resources On-the-Job Training Specialist	\$10.21 per hour \$17.78 per hour
99.	Human Resources Planner	\$10.74 per hour \$22.09 per hour
100.	Human Resources Special Projects Coordinator	\$10.21 per hour \$17.78 per hour
101.	Income Tax Tracer	\$ 6.36 per hour \$13.83 per hour
102.	Industrial Hygiene Engineer	\$ 9.73 per hour \$20.90 per hour
103.	Industrial Nuisance Inspector	\$ 6.36 per hour \$13.83 per hour
104.	Information Control Analyst	\$ 6.81 per hour \$14.49 per hour
105.	Inspector of Weights and Measures	\$ 5.73 per hour \$12.62 per hour
106.	Institutional Guard	\$ 9.50 per hour \$11.90 per hour
107.	Instrument Repairman	\$ 8.21 per hour \$13.82 per hour
108.	Instrumentation Technician I	\$13.99 per hour \$14.85 per hour
109.	Instrumentation Technician II	\$15.61 per hour \$16.36 per hour
110.	Intake Specialist	\$ 4.81 per hour \$11.20 per hour
111.	Job Retraining Assistant	\$ 7.12 per hour \$15.17 per hour
112.	Junior Cashier	\$ 5.24 per hour \$11.62 per hour
113.	Junior Chemist	\$ 5.46 per hour \$12.11 per hour
114.	Junior City Planner	\$ 6.36 per hour \$13.83 per hour
115.	Junior Civil Engineer	\$ 6.36 per hour \$13.83 per hour
116.	Junior Clerk	\$ 8.21 per hour \$ 9.69 per hour
117.	Junior Draftsman	\$ 5.46 per hour \$12.11 per hour
118.	Junior Engineering Aide	\$ 5.46 per hour \$12.11 per hour
119.	Laboratory Assistant	\$ 6.04 per hour \$13.20 per hour
120.	Laboratory Helper	\$ 4.77 per hour \$10.44 per hour
121.	Landscape Architect	\$ 9.50 per hour \$19.75 per hour
122.	Lead Pressman	\$ 8.93 per hour \$15.38 per hour
123.	Life Guard	\$ 4.25 per hour \$ 9.06 per hour
124.	Life Guard Captain	\$ 7.14 per hour \$ 9.06 per hour
125.	Mechanical Engineer	\$ 9.50 per hour \$20.91 per hour
126.	Messenger	\$ 4.77 per hour \$10.44 per hour
127.	Meter Reader	\$10.63 per hour \$13.56 per hour
128.	Minority Business Consultant	\$11.15 per hour \$23.27 per hour
129.	Miscellaneous Investigator	\$ 5.46 per hour \$12.11 per hour
130.	Monitoring, Auditing and Evaluation Coordinator	\$13.65 per hour \$15.40 per hour
131.	Office Machine Operator	\$ 8.21 per hour \$10.16 per hour
132.	Offset Duplicating Machine Operator	\$ 5.46 per hour \$12.11 per hour
133.	On The Job Training Specialist	\$12.71 per hour \$14.88 per hour
134.	Park and Recreation Planner	\$ 9.51 per hour \$19.75 per hour
135.	Parking Attendant	\$ 6.31 per hour \$11.20 per hour
136.	Parking Meter Collector	\$ 6.32 per hour \$11.17 per hour
137.	Parking Meter Serviceman	\$11.30 per hour \$11.77 per hour
138.	Permit Processing Specialist	\$ 7.00 per hour \$ 9.38 per hour
139.	Pharmacist	\$10.74 per hour \$22.09 per hour
140.	Pharmacodependent Rehabilitation Counselor I	\$ 6.49 per hour \$10.72 per hour
141.	Pharmacodependent Rehabilitation Counselor II	\$ 7.57 per hour \$12.67 per hour
142.	Photographer	\$ 9.08 per hour \$15.17 per hour
143.	Photographic Laboratory Technician	\$ 6.80 per hour \$13.20 per hour
144.	Photo-Litho Operator	\$ 5.48 per hour \$12.11 per hour
145.	Physical Director	\$ 8.33 per hour \$13.65 per hour
146.	Plan Examiner	\$ 7.96 per hour \$18.06 per hour
147.	Play Director	\$ 4.25 per hour \$ 9.55 per hour
148.	Police Radio Technician	\$13.58 per hour \$14.69 per hour
149.	Pressman	\$ 7.89 per hour \$14.89 per hour
150.	Preventive Health Counselor	\$13.59 per hour \$15.44 per hour
151.	Preventive Health Educator	\$ 8.89 per hour \$10.37 per hour
152.	Principal Cashier	\$ 7.24 per hour \$16.26 per hour
153.	Principal Clerk	\$10.19 per hour \$13.83 per hour
154.	Print Shop Helper	\$ 8.80 per hour \$10.24 per hour
155.	Private Secretary	\$ 6.71 per hour \$14.51 per hour
156.	Program Analyst	\$16.64 per hour \$21.04 per hour
157.	Programmer	\$ 8.96 per hour \$18.74 per hour
158.	Programmer Analyst	\$ 9.73 per hour \$20.90 per hour

	Minimum	Maximum
159.	Property Clerk	\$11.37 per hour \$23.29 per hour
160.	Psychiatric Social Worker	\$12.48 per hour \$15.13 per hour
161.	Psychologist I	\$10.74 per hour \$20.13 per hour
162.	Psychologist II	\$12.88 per hour \$23.73 per hour
163.	Public Health Nursing Aide	\$ 8.82 per hour \$ 9.67 per hour
164.	Public Health Sanitarian I	\$10.59 per hour \$12.92 per hour
165.	Public Health Sanitarian II	\$11.89 per hour \$14.47 per hour
166.	Public Health Sanitarian III	\$12.84 per hour \$15.09 per hour
167.	Public Information Officer	\$ 7.38 per hour \$15.96 per hour
168.	Quality Assurance Analyst	\$ 8.96 per hour \$18.73 per hour
169.	Radio Dispatcher	\$14.38 per hour \$14.74 per hour
170.	Radio Technician	\$13.58 per hour \$14.69 per hour
171.	Receptionist	\$ 6.06 per hour \$10.68 per hour
172.	Records Manager	\$ 9.84 per hour \$11.19 per hour
173.	Recreation Aide	\$ 4.25 per hour \$ 7.46 per hour
174.	Recreation Instructor	\$ 4.81 per hour \$11.20 per hour
175.	Recreation Instructor I	\$ 5.24 per hour \$11.93 per hour
176.	Recreation Instructor II	\$ 5.46 per hour \$12.41 per hour
177.	Recreation Instructor III	\$ 6.83 per hour \$13.12 per hour
178.	Recreation Program Supervisor	\$ 6.83 per hour \$12.18 per hour
179.	Redevelopment Advisor	\$ 7.96 per hour \$16.82 per hour
180.	Redevelopment Coordinator	\$ 8.38 per hour \$18.74 per hour
181.	Refrigeration Inspector	\$11.82 per hour \$15.43 per hour
182.	Refugee Outreach Worker	\$ 8.40 per hour \$10.43 per hour
183.	Registered Animal Health Technician	\$ 7.94 per hour \$11.20 per hour
184.	Rehabilitation Advisor	\$ 6.71 per hour \$14.51 per hour
185.	Sanitarian Aide	\$ 9.63 per hour \$10.86 per hour
186.	Secretary	\$ 6.30 per hour \$12.11 per hour
187.	Secretary to Director of Consumer Affairs	\$ 9.51 per hour \$19.75 per hour
188.	Senior Assistant Architect	\$ 7.96 per hour \$16.82 per hour
189.	Senior Assistant City Planner	\$ 7.96 per hour \$16.82 per hour
190.	Senior Assistant Civil Engineer	\$ 7.96 per hour \$16.82 per hour
191.	Senior Assistant Electrical Engineer	\$ 7.96 per hour \$16.82 per hour
192.	Senior Assistant Mechanical Engineer	\$ 7.96 per hour \$16.82 per hour
193.	Senior Assistant Traffic Engineer	\$ 7.96 per hour \$16.82 per hour
194.	Senior Bacteriologist	\$ 6.71 per hour \$14.51 per hour
195.	Senior Cashier	\$ 6.36 per hour \$13.83 per hour
196.	Senior Chemist	\$ 7.53 per hour \$15.96 per hour
197.	Senior Clerk	\$ 8.53 per hour \$11.76 per hour
198.	Senior Computer Operator	\$ 8.96 per hour \$18.74 per hour
199.	Senior Data Conversion Operator	\$ 5.73 per hour \$12.62 per hour
200.	Senior Development Officer	\$12.63 per hour \$24.59 per hour
201.	Senior Draftsman	\$ 6.36 per hour \$13.83 per hour
202.	Senior Engineering Draftsman and Photographer	\$ 7.12 per hour \$15.17 per hour
203.	Senior Information Control Analyst	\$ 7.38 per hour \$15.96 per hour
204.	Senior Laboratory Technician	\$10.86 per hour \$12.53 per hour
205.	Senior Landscape Architect	\$ 9.73 per hour \$20.90 per hour
206.	Senior Site Inspector - Demolition	\$ 8.43 per hour \$17.78 per hour
207.	Sewer Service Man	\$12.43 per hour \$13.19 per hour
208.	Site Inspector	\$ 7.53 per hour \$15.96 per hour
209.	Social Worker for Homeless	\$13.82 per hour \$15.70 per hour
210.	Starter (Golf)	\$ 4.49 per hour \$ 9.27 per hour
211.	S.T.D. Clerk	\$ 7.88 per hour \$ 8.96 per hour
212.	Stenographer I	\$ 8.11 per hour \$10.18 per hour
213.	Stenographer II	\$ 8.94 per hour \$11.36 per hour
214.	Stenographer III	\$ 7.37 per hour \$12.62 per hour
215.	Stock Clerk	\$ 5.46 per hour \$12.47 per hour
216.	Storekeeper	\$ 6.36 per hour \$14.21 per hour
217.	Street Obstruction Inspector	\$ 6.04 per hour \$13.20 per hour
218.	Surveyor	\$ 8.96 per hour \$18.74 per hour
219.	Tax Auditor I	\$ 7.12 per hour \$15.17 per hour
220.	Tax Auditor II	\$ 7.96 per hour \$16.82 per hour
221.	Technical Specialist	\$ 7.53 per hour \$15.96 per hour
222.	Technical Specifications Writer	\$ 9.08 per hour \$16.83 per hour
223.	Telephone Operator	\$ 5.24 per hour \$11.62 per hour
224.	Telephone Supervisor	\$ 5.46 per hour \$12.11 per hour
225.	Timekeeper	\$ 5.46 per hour \$12.11 per hour
226.	Traffic Engineer	\$ 9.50 per hour \$19.75 per hour
227.	Traffic Sign and Marking Technician	\$11.35 per hour \$12.11 per hour
228.	Typist	\$ 8.23 per hour \$10.52 per hour
229.	Urban Planning and Development Technician	\$ 5.73 per hour \$12.62 per hour
230.	Utility Adjuster	\$ 8.83 per hour \$13.40 per hour
231.	Vector Control Assistant	\$ 8.90 per hour \$10.11 per hour
232.	Veteran's Counselor	\$ 7.38 per hour \$13.74 per hour
233.	Water Hydraulic Repairman	\$12.43 per hour \$13.19 per hour
234.	Water Meter Repairman	\$12.43 per hour \$13.55 per hour

		Minimum	Maximum
235.	Water Pipe Repairman.....	\$11.25 per hour	\$13.55 per hour
236.	Water Serviceman	\$ 9.05 per hour	\$11.25 per hour
237.	Water System Construction Inspector	\$10.48 per hour	\$16.82 per hour

Section 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1.	Assistant Superintendent of Distribution	\$29,828.64	\$32,690.86
2.	Chief Meter Reader	26,776.62	29,422.13
3.	Chief Radio Dispatcher-Water	30,533.44	33,467.12
4.	Data Conversion Supervisor	24,070.17	26,523.53
5.	Engineer of Hydraulic Surveys	37,550.06	41,401.80
6.	Meter Reader Supervisor	29,215.14	32,806.06
7.	Sewer Construction Unit Leader	31,650.11	34,641.66
8.	Sewer Maintenance Unit Leader	23,962.24	29,986.71
9.	Sewer Maintenance Unit Leader Operator	28,605.94	31,381.34
10.	Supervisor of Radio Service	30,553.44	35,386.58
11.	Unit Supervisor	26,835.06	33,157.50
12.	Water Hydraulic Unit Leader	28,446.57	31,651.96
13.	Water Hydraulic Supervisor	32,237.05	35,717.51
14.	Water Meter Department Unit Leader	28,446.55	31,651.96
15.	Water Meter Department Supervisor	32,237.05	35,717.51
16.	Water Pipe Repair Unit Leader.....	28,446.57	32,424.22
17.	Water Pipe Repair Supervisor	32,242.61	36,489.78

Section 15. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1.	Machinist	\$12.96 per hour	\$15.42 per hour
2.	Machinist Unit Leader	\$13.46 per hour	\$17.45 per hour
3.	Machinist Helper	\$11.32 per hour	\$13.03 per hour

Section 20. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification.

		Minimum	Maximum
1.	Emergency Medical Dispatcher (Probationary)	\$ 8.50 per hour	\$ 8.50 per hour
2.	Emergency Medical Dispatcher	\$20,741.97	\$28,553.22
3.	Emergency Medical Technician	\$22,499.00	\$31,770.99

Section 23. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1.	Accident and Safety Inspector	\$13.28 per hour	\$15.28 per hour
2.	Airport Field Foreman	\$13.19 per hour	\$15.19 per hour
3.	Arborist I	\$11.53 per hour	\$13.53 per hour
4.	Arborist II	\$13.43 per hour	\$15.43 per hour
5.	Arborist III	\$15.20 per hour	\$17.20 per hour
6.	Assistant Gardener	\$ 8.98 per hour	\$10.98 per hour
7.	Assistant Manager of Parks and Urban Forestry	\$14.80 per hour	\$16.80 per hour
8.	Assistant Superintendent of Waste Collection	\$15.20 per hour	\$17.20 per hour
9.	Cemetery Foreman	\$13.19 per hour	\$15.19 per hour
10.	Cemeteries Maintenance Man I.....	\$10.29 per hour	\$12.29 per hour
11.	Cemeteries Maintenance Man II	\$16.24 per hour	\$18.24 per hour
12.	Cemetery Supervisor	\$15.20 per hour	\$17.20 per hour
13.	Chief Engineering and Construction Inspector	\$16.74 per hour	\$18.74 per hour
14.	Chief Horticulturist	\$19.64 per hour	\$22.07 per hour
15.	Cold Patch and Cracksealing Foreman	\$15.30 per hour	\$17.30 per hour
16.	Cold Patch and Crack Sealing Worker	\$11.35 per hour	\$13.35 per hour
17.	Crematory and Mausoleum Operator	\$11.53 per hour	\$13.53 per hour
18.	District Paving Repair Foreman	\$20.86 per hour	\$22.86 per hour
19.	Engineering and Construction Inspector	\$12.40 per hour	\$14.40 per hour
20.	Gardener	\$ 9.85 per hour	\$11.85 per hour
21.	General Construction Foreman	\$21.08 per hour	\$23.08 per hour
22.	General Shop Foreman	\$15.20 per hour	\$17.20 per hour
23.	Greenskeeper	\$13.73 per hour	\$15.73 per hour
24.	Ground Maintenance Crew Foreman	\$11.14 per hour	\$13.14 per hour
25.	Ground Maintenance Foreman	\$13.20 per hour	\$15.20 per hour
26.	Ground Maintenance Man	\$10.29 per hour	\$12.29 per hour
27.	Horticulturist	\$17.53 per hour	\$19.53 per hour
28.	Horticulturist Maintenance Foreman	\$13.20 per hour	\$15.20 per hour
29.	Labor Foreman	\$13.19 per hour	\$15.19 per hour
30.	Lead Program Assistant	\$11.19 per hour	\$13.19 per hour

	Minimum	Maximum
31. Mechanical Handyman	\$10.74 per hour	\$12.74 per hour
32. Maintenance Foreman	\$12.60 per hour	\$14.60 per hour
33. Municipal Service Laborer	\$10.29 per hour	\$12.29 per hour
34. Parking Coordinator	\$13.96 per hour	\$15.96 per hour
35. Practical Nurse	\$10.23 per hour	\$12.23 per hour
36. Radio Operator	\$11.85 per hour	\$13.85 per hour
37. Real Estate Maintenance Man	\$10.92 per hour	\$12.92 per hour
38. Set-Up Foreman	\$10.98 per hour	\$12.98 per hour
39. Shop Foreman	\$13.19 per hour	\$15.19 per hour
40. Sidewalk Inspector	\$11.30 per hour	\$13.30 per hour
41. Street Cleaning District Foreman	\$13.19 per hour	\$15.19 per hour
42. Street Maintenance Foreman	\$13.19 per hour	\$15.19 per hour
43. Street Maintenance General Foreman	\$15.20 per hour	\$17.20 per hour
44. Street Permit Supervisor	\$10.25 per hour	\$12.25 per hour
45. Street Sweeper-Waste Collection	\$ 9.99 per hour	\$11.99 per hour
46. Tire Shredder	\$10.82 per hour	\$12.82 per hour
47. Waste Collection Foreman	\$13.19 per hour	\$15.19 per hour
48. Waste Collection Foreman I	\$14.52 per hour	\$16.52 per hour
49. Waste Collection Transfer Foreman	\$15.09 per hour	\$17.09 per hour
50. Waste Collector	\$10.29 per hour	\$12.29 per hour
51. Waste Collector Cushman Operator	\$10.58 per hour	\$12.58 per hour
52. Watchman	\$ 8.57 per hour	\$10.57 per hour
53. Watchman Supervisor	\$10.87 per hour	\$12.87 per hour

Section 48. Division of Fire; Various Positions.

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	Minimum	Maximum
1. Battalion Chief	57,630.85	58,130.85
2. Captain	49,612.80	50,112.80
3. Lieutenant	42,690.69	43,200.69
4. Firefighter		
Journeyman	36,741.97	37,241.97
Apprentice - Medic III	33,774.43	33,774.43
Apprentice - Medic II	33,274.43	33,274.43
Apprentice - Medic I	32,274.43	33,274.43
Trainee	\$ 8.50 per hour	\$ 8.84 per hour

Section 2. That existing Sections 5, 8, 10, 15, 20, 23 and 48 of Ordinance No. 2114-95, passed November 27, 1995, are hereby repealed, effective April 1, 1995.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.

Effective March 26, 1996.

Ord. No. 493-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for a Walk on September 29, 1996, sponsored by the American Heart Association.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Walk, sponsored by the American Heart Association, on September 29, 1996, beginning at Huron and Ontario, Huron to W. 9th St., W. 9th St. to St. Clair, St. Clair to W. 3rd St., W. 3rd St. to Erieside, Erieside to E. 9th St., turn around and return along the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order

to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.

Effective March 26, 1996.

Ord. No. 494-96.

By Councilman Paulenske.

An emergency ordinance to amend Section 1 of Ordinance No. 101-96 relating to the issuance of a permit for the Walk 'N Roll Against Addiction, sponsored by the Alcoholism Services of Cleveland, Inc.

Whereas, this ordinance constitutes an emergency measure pro-

viding for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 1 of Ordinance No. 101-96, passed January 22, 1996, be and the same is hereby amended to read as follows:

"Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Walk 'N Roll Against Addiction, sponsored by the Alcoholism Services of Cleveland, on April 20, 1996, beginning at the Galleria, E. 9th St. and St. Clair Ave., south on E. 9th St. to Eagle Ave., Eagle Ave. to Ontario St., Ontario St. to Euclid, through Public Square to Superior, Superior to W. 3rd St., W. 3rd St. to Erieside Ave., around Erieside Ave. to E. 9th St., continue south on E. 9th St. and finish back at the Galleria, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants

in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law."

Section 2. That Section 1 of Ordinance No. 101-96, passed January 22, 1996, be and the same is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 495-96.

By Councilmen Smith and Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for a Running Race on July 27, 1996, sponsored by Hermes Race Systems and Lutheran Medical Hospital.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Running Race, sponsored by Hermes Race Systems and Lutheran Medical Hospital, on July 27, 1996, beginning at Franklin Ave. and W. 26th St., proceed east on Franklin Ave. to W. 25th St., north on W. 25th St. to Veterans Memorial Bridge, over the Veterans Memorial Bridge to Huron Rd., Huron Rd. to Ontario, south on Ontario to the Hope Memorial Bridge, west on the Hope Memorial Bridge back to W. 25th St., north on W. 25th St. back to Franklin, Franklin Ave. to W. 26th St. and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent

and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

Ord. No. 499-96.

By Councilman Westbrook.

An emergency ordinance authorizing the City Planning Director to enter into contract with Sasaki Associates, Inc., to assist in the selection of the site of the new stadium facility and to accept grants to pay a portion of the cost of such contract.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the City Planning Director is hereby authorized to enter into contract with Sasaki Associates, Inc. for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assist in the selection of the site of the new stadium facility between a location within the downtown Cleveland lakefront area and a location in close proximity to the Gateway Sports Complex Area.

Section 2. That the City Planning Director is hereby authorized to apply for and accept one or more grants from various entities for the purpose of paying a portion of the cost of the contract authorized by this ordinance. The City Planning Director is further authorized to file all papers and execute all documents necessary to effectuate the grant(s). Any funds received by the City pursuant to the grant agreement(s) are hereby appropriated for the purposes set forth in the grant agreement(s) and for the purpose of paying a portion of the cost of the contract.

Section 3. That the costs for such contract herein contemplated shall be paid from the fund or funds to which are credited any grant proceeds accepted pursuant to Section 2 of this ordinance, the fund or funds to which are credited any monies received from the National

Football League pursuant to Ordinance No. 303-96, passed March 8, 1996, and from Fund Nos. 10 SF 035, 67 SF 001 and 01-99-98-0320.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 18, 1996.
Effective March 26, 1996.

COUNCIL COMMITTEE MEETINGS

Monday, March 25, 1996

Public Parks, Recreation and Properties Committee: 9:30 A.M. — Present: Johnson, Chrm.; Rybka, V-Chrm.; Miller, Patton, Paulenske, Robinson, White.

Employment Affirmative Action and Training Committee: 12:00 P.M. — Present: Patmon, Chrm.; Smith, V-Chrm.; Jackson, Lewis, Melena, Polensek, Robinson.

Finance Committee: 2:00 P.M. — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

Tuesday, March 26, 1996

Community and Economic Development Committee: 10:00 A.M. — Present: Jackson, Chrm.; Paulenske, V-Chrm.; Britt, Coats, Lewis, Melena, Patton, Smith. Excused: Willis.

Wednesday, March 27, 1996

Aviation and Transportation Committee: 10:00 A.M. — Present: Miller, Chrm.; Paulenske, V-Chrm.; McGuirk, Patmon, Rokakis, White, Willis.

Public Utilities Committee: 2:00 P.M. — Present: Patton, Chrm.; Polensek, V-Chrm.; Coats, Lewis, McGuirk, O'Malley, Patmon, Willis, Zone.

Index to Council Proceedings

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

City Planning Commission

Sasaki Associates, Inc. — new stadium facility — accept grants to pay portion of the cost of such contract (O 499-96)..... 520

Codified Ordinances

Amend Section 5, 8, 10, 15, 20, 23 and 48 — Ordinances No. 2114-95 passed November 27, 1995 — relating to compensation (O 372-96)..... 514

Authorizing and Directing — Director of Finance — Cleveland Municipal Court — enter into contract — Legal Aid Society — indigents charged with violation of ordinances (O 256-96) 513

Codified Ordinances 1976 — enacting sections — City’s Offenses and Business — activities code — repeal existing sections (O 90-96)..... 466

Codified Ordinances 1976 — enacting various sections — City’s Traffic code — repeal existing sections (O 91-96)..... 497

Finance Department

Amend Section 5, 8, 10, 15, 20, 23 and 48 — Ordinances No. 2114-95 passed November 27, 1995 — relating to compensation (O 372-96)..... 514

Approving the collective bargaining — agreement with Local 93 — International Association Firefighters (O 260-96)..... 514

Authorizing and Directing — Director of Finance — pay cost of extraction — 1994 Ohio income tax (O 257-96) 513

Authorizing and Directing — Director of Finance — Cleveland Municipal Court — enter into contract — Legal Aid Society — indigents charged with violation of ordinances (O 256-96) 513

Authorizing the Director — Public Health — accept grant — Federation for Community Planning — 1996 immunization action program (O 206-96)..... 513

Authorizing the Director of Law — apply for and accept — grant from Ohio Department of Development — Public Housing Violence Reduction — Mediation Program (O 261-96)..... 514

Codified Ordinances 1976 — enacting sections — City’s Offenses and Business — activities code — repeal existing sections (O 90-96)..... 466

Codified Ordinances 1976 — enacting various sections — City’s Traffic code — repeal existing sections (O 91-96)..... 497

Emergency ordinance — current expenses — expenditures City of Cleveland for year 1996 (O 208-96) 451

Grants

Authorizing the Director of Law — apply for and accept — grant from Ohio Department of Development — Public Housing Violence Reduction — Mediation Program (O 261-96)..... 514

Health and Welfare Department

Authorizing the Director — Public Health — accept grant — Federation for Community Planning — 1996 immunization action program (O 206-96)..... 513

Human Resources Department

Approving the collective bargaining — agreement with Fraternal Order — Police Lodge No. 8 (O 259-96)..... 513

Approving the collective bargaining — agreement with Local 93 — International Association Firefighters (O 260-96)..... 514

Law Department

Emergency ordinance — current expenses — expenditures City of Cleveland for year 1996 (O 208-96) 451

Liquor Permits

11108 Primrose Avenue, — Withdrawing — objection of transfer — repealing Res. No. 50-96 (R 498-96) 466

6924 Superior Avenue, — Withdrawing objection — repealing Res. No. 1528-94 (R 497-96) 466

7102 Hough Avenue — Withdrawing objection — Repealing Res. No. 1523-94 (R 496-96) 466

Permits

Amend Section 1 of Ordinance No. 101-96 — Permit Walk ‘N Roll Against Addiction (O 494-96) 519

Permit — Running Race — July 27, 1996 (O 495-96)..... 520

Permit — Walk on September 29, 1996 (O 493-96) 519

Personnel Department

Approving the collective bargaining — agreement with Local 93 — International Association Firefighters (O 260-96).....	514
Approving the collective bargaining — agreement with Fraternal Order — Police Lodge No. 8 (O 259-96).....	513

Safety Department

Codified Ordinances 1976 — enacting sections — City's Offenses and Business — activities code — repeal existing sections (O 90-96).....	466
Codified Ordinances 1976 — enacting various sections — City's Traffic code — repeal existing sections (O 91-96).....	497

PPPP

