

Mitch Rhodus
Mayor

Tim Meyers
Councilmember, At-Large

Matt Davidson
Councilmember, At-Large

Gwen Brill
Councilmember, At-Large



Leslie Besl
Councilmember, 1st Ward

Dale Paullus
Councilmember, 2nd Ward

Terry Senger
Councilmember, 3rd Ward

Adam Kraft
Councilmember, 4th Ward

**CITY OF FAIRFIELD CITY COUNCIL
SPECIAL MEETING AGENDA
THURSDAY, JUNE 29, 2023 6:00 PM
5350 PLEASANT AVENUE, FAIRFIELD, OH 45014**

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

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

- 1. COUNCIL-MANAGER BRIEFING**
 - A. 5:30 PM - Neighborhood Development Program
- 2. BUSINESS MEETING CALL TO ORDER**
- 3. PRAYER/PLEDGE OF ALLEGIANCE**
 - A. Councilmember Kraft
- 4. ROLL CALL**
- 5. AGENDA MODIFICATIONS**
- 6. EXECUTIVE SESSION REQUESTS**
- 7. SPECIAL PRESENTATIONS**
 - a. Police Department Award Presentation
 - b. Fire Department Oath of Office
Lieutenant Jeremy Shiflett
Captain Daniel Korte
- 8. CITIZEN COMMENTS**
- 9. PUBLIC HEARING(S)**

- a. 2024 Tax Budget Public Hearing

10. APPROVAL OF MINUTES

- a. Regular Meeting held June 12, 2023

11. OLD BUSINESS AND REPORTS

A. COMMUNITY & PUBLIC RELATIONS

Councilmember Leslie Besl

B. DEVELOPMENT SERVICES

Councilmember Matt Davidson

C. PARKS, RECREATION AND ENVIRONMENT

Councilmember Gwen Brill

D. PUBLIC SAFETY

Councilmember Dale Paullus

1. Ordinance to adopt new Sections 303.083, 513.16, 517.17, 537.19, 549.14, 1519.06, 1519.07 AND 1519.08 and amend various other Sections in the Traffic and General Offenses and Fire Prevention Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.
 - Legislation - Third Reading
 - Motion - Adoption

E. PUBLIC UTILITIES

Councilmember Adam Kraft

F. PUBLIC WORKS

Councilmember Terry Senger

G. FINANCE & BUDGET

Councilmember Tim Meyers

12. NEW BUSINESS

Motion to read all New Business by title only.

A. COMMUNITY & PUBLIC RELATIONS

Councilmember Leslie Besl

1. Simple Motion: Motion to cancel the July 10, 2023 City Council Meeting.

B. PUBLIC WORKS

Councilmember Terry Senger

1. Ordinance to authorize the City Manager to enter into a contract with Vogelpohl Fire Equipment, Inc. for the purchase of an E-One Fire Truck and declaring an emergency.

- Legislation - First Reading
- Motion - Suspend Second and Third Readings
- Motion - Adoption

C. FINANCE & BUDGET

Tim Meyers, Chair; Gwen Brill, Vice Chair; Terry Senger, Member

1. Resolution adopting the tax budget of the City of Fairfield, Ohio, for the fiscal year beginning January 1, 2024 and submitting the same to the Butler County Auditor and declaring an emergency.

- Legislation - First Reading
- Motion - Suspend Second and Third Readings
- Motion - Adoption

2. Ordinance providing for the issuance of \$49,797.75 of bonds by the City of Fairfield, Ohio, to pay part of the cost of sidewalk repair in the City, and declaring an emergency.

- Legislation - First Reading
- Motion - Suspend Second and Third Readings
- Motion - Adoption

3. Ordinance to amend section 163.18 Pers Pickup of Chapter 163, Employee Provisions, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio; Repeal Ordinance Nos. 99-05 and 58-08 and declaring an emergency.

- Legislation - First Reading
- Motion - Suspend Second and Third Readings
- Motion - Adoption

4. Ordinance to authorize the City Manager to enter into an agreement with Anthem Blue Cross/Blue Shield to administer the self-insured Health Insurance plan for City Employees and declaring an emergency.

- Legislation - First Reading
- Motion - Suspend Second and Third Readings
- Motion - Adoption

5. Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Contractual Appropriations: \$991,410 for purchase of E-One Fire Truck.

- Legislation - First Reading
- Motion - Suspend Second and Third Readings

- Motion - Adoption

6. Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Non-Contractual Appropriations: \$30,500 for Water Division Raw Water Well Pump 5 Emergency Repair; \$30,000 for purchase of Fire Hydrants; \$30,000 for Toro Z Master 6000 and other power equipment for Parks Maintenance; \$25,927 for Village Green Park improvements; \$11,000 for Wastewater Division Mixing Unit; \$17,000 for purchase of Commercial Water Meter.

- Legislation - First Reading
- Motion - Suspend Second and Third Readings
- Motion - Adoption

13. MEETING SCHEDULE

- A. Monday, August 14 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, September 11 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- C. Monday, September 25 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

14. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

15. ADJOURNMENT



Fairfield City Council
June 19, 2023

Public Hearing Notice 2024 Tax Budget

Two copies of the 2024 Tax Budget as to be tentatively adopted for the City of Fairfield of Butler County, Ohio, are on file in the office of the Clerk of Council of the City of Fairfield. These copies are for public inspection, and a Public Hearing on said Tax Budget will be held at the Fairfield Municipal Building, 5350 Pleasant Avenue, Fairfield, Ohio, on Thursday, June 29, 2023, at 6:00 p.m.

Alisha Wilson
Clerk of Council

For insertion in the Journal News on June 19, 2023.

Attachment: 2024 Tax Budget Hearing Notice (3625 : 2024 Tax Budget Public Hearing)

**City of Fairfield
Minutes
Regular Meeting of City Council
June 12, 2023**

Council-Manager Briefing

None.

Business Meeting Call to Order

Mayor Rhodus called the Regular Meeting to order at 7:00 PM.

Prayer/Pledge of Allegiance

Vice Mayor Meyers led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

Attendee Name	Title	Status	Arrived
Tim Meyers	Councilmember, At-Large	Present	
Matt Davidson	Councilmember, At-Large	Present	
Gwen Brill	Councilmember, At-Large	Present	
Leslie Besl	Councilmember, 1st Ward	Present	
Dale Paullus	Councilmember, 2nd Ward	Present	
Terry Senger	Councilmember, 3rd Ward	Present	
Adam Kraft	Councilmember, 4th Ward	Excused	
Mitch Rhodus	Mayor	Present	

Councilmember Paullus, seconded by Councilmember Davidson, moved to excuse Councilmember Kraft. Motion carried 6-0.

Agenda Modifications

None.

Executive Session Requests

Councilmember Davidson, seconded by Councilmember Brill, moved for Executive Session to discuss pending and imminent litigation. Roll call vote. Motion carried 6-0.

Special Presentations

a. Police Oath of Office - Officer Emma Partin

Mayor Rhodus administered the oath of office to Officer Emma Partin. Chief Maynard welcomed her to the department.

Citizen Comments

Minutes Acceptance: Minutes of Jun 12, 2023 7:00 PM (Approval of Minutes)

None.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of May 22, 2023 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Community & Public Relations

Councilmember Leslie Besl

Development Services

Councilmember Matt Davidson

Parks, Recreation and Environment

Councilmember Gwen Brill

Public Safety

Councilmember Dale Paullus

Motion to amend

Motion to amend ordinance provisions regarding fireworks. City code will remain unchanged.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dale Paullus, Councilmember, 2nd Ward
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED:	Kraft

Ordinance to adopt new Sections 303.083, 513.16, 517.17, 537.19, 549.14, 1519.06, 1519.07 AND 1519.08 and amend various other Sections in the Traffic and General Offenses and Fire Prevention Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.

Recommendation:

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

Councilmember Paullus presented the second reading of this ordinance.

RESULT:	SECOND READING	Next: 6/29/2023 6:00 PM
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Public Utilities

Councilmember Adam Kraft

Minutes Acceptance: Minutes of Jun 12, 2023 7:00 PM (Approval of Minutes)

Public Works*Councilmember Terry Senger***Finance & Budget***Councilmember Tim Meyers***NEW BUSINESS**

Councilmember Besl, seconded by Councilmember Paullus, moved to read all New Business by title only. Motion carried 6-0.

Public Safety*Councilmember Dale Paullus*Motion to Suspend Second and Third Readings

Councilmember Paullus presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dale Paullus, Councilmember, 2nd Ward
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED:	Kraft

Ordinance to authorize the City Manager to enter into a contract with Axon Enterprises, Inc. to extend Police fleet camera services an additional five (5) years and declaring an emergency.

Recommendation:

It is recommended that Council authorize the City Manger to enter into a contract with Axon Enterprises to extend their services to provide cameras for our marked cruisers an additional five years. The annual costs associated with the contract will be paid from the police department operating budget. The new contract will take effect at the end of our current contract which will expire in December of 2023.

ORDINANCE NO. 94-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dale Paullus, Councilmember, 2nd Ward
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED:	Kraft

Public Utilities*Councilmember Adam Kraft*Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

Minutes Acceptance: Minutes of Jun 12, 2023 7:00 PM (Approval of Minutes)

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Matt Davidson, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

An ordinance authorizing all actions necessary to effect a governmental electric aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code, directing the Butler County Board of Elections to submit a ballot question to the electors.

Recommendation:

It is recommended that City Council authorize all actions necessary to effect a governmental electric aggregation program with opt-out provisions pursuant to Section 4928.20, OHIO REVISED CODE, directing the Butler County Board of Elections to submit a ballot question on aggregation to the electors. Rules suspension is requested to expedite the exchange of information with the Board of Elections in advance of the November 2023 election.

ORDINANCE NO. 95-23. APPROVED 6-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Matt Davidson, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Dale Paullus, Councilmember, 2nd Ward
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

An ordinance authorizing all actions necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code, directing the Butler County Board of Elections to submit a ballot question to the electors.

Recommendation:

It is recommended that City Council authorize all actions necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, OHIO REVISED CODE, directing the Butler County Board of Elections to submit a ballot question on aggregation to the electors. Rules suspension is requested to expedite the exchange of information with the Board of Elections in advance of the November 2023 election.

ORDINANCE NO. 96-23. APPROVED 6-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Matt Davidson, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Public Works

Councilmember Terry Senger

Motion to Suspend Second and Third Readings

Councilmember Senger presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Terry Senger, Councilmember, 3rd Ward
SECONDER: Tim Meyers, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Ordinance to amend Section 953.01(a) of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to the service fee for residential garbage and solid waste and recycling collection and declaring an emergency.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to modify the ordinance pertaining to the rates in the contract with Rumpke of Ohio, Inc. for Solid Waste and Recycling Services.

ORDINANCE NO. 97-23. APPROVED 6-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Terry Senger, Councilmember, 3rd Ward
SECONDER: Tim Meyers, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Motion to Suspend Second and Third Readings

Councilmember Senger presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Terry Senger, Councilmember, 3rd Ward
SECONDER: Dale Paullus, Councilmember, 2nd Ward
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Ordinance to authorize the City Manager to enter into a contract with Smithcorp Construction Services for the Emergency Drainage Repair of the Detention Basin Outlet Pipe at the end of Stonewall Lane and declaring an emergency.

Recommendation:

It is recommended that emergency funding be appropriated from the Capital Improvement Fund as

described in the Financial Impact.

ORDINANCE NO. 98-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Terry Senger, Councilmember, 3rd Ward
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED:	Kraft

Finance & Budget

Councilmember Tim Meyers

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED:	Kraft

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.” - Supplemental Appropriations.

Recommendation:

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

ORDINANCE NO. 99-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED:	Kraft

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

Minutes Acceptance: Minutes of Jun 12, 2023 7:00 PM (Approval of Minutes)

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Matt Davidson, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Recommendation:

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

ORDINANCE NO. 100-23. APPROVED 6-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Matt Davidson, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Gwen Brill, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Recommendation:

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

ORDINANCE NO. 101-23. APPROVED 6-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Meyers, Councilmember, At-Large
SECONDER: Gwen Brill, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger
EXCUSED: Kraft

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Monday, July 10 - Council-Manager Briefing 6:30 PM; Regular Meeting 7:00 PM
- B. Monday, August 14 - Council-Manager Briefing 6:00 PM; Regular Meeting 7:00 PM
- C. Monday, September 11 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

Council recessed to Executive Session at 7:30 PM.

15. ADJOURNMENT

The Regular Meeting adjourned at .

The Regular Meeting adjourned at 7:40 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved_____

Minutes Acceptance: Minutes of Jun 12, 2023 7:00 PM (Approval of Minutes)



City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: John Clemmons,
 Submitting Department: Legal

Subject:

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

Legislation Title:

Ordinance to adopt new Sections 303.083, 513.16, 517.17, 537.19, 549.14, 1519.06, 1519.07 AND 1519.08 and amend various other Sections in the Traffic and General Offenses and Fire Prevention Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.

Recommendation:

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

Background/Synopsis:

The Traffic and General Offenses Codes were last updated in February, 2022. Periodically the City updates its Traffic and General Offenses Code in order to conform them to the extent possible to recent amendments in state law and provide the latest versions of traffic and general offenses and other ordinances for use by the City's law enforcement and safety personnel.

Financial Impact:

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

Emergency Provision Explanation:

No.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. Codified-ord
2. Codified Ord-Ex A

ORDINANCE NO. _____

ORDINANCE TO ADOPT NEW SECTIONS 303.083, 513.16, 517.17, 537.19, 549.14 AND 1519.06 AND AMEND VARIOUS OTHER SECTIONS IN THE TRAFFIC AND GENERAL OFFENSES AND FIRE PREVENTION CODES OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

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

Section 1. New sections 303.083, 513.16, 517.17, 537.19, 549.14 and 1519.06 are hereby adopted and Sections 101.03, 303.082, 337.10, 337.16, 513.01, 517.01, 517.02, 517.06, 517.08, 517.09, 517.11, 517.13, 517.14, 517.15, 529.01, 529.07, 549.02, 549.04, 549.12, 1519.01, 1519.04 and 1519.05 are hereby amended in the Traffic and General Offenses and Fire Prevention Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio to read as follows:

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

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Codified- Ord

Attachment: Codified-ord (3572 : Update of the Traffic and General Offenses Codes of the City of Fairfield Codified Ordinances.)

Exhibit "A"

101.03 RULES OF CONSTRUCTION.

[No changes to this section until paragraph(c)(3).]

(c) Calendar; Computation of Time.

- (3) **A.** The time within which an act is required by law to be done shall be computed by excluding the first and including the last day^[7]; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.
- B.** When a public office, in which an act required by law is to be performed, is closed to the public for the entire day ~~[which]~~ **THAT** constitutes the last day for doing ~~[such]~~ **THE** act or before its usual closing time on ~~[such]~~ **THAT** day, ~~[then such]~~ **THE** act may be performed on the next succeeding day ~~[which]~~ **THAT** is not a Sunday or a legal holiday. ~~[If any legal holiday falls on Sunday, the next succeeding day is a legal holiday. (ORC 1.14)]~~
- C. AS USED IN SUBSECTIONS (c)(1) AND (c)(2) OF THIS SECTION, LEGAL HOLIDAY MEANS THE FOLLOWING DAYS:**
1. THE FIRST DAY OF JANUARY, KNOWN AS NEW YEAR'S DAY;
 2. THE THIRD MONDAY IN JANUARY, KNOWN AS MARTIN LUTHER KING, JR. DAY;
 3. THE THIRD MONDAY IN FEBRUARY, KNOWN AS WASHINGTON-LINCOLN DAY;
 4. THE DAY DESIGNATED IN THE "ACT OF JUNE 28, 1968", 82 STAT. 250, 5 U.S.C. § 6103, AS AMENDED, FOR THE COMMEMORATION OF MEMORIAL DAY;
 5. THE NINETEENTH DAY OF JUNE, KNOWN AS JUNETEENTH DAY;
 6. THE FOURTH DAY OF JULY, KNOWN AS INDEPENDENCE DAY;
 7. THE FIRST MONDAY IN SEPTEMBER, KNOWN AS LABOR DAY;
 8. THE SECOND MONDAY IN OCTOBER, KNOWN AS COLUMBUS DAY;
 9. THE ELEVENTH DAY OF NOVEMBER, KNOWN AS VETERAN'S DAY;
 10. THE FOURTH THURSDAY IN NOVEMBER, KNOWN AS THANKSGIVING DAY;
 11. THE TWENTY-FIFTH DAY OF DECEMBER, KNOWN AS CHRISTMAS DAY; AND
 12. ANY DAY APPOINTED AND RECOMMENDED BY THE GOVERNOR OF THIS STATE OR THE PRESIDENT OF THE UNITED STATES AS A HOLIDAY.
- D. IF ANY DAY DESIGNATED IN THIS SECTION AS A LEGAL HOLIDAY FALLS ON A SUNDAY, THE NEXT SUCCEEDING DAY IS A LEGAL HOLIDAY.**
(ORC 1.14)

[No further changes to this section.]

303.082 PRIVATE TOW-AWAY ZONES.

[No changes to this section until paragraph (f)(1).]

- (f) (1) When a vehicle is removed from private property in accordance with this section, within three **BUSINESS** days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of **EITHER OF THE FOLLOWING** ~~[the records of the Bureau of Motor Vehicles]~~ to ascertain the identity of the owner and any lienholder of the motor vehicle[-]:

- A. **THE RECORDS OF THE BUREAU OF MOTOR VEHICLES;**
 B. **THE RECORDS OF ANY VENDOR OR VENDORS, APPROVED BY THE REGISTRAR OF MOTOR VEHICLES, THAT ARE CAPABLE OF PROVIDING REAL-TIME ACCESS TO OWNER AND LIENHOLDER INFORMATION.**

- (2) **THE TOWING SERVICE OR STORAGE FACILITY MAY SEARCH THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM IN ORDER TO DETERMINE THE STATE IN WHICH THE VEHICLE IS TITLED. THE ENTITY THAT PROVIDES THE RECORD OF THE OWNER AND ANY LIENHOLDER UNDER THIS DIVISION SHALL ENSURE THAT SUCH INFORMATION IS PROVIDED IN A TIMELY MANNER.**

~~[The Registrar of Motor Vehicles shall insure that such information is provided in a timely manner.]~~

- (3) Subject to subsection (f)~~[(4)]~~(6) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

- A. Within five business days after the ~~[Registrar of Motor Vehicles]~~ **APPLICABLE ENTITY** provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, **BY CERTIFIED MAIL WITH ELECTRONIC TRACKING**, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt[-].

- B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under subsection (f)~~[(4)]~~(3)A. of this section[-].

~~[C. If the vehicle remains unclaimed forty five days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section.]~~

- ~~[(2)]~~(4) Sixty days after any notice sent pursuant to subsection (f)~~[(4)]~~(3) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under ~~[subsection (B) of]~~ Ohio R.C. 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

- ~~[(3)]~~(5) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under ~~[division (B) of]~~ Ohio R.C. 4505.101(B).

- ~~[(4)]~~(6) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)~~[(4)]~~(3)A. of this section.

[No further changes to this section.]

~~[303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.~~

~~(EDITOR'S NOTE: The provisions of former Section 303.083 as amended are now codified in Section 303.081.)]~~

303.083 IMPOUNDING VEHICLES ON PUBLIC PROPERTY.

(a) THE COUNTY SHERIFF OR CHIEF OF POLICE, WITHIN THE SHERIFF'S OR CHIEF'S RESPECTIVE TERRITORIAL JURISDICTION, OR A STATE HIGHWAY PATROL TROOPER, UPON NOTIFICATION TO THE SHERIFF OR CHIEF OF POLICE OF SUCH ACTION AND OF THE LOCATION OF THE PLACE OF STORAGE, MAY ORDER INTO STORAGE ANY MOTOR VEHICLE, INCLUDING AN ABANDONED JUNK MOTOR VEHICLE AS DEFINED IN OHIO R.C. 4513.63, THAT:

- (1) HAS COME INTO THE POSSESSION OF THE SHERIFF, CHIEF OF POLICE, OR STATE HIGHWAY PATROL TROOPER AS A RESULT OF THE PERFORMANCE OF THE SHERIFF'S, CHIEF'S OR TROOPER'S DUTIES; OR
- (2) HAS BEEN LEFT ON A PUBLIC STREET OR OTHER PROPERTY OPEN TO THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL, OR UPON OR WITHIN THE RIGHT-OF-WAY OF ANY ROAD OR HIGHWAY, FOR FORTY-EIGHT HOURS OR LONGER WITHOUT NOTIFICATION TO THE SHERIFF OR CHIEF OF POLICE OF THE REASONS FOR LEAVING THE MOTOR VEHICLE IN SUCH PLACE. HOWEVER, WHEN SUCH A MOTOR VEHICLE CONSTITUTES AN OBSTRUCTION TO TRAFFIC IT MAY BE ORDERED INTO STORAGE IMMEDIATELY UNLESS EITHER OF THE FOLLOWING APPLIES:
 - A. THE VEHICLE WAS INVOLVED IN AN ACCIDENT AND IS SUBJECT TO OHIO R.C. 4513.66, OR ANY SUBSTANTIALLY EQUIVALENT MUNICIPAL ORDINANCE;
 - B. THE VEHICLE IS A COMMERCIAL MOTOR VEHICLE. IF THE VEHICLE IS A COMMERCIAL MOTOR VEHICLE, THE SHERIFF, CHIEF OF POLICE, OR STATE HIGHWAY PATROL TROOPER SHALL ALLOW THE OWNER OR OPERATOR OF THE VEHICLE THE OPPORTUNITY TO ARRANGE FOR THE REMOVAL OF THE MOTOR VEHICLE WITHIN A PERIOD OF TIME SPECIFIED BY THE SHERIFF, CHIEF OF POLICE, OR STATE HIGHWAY PATROL TROOPER. IF THE SHERIFF, CHIEF OF POLICE, OR STATE HIGHWAY PATROL TROOPER DETERMINES THAT THE VEHICLE CANNOT BE REMOVED WITHIN THE SPECIFIED PERIOD OF TIME, THE SHERIFF, CHIEF OF POLICE, OR STATE HIGHWAY PATROL TROOPER SHALL ORDER THE REMOVAL OF THE VEHICLE.
- (3) SUBJECT TO SUBSECTION (c) OF THIS SECTION, THE SHERIFF OR CHIEF OF POLICE SHALL DESIGNATE THE PLACE OF STORAGE OF ANY MOTOR VEHICLE SO ORDERED REMOVED.

(b) IF THE SHERIFF, CHIEF OF POLICE, OR A STATE HIGHWAY PATROL TROOPER ISSUES AN ORDER UNDER SUBSECTION (a) OF THIS SECTION AND ARRANGES FOR THE REMOVAL OF A MOTOR VEHICLE BY A TOWING SERVICE, THE TOWING SERVICE SHALL DELIVER THE MOTOR VEHICLE TO THE LOCATION DESIGNATED BY THE SHERIFF OR CHIEF OF POLICE NOT MORE THAN TWO HOURS AFTER THE TIME IT IS REMOVED.

- (c) (1) THE SHERIFF OR CHIEF OF POLICE SHALL CAUSE A SEARCH TO BE MADE OF THE RECORDS OF AN APPLICABLE ENTITY LISTED IN OHIO R.C. 4513.601(F)(1) TO ASCERTAIN THE IDENTITY OF THE OWNER AND ANY LIENHOLDER OF A MOTOR VEHICLE ORDERED INTO STORAGE BY THE SHERIFF OR CHIEF OF POLICE, OR BY A STATE HIGHWAY PATROL TROOPER WITHIN FIVE BUSINESS DAYS OF THE REMOVAL OF THE VEHICLE.

UPON OBTAINING SUCH IDENTITY, THE SHERIFF OR CHIEF OF POLICE SHALL SEND OR CAUSE TO BE SENT TO THE OWNER OR LIENHOLDER AT THE OWNER'S OR LIENHOLDER'S LAST KNOWN ADDRESS BY CERTIFIED OR EXPRESS MAIL WITH RETURN RECEIPT REQUESTED, BY CERTIFIED MAIL WITH ELECTRONIC TRACKING, OR BY A COMMERCIAL CARRIER SERVICE UTILIZING ANY FORM OF DELIVERY REQUIRING A SIGNED RECEIPT.

THE NOTICE SHALL INFORM THE OWNER OR LIENHOLDER THAT THE MOTOR VEHICLE WILL BE DECLARED A NUISANCE AND DISPOSED OF IF NOT CLAIMED WITHIN TEN DAYS OF THE DATE OF THE SENDING OF THE NOTICE.

- (2) A. THE OWNER OR LIENHOLDER OF THE MOTOR VEHICLE MAY RECLAIM THE MOTOR VEHICLE UPON PAYMENT OF ANY EXPENSES OR CHARGES INCURRED IN ITS REMOVAL AND STORAGE, AND PRESENTATION OF PROOF OF OWNERSHIP, WHICH MAY BE EVIDENCED BY A CERTIFICATE OF TITLE OR MEMORANDUM CERTIFICATE OF TITLE TO THE MOTOR VEHICLE, A CERTIFICATE OF REGISTRATION FOR THE MOTOR VEHICLE, OR A LEASE AGREEMENT. UPON PRESENTATION OF PROOF OF OWNERSHIP EVIDENCED AS PROVIDED ABOVE, THE OWNER OF THE MOTOR VEHICLE ALSO MAY RETRIEVE ANY PERSONAL ITEMS FROM THE VEHICLE WITHOUT RETRIEVING THE VEHICLE AND WITHOUT PAYING ANY FEE. HOWEVER, A TOWING SERVICE OR STORAGE FACILITY MAY CHARGE AN AFTER-HOURS RETRIEVAL FEE ESTABLISHED BY THE PUBLIC UTILITIES COMMISSION IN RULES ADOPTED UNDER OHIO R.C. 4921.25 IF THE OWNER RETRIEVES THE PERSONAL ITEMS AFTER HOURS, UNLESS THE TOWING SERVICE OR STORAGE FACILITY FAILS TO PROVIDE THE NOTICE REQUIRED UNDER OHIO R.C. 4513.69(B)(3), IF APPLICABLE. HOWEVER, THE OWNER SHALL NOT DO EITHER OF THE FOLLOWING:
 - 1. RETRIEVE ANY PERSONAL ITEM THAT HAS BEEN DETERMINED BY THE SHERIFF, CHIEF OF POLICE, OR A STATE HIGHWAY PATROL TROOPER, AS APPLICABLE, TO BE NECESSARY TO A CRIMINAL INVESTIGATION;
 - 2. RETRIEVE ANY PERSONAL ITEM FROM A VEHICLE IF IT WOULD ENDANGER THE SAFETY OF THE OWNER, UNLESS THE OWNER AGREES TO SIGN A WAIVER OF LIABILITY.
- B. FOR PURPOSES OF SUBSECTION (c)(2) OF THIS SECTION, "PERSONAL ITEMS" DO NOT INCLUDE ANY ITEMS THAT ARE ATTACHED TO THE VEHICLE.
- (3) IF THE OWNER OR LIENHOLDER OF THE MOTOR VEHICLE RECLAIMS IT AFTER A SEARCH OF THE APPLICABLE RECORDS HAS BEEN CONDUCTED AND AFTER NOTICE HAS BEEN SENT TO THE OWNER OR LIENHOLDER AS DESCRIBED IN THIS SECTION, AND THE SEARCH WAS CONDUCTED BY THE PLACE OF STORAGE, AND THE NOTICE WAS SENT TO THE MOTOR VEHICLE OWNER BY THE PLACE OF STORAGE, THE OWNER OR LIENHOLDER SHALL PAY TO THE PLACE OF STORAGE A PROCESSING FEE OF TWENTY-FIVE DOLLARS (\$25.00), IN ADDITION TO ANY EXPENSES OR CHARGES INCURRED IN THE REMOVAL AND STORAGE OF THE VEHICLE.

(d) IF THE OWNER OR LIENHOLDER MAKES NO CLAIM TO THE MOTOR VEHICLE WITHIN TEN DAYS OF THE DATE OF SENDING THE NOTICE, AND IF THE VEHICLE IS TO BE DISPOSED OF AT A PUBLIC AUCTION AS PROVIDED IN OHIO R.C. 4513.62 OR ANY SUBSTANTIALLY EQUIVALENT MUNICIPAL

ORDINANCE, THE SHERIFF OR CHIEF OF POLICE, WITHOUT CHARGE TO ANY PARTY, SHALL FILE WITH THE CLERK OF COURTS OF THE COUNTY IN WHICH THE PLACE OF STORAGE IS LOCATED AN AFFIDAVIT SHOWING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. UPON PRESENTATION OF THE AFFIDAVIT, THE CLERK, WITHOUT CHARGE, SHALL ISSUE A SALVAGE CERTIFICATE OF TITLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, TO THE SHERIFF OR CHIEF OF POLICE. IF THE VEHICLE IS TO BE DISPOSED OF TO A MOTOR VEHICLE SALVAGE DEALER OR OTHER FACILITY AS PROVIDED IN OHIO R.C. 4513.62 OR ANY SUBSTANTIALLY EQUIVALENT MUNICIPAL ORDINANCE, THE SHERIFF OR CHIEF OF POLICE SHALL EXECUTE IN TRIPLICATE AN AFFIDAVIT, AS PRESCRIBED BY THE REGISTRAR OF MOTOR VEHICLES, DESCRIBING THE MOTOR VEHICLE AND THE MANNER IN WHICH IT WAS DISPOSED OF, AND THAT ALL REQUIREMENTS OF THIS SECTION HAVE BEEN COMPLIED WITH. THE SHERIFF OR CHIEF OF POLICE SHALL RETAIN THE ORIGINAL OF THE AFFIDAVIT FOR THE SHERIFF'S OR CHIEF'S RECORDS, AND SHALL FURNISH TWO COPIES TO THE MOTOR VEHICLE SALVAGE DEALER OR OTHER FACILITY. UPON PRESENTATION OF A COPY OF THE AFFIDAVIT BY THE MOTOR VEHICLE SALVAGE DEALER, THE CLERK OF COURTS, WITHIN THIRTY DAYS OF THE PRESENTATION, SHALL ISSUE A SALVAGE CERTIFICATE OF TITLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES.

(e) WHENEVER A MOTOR VEHICLE SALVAGE DEALER OR OTHER FACILITY RECEIVES AN AFFIDAVIT FOR THE DISPOSAL OF A MOTOR VEHICLE AS PROVIDED IN THIS SECTION, THE DEALER OR FACILITY SHALL NOT BE REQUIRED TO OBTAIN AN OHIO CERTIFICATE OF TITLE TO THE MOTOR VEHICLE IN THE DEALER'S OR FACILITY'S OWN NAME IF THE VEHICLE IS DISMANTLED OR DESTROYED AND BOTH COPIES OF THE AFFIDAVIT ARE DELIVERED TO THE CLERK OF COURTS.

(f) NO TOWING SERVICE OR STORAGE FACILITY SHALL FAIL TO COMPLY WITH THIS SECTION.
(ORC 4513.61)

337.10 LIGHTS, EMBLEMS AND REFLECTORS ON SLOW-MOVING VEHICLES, FARM MACHINERY, AGRICULTURAL TRACTORS, AND ANIMAL DRAWN VEHICLES[; EMBLEM REQUIRED].

~~[(a) — All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 337.01(c), not specifically required to be equipped with lights or other lighting devices by Section 337.02 to 337.09, shall at all times specified in Section 337.02, 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 also shall 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 flagperson, 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 Ohio R.C. 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.~~

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour may be operated on a street or highway at a speed greater than twenty five miles per hour provided it is operated in accordance with this section.

As used in this subsection (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 subsection (b) hereof 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) — (1) — No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, 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 subsection (b) hereof.

(2) — No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour unless the unit displays a slow-moving vehicle emblem as specified in subsection (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS).

(e) — Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in subsection (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this subsection, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by Section 337.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(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 subsection (b) hereof;
- (2) — With alternate reflective material complying with rules adopted under this subsection (f);
- (3) — With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (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 337.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) — Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural

~~Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this subsection.~~

~~—— If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour is being operated on a street or highway at a speed greater than twenty five miles per hour and is towing, pulling or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.~~

~~(h) —— When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour is being operated on a street or highway at a speed greater than twenty five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.~~

~~(i) —— 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.~~

~~(Ord. 139-07. Passed 11-19-07.)~~

~~(j) —— Whoever violates this section is guilty of a minor misdemeanor.~~

~~(ORC 4513.11; Ord. 145-09. Passed 12-14-09.)~~

(a) DEFINITIONS. AS USED IN THIS SECTION:

- (1) 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.**
- (2) SLOW-MOVING VEHICLE AND SMV. MEAN A BOAT TRAILER, UNIT OF FARM MACHINERY, ROAD CONSTRUCTION MACHINERY, OR OTHER MACHINERY DESIGNED BY THE MANUFACTURER TO OPERATE AT A SPEED OF TWENTY-FIVE MILES PER HOUR OR LESS. THE TERM DOES NOT INCLUDE A BICYCLE, MOTORIZED BICYCLE, ELECTRIC BICYCLE, OR ANIMAL-DRAWN VEHICLE. (ORC 4513.11)**

(b) GENERALLY.

- (1) AT THE TIMES SPECIFIED IN OHIO R.C. 4513.03, NO PERSON SHALL OPERATE EITHER OF THE FOLLOWING VEHICLES UNLESS IT IS EQUIPPED WITH AND DISPLAYS THE LAMPS DESCRIBED IN SUBSECTION (b)(2) OF THIS SECTION.**
 - A. A VEHICLE NOT SPECIFICALLY REQUIRED TO BE EQUIPPED WITH LAMPS OR OTHER LIGHTING DEVICES BY OHIO R.C. 4513.03 TO 4513.10;**
 - B. A VEHICLE REFERRED TO IN OHIO R.C. 4513.02(G).**
- (2) VEHICLES DESCRIBED IN SUBSECTION (b)(1) OF THIS SECTION SHALL BE EQUIPPED WITH BOTH OF THE FOLLOWING:**
 - A. AT LEAST ONE LAMP DISPLAYING A WHITE LIGHT VISIBLE FROM A DISTANCE OF NOT LESS THAN 1,000 FEET TO THE FRONT OF THE VEHICLE;**
 - B. TWO LAMPS 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 LAMP 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 HEADLAMPS.
- (3) A. AT THE TIMES SPECIFIED IN OHIO R.C. 4513.03, NO PERSON SHALL OPERATE A MULTI-WHEEL AGRICULTURAL TRACTOR MODEL YEAR 2001 OR EARLIER ON A STREET OR HIGHWAY UNLESS IT IS EQUIPPED WITH AND DISPLAYS REFLECTORS AND ILLUMINATED AMBER LAMPS SO THAT THE EXTREME LEFT AND RIGHT PROJECTIONS OF THE TRACTOR ARE INDICATED BY ALL OF THE FOLLOWING:
 - 1. FLASHING LAMPS DISPLAYING AMBER LIGHT, VISIBLE TO THE FRONT AND THE REAR. THE LAMPS NEED NOT FLASH SIMULTANEOUSLY AND NEED NOT FLASH IN CONJUNCTION WITH ANY DIRECTIONAL SIGNALS OF THE TRACTOR;
 - 2. AMBER REFLECTORS, ALL VISIBLE TO THE FRONT;
 - 3. RED REFLECTORS, ALL VISIBLE TO THE REAR.
 - B. RULES ADOPTED BY THE OHIO DIRECTOR OF PUBLIC SAFETY UNDER OHIO R.C. 4513.111 GOVERNING THE LAMPS AND REFLECTORS DESCRIBED IN SUBSECTION (b)(3)A. OF THIS SECTION AND THEIR PLACEMENT CORRELATE WITH AND, AS FAR AS POSSIBLE, CONFORM WITH PARAGRAPHS 4.1.4.1, 4.1.7.1 AND 4.1.7.2 RESPECTIVELY OF THE AMERICAN SOCIETY OF AGRICULTURAL ENGINEERS STANDARD ANSI/ASAE S279.10 OCT98, LIGHTING AND MARKING OF AGRICULTURAL EQUIPMENT ON HIGHWAYS.
 - (4) AT THE TIMES SPECIFIED IN OHIO R.C. 4513.03, NO PERSON SHALL OPERATE A UNIT OF FARM MACHINERY MODEL YEAR 2002 OR LATER ON A STREET OR HIGHWAY UNLESS IT IS EQUIPPED WITH AND DISPLAYS MARKINGS AND ILLUMINATED LAMPS THAT MEET OR EXCEED THE LIGHTING, ILLUMINATION AND MARKING STANDARDS AND SPECIFICATIONS THAT ARE APPLICABLE TO THAT TYPE OF FARM MACHINERY FOR THE UNIT'S MODEL YEAR SPECIFIED IN THE AMERICAN SOCIETY OF AGRICULTURAL ENGINEERS STANDARD ANSI/ASAE S279.10 OCT 98, LIGHTING AND MARKING OF AGRICULTURAL EQUIPMENT ON HIGHWAYS.
 - (5) ANY UNIT OF FARM MACHINERY DESIGNED BY ITS MANUFACTURER TO OPERATE AT A SPEED OF TWENTY-FIVE MILES PER HOUR OR GREATER OR ANY SMV MAY BE EQUIPPED WITH AND DISPLAY A RED FLASHING LIGHT THAT IS VISIBLE FROM A DISTANCE OF NOT LESS THAN 1,000 FEET TO THE REAR AT ALL TIMES SPECIFIED IN OHIO R.C. 4513.03. WHEN A DOUBLE-FACED LIGHT IS USED, IT SHALL DISPLAY AMBER LIGHT TO THE FRONT AND RED LIGHT TO THE REAR.
 - (6) LIGHTS AND REFLECTORS REQUIRED UNDER SUBSECTIONS (b)(3) AND (b)(4) OF THIS SECTION AND AUTHORIZED UNDER SUBSECTION (b)(5) OF THIS SECTION ARE IN ADDITION TO OTHER LIGHTS REQUIRED OR PERMITTED BY THIS SUBSECTION (b) OR OHIO R.C. 4513.17.
 - (7) THE OHIO DIRECTOR OF PUBLIC SAFETY SHALL ADOPT RULES IN ACCORDANCE WITH OHIO R.C. CHAPTER 119 CODE THAT ESTABLISH STANDARDS AND SPECIFICATIONS FOR LAMPS AND REFLECTORS REQUIRED OR AUTHORIZED BY

THIS SECTION. LAMPS AND REFLECTORS REQUIRED OR AUTHORIZED BY THIS SECTION SHALL MEET THOSE STANDARDS AND SPECIFICATIONS.

(8) THIS SUBSECTION (b) DOES NOT APPLY TO A BICYCLE, MOTORIZED BICYCLE, ELECTRIC BICYCLE, OR ANIMAL-DRAWN VEHICLE.

(9) WHOEVER VIOLATES THIS SUBSECTION (b) IS GUILTY OF A MINOR MISDEMEANOR.

(ORC 4513.111)

(c) SLOW-MOVING VEHICLES.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PERSON SHALL OPERATE AN SMV ON A STREET OR HIGHWAY AS FOLLOWS:

A. AT A SPEED EXCEEDING TWENTY-FIVE MILES PER HOUR;

B. WITHOUT DISPLAYING THE TRIANGULAR SMV EMBLEM MOUNTED IN ACCORDANCE WITH SUBSECTION (c)(2) OF THIS SECTION.

(2) THE SMV EMBLEM SHALL BE MOUNTED SO AS TO BE VISIBLE FROM A DISTANCE OF NOT LESS THAN 500 FEET TO THE REAR. IN ACCORDANCE WITH OHIO R.C. CHAPTER 119, 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 THE SMV EMBLEM CORRELATE WITH AND, SO FAR AS POSSIBLE, CONFORM WITH THOSE APPROVED BY THE AMERICAN SOCIETY OF AGRICULTURAL ENGINEERS.

(3) A PERSON MAY OPERATE AN SMV ON A STREET OR HIGHWAY WITHOUT DISPLAYING THE TRIANGULAR SMV EMBLEM WHEN ANY OF THE FOLLOWING APPLY:

A. THE SMV IS BEING USED IN ACTUAL CONSTRUCTION AND MAINTENANCE WORK IN AN AREA GUARDED BY A FLAGPERSON, OR WHERE FLARES ARE USED;

B. THE SMV IS OPERATING OR TRAVELING WITHIN THE LIMITS OF A CONSTRUCTION AREA DESIGNATED BY THE OHIO DIRECTOR OF TRANSPORTATION, A CITY ENGINEER, OR THE COUNTY ENGINEER OF THE SEVERAL COUNTIES, WHEN SUCH CONSTRUCTION AREA IS MARKED IN ACCORDANCE WITH REQUIREMENTS OF THE OHIO DIRECTOR OF TRANSPORTATION AND THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, AS SET FORTH IN OHIO R.C. 4511.09.

(4) NO PERSON SHALL DISPLAY AN SMV EMBLEM ON ANY OF THE FOLLOWING:

A. ANY VEHICLE NOT REQUIRED TO USE THE SMV EMBLEM BY THIS SUBSECTION (c) OR OHIO R.C. 4513.113 OR 4513.114;

B. AN SMV BEING TRANSPORTED UPON ANY OTHER VEHICLE;

C. ANY STATIONARY OBJECT ON THE HIGHWAY.

(5) NO PERSON SHALL SELL, LEASE, RENT OR OPERATE AN SMV, EXCEPT A UNIT DESIGNED TO BE COMPLETELY MOUNTED ON A PRIMARY POWER UNIT THAT IS MANUFACTURED OR ASSEMBLED ON OR AFTER APRIL 1, 1966, UNLESS IT IS EQUIPPED WITH AN SMV EMBLEM MOUNTING DEVICE.

(6) WHOEVER VIOLATES SUBSECTION (c) IS GUILTY OF A MINOR MISDEMEANOR. (ORC 4513.112)

(d) FARM MACHINERY AND AGRICULTURAL TRACTORS.

(1) NO PERSON SHALL SELL, LEASE, RENT OR OPERATE ON A STREET OR HIGHWAY ANY UNIT OF FARM MACHINERY THAT IS DESIGNED BY ITS MANUFACTURER TO

OPERATE AT A SPEED GREATER THAN TWENTY-FIVE MILES PER HOUR UNLESS THE UNIT DISPLAYS BOTH OF THE FOLLOWING:

- A. THE SMV EMBLEM MOUNTED IN ACCORDANCE WITH OHIO R.C. 4513.112(B);
- B. A SPEED IDENTIFICATION SYMBOL THAT DOES BOTH OF THE FOLLOWING:
 - 1. MEETS THE SPECIFICATIONS CONTAINED IN THE AMERICAN SOCIETY OF AGRICULTURAL ENGINEERS STANDARD ANSI/ASAE S584 JAN2005, AGRICULTURAL EQUIPMENT: SPEED IDENTIFICATION SYMBOL (SIS);
 - 2. INDICATES THE MAXIMUM SPEED IN MILES PER HOUR AT WHICH THE UNIT OF FARM MACHINERY IS DESIGNED BY ITS MANUFACTURER TO OPERATE;

(2) NO PERSON OPERATING A TRACTOR ON A STREET OR HIGHWAY THAT IS DESIGNED BY ITS MANUFACTURER TO OPERATE AT A SPEED GREATER THAN TWENTY-FIVE MILES PER HOUR AND THAT IS TOWING, PULLING OR OTHERWISE DRAWING A UNIT OF FARM MACHINERY WHILE OPERATING AT A SPEED GREATER THAN TWENTY-FIVE MILES PER HOUR SHALL FAIL TO DISPLAY BOTH OF THE FOLLOWING ON THE UNIT OF FARM MACHINERY;

- A. THE SMV EMBLEM;
- B. THE SPEED IDENTIFICATION SYMBOL THAT MATCHES THE SPEED IDENTIFICATION SYMBOL REQUIRED TO BE DISPLAYED ON THE AGRICULTURAL TRACTOR;

(3) NO PERSON SHALL OPERATE AN AGRICULTURAL TRACTOR THAT IS DESIGNED BY ITS MANUFACTURER TO OPERATE AT A SPEED GREATER THAN TWENTY-FIVE MILES PER HOUR UNLESS THE PERSON POSSESSES DOCUMENTATION PUBLISHED OR PROVIDED BY THE MANUFACTURER INDICATING THE MAXIMUM SPEED IN MILES PER HOUR AT WHICH THE MANUFACTURER DESIGNED THE AGRICULTURAL TRACTOR TO OPERATE;

(4) WHOEVER VIOLATES THIS SUBSECTION (d) IS GUILTY OF A MINOR MISDEMEANOR.
(ORC 4513.113)

(e) ANIMAL-DRAWN VEHICLES.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (e)(4) OF THIS SECTION, NO PERSON SHALL OPERATE AN ANIMAL-DRAWN VEHICLE ON A STREET OR HIGHWAY UNLESS IT IS EQUIPPED WITH AND DISPLAYS, AT THE TIMES SPECIFIED IN OHIO R.C. 4513.03, BOTH OF THE FOLLOWING:

- A. AT LEAST ONE LAMP DISPLAYING A WHITE LIGHT VISIBLE FROM A DISTANCE OF NOT LESS THAN 1,000 FEET TO THE FRONT OF THE ANIMAL-DRAWN VEHICLE;
- B. TWO LAMPS DISPLAYING RED LIGHT VISIBLE FROM A DISTANCE OF NOT LESS THAN 1,000 FEET TO THE REAR OF THE ANIMAL-DRAWN VEHICLE, OR AS AN ALTERNATIVE, ONE LAMP 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 ONE HUNDRED FEET TO THE REAR WHEN ILLUMINATED BY THE LAWFUL LOWER BEAMS OF HEADLAMPS.

- (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (e)(4) OF THIS SECTION, NO PERSON SHALL OPERATE AN ANIMAL-DRAWN VEHICLE ON A STREET OR HIGHWAY UNLESS IT IS EQUIPPED WITH AND DISPLAYS, AT ALL TIMES, ALL OF THE FOLLOWING:
- A. ONE YELLOW FLASHING LAMP DISPLAYING YELLOW LIGHT THAT IS VISIBLE FROM A DISTANCE OF NOT LESS THAN 1,000 FEET AND THAT IS MOUNTED IN EITHER OF THE FOLLOWING POSITIONS:
 - 1. ON THE TOP MOST PORTION OF THE REAR OF THE ANIMAL-DRAWN VEHICLE;
 - 2. ON THE TOP OF THE ANIMAL-DRAWN VEHICLE;
 - B. AT LEAST ONE OF THE FOLLOWING:
 - 1. AN SMV EMBLEM MOUNTED IN ACCORDANCE WITH OHIO R.C. 4513.112(B);
 - 2. MICRO-PRISM REFLECTIVE TAPE THAT IS VISIBLE FROM A DISTANCE OF NOT LESS THAN 500 FEET TO THE REAR WHEN ILLUMINATED BY THE LAWFUL LOWER BEAMS OF HEADLAMPS;
 - 3. BOTH AN SMV EMBLEM AND MICRO-PRISM REFLECTIVE TAPE, AS SPECIFIED IN THIS DIVISION.
 - C. LAMPS AND MICRO-PRISM REFLECTIVE TAPE REQUIRED BY THIS SECTION SHALL MEET STANDARDS AND SPECIFICATIONS ADOPTED BY THE OHIO DIRECTOR OF PUBLIC SAFETY UNDER OHIO R.C. 4513.114.
- (3) THE OHIO DIRECTOR OF PUBLIC SAFETY, IN ACCORDANCE WITH OHIO R.C. CHAPTER 119, SHALL ADOPT RULES ESTABLISHING STANDARDS AND SPECIFICATIONS FOR THE POSITION AND MOUNTING OF THE LAMPS AND MICRO-PRISM REFLECTIVE TAPE REQUIRED BY OHIO R.C. 4513.114. THE RULES PERMIT THE MICRO-PRISM REFLECTIVE TAPE TO BE RED, AMBER, WHITE, OR SILVER IN COLOR.
- (4) A. SUBSECTIONS (e)(1) AND (e)(2) OF THIS SECTION DO NOT APPLY TO THE OPERATOR OF ANIMAL-DRAWN AGRICULTURAL EQUIPMENT WHO IS NOT TRANSPORTING ANY LIVESTOCK OR A PERSON OTHER THAN THE OPERATOR.
- B. NO OPERATOR DESCRIBED IN SUBSECTION (e)(4)A. OF THIS SECTION SHALL OPERATE ANIMAL-DRAWN AGRICULTURAL EQUIPMENT UNLESS IT IS EQUIPPED WITH AND DISPLAYS, AT ALL TIMES, THE SMV EMBLEM MOUNTED IN ACCORDANCE WITH OHIO R.C. 4513.112(B).
- C. AS USED IN SUBSECTION (e)(4) OF THIS SECTION, "ANIMAL-DRAWN AGRICULTURAL EQUIPMENT" MEANS EQUIPMENT DRAWN BY THE MUSCULAR POWER OF AN ANIMAL THAT IS USED SOLELY FOR AGRICULTURAL PURPOSES. "ANIMAL-DRAWN AGRICULTURAL EQUIPMENT" INCLUDES ANY OF THE FOLLOWING:
- 1. A PLOW;
 - 2. A MANURE SPREADER;
 - 3. A THRESHER.
- (5) WHOEVER VIOLATES THIS SUBSECTION (e) IS GUILTY OF A MINOR MISDEMEANOR.
(ORC 4513.114)
- (f) STRICT LIABILITY OFFENSES. THE OFFENSES ESTABLISHED UNDER THIS SECTION ARE STRICT LIABILITY OFFENSES, AND OHIO R.C. 2901.20 DOES NOT APPLY. THE DESIGNATION OF THESE

OFFENSES AS STRICT LIABILITY OFFENSES SHALL NOT BE CONSTRUED TO IMPLY THAT ANY OTHER OFFENSE, FOR WHICH THERE IS NO SPECIFIED DEGREE OF CULPABILITY, IS NOT A STRICT LIABILITY OFFENSE.

(ORC 4513.115)

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

[No changes to this section until paragraph (c)(1).]

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or ~~[a]~~ left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.
- (2) ~~[This]~~ **THE prohibition IN SUBSECTION (c)(1) OF THIS SECTION** does not apply to **ANY OF THE FOLLOWING:**
 - A. ~~[e]~~Emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash or recyclable materials on the roadside, rural mail delivery vehicles, vehicles ~~[transporting preschool children]~~ as provided in Ohio R.C. 4513.182, highway maintenance vehicles, ~~[funeral hearses, funeral escort vehicles]~~ and similar equipment operated by ~~[the Department]~~ **STATE** or local authorities, ~~[which shall be]~~ **PROVIDED SUCH VEHICLES ARE** equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light~~[- but shall not display a flashing, oscillating or rotating light of any other color, nor to];~~
 - B. ~~[v]~~Vehicles or machinery permitted by [Section 337.10] OHIO R.C. 4513.111 to have a flashing red light~~[.];~~
~~[{Ord. 120-18. Passed 11-26-18.}]~~
 - ~~(2) — When used on a street or highway, f]~~
 - C. Farm machinery and vehicles escorting farm machinery **PROVIDED SUCH MACHINERY AND VEHICLES ARE** ~~[may be]~~ equipped with and display, **WHEN USED ON A STREET OR HIGHWAY,** a flashing, oscillating, or rotating amber light~~[- and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles].~~ Farm machinery also may display the lights described in ~~[Section 337.10]~~ **OHIO R.C. 4513.111.**
 - D. **A FUNERAL HEARSE OR FUNERAL ESCORT VEHICLE, PROVIDED THAT THE FUNERAL HEARSE OR FUNERAL ESCORT VEHICLE IS EQUIPPED WITH AND DISPLAYS, WHEN USED ON A STREET OR HIGHWAY FOR THE SPECIAL PURPOSE NECESSITATING SUCH LIGHTS, A FLASHING, OSCILLATING OR ROTATING PURPLE OR AMBER LIGHT;**
 - (3) **SUBSECTION (c)(1) OF THIS SECTION DOES NOT APPLY TO ANIMAL-DRAWN VEHICLES SUBJECT TO OHIO R.C. 4513.114.**
 - (d) (1) Except a person operating a public safety vehicle, as defined in ~~[Section 301.27]~~ **OHIO R.C. 4511.01(E)**, 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 that 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].~~

- (2) [e]Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, 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 that 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.

[No further changes to this section.]

513.01 DEFINITIONS.

[No changes to this section until paragraph (c).]

(c) **“ALCOHOL AND DRUG ADDICTION SERVICES”. HAS THE SAME MEANING AS IN OHIO R.C. 5119.01**

~~{(e)}~~(d) **“Bulk amount.”** Of a controlled substance, means any of the following:

- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding 120 grams or 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 (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II

stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;

- (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
- (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
- (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;
- (5) An amount equal to or exceeding 200 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;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in Ohio R.C. 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.

~~[(d)]~~(e) "Certified grievance committee." A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

~~[(e)]~~(f) "Cocaine." Any of the following:

- (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
- (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
- (3) A salt, compound, derivative or preparation of a substance identified in subsection ~~[(e)]~~(f)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

~~[(f)]~~(g) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

- ~~(g)~~(h) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.
- (i) **"COMMITTED IN THE VICINITY OF A SUBSTANCE ADDICTION SERVICES PROVIDER OR A RECOVERING ADDICT". AN OFFENSE IS "COMMITTED IN THE VICINITY OF A SUBSTANCE ADDICTION SERVICES PROVIDER OR A RECOVERING ADDICT" IF EITHER OF THE FOLLOWING APPLY:**
- (1) **THE OFFENDER COMMITS THE OFFENSE ON THE PREMISES OF A SUBSTANCE ADDICTION SERVICES PROVIDER'S FACILITY, INCLUDING A FACILITY LICENSED PRIOR TO JUNE 29, 2019, UNDER OHIO R.C. 5119.391 TO PROVIDE METHADONE TREATMENT OR AN OPIOID TREATMENT PROGRAM LICENSED ON OR AFTER THAT DATE UNDER OHIO R.C. 5119.37, OR WITHIN 500 FEET OF THE PREMISES OF A SUBSTANCE ADDICTION SERVICES PROVIDER'S FACILITY AND THE OFFENDER KNOWS OR SHOULD KNOW THAT THE OFFENSE IS BEING COMMITTED WITHIN THE VICINITY OF THE SUBSTANCE ADDICTION SERVICES PROVIDER'S FACILITY.**
 - (2) **THE OFFENDER SELLS, OFFERS TO SELL, DELIVERS, OR DISTRIBUTES THE CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE ANALOG TO A PERSON WHO IS RECEIVING TREATMENT AT THE TIME OF THE COMMISSION OF THE OFFENSE, OR RECEIVED TREATMENT WITHIN 30 DAYS PRIOR TO THE COMMISSION OF THE OFFENSE, FROM A SUBSTANCE ADDICTION SERVICES PROVIDER AND THE OFFENDER KNOWS THAT THE PERSON IS RECEIVING OR RECEIVED THAT TREATMENT.**
- ~~(h)~~(j) "Controlled substance." Has the same meaning as in Ohio R.C. 3719.01.
- ~~(i)~~(k) "Controlled substance analog." Has the same meaning as in Ohio R.C. 3719.01.
- ~~(j)~~(l) "Counterfeit controlled substance." Any of the following:
- (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- ~~(k)~~(m) "Cultivate." Includes planting, watering, fertilizing or tilling.
- ~~(l)~~(n) "Dangerous drug." Has the same meaning as in Ohio R.C. 4729.01.
- ~~(m)~~(o) "Deception." Has the same meaning as in Ohio R.C. 2913.01.
- ~~(n)~~(p) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- ~~(o)~~(q) "Dispense." Has the same meaning as in Ohio R.C. 3719.01.
- ~~(p)~~(r) "Distribute." Has the same meaning as in Ohio R.C. 3719.01.

~~[(q)]~~(s) "Drug." Has the same meaning as in Ohio R.C. 4729.01.

~~[(r)]~~(t) "Drug abuse offense." Any of the following:

- (1) A violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs, or any violation of Ohio R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
- (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in subsection ~~[(r)]~~(t)(1) of this definition.
- (3) An offense under an existing or former law of any municipality, 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 to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection ~~[(r)]~~(t)(1), (2) or (3) of this definition.

~~[(s)]~~(u) "Drug dependent person." Has the same meaning as in Ohio R.C. 3719.011.

~~[(t)]~~(v) "Drug of abuse." Has the same meaning as in Ohio R.C. 3719.011.

~~[(u)]~~(w) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

~~[(v)]~~(x) "Fentanyl-related compound." Any of the following:

- (1) Fentanyl;
- (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidiny]-N-phenylpropanamide);
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidiny]—phenylpropanamide);
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny]propanamide);
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide);
- (10) Alfentanil;
- (11) Carfentanil;
- (12) Remifentanil;
- (13) Sufentanil;
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide); and
- (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl,

valeryl-fentanyl, butyryl-fentanyl, isobutyryl-fentanyl, 4-methoxybutyryl-fentanyl, para-fluorobutyryl-fentanyl, acryl-fentanyl, and ortho-fluorofentanyl:

- A. A chemical scaffold consisting of both of the following:
 1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
 2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
- B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
- C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
- D. The compound has not been approved for medical use by the United States food and drug administration.

~~[(w)]~~(y) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:

- (1) 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:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.
 - B. Any aerosol propellant.
 - C. Any fluorocarbon refrigerant.
 - D. Any anesthetic gas.
- (2) Gamma Butyrolactone;
- (3) 1,4 Butanediol. [~~Ord. 123-19. Passed 12-9-19.~~]

~~[(x)]~~(z) "Hashish".

- (1) A resin or a preparation of a resin to which both of the following apply:
 - A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
 - B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
- (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03.

~~[(Ord. 16-22. Passed 2-14-22.)]~~

~~[(y)]~~(aa) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.

~~[(z)]~~(bb) "Juvenile." A person under eighteen years of age.

~~[(aa)]~~(cc) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.

~~[(bb)]~~(dd) "L.S.D." Lysergic acid diethylamide.

~~[(cc)]~~(ee) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.

~~[(dd)]~~(ff) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.

- ~~[(ee)]~~(gg)“Manufacture.” 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.
- ~~[(ff)]~~(hh)“Manufacturer.” Has the same meaning as in Ohio R.C. 3719.01.
- ~~[(gg)]~~(ii) “Marihuana.” Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.
- ~~[(hh)]~~(jj)“Methamphetamine.” Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- ~~[(ii)]~~(kk)“Minor drug possession offense.” Either of the following:
- (1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
 - (2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- ~~[(jj)]~~(ll) “Official written order.” Has the same meaning as in Ohio R.C. 3719.01.
- ~~[(kk)]~~(mm)“Person.” Has the same meaning as in Ohio R.C. 3719.01.
- ~~[(ll)]~~(nn)“Pharmacist.” Has the same meaning as in Ohio R.C. 3719.01.
- ~~[(mm)]~~(oo)“Pharmacy.” Has the same meaning as in Ohio R.C. 3719.01.
- ~~[(nn)]~~(pp)“Possess” or “possession.” 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.
- (qq) “PREMISES OF A SUBSTANCE ADDICTION SERVICES PROVIDER’S FACILITY”. MEANS THE PARCEL OF REAL PROPERTY ON WHICH ANY SUBSTANCE ADDICTION SERVICE PROVIDER’S FACILITY IS SITUATED.**
- ~~[(oo)]~~(rr)“Prescription.” Has the same meaning as in Ohio R.C. 4729.01.
- ~~[(pp)]~~(ss)“Presumption for a prison term” or “presumption that a prison term shall be imposed.” A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.
- ~~[(qq)]~~(tt)“Professional license.” Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- ~~[(rr)]~~(uu)“Professionally licensed person.” Any of the following:
- (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under Ohio R.C. Chapter 4707;
 - (5) A person who has been issued a certificate of registration as a registered barber under Ohio R.C. Chapter 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;

- (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Chapter 4713;
- (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;
- (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;
- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;
- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
- (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
- (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
- (14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735; [~~Ord. 123-19. Passed 12-9-19.~~]
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 4736; [~~Ord. 16-22. Passed 2-14-22.~~]
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;

- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
 - (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;
 - (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
 - (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
 - (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
 - (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
 - (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
 - (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
 - (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
 - (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
 - (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
 - (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;
 - (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
 - (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- ~~[(ss)]~~**(vv)** "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- ~~[(tt)]~~**(ww)** "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- ~~[(uu)]~~**(xx)** "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- ~~[(vv)]~~**(yy)** "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- ~~[(ww)]~~**(zz)** "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- ~~[(xx)]~~**(aaa)** "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction,

extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

~~[(yy)]~~(bbb)“School premises.” Either of the following:

- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
- (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

~~[(zz)]~~(ccc)“Standard Pharmaceutical Reference Manual.” The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(ddd) “SUBSTANCE ADDICTION SERVICES PROVIDER”. MEANS AN AGENCY, ASSOCIATION, CORPORATION OR OTHER LEGAL ENTITY, INDIVIDUAL, OR PROGRAM THAT PROVIDES ONE OR MORE OF THE FOLLOWING AT A FACILITY:

- (1) EITHER ALCOHOL ADDICTION SERVICES, OR DRUG ADDICTION SERVICES, OR BOTH SUCH SERVICES THAT ARE CERTIFIED BY THE OHIO DIRECTOR OF MENTAL HEALTH AND ADDICTION SERVICES UNDER OHIO R.C. 5119.36;**
- (2) RECOVERY SUPPORTS THAT ARE RELATED TO EITHER ALCOHOL ADDICTION SERVICES, OR DRUG ADDICTION SERVICES, OR BOTH SUCH SERVICES AND PAID FOR WITH FEDERAL, STATE, OR LOCAL FUNDS ADMINISTERED BY THE OHIO DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES OR A BOARD OF ALCOHOL, DRUG ADDICTION, AND MENTAL HEALTH SERVICES.**

~~[(aaa)]~~(eee)“Unit dose.” An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

~~[(bbb)]~~(fff)“Wholesaler.” Has the same meaning as in Ohio R.C. 3719.01.
(ORC 2925.01[; -Ord. 123-19. Passed 12-9-19.])

513.16 SALE OF DEXTROMETHORPHAN.

(a) AS USED IN THIS SECTION:

- (1) “DEXTROMETHORPHAN” MEANS THE DEXTROROTATORY ISOMER OF 3-METHOXY-NMETHYLMORPHINAN, INCLUDING ITS SALTS, BUT NOT INCLUDING ITS RACEMIC OR LEVOROTATORY FORMS.**
- (2) “EVIDENCE OF MAJORITY AND IDENTITY” MEANS A DOCUMENT ISSUED BY THE FEDERAL GOVERNMENT OR A STATE, COUNTY, OR MUNICIPAL GOVERNMENT, OR A SUBDIVISION OR AGENCY OF ANY OF THE FOREGOING, INCLUDING A DRIVER’S OR COMMERCIAL DRIVER’S LICENSE, AN IDENTIFICATION CARD ISSUED UNDER OHIO R.C. 4507.50 TO 4507.52, A MILITARY IDENTIFICATION CARD, OR ANY OTHER FORM OF IDENTIFICATION THAT BEARS THE NAME, DATE OF BIRTH, DESCRIPTION AND PICTURE OF THE PERSON IDENTIFIED.**
- (3) “RETAILER” MEANS A PLACE OF BUSINESS THAT OFFERS CONSUMER PRODUCTS FOR SALE TO THE GENERAL PUBLIC, INCLUDING A TERMINAL DISTRIBUTOR OF**

DANGEROUS DRUGS THAT IS LICENSED UNDER OHIO R.C. CHAPTER 4729 AND OPERATED AS A PHARMACY.

(b) NO RETAILER OR EMPLOYEE OF A RETAILER SHALL KNOWINGLY SUPPLY, DELIVER, GIVE OR OTHERWISE PROVIDE A DRUG, MATERIAL, COMPOUND, MIXTURE, PREPARATION OR SUBSTANCE CONTAINING ANY QUANTITY OF DEXTROMETHORPHAN THROUGH THE SALE OF ANY PRODUCT TO A PERSON UNDER EIGHTEEN YEARS OF AGE, UNLESS THE PERSON HAS BEEN ISSUED A PRESCRIPTION FOR THE PRODUCT BEING PURCHASED.

(c) FOR PURPOSES OF SUBSECTION (b) OF THIS SECTION, THE PERSON MAKING THE SALE OF A PRODUCT CONTAINING DEXTROMETHORPHAN SHALL REQUIRE AND OBTAIN EVIDENCE OF MAJORITY AND IDENTITY FROM THE PURCHASER, UNLESS FROM THE PURCHASER'S OUTWARD APPEARANCE THE PERSON MAKING THE SALE WOULD REASONABLY PRESUME THE PURCHASER TO BE TWENTY-FIVE YEARS OF AGE OR OLDER. PROOF THAT THE PERSON MAKING THE SALE DEMANDED, WAS SHOWN, AND ACTED IN REASONABLE RELIANCE ON THE PURCHASER'S EVIDENCE OF MAJORITY AND IDENTITY IS A DEFENSE TO ANY CHARGE OF A VIOLATION OF SUBSECTION (b) OF THIS SECTION.

(d) A RETAILER OR EMPLOYEE OF A RETAILER IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR INJURY, DEATH OR LOSS TO PERSON OR PROPERTY THAT ALLEGEDLY ARISES FROM AN ACT OR OMISSION ASSOCIATED WITH A FAILURE TO PREVENT THE SALE OF A PRODUCT CONTAINING DEXTROMETHORPHAN TO A PERSON UNDER EIGHTEEN YEARS OF AGE, UNLESS THE ACT OR OMISSION CONSTITUTES WILLFUL OR WANTON MISCONDUCT.

(e) WHOEVER VIOLATES SUBSECTION (b) OF THIS SECTION IS GUILTY OF ILLEGALLY SELLING DEXTROMETHORPHAN, A MINOR MISDEMEANOR.
(ORC 2925.62)

517.01 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.~~

~~(Ord. 53-12. Passed 5-29-12.)~~

~~(c) "Scheme of chance" means a slot machine unless authorized under Ohio R.C. Chapter 3772, lottery unless authorized under Ohio R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:~~

~~(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;~~

~~(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use or redeem the goods or services sold or purportedly sold;~~

~~(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in Ohio R.C. 3772.01;~~

~~(4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;~~

- (5) — A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
- (6) — A participant may use the electronic device to purchase additional game entries;
- (7) — A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
- (8) — A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or
- (9) — A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this subsection, "electronic device" means a mechanical, video, digital or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries or contractors.

(d) — "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

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

(f) — "Gambling device" means any of the following:

- (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 or evidencing a bet;
- (3) — A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
- (4) — Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes;
- (5) — Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(g) — "Gambling offense" means the following:

- (1) — A violation of Ohio R.C. 2915.02 to 2915.092, 2915.10 or 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 subsection (g)(1) hereof or a violation of Ohio R.C. 2915.06 as it existed prior to July 1, 1996;
- (3) — An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
- (4) — A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.

(h) — Except as otherwise provided in this chapter, "charitable organization" means either of the following:

- (1) — An organization that is and has received from the Internal Revenue Service a determination letter that currently is 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;
- (2) — A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal, income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10) or (c)(19) of the Internal Revenue Code.

~~To qualify as a charitable organization, an 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 Ohio R.C. 2915.08 or the conducting of any game of chance as provided in division (D) of Ohio R.C. 2915.02.~~

~~(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) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either 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 or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this subsection, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five 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.~~

~~(k) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.~~

~~(l) "Fraternal organization" means any society, order, state headquarters, 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 of sodality of its members.~~

~~(m) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in Ohio R.C. 4765.01.~~

~~(n) "Charitable bingo game" means any bingo game described in subsection (o)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.~~

~~(o) "Bingo" means either of the following:~~

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

- ~~A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, 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 with the central space being designated as a free space.~~
- ~~B. The participants cover the space on the bingo cards or sheets 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 or sheets.~~

~~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 subsection (o)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.~~

~~———— (2) ——— Instant bingo, punch boards and raffles.~~

~~(p) — "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.~~

~~(q) — "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.~~

~~(r) — "Participant" means any person who plays bingo.~~

~~(s) — "Bingo session" means a period that includes both of the following:~~

~~(1) — Not to exceed five continuous hours for the conduct of one or more games described in subsection (o)(1) of this section, instant bingo, and seal cards;~~

~~(2) — A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in subsection (s)(1) of this section.~~

~~(t) — "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, 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 conducting bingo.~~

~~(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.~~

~~(u) — "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.~~

~~(v) — "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:~~

~~(1) — Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(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;~~

~~(2) — A veteran's organization that is a post, chapter, or organization of 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 per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of Ohio R.C. 5739.02, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of Ohio R.C. 5739.02, is donated to a governmental agency, or is used for nonprofit 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;~~

~~(3) — A fraternal organization that has been in continuous existence in this State for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;~~

~~(4) — A volunteer firefighter's organization that uses the net profit for the purposes set forth in subsection (k) of this section.~~

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

~~(x) — "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.~~

~~(y) — "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 bingo it conducts exclusively for the operation, maintenance and improvement of its playing fields of the type described in paragraph (1) hereof.~~

~~(z) — "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.~~

~~(aa) — "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to~~

conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(bb) — "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(cc) — "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

- (1) — The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
- (2) — The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(dd) — "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(ee) — "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(ff) — "Net profit" means gross profit minus expenses.

(gg) — "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

- (1) — The purchase or lease of bingo supplies;
- (2) — The annual license fee required under Ohio R.C. 2915.08;
- (3) — Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;
- (4) — Audits and accounting services;
- (5) — Safes;
- (6) — Cash registers;
- (7) — Hiring security personnel;
- (8) — Advertising bingo;
- (9) — Renting premises in which to conduct a bingo session;
- (10) — Tables and chairs;
- (11) — Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
- (12) — Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

~~(13) — Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under division (B)(1) of Ohio R.C. 2915.08.~~

~~(hh) — "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.~~

~~(ii) — "Revoke" means to void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.~~

~~(jj) — "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.~~

~~(kk) — "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:~~

~~(1) — Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this State;~~

~~(2) — Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this State.~~

~~(ll) — "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.~~

~~(mm) — "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (o)(1) of this section plus the annual net profit derived from the conduct of bingo described in subsection (o)(2) of this section.~~

~~(nn) — "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:~~

~~(1) — It is activated upon the insertion of United States currency.~~

~~(2) — It performs no gaming functions.~~

~~(3) — It does not contain a video display monitor or generate noise.~~

~~(4) — It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.~~

~~(5) — It does not simulate or display rolling or spinning reels.~~

~~(6) — It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.~~

~~(7) — It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.~~

~~(8) — It is not part of an electronic network and is not interactive.~~

~~(oo) — (1) — "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:~~

~~A. — It provides a means for a participant to input numbers and letters announced by a bingo caller.~~

~~B. — It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.~~

~~C. — It identifies a winning bingo pattern.~~

~~(2) — "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.~~

(pp) ~~“Deal of instant bingo tickets” means a single game of instant bingo tickets all with the same serial number.~~

(qq) (1) ~~“Slot machine” means either of the following:~~

- A. ~~Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;~~
- B. ~~Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.~~

(2) ~~“Slot machine” does not include a skill-based amusement machine or an instant bingo ticket dispenser.~~

(rr) ~~“Net profit from the proceeds of the sale of instant bingo” means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies, and, in the case of instant bingo conducted by a veteran’s, fraternal or sporting organization, minus the payment by that organization of real property taxes, and assessments levied on a premises on which instant bingo is conducted.~~

(ss) ~~“Charitable instant bingo organization” means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A “charitable instant bingo organization” does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran’s organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran’s organization, a fraternal organization, or a sporting organization pursuant to Ohio R.C. 2915.13.~~

(tt) ~~“Game flare” means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:~~

- (1) ~~The name of the game;~~
- (2) ~~The manufacturer’s name or distinctive logo;~~
- (3) ~~The form number;~~
- (4) ~~The ticket count;~~
- (5) ~~The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;~~
- (6) ~~The cost per play;~~
- (7) ~~The serial number of the game.~~

(uu) (1) ~~“Skill-based amusement machine” means mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:~~

- A. ~~The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;~~
- B. ~~Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;~~
- C. ~~Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and~~

- ~~D. — Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.~~
- ~~A card for the purchase of gasoline is a redeemable voucher for purposes of division (uu)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.~~
- (2) ~~A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:~~
- ~~A. — The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.~~
- ~~B. — Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;~~
- ~~C. — The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.~~
- ~~D. — The success of any player is or may be determined by a chance event that cannot be altered by player actions.~~
- ~~E. — The ability of any player to succeed at the game is determined by game features not visible or known to the player.~~
- ~~F. — The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.~~
- (3) ~~All of the following apply to any machine that is operated as described in subsection (uu)(1) of this section:~~
- ~~A. — As used in subsection (uu) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.~~
- ~~B. — Advance play for a single game, play, contest, competition or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition or tournament play.~~
- ~~C. — To the extent that the machine is used in a contest, competition or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition or tournament.~~
- (4) ~~For purposes of subsection (uu)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.~~
- (vv) ~~"Merchandise prize" means any item of value, but shall not include any of the following:~~
- ~~(1) — Cash, gift cards, or any equivalent thereof;~~
- ~~(2) — Plays on games of chance, state lottery tickets, bingo, or instant bingo;~~
- ~~(3) — Firearms, tobacco, or alcoholic beverages; or~~

(4) — A redeemable voucher that is redeemable for any of the items listed in subsection (vv)(1), (2) or (3) of this section.

(ww) — “Redeemable voucher” means any ticket, token, coupon, receipt, or other noncash representation of value.

(xx) — “Pool not conducted for profit” means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(yy) — “Sporting organization” means a hunting, fishing or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this State for a period of three years.

(zz) — “Community action agency” has the same meaning as in Ohio R.C. 122.66.

(aaa) — (1) — “Sweepstakes terminal device” means a mechanical, video, digital or electronic machine or device that is owned, leased or otherwise possessed by any person conducting a sweepstakes, or by that person’s partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

- A. — The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
- B. — The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
- C. — The device selects prizes from a predetermined finite pool of entries.
- D. — The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
- E. — The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
- F. — The device utilizes software to create a game result.
- G. — The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
- H. — The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) — As used in this subsection and in Section 517.02:

- A. — “Enter” means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
- B. — “Entry” means one event from the initial activation of the sweepstakes terminal device until all of the sweepstakes prize results from that activation are revealed.
- C. — “Prize” means any gift, award, gratuity, good, service, credit, reward or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
- D. — “Sweepstakes terminal device facility” means any location in this Municipality where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. 2915.02(G).

(bbb) — “Sweepstakes” means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. “Sweepstakes” does not include bingo as authorized

~~under this chapter, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772. (Ord. 53-12. Passed 5-29-12; Ord. 1-14. Passed 1-13-14.)]~~

FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

- (a) **"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.**
- (b) **"BINGO" MEANS EITHER OF THE FOLLOWING:**
 - (1) **A GAME WITH ALL OF THE FOLLOWING CHARACTERISTICS:**
 - A. **THE PARTICIPANTS USE BINGO CARDS OR SHEETS, INCLUDING PAPER FORMATS AND ELECTRONIC REPRESENTATION OR IMAGE FORMATS, THAT ARE DIVIDED INTO TWENTY-FIVE (25) SPACES ARRANGED IN FIVE (5) HORIZONTAL AND FIVE (5) VERTICAL ROWS OF SPACES, WITH EACH SPACE, EXCEPT THE CENTRAL SPACE, BEING DESIGNATED BY A COMBINATION OF A LETTER AND A NUMBER AND WITH THE CENTRAL SPACE BEING DESIGNATED AS A FREE SPACE;**
 - B. **THE PARTICIPANTS COVER THE SPACES ON THE BINGO CARDS OR SHEETS 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 (75) 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 (75) POSSIBLE COMBINATIONS OF A LETTER AND A NUMBER THAT CAN APPEAR ON THE BINGO CARDS OR SHEETS;**
 - 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 SUBSECTION (B)(1)C. HEREOF, THAT A PREDETERMINED AND PRE-ANNOUNCED PATTERN OF SPACES HAS BEEN COVERED ON A BINGO CARD OR SHEET BEING USED BY THE PARTICIPANT.**
 - (2) **INSTANT BINGO, ELECTRONIC INSTANT BINGO, AND RAFFLES.**
- (c) **"BINGO GAME OPERATOR" MEANS ANY PERSON, EXCEPT SECURITY PERSONNEL, WHO PERFORMS WORK OR LABOR AT THE SITE OF BINGO INCLUDING BUT NOT LIMITED TO COLLECTING MONEY FROM PARTICIPANTS, HANDING OUT BINGO CARDS OR SHEETS OR OBJECTS TO COVER SPACES ON BINGO CARDS OR SHEETS, SELECTING FROM A RECEPTACLE THE OBJECTS THAT CONTAIN THE COMBINATION OF LETTERS AND NUMBERS THAT APPEAR ON BINGO CARDS OR SHEETS, CALLING OUT THE COMBINATIONS OF LETTERS AND NUMBERS, DISTRIBUTING PRIZES, SELLING OR REDEEMING INSTANT BINGO TICKETS OR CARDS, SELLING OR REDEEMING ELECTRONIC INSTANT BINGO TICKETS, CREDITS, OR VOUCHERS, ACCESSING AN ELECTRONIC INSTANT BINGO SYSTEM OTHER THAN AS A PARTICIPANT, SUPERVISING THE OPERATION OF A PUNCH BOARD, SELLING RAFFLE TICKETS, SELECTING RAFFLE TICKETS FROM A RECEPTACLE AND ANNOUNCING THE WINNING NUMBERS IN A RAFFLE, AND**

PREPARING, SELLING, AND SERVING FOOD OR BEVERAGES.” BINGO GAME OPERATOR” DOES NOT INCLUDE A PERSON WHO IS INSTALLING, MAINTAINING, UPDATING, OR REPAIRING AN ELECTRONIC INSTANT BINGO SYSTEM.

- (d) “BINGO SESSION” MEANS A PERIOD THAT INCLUDES BOTH OF THE FOLLOWING:
 - (1) NOT TO EXCEED FIVE (5) CONTINUOUS HOURS FOR THE CONDUCT OF ONE OR MORE GAMES DESCRIBED IN SUBSECTION (d)(1) HEREOF THE DEFINITION OF “BINGO” IN THIS SECTION, INSTANT BINGO, AND ELECTRONIC INSTANT BINGO;
 - (2) A PERIOD FOR THE CONDUCT OF INSTANT BINGO AND ELECTRONIC INSTANT BINGO FOR NOT MORE THAN TWO (2) HOURS BEFORE AND NOT MORE THAN TWO (2) HOURS AFTER THE PERIOD DESCRIBED IN SUBSECTION (d)(1) HEREOF.
- (e) “BINGO SUPPLIES” MEANS BINGO CARDS OR SHEETS; INSTANT BINGO TICKETS OR CARDS; ELECTRONIC BINGO AIDS; RAFFLE TICKETS; PUNCH BOARDS; SEAL CARDS; INSTANT BINGO TICKET DISPENSERS; ELECTRONIC INSTANT BINGO SYSTEMS; AND DEVICES FOR SELECTING OR DISPLAYING THE COMBINATION OF BINGO LETTERS AND NUMBERS OR RAFFLE TICKETS. ITEMS THAT ARE “BINGO SUPPLIES” ARE NOT GAMBLING DEVICES IF SOLD OR OTHERWISE PROVIDED, AND USED, IN ACCORDANCE WITH THIS CHAPTER OR OHIO R.C. CHAPTER 2915. FOR PURPOSES OF THIS CHAPTER, “BINGO SUPPLIES” ARE NOT TO BE CONSIDERED EQUIPMENT USED TO CONDUCT A BINGO GAME.
- (f) “BOOKMAKING” MEANS THE BUSINESS OF RECEIVING OR PAYING OFF BETS.
- (g) “CHARITABLE BINGO GAME” MEANS ANY BINGO GAME DESCRIBED IN SUBSECTIONS (b)(1) OR (2) HEREOF THAT IS CONDUCTED BY A CHARITABLE ORGANIZATION THAT HAS OBTAINED A LICENSE PURSUANT TO OHIO R.C. 2915.08 AND THE PROCEEDS OF WHICH ARE USED FOR A CHARITABLE PURPOSE.
- (h) “CHARITABLE INSTANT BINGO ORGANIZATION” MEANS AN ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER IRC 501(a) AND DESCRIBED IN IRC 501(c)(3) AND IS A CHARITABLE ORGANIZATION AS DEFINED IN THIS SECTION. THE TERM DOES NOT INCLUDE A CHARITABLE ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER IRC 501(a) AND DESCRIBED IN IRC 501(c)(3) AND THAT IS CREATED BY A VETERAN’S ORGANIZATION, A FRATERNAL ORGANIZATION, OR A SPORTING ORGANIZATION IN REGARDS TO BINGO CONDUCTED OR ASSISTED BY A VETERAN’S ORGANIZATION, A FRATERNAL ORGANIZATION, OR A SPORTING ORGANIZATION PURSUANT TO SECTION 517.14.
- (i) “CHARITABLE ORGANIZATION” MEANS:
 - (1) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, “CHARITABLE ORGANIZATION” MEANS EITHER OF THE FOLLOWING:
 - A. AN ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER IRC 501(a) AND DESCRIBED IN IRC 501(c)(3);
 - B. A VOLUNTEER RESCUE SERVICE ORGANIZATION, VOLUNTEER FIREFIGHTER’S ORGANIZATION, VETERAN’S ORGANIZATION, FRATERNAL ORGANIZATION, OR SPORTING ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER IRC 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10) OR 501(c)(19).
 - (2) TO QUALIFY AS A CHARITABLE ORGANIZATION, AN ORGANIZATION SHALL HAVE BEEN IN CONTINUOUS EXISTENCE AS SUCH IN THIS STATE FOR A PERIOD OF TWO (2) YEARS IMMEDIATELY PRECEDING EITHER THE MAKING OF AN APPLICATION FOR A BINGO LICENSE UNDER OHIO R.C. 2915.08 OR THE CONDUCTING OF ANY GAME OF CHANCE AS PROVIDED SECTION 517.02(d).

- (j) **“CHARITABLE PURPOSE” MEANS THAT THE NET PROFIT OF BINGO, OTHER THAN INSTANT BINGO OR ELECTRONIC INSTANT BINGO, IS USED BY, OR IS GIVEN, DONATED, OR OTHERWISE TRANSFERRED TO, ANY OF THE FOLLOWING:**
- (1) **ANY ORGANIZATION THAT IS DESCRIBED IN IRC 509(a)(1), 509(a)(2), OR 509(a)(3) AND IS EITHER A GOVERNMENTAL UNIT OR AN ORGANIZATION THAT IS TAX EXEMPT UNDER IRC 501(a) AND DESCRIBED IN IRC 501(c)(3);**
 - (2) **A VETERAN’S ORGANIZATION THAT IS A POST, CHAPTER, OR ORGANIZATION OF 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 (75%) OF THE MEMBERS OF WHICH ARE VETERANS AND SUBSTANTIALLY ALL OF THE OTHER MEMBERS OF WHICH ARE INDIVIDUALS WHO ARE SPOUSES, WIDOWS, OR WIDOWERS OF VETERANS, OR SUCH INDIVIDUALS, PROVIDED THAT NO PART OF THE NET EARNINGS OF SUCH POST, CHAPTER, OR ORGANIZATION INURES TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR INDIVIDUAL, AND FURTHER PROVIDED THAT THE NET PROFIT IS USED BY THE POST, CHAPTER, OR ORGANIZATION FOR THE CHARITABLE PURPOSES SET FORTH IN OHIO R.C. 5739.02(B)(12), IS USED FOR AWARDING SCHOLARSHIPS TO OR FOR ATTENDANCE AT AN INSTITUTION MENTIONED IN THAT DIVISION OF THE OHIO REVISED CODE, IS DONATED TO A GOVERNMENTAL AGENCY, OR IS USED FOR NONPROFIT 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;**
 - (3) **A FRATERNAL ORGANIZATION THAT HAS BEEN IN CONTINUOUS EXISTENCE IN THIS STATE FOR FIFTEEN (15) YEARS AND THAT USES THE NET PROFIT EXCLUSIVELY FOR RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY, OR EDUCATIONAL PURPOSES, OR FOR THE PREVENTION OF CRUELTY TO CHILDREN OR ANIMALS, IF CONTRIBUTIONS FOR SUCH USE WOULD QUALIFY AS A DEDUCTIBLE CHARITABLE CONTRIBUTION UNDER IRC 170;**
 - (4) **A VOLUNTEER FIREFIGHTER’S ORGANIZATION THAT USES THE NET PROFIT FOR THE PURPOSES SET FORTH IN THE DEFINITION OF “VOLUNTEER FIREFIGHTER’S ORGANIZATION” IN THIS SECTION.**
- (k) **“COMMUNITY ACTION AGENCY” HAS THE SAME MEANING AS IN OHIO R.C. 122.66.**
- (l) **“CONDUCT” MEANS TO BACK, PROMOTE, ORGANIZE, MANAGE, CARRY ON, SPONSOR, OR PREPARE FOR THE OPERATION OF BINGO OR A GAME OF CHANCE, A SCHEME OF CHANCE, OR A SWEEPSTAKES.**
- (m) **“DEAL” MEANS A SINGLE GAME OF INSTANT BINGO TICKETS, OR A SINGLE GAME OF ELECTRONIC INSTANT BINGO TICKETS, ALL WITH THE SAME SERIAL NUMBER.**
- (n) **“DISTRIBUTOR” MEANS ANY PERSON WHO PURCHASES OR OBTAINS BINGO SUPPLIES AND WHO DOES EITHER OF THE FOLLOWING:**
- (1) **SELLS, OFFERS FOR SALE, OR OTHERWISE PROVIDES OR OFFERS TO PROVIDE THE BINGO SUPPLIES TO ANOTHER PERSON FOR USE IN THIS STATE;**
 - (2) **MODIFIES, CONVERTS, ADDS TO, OR REMOVES PARTS FROM THE BINGO SUPPLIES TO FURTHER THEIR PROMOTION OR SALE FOR USE IN THIS STATE.**
- (o) **“ELECTRONIC BINGO AID” MEANS:**

- (1) AN ELECTRONIC DEVICE USED BY A PARTICIPANT TO MONITOR BINGO CARDS OR SHEETS PURCHASED AT THE TIME AND PLACE OF A BINGO SESSION AND THAT DOES ALL OF THE FOLLOWING:
 - A. IT PROVIDES A MEANS FOR A PARTICIPANT TO INPUT NUMBERS AND LETTERS ANNOUNCED BY A BINGO CALLER.
 - B. IT COMPARES THE NUMBERS AND LETTERS ENTERED BY THE PARTICIPANT TO THE BINGO FACES PREVIOUSLY STORED IN THE MEMORY OF THE DEVICE.
 - C. IT IDENTIFIES A WINNING BINGO PATTERN.
 - (2) THE TERM DOES NOT INCLUDE ANY DEVICE INTO WHICH A COIN, CURRENCY, TOKEN, OR AN EQUIVALENT IS INSERTED TO ACTIVATE PLAY.
- (p) “ELECTRONIC INSTANT BINGO” MEANS:
- (1) A FORM OF BINGO THAT CONSISTS OF AN ELECTRONIC OR DIGITAL REPRESENTATION OF INSTANT BINGO IN WHICH A PARTICIPANT WINS A PRIZE IF THE PARTICIPANT’S ELECTRONIC INSTANT BINGO TICKET CONTAINS A COMBINATION OF NUMBERS OR SYMBOLS THAT WAS DESIGNATED IN ADVANCE AS A WINNING COMBINATION, AND TO WHICH ALL OF THE FOLLOWING APPLY:
 - A. EACH DEAL HAS A PREDETERMINED, FINITE NUMBER OF WINNING AND LOSING TICKETS AND A PREDETERMINED PRIZE AMOUNT AND DEAL STRUCTURE, PROVIDED THAT THERE MAY BE MULTIPLE WINNING COMBINATIONS IN EACH DEAL AND MULTIPLE WINNING TICKETS.
 - B. EACH ELECTRONIC INSTANT BINGO TICKET WITHIN A DEAL HAS A UNIQUE SERIAL NUMBER THAT IS NOT REGENERATED.
 - C. EACH ELECTRONIC INSTANT BINGO TICKET WITHIN A DEAL IS SOLD FOR THE SAME PRICE.
 - D. AFTER A PARTICIPANT PURCHASES AN ELECTRONIC INSTANT BINGO TICKET, THE COMBINATION OF NUMBERS OR SYMBOLS ON THE TICKET IS REVEALED TO THE PARTICIPANT.
 - E. THE REVEAL OF NUMBERS OR SYMBOLS ON THE TICKET MAY INCORPORATE AN ENTERTAINMENT OR BONUS THEME, PROVIDED THAT THE REVEAL DOES NOT INCLUDE SPINNING REELS THAT RESEMBLE A SLOT MACHINE.
 - F. THE REVEAL THEME, IF ANY, DOES NOT REQUIRE ADDITIONAL CONSIDERATION OR AWARD ANY PRIZE OTHER THAN ANY PREDETERMINED PRIZE ASSOCIATED WITH THE ELECTRONIC INSTANT BINGO TICKET.
 - (2) THE TERM SHALL NOT INCLUDE ANY OF THE FOLLOWING:
 - A. ANY GAME, ENTERTAINMENT, OR BONUS THEME THAT REPLICATES OR SIMULATES ANY OF THE FOLLOWING:
 - 1. THE GAMBLING GAMES OF KENO, BLACKJACK, ROULETTE, POKER, CRAPS, OTHER CASINO-STYLE TABLE GAMES;
 - 2. HORSE RACING;
 - 3. GAMBLING GAMES OFFERED IN THIS STATE ON SLOT MACHINES OR VIDEO LOTTERY TERMINALS. AS USED IN THIS DIVISION, “VIDEO LOTTERY TERMINAL” HAS THE SAME MEANING AS IN OHIO R.C. 3770.21.

- B. ANY DEVICE OPERATED BY DROPPING ONE OR MORE COINS OR TOKENS INTO A SLOT AND PULLING A HANDLE OR PUSHING A BUTTON OR TOUCHPOINT ON A TOUCHSCREEN TO ACTIVATE ONE TO THREE OR MORE ROTATING REELS MARKED INTO HORIZONTAL SEGMENTS BY VARYING SYMBOLS, WHERE THE PREDETERMINED PRIZE AMOUNT DEPENDS ON HOW AND HOW MANY OF THE SYMBOLS LINE UP WHEN THE ROTATING REELS COME TO A REST;
 - C. ANY DEVICE THAT INCLUDES A COIN OR TOKEN SLOT, TRAY, OR HOPPER AND THE ABILITY TO DISPENSE COINS, CASH, TOKENS, OR ANYTHING OF VALUE OTHER THAN A CREDIT TICKET VOUCHER.
- (q) "ELECTRONIC INSTANT BINGO SYSTEM" MEANS BOTH OF THE FOLLOWING:
 - (1) A MECHANICAL, ELECTRONIC, DIGITAL, OR VIDEO DEVICE AND ASSOCIATED SOFTWARE TO WHICH ALL OF THE FOLLOWING APPLY:
 - A. IT IS USED BY NOT MORE THAN ONE PLAYER AT A TIME TO PLAY ELECTRONIC INSTANT BINGO ON A SINGLE SCREEN THAT IS PHYSICALLY CONNECTED TO THE DEVICE;
 - B. IT IS LOCATED ON THE PREMISES OF THE PRINCIPAL PLACE OF BUSINESS OF A VETERAN'S OR FRATERNAL ORGANIZATION THAT HOLDS A TYPE II OR TYPE III BINGO LICENSE TO CONDUCT ELECTRONIC INSTANT BINGO AT THAT LOCATION ISSUED UNDER OHIO R.C. 2915.08.
 - (2) ANY ASSOCIATED EQUIPMENT OR SOFTWARE USED TO MANAGE, MONITOR, OR DOCUMENT ANY ASPECT OF ELECTRONIC INSTANT BINGO.
- (r) "EXPENSES" MEANS THE REASONABLE AMOUNT OF GROSS PROFIT ACTUALLY EXPENDED FOR ALL OF THE FOLLOWING:
 - (1) THE PURCHASE OR LEASE OF BINGO SUPPLIES;
 - (2) THE ANNUAL LICENSE FEE REQUIRED UNDER OHIO R.C. 2915.08;
 - (3) BANK FEES AND SERVICE CHARGES FOR A BINGO SESSION OR GAME ACCOUNT DESCRIBED IN OHIO R.C. 2915.10;
 - (4) AUDITS AND ACCOUNTING SERVICES;
 - (5) SAFES;
 - (6) CASH REGISTERS;
 - (7) HIRING SECURITY PERSONNEL;
 - (8) ADVERTISING BINGO;
 - (9) RENTING PREMISES IN WHICH TO CONDUCT A BINGO SESSION;
 - (10) TABLES AND CHAIRS;
 - (11) EXPENSES FOR MAINTAINING AND OPERATING A CHARITABLE ORGANIZATION'S FACILITIES, INCLUDING BUT NOT LIMITED TO A POST HOME, CLUB HOUSE, LOUNGE, TAVERN, OR CANTEEN AND ANY GROUNDS ATTACHED TO THE POST HOME, CLUB HOUSE, LOUNGE, TAVERN, OR CANTEEN;
 - (12) PAYMENT OF REAL PROPERTY TAXES AND ASSESSMENTS THAT ARE LEVIED ON A PREMISES ON WHICH BINGO IS CONDUCTED;
 - (13) ANY OTHER PRODUCT OR SERVICE DIRECTLY RELATED TO THE CONDUCT OF BINGO THAT IS AUTHORIZED IN RULES ADOPTED BY THE ATTORNEY GENERAL UNDER OHIO R.C. 2915.08(F)(1).
- (s) "FRATERNAL ORGANIZATION" MEANS ANY SOCIETY, ORDER, STATE HEADQUARTERS, 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 SODALITY OF ITS MEMBERS.

- (t) **"GAMBLING DEVICE" MEANS ANY OF THE FOLLOWING:**
 - (1) A BOOK, TOTALIZER, OR OTHER EQUIPMENT USED FOR RECORDING BETS;
 - (2) A TICKET, TOKEN, OR OTHER DEVICE REPRESENTING A CHANCE, SHARE, OR INTEREST IN A SCHEME OF CHANCE OR EVIDENCING A BET;
 - (3) A DECK OF CARDS, DICE, GAMING TABLE, ROULETTE WHEEL, SLOT MACHINE, OR OTHER APPARATUS DESIGNED FOR USE IN CONNECTION WITH A GAME OF CHANCE;
 - (4) ANY EQUIPMENT, DEVICE, APPARATUS, OR PARAPHERNALIA SPECIALLY DESIGNED FOR GAMBLING PURPOSES;
 - (5) BINGO SUPPLIES SOLD OR OTHERWISE PROVIDED, OR USED, IN VIOLATION OF THIS CHAPTER OR OHIO R.C. CHAPTER 2915.
- (u) **"GAMBLING OFFENSE" MEANS ANY OF THE FOLLOWING:**
 - (1) A VIOLATION OF OHIO R.C. CHAPTER 2915;
 - (2) A VIOLATION OF AN EXISTING OR FORMER MUNICIPAL ORDINANCE OR LAW OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES SUBSTANTIALLY EQUIVALENT TO ANY PROVISION OF THIS CHAPTER OR OHIO R.C. CHAPTER 2915 OR A VIOLATION OF OHIO R.C. 2915.06 AS IT EXISTED PRIOR TO JULY 1, 1996;
 - (3) AN OFFENSE UNDER AN EXISTING OR FORMER MUNICIPAL ORDINANCE OR LAW OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES, OF WHICH GAMBLING IS AN ELEMENT;
 - (4) A CONSPIRACY OR ATTEMPT TO COMMIT, OR COMPLICITY IN COMMITTING, ANY OFFENSE UNDER SUBSECTIONS (v)(1), (2), OR (3) HEREOF.
- (v) **"GAME FLARE" MEANS THE BOARD OR PLACARD, OR ELECTRONIC REPRESENTATION OF A BOARD OR PLACARD, THAT ACCOMPANIES EACH DEAL OF INSTANT BINGO OR ELECTRONIC INSTANT BINGO TICKETS AND THAT INCLUDES THE FOLLOWING INFORMATION FOR THE GAME:**
 - (1) THE NAME OF THE GAME;
 - (2) THE MANUFACTURE'S NAME OR DISTINCTIVE LOGO;
 - (3) THE FORM NUMBER;
 - (4) THE TICKET COUNT;
 - (5) THE PRIZE STRUCTURE, INCLUDING THE NUMBER OF WINNING TICKETS BY DENOMINATION AND THE RESPECTIVE WINNING SYMBOL OR NUMBER COMBINATIONS FOR THE WINNING TICKETS;
 - (6) THE COST PER PLAY;
 - (7) THE SERIAL NUMBER OF THE GAME.
- (w) **"GAME OF CHANCE" MEANS POKER, CRAPS, ROULETTE, OR OTHER GAME IN WHICH A PLAYER GIVES ANYTHING OF VALUE IN THE HOPE OF GAIN, THE OUTCOME OF WHICH IS DETERMINED LARGELY BY CHANCE, BUT DOES NOT INCLUDE BINGO.**
- (x) **"GAME OF CHANCE CONDUCTED FOR PROFIT" MEANS ANY GAME OF CHANCE DESIGNED TO PRODUCE INCOME FOR THE PERSON WHO CONDUCTS OR OPERATES THE GAME OF CHANCE, BUT DOES NOT INCLUDE BINGO.**
- (y) **"GROSS ANNUAL REVENUES" MEANS THE ANNUAL GROSS RECEIPTS DERIVED FROM THE CONDUCT OF BINGO DESCRIBED IN SUBSECTION (b)(1) HEREOF PLUS THE ANNUAL NET PROFIT DERIVED FROM THE CONDUCT OF BINGO DESCRIBED SUBSECTION (b)(2) HEREOF.**

- (z) **“GROSS PROFIT” MEANS GROSS RECEIPTS MINUS THE AMOUNT ACTUALLY EXPENDED FOR THE PAYMENT OF PRIZE AWARDS.**
- (aa) **“GROSS RECEIPTS” MEANS ALL MONEY OR ASSETS, INCLUDING ADMISSION FEES, THAT A PERSON RECEIVES FROM BINGO WITHOUT THE DEDUCTION OF ANY AMOUNTS FOR PRIZES PAID OUT OR FOR THE EXPENSES OF CONDUCTING BINGO. THE TERM DOES NOT INCLUDE ANY MONEY DIRECTLY TAKEN IN FROM THE SALE OF FOOD OR BEVERAGES BY A CHARITABLE ORGANIZATION CONDUCTING BINGO, OR BY A BONA FIDE AUXILIARY UNIT OR SOCIETY OF A CHARITABLE ORGANIZATION CONDUCTING BINGO, 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 (2) YEARS PRIOR TO CONDUCTING BINGO.**
 - (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.**
- (bb) **“INSTANT BINGO” MEANS A FORM OF BINGO THAT SHALL USE FOLDED OR BANDED TICKETS OR PAPER CARDS WITH PERFORATED BREAK-OPEN TABS, A FACE OF WHICH IS COVERED OR OTHERWISE HIDDEN FROM VIEW TO CONCEAL A NUMBER, LETTER, OR SYMBOL, OR SET OF NUMBERS, LETTERS, OR SYMBOLS, SOME OF WHICH HAVE BEEN DESIGNATED IN ADVANCE AS PRIZE WINNERS, AND MAY ALSO INCLUDE GAMES IN WHICH SOME WINNERS ARE DETERMINED BY THE RANDOM SELECTION OF ONE OR MORE BINGO NUMBERS BY THE USE OF A SEAL CARD OR BINGO BLOWER. “INSTANT BINGO” ALSO INCLUDES A PUNCH BOARD GAME. IN ALL “INSTANT BINGO” THE PRIZE AMOUNT AND STRUCTURE SHALL BE PREDETERMINED. THE TERM DOES NOT INCLUDE ELECTRONIC INSTANT BINGO OR ANY DEVICE THAT IS ACTIVATED BY THE INSERTION OF A COIN, CURRENCY, TOKEN, OR AN EQUIVALENT, AND THAT CONTAINS AS ONE OF ITS COMPONENTS A VIDEO DISPLAY MONITOR THAT IS CAPABLE OF DISPLAYING NUMBERS, LETTERS, SYMBOLS, OR CHARACTERS IN WINNING OR LOSING COMBINATIONS.**
- (cc) **“INSTANT BINGO TICKET DISPENSER” MEANS A MECHANICAL DEVICE THAT DISPENSES AN INSTANT BINGO TICKET OR CARD AS THE SOLE ITEM OF VALUE DISPENSED AND THAT HAS THE FOLLOWING CHARACTERISTICS:**
 - (1) **IT IS ACTIVATED UPON THE INSERTION OF UNITED STATES CURRENCY.**
 - (2) **IT PERFORMS NO GAMING FUNCTIONS.**
 - (3) **IT DOES NOT CONTAIN A VIDEO DISPLAY MONITOR OR GENERATE NOISE.**
 - (4) **IT IS NOT CAPABLE OF DISPLAYING ANY NUMBERS, LETTERS, SYMBOLS, OR CHARACTERS IN WINNING OR LOSING COMBINATIONS.**
 - (5) **IT DOES NOT SIMULATE OR DISPLAY ROLLING OR SPINNING REELS.**
 - (6) **IT IS INCAPABLE OF DETERMINING WHETHER A DISPENSED BINGO TICKET OR CARD IS A WINNING OR NON-WINNING TICKET OR CARD AND REQUIRES A WINNING TICKET OR CARD TO BE PAID BY A BINGO GAME OPERATOR.**
 - (7) **IT MAY PROVIDE ACCOUNTING AND SECURITY FEATURES TO AID IN ACCOUNTING FOR THE INSTANT BINGO TICKETS OR CARDS IT DISPENSES.**
 - (8) **IT IS NOT PART OF AN ELECTRONIC NETWORK AND IS NOT INTERACTIVE.**
- (dd) **“INTERNAL REVENUE CODE (IRC)” MEANS THE INTERNAL REVENUE CODE OF 1986, 100 STAT. 2085, 26 U.S.C. 1 ET SEQ., AS NOW OR HEREAFTER AMENDED.**

- (ee) **“MANUFACTURER” MEANS ANY PERSON WHO ASSEMBLES COMPLETED BINGO SUPPLIES FROM RAW MATERIALS, OTHER ITEMS, OR SUBPARTS OR WHO MODIFIES, CONVERTS, ADDS TO, OR REMOVES PARTS FROM BINGO SUPPLIES TO FURTHER THEIR PROMOTION OR SALE.**
- (ff) **“MERCHANDISE PRIZE” MEANS ANY ITEM OF VALUE, BUT SHALL NOT INCLUDE ANY OF THE FOLLOWING:**
 - (1) **CASH, GIFT CARDS, OR ANY EQUIVALENT THEREOF;**
 - (2) **PLAYS ON GAMES OF CHANCE, STATE LOTTERY TICKETS, OR BINGO;**
 - (3) **FIREARMS, TOBACCO, OR ALCOHOLIC BEVERAGES; OR**
 - (4) **A REDEEMABLE VOUCHER THAT IS REDEEMABLE FOR ANY OF THE ITEMS LISTED IN SUBSECTIONS (hh)(1), (2) OR (3) HEREOF.**
- (gg) **“NET PROFIT” MEANS GROSS PROFIT MINUS EXPENSES.**
- (hh) **“NET PROFIT FROM THE PROCEEDS OF THE SALE OF INSTANT BINGO OR ELECTRONIC INSTANT BINGO” MEANS GROSS PROFIT MINUS THE ORDINARY, NECESSARY, AND REASONABLE EXPENSE EXPENDED FOR THE PURCHASE OF BINGO SUPPLIES FOR THE PURPOSE OF CONDUCTING INSTANT BINGO OR ELECTRONIC INSTANT BINGO, AND, IN THE CASE OF INSTANT BINGO OR ELECTRONIC INSTANT BINGO CONDUCTED BY A VETERAN’S, FRATERNAL, OR SPORTING ORGANIZATION, MINUS THE PAYMENT BY THAT ORGANIZATION OF REAL PROPERTY TAXES AND ASSESSMENTS LEVIED ON A PREMISES ON WHICH INSTANT BINGO OR ELECTRONIC INSTANT BINGO IS CONDUCTED.**
- (ii) **“PARTICIPANT” MEANS ANY PERSON WHO PLAYS BINGO.**
- (jj) **“PERSON” HAS THE SAME MEANING AS IN OHIO R.C. 1.59 AND INCLUDES ANY FIRM OR ANY OTHER LEGAL ENTITY, HOWEVER ORGANIZED.**
- (kk) **“POOL NOT CONDUCTED FOR PROFIT” MEANS A SCHEME IN WHICH A PARTICIPANT GIVES A VALUABLE CONSIDERATION FOR A CHANCE TO WIN A PRIZE AND THE TOTAL AMOUNT OF CONSIDERATION WAGERED IS DISTRIBUTED TO A PARTICIPANT OR PARTICIPANTS.**
- (ll) **“PUNCH BOARD” MEANS A FORM OF INSTANT BINGO THAT USES A BOARD CONTAINING A NUMBER OF HOLES OR RECEPTACLES OF UNIFORM SIZE IN WHICH ARE PLACED, MECHANICALLY AND RANDOMLY, SERIALY NUMBERED SLIPS OF PAPER THAT MAY BE PUNCHED OR DRAWN FROM THE HOLE OR RECEPTACLE. A PLAYER MAY PUNCH OR DRAW THE NUMBERED SLIPS OF PAPER FROM THE HOLES OR RECEPTACLES AND OBTAIN THE PRIZE ESTABLISHED FOR THE GAME IF THE NUMBER DRAWN CORRESPONDS TO A WINNING NUMBER OR, IF THE PUNCH BOARD INCLUDES THE USE OF A SEAL CARD, A POTENTIAL WINNING NUMBER.**
- (mm) **“RAFFLE” MEANS A FORM OF BINGO IN WHICH THE ONE OR MORE PRIZES ARE WON BY ONE OR MORE PERSONS WHO HAVE PURCHASED A RAFFLE TICKET. THE ONE OR MORE WINNERS OF THE RAFFLE ARE DETERMINED BY DRAWING A TICKET STUB OR OTHER DETACHABLE SECTION FROM A RECEPTACLE CONTAINING TICKET STUBS OR DETACHABLE SECTIONS CORRESPONDING TO ALL TICKETS SOLD FOR THE RAFFLE. THE TERM DOES NOT INCLUDE THE DRAWING OF A TICKET STUB OR OTHER DETACHABLE SECTION OF A TICKET PURCHASED TO ATTEND A PROFESSIONAL SPORTING EVENT IF BOTH OF THE FOLLOWING APPLY:**
 - (1) **THE TICKET STUB OR OTHER DETACHABLE SECTION IS USED TO SELECT THE WINNER OF A FREE PRIZE GIVEN AWAY AT THE PROFESSIONAL SPORTING EVENT; AND**

- (2) THE COST OF THE TICKET IS THE SAME AS THE COST OF A TICKET TO THE PROFESSIONAL SPORTING EVENT ON DAYS WHEN NO FREE PRIZE IS GIVEN AWAY.
- (nn) "REDEEMABLE VOUCHER" MEANS ANY TICKET, TOKEN, COUPON, RECEIPT, OR OTHER NONCASH REPRESENTATION OF VALUE.
- (oo) "RELIGIOUS ORGANIZATION" MEANS ANY CHURCH, BODY OF COMMUNICANTS, OR GROUP THAT IS NOT ORGANIZED OR OPERATED FOR PROFIT AND THAT GATHERS IN COMMON MEMBERSHIP FOR REGULAR WORSHIP AND RELIGIOUS OBSERVANCES.
- (pp) "REVOKE" MEANS TO VOID PERMANENTLY ALL RIGHTS AND PRIVILEGES OF THE HOLDER OF A LICENSE ISSUED UNDER OHIO R.C. 2915.08, 2915.081, OR 2915.082 OR A CHARITABLE GAMING LICENSE ISSUED BY ANOTHER JURISDICTION.
- (qq) "SCHEME OF CHANCE" MEANS:
- (1) A SLOT MACHINE UNLESS AUTHORIZED UNDER OHIO R.C. CHAPTER 3772, LOTTERY UNLESS AUTHORIZED UNDER OHIO R.C. CHAPTER 3770, NUMBERS GAME, POOL CONDUCTED FOR PROFIT, OR OTHER SCHEME IN WHICH A PARTICIPANT GIVES A VALUABLE CONSIDERATION FOR A CHANCE TO WIN A PRIZE, BUT DOES NOT INCLUDE BINGO, A SKILL-BASED AMUSEMENT MACHINE, OR A POOL NOT CONDUCTED FOR PROFIT. "SCHEME OF CHANCE" INCLUDES THE USE OF AN ELECTRONIC DEVICE TO REVEAL THE RESULTS OF A GAME ENTRY IF VALUABLE CONSIDERATION IS PAID, DIRECTLY OR INDIRECTLY, FOR A CHANCE TO WIN A PRIZE. VALUABLE CONSIDERATION IS DEEMED TO BE PAID FOR A CHANCE TO WIN A PRIZE IN THE FOLLOWING INSTANCES:
 - A. LESS THAN FIFTY PERCENT (50%) OF THE GOODS OR SERVICES SOLD BY A SCHEME OF CHANCE OPERATOR IN EXCHANGE FOR GAME ENTRIES ARE USED OR REDEEMED BY PARTICIPANTS AT ANY ONE LOCATION;
 - B. LESS THAN FIFTY PERCENT (50%) OF PARTICIPANTS WHO PURCHASE GOODS OR SERVICES AT ANY ONE LOCATION DO NOT ACCEPT, USE, OR REDEEM THE GOODS OR SERVICES SOLD OR PURPORTEDLY SOLD;
 - C. MORE THAN FIFTY PERCENT (50%) OF PRIZES AT ANY ONE LOCATION ARE REVEALED TO PARTICIPANTS THROUGH AN ELECTRONIC DEVICE SIMULATING A GAME OF CHANCE OR A "CASINO GAME" AS DEFINED IN OHIO R.C. 3772.01;
 - D. THE GOOD OR SERVICE SOLD BY A SCHEME OF CHANCE OPERATOR IN EXCHANGE FOR A GAME ENTRY CANNOT BE USED OR REDEEMED IN THE MANNER ADVERTISED;
 - E. A PARTICIPANT PAYS MORE THAN FAIR MARKET VALUE FOR GOODS OR SERVICES OFFERED BY A SCHEME OF CHANCE OPERATOR IN ORDER TO RECEIVE ONE OR MORE GAME ENTRIES;
 - F. A PARTICIPANT MAY USE THE ELECTRONIC DEVICE TO PURCHASE ADDITIONAL GAME ENTRIES;
 - G. A PARTICIPANT MAY PURCHASE ADDITIONAL GAME ENTRIES BY USING POINTS OR CREDITS WON AS PRIZES WHILE USING THE ELECTRONIC DEVICE;
 - H. A SCHEME OF CHANCE OPERATOR PAYS OUT IN PRIZE MONEY MORE THAN TWENTY PERCENT (20%) OF THE GROSS REVENUE RECEIVED AT ONE LOCATION; OR

- I. A PARTICIPANT MAKES A PURCHASE OR EXCHANGE IN ORDER TO OBTAIN ANY GOOD OR SERVICE THAT MAY BE USED TO FACILITATE PLAY ON THE ELECTRONIC DEVICE.
- (2) AS USED IN THIS SUBSECTION, "ELECTRONIC DEVICE" MEANS A MECHANICAL, VIDEO, DIGITAL, OR ELECTRONIC MACHINE OR DEVICE THAT IS CAPABLE OF DISPLAYING INFORMATION ON A SCREEN OR OTHER MECHANISM AND THAT IS OWNED, LEASED, OR OTHERWISE POSSESSED BY ANY PERSON CONDUCTING A SCHEME OF CHANCE, OR BY THAT PERSON'S PARTNERS, AFFILIATES, SUBSIDIARIES, OR CONTRACTORS. "ELECTRONIC DEVICE" DOES NOT INCLUDE AN ELECTRONIC INSTANT BINGO SYSTEM.
- (rr) "SEAL CARD" MEANS A FORM OF INSTANT BINGO THAT USES INSTANT BINGO TICKETS IN CONJUNCTION WITH A BOARD OR PLACARD THAT CONTAINS ONE OR MORE SEALS THAT, WHEN REMOVED OR OPENED, REVEAL PREDESIGNATED WINNING NUMBERS, LETTERS, OR SYMBOLS.
- (ss) "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 OHIO R.C. 109.71 THROUGH 109.79 AND WHO IS HIRED TO PROVIDE SECURITY FOR THE PREMISES ON WHICH BINGO IS CONDUCTED.
- (tt) "SKILL-BASED AMUSEMENT MACHINE" MEANS:
 - (1) A. A MECHANICAL, VIDEO, DIGITAL, OR ELECTRONIC DEVICE THAT REWARDS THE PLAYER OR PLAYERS, IF AT ALL, ONLY WITH MERCHANDISE PRIZES OR WITH REDEEMABLE VOUCHERS REDEEMABLE ONLY FOR MERCHANDISE PRIZES, PROVIDED THAT WITH RESPECT TO REWARDS FOR PLAYING THE GAME ALL OF THE FOLLOWING APPLY:
 - 1. THE WHOLESALE VALUE OF A MERCHANDISE PRIZE AWARDED AS A RESULT OF THE SINGLE PLAY OF A MACHINE DOES NOT EXCEED TEN DOLLARS (\$10.00);
 - 2. REDEEMABLE VOUCHERS AWARDED FOR ANY SINGLE PLAY OF A MACHINE ARE NOT REDEEMABLE FOR A MERCHANDISE PRIZE WITH A WHOLESALE VALUE OF MORE THAN TEN DOLLARS (\$10.00);
 - 3. REDEEMABLE VOUCHERS ARE NOT REDEEMABLE FOR A MERCHANDISE PRIZE THAT HAS A WHOLESALE VALUE OF MORE THAN TEN DOLLARS (\$10.00) TIMES THE FEWEST NUMBER OF SINGLE PLAYS NECESSARY TO ACCRUE THE REDEEMABLE VOUCHERS REQUIRED TO OBTAIN THAT PRIZE; AND
 - 4. ANY REDEEMABLE VOUCHERS OR MERCHANDISE PRIZES ARE DISTRIBUTED AT THE SITE OF THE SKILL-BASED AMUSEMENT MACHINE AT THE TIME OF PLAY.
 - B. A CARD FOR THE PURCHASE OF GASOLINE IS A REDEEMABLE VOUCHER FOR PURPOSES OF SUBSECTION (vv)(1) HEREOF EVEN IF THE SKILL-BASED AMUSEMENT MACHINE FOR THE PLAY OF WHICH THE CARD IS AWARDED IS LOCATED AT A PLACE WHERE GASOLINE MAY NOT BE LEGALLY DISTRIBUTED TO THE PUBLIC OR THE CARD IS NOT REDEEMABLE AT THE LOCATION OF, OR AT THE TIME OF PLAYING, THE SKILL-BASED AMUSEMENT MACHINE.

- (2) A DEVICE SHALL NOT BE CONSIDERED A SKILL-BASED AMUSEMENT MACHINE AND SHALL BE CONSIDERED A SLOT MACHINE IF IT PAYS CASH OR ONE OR MORE OF THE FOLLOWING APPLY:
- A. THE ABILITY OF A PLAYER TO SUCCEED AT THE GAME IS IMPACTED BY THE NUMBER OR RATIO OF PRIOR WINS TO PRIOR LOSSES OF PLAYERS PLAYING THE GAME;
 - B. ANY REWARD OF REDEEMABLE VOUCHERS IS NOT BASED SOLELY ON THE PLAYER ACHIEVING THE OBJECT OF THE GAME OR THE PLAYER'S SCORE;
 - C. THE OUTCOME OF THE GAME, OR THE VALUE OF THE REDEEMABLE VOUCHER OR MERCHANDISE PRIZE AWARDED FOR WINNING THE GAME, CAN BE CONTROLLED BY A SOURCE OTHER THAN ANY PLAYER PLAYING THE GAME;
 - D. THE SUCCESS OF ANY PLAYER IS OR MAY BE DETERMINED BY A CHANCE EVENT THAT CANNOT BE ALTERED BY PLAYER ACTIONS;
 - E. THE ABILITY OF ANY PLAYER TO SUCCEED AT THE GAME IS DETERMINED BY GAME FEATURES NOT VISIBLE OR KNOWN TO THE PLAYER;
 - F. THE ABILITY OF THE PLAYER TO SUCCEED AT THE GAME IS IMPACTED BY THE EXERCISE OF A SKILL THAT NO REASONABLE PLAYER COULD EXERCISE.
- (3) ALL OF THE FOLLOWING APPLY TO ANY MACHINE THAT IS OPERATED AS DESCRIBED IN SUBSECTION (vv)(1) HEREOF:
- A. AS USED IN THIS DEFINITION OF "SKILL-BASED AMUSEMENT MACHINE", "GAME" AND "PLAY" MEAN ONE EVENT FROM THE INITIAL ACTIVATION OF THE MACHINE UNTIL THE RESULTS OF PLAY ARE DETERMINED WITHOUT PAYMENT OF ADDITIONAL CONSIDERATION. AN INDIVIDUAL UTILIZING A MACHINE THAT INVOLVES A SINGLE GAME, PLAY, CONTEST, COMPETITION, OR TOURNAMENT MAY BE AWARDED REDEEMABLE VOUCHERS OR MERCHANDISE PRIZES BASED ON THE RESULTS OF PLAY.
 - B. ADVANCE PLAY FOR A SINGLE GAME, PLAY, CONTEST, COMPETITION, OR TOURNAMENT PARTICIPATION MAY BE PURCHASED. THE COST OF THE CONTEST, COMPETITION, OR TOURNAMENT PARTICIPATION MAY BE GREATER THAN A SINGLE NON-CONTEST, COMPETITION, OR TOURNAMENT PLAY.
 - C. TO THE EXTENT THAT THE MACHINE IS USED IN A CONTEST, COMPETITION, OR TOURNAMENT, THAT CONTEST, COMPETITION, OR TOURNAMENT HAS A DEFINED STARTING AND ENDING DATE AND IS OPEN TO PARTICIPANTS IN COMPETITION FOR SCORING AND RANKING RESULTS TOWARD THE AWARDED OF REDEEMABLE VOUCHERS OR MERCHANDISE PRIZES THAT ARE STATED PRIOR TO THE START OF THE CONTEST, COMPETITION, OR TOURNAMENT.
- (4) FOR PURPOSES OF SUBSECTION (vv)(1) HEREOF, THE MERE PRESENCE OF A DEVICE, SUCH AS A PINSETTING, BALL-RELEASING, OR SCORING MECHANISM, THAT DOES NOT CONTRIBUTE TO OR AFFECT THE OUTCOME OF THE PLAY OF THE GAME DOES NOT MAKE THE DEVICE A SKILL-BASED AMUSEMENT MACHINE.
- (uu) "SLOT MACHINE" MEANS:

- (1) EITHER OF THE FOLLOWING:
 - A. ANY MECHANICAL, ELECTRONIC, VIDEO, OR DIGITAL DEVICE THAT IS CAPABLE OF ACCEPTING ANYTHING OF VALUE, DIRECTLY OR INDIRECTLY, FROM OR ON BEHALF OF A PLAYER WHO GIVES THE THING OF VALUE IN THE HOPE OF GAIN;
 - B. ANY MECHANICAL, ELECTRONIC, VIDEO, OR DIGITAL DEVICE THAT IS CAPABLE OF ACCEPTING ANYTHING OF VALUE, DIRECTLY OR INDIRECTLY, FROM OR ON BEHALF OF A PLAYER TO CONDUCT BINGO OR A SCHEME OR GAME OF CHANCE.
- (2) THE TERM DOES NOT INCLUDE A SKILL-BASED AMUSEMENT MACHINE, AN INSTANT BINGO TICKET DISPENSER, OR AN ELECTRONIC INSTANT BINGO SYSTEM.
- (vv) "SPORTING ORGANIZATION" MEANS A HUNTING, FISHING, OR TRAPPING ORGANIZATION, OTHER THAN A COLLEGE OR HIGH SCHOOL FRATERNITY OR SORORITY, THAT IS NOT ORGANIZED FOR PROFIT, THAT IS AFFILIATED WITH A STATE OR NATIONAL SPORTING ORGANIZATION, INCLUDING BUT NOT LIMITED TO THE LEAGUE OF OHIO SPORTSMEN, AND THAT HAS BEEN IN CONTINUOUS EXISTENCE IN THIS STATE FOR A PERIOD OF THREE (3) YEARS.
- (ww) "SUSPEND" MEANS TO INTERRUPT TEMPORARILY ALL RIGHTS AND PRIVILEGES OF THE HOLDER OF A LICENSE ISSUED UNDER OHIO R.C. 2915.08, 2915.081, OR 2915.082 OR A CHARITABLE GAMING LICENSE ISSUED BY ANOTHER JURISDICTION.
- (xx) "SWEEPSTAKES" MEANS ANY GAME, CONTEST, ADVERTISING SCHEME OR PLAN, OR OTHER PROMOTION WHERE CONSIDERATION IS NOT REQUIRED FOR A PERSON TO ENTER TO WIN OR BECOME ELIGIBLE TO RECEIVE ANY PRIZE, THE DETERMINATION OF WHICH IS BASED UPON CHANCE. "SWEEPSTAKES" DOES NOT INCLUDE BINGO AS AUTHORIZED UNDER OHIO R.C. CHAPTER 2915, PARI-MUTUEL WAGERING AS AUTHORIZED BY OHIO R.C. CHAPTER 3769, LOTTERIES CONDUCTED BY THE STATE LOTTERY COMMISSION AS AUTHORIZED BY OHIO R.C. CHAPTER 3770, AND CASINO GAMING AS AUTHORIZED BY OHIO R.C. CHAPTER 3772.
- (yy) "SWEEPSTAKES TERMINAL DEVICE" MEANS:
 - (1) A MECHANICAL, VIDEO, DIGITAL, OR ELECTRONIC MACHINE OR DEVICE THAT IS OWNED, LEASED, OR OTHERWISE POSSESSED BY ANY PERSON CONDUCTING A SWEEPSTAKES, OR BY THAT PERSON'S PARTNERS, AFFILIATES, SUBSIDIARIES, OR CONTRACTORS, THAT IS INTENDED TO BE USED BY A SWEEPSTAKES PARTICIPANT, AND THAT IS CAPABLE OF DISPLAYING INFORMATION ON A SCREEN OR OTHER MECHANISM. A DEVICE IS A SWEEPSTAKES TERMINAL DEVICE IF ANY OF THE FOLLOWING APPLY:
 - A. THE DEVICE USES A SIMULATED GAME TERMINAL AS A REPRESENTATION OF THE PRIZES ASSOCIATED WITH THE RESULTS OF THE SWEEPSTAKES ENTRIES.
 - B. THE DEVICE UTILIZES SOFTWARE SUCH THAT THE SIMULATED GAME INFLUENCES OR DETERMINES THE WINNING OF OR VALUE OF THE PRIZE.
 - C. THE DEVICE SELECTS PRIZES FROM A PREDETERMINED FINITE POOL OF ENTRIES.
 - D. THE DEVICE UTILIZES A MECHANISM THAT REVEALS THE CONTENT OF A PREDETERMINED SWEEPSTAKES ENTRY.

- E. THE DEVICE PREDETERMINES THE PRIZE RESULTS AND STORES THOSE RESULTS FOR DELIVERY AT THE TIME THE SWEEPSTAKES ENTRY RESULTS ARE REVEALED.
 - F. THE DEVICE UTILIZES SOFTWARE TO CREATE A GAME RESULT.
 - G. THE DEVICE REVEALS THE PRIZE INCREMENTALLY, EVEN THOUGH THE DEVICE DOES NOT INFLUENCE THE AWARDING OF THE PRIZE OR THE VALUE OF ANY PRIZE AWARDED.
 - H. THE DEVICE DETERMINES AND ASSOCIATES THE PRIZE WITH AN ENTRY OR ENTRIES AT THE TIME THE SWEEPSTAKES IS ENTERED.
- (2) AS USED IN THIS DEFINITION AND IN SECTION 517.02:
- A. "ENTER" MEANS THE ACT BY WHICH A PERSON BECOMES ELIGIBLE TO RECEIVE ANY PRIZE OFFERED IN A SWEEPSTAKES.
 - B. "ENTRY" MEANS ONE EVENT FROM THE INITIAL ACTIVATION OF THE SWEEPSTAKES TERMINAL DEVICE UNTIL ALL THE SWEEPSTAKES PRIZE RESULTS FROM THAT ACTIVATION ARE REVEALED.
 - C. "PRIZE" MEANS ANY GIFT, AWARD, GRATUITY, GOOD, SERVICE, CREDIT, REWARD, OR ANY OTHER THING OF VALUE THAT MAY BE TRANSFERRED TO A PERSON, WHETHER POSSESSION OF THE PRIZE IS ACTUALLY TRANSFERRED, OR PLACED ON AN ACCOUNT OR OTHER RECORD AS EVIDENCE OF THE INTENT TO TRANSFER THE PRIZE.
- (zz) "SWEEPSTAKES TERMINAL FACILITY" MEANS ANY LOCATION IN THIS STATE WHERE A SWEEPSTAKES TERMINAL DEVICE IS PROVIDED TO A SWEEPSTAKES PARTICIPANT, EXCEPT AS PROVIDED IN OHIO R.C. 2915.02(G).
- (aaa) "VETERAN'S ORGANIZATION" MEANS ANY INDIVIDUAL POST OR STATE HEADQUARTERS OF A NATIONAL VETERAN'S ASSOCIATION OR AN AUXILIARY UNIT OF ANY INDIVIDUAL POST OF A NATIONAL VETERAN'S ASSOCIATION, WHICH POST, STATE HEADQUARTERS, OR AUXILIARY UNIT IS INCORPORATED AS A NONPROFIT CORPORATION AND EITHER 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 OR HAS RECEIVED A LETTER FROM THE NATIONAL VETERAN'S ASSOCIATION INDICATING THAT THE STATE HEADQUARTERS IS IN GOOD STANDING WITH THE NATIONAL VETERAN'S ASSOCIATION. AS USED IN THIS DEFINITION, "NATIONAL VETERANS' ASSOCIATION" MEANS ANY VETERAN'S ASSOCIATION THAT HAS BEEN IN CONTINUOUS EXISTENCE AS SUCH FOR A PERIOD OF AT LEAST FIVE (5) YEARS AND EITHER IS INCORPORATED BY AN ACT OF THE UNITED STATES CONGRESS OR HAS A NATIONAL DUES-PAYING MEMBERSHIP OF AT LEAST 5,000 PERSONS.
- (bbb) "VOLUNTEER FIREFIGHTER'S ORGANIZATION" MEANS ANY ORGANIZATION OF VOLUNTEER FIREFIGHTERS, AS DEFINED IN OHIO R.C. 146.01, THAT IS ORGANIZED AND OPERATED EXCLUSIVELY TO PROVIDE FINANCIAL SUPPORT FOR A VOLUNTEER FIRE DEPARTMENT OR A VOLUNTEER FIRE COMPANY AND THAT IS RECOGNIZED OR RATIFIED BY A COUNTY, MUNICIPAL CORPORATION, OR TOWNSHIP.
- (ccc) "VOLUNTEER RESCUE SERVICE ORGANIZATION" MEANS ANY ORGANIZATION OF VOLUNTEERS ORGANIZED TO FUNCTION AS AN EMERGENCY MEDICAL SERVICE ORGANIZATION, AS DEFINED IN OHIO R.C. 4765.01.
- (ddd) "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 (21) YEARS OF AGE OR YOUNGER BY MEANS OF SPONSORING, ORGANIZING, OPERATING, OR CONTRIBUTING TO THE SUPPORT OF AN ATHLETIC TEAM, CLUB, LEAGUE, OR ASSOCIATION.

(eee) "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 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 (18) 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 BINGO IT CONDUCTS EXCLUSIVELY FOR THE OPERATION, MAINTENANCE, AND IMPROVEMENT OF ITS PLAYING FIELDS OF THE TYPE DESCRIBED IN SUBSECTION (ggg)(1) HEREOF.
(ORC 2915.01)

517.02 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 game of chance conducted for profit or any scheme of chance;
 - (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 game of chance conducted for profit or any scheme of chance;
 - (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
[~~{Ord. 31-04. Passed 2-23-04.}~~]
 - (5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:
 - A. Give to another person any item described in subsection ~~[(vv)]~~(ff)(1), (2), (3) or (4) of Section 517.01 as a prize for playing or participating in a sweepstakes; or
 - B. Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars **(\$10.00)** and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars **(\$10.00)**.
 - (6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without

first obtaining a current annual "certificate of registration" from the Attorney General as required by division (F) of Ohio R.C. 2915.02.

- (7) With purpose to violate subsection (a)(1), (2), (3), (4), (5) or (6) of this section, acquire, possess, control, or operate any gambling device.

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

(b) For purposes of subsection (a)(1) of this section, a person facilitates bookmaking if the person 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 subsection (a)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law. ~~[(Ord. 31-04. Passed 2-23-04.)]~~

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

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

- A. The games of chance are not craps for money or roulette for money.
 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. ~~[(Ord. 110-10. Passed 12-6-10.)]~~

- C. The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one 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 to conduct a festival described in subsection (d)(1)C. hereof if the veteran's or fraternal organization has already leased the premises twelve times 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 subsection (d)(1)C. hereof, 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 Section 517.06(b)(1) when it leases premises from another charitable organization to conduct bingo games. ~~[(Ord. 1-14. Passed 1-13-14.)]~~

- D. All of the money or assets received from the 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), (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;

- E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.13.

No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance. [~~Ord. 110-10. Passed 12-6-10.~~]

- (2) Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.
- (3) Bingo conducted by a charitable organization that holds a license issued under Ohio R.C. 2915.08.

(e) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct games of chance, as granted by subsection (d) hereof, 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 previously has been convicted of a gambling offense, gambling is a felony and shall be prosecuted under appropriate State law.

(ORC 2915.02[; ~~Ord. 31-04. Passed 2-23-04.~~])

517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

[No changes to this section until paragraph (a)(2).]

(a)

- (2) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (a)(3) OF THIS SECTION, USE ALL OF THE GROSS RECEIPTS FROM BINGO FOR PAYING PRIZES, FOR REIMBURSEMENT OF EXPENSES FOR OR FOR RENTING PREMISES IN WHICH TO CONDUCT BINGO, FOR REIMBURSEMENT OF EXPENSES FOR OR FOR PURCHASING OR LEASING BINGO SUPPLIES USED IN CONDUCTING BINGO, FOR REIMBURSEMENT OF EXPENSES FOR OR FOR HIRING SECURITY PERSONNEL, FOR REIMBURSEMENT OF EXPENSES FOR OR FOR ADVERTISING BINGO, OR FOR REIMBURSEMENT OF OTHER EXPENSES OR FOR OTHER EXPENSES LISTED IN THE DEFINITION FOR "EXPENSES" IN SECTION 517.01(r), PROVIDED THAT THE AMOUNT OF THE RECEIPTS SO SPENT IS NOT MORE THAN IS CUSTOMARY AND REASONABLE FOR A SIMILAR PURCHASE, LEASE, HIRING, ADVERTISING, OR EXPENSE. IF THE BUILDING IN WHICH BINGO IS CONDUCTED IS OWNED BY THE CHARITABLE ORGANIZATION CONDUCTING BINGO AND THE BINGO CONDUCTED INCLUDES A FORM OF BINGO DESCRIBED IN THE DEFINITION OF "BINGO" IN SECTION 517.01(b)(1), THE CHARITABLE ORGANIZATION MAY DEDUCT FROM THE TOTAL AMOUNT OF THE GROSS RECEIPTS FROM EACH SESSION A SUM EQUAL TO THE LESSER OF SIX HUNDRED DOLLARS (\$600.00) OR FORTY-FIVE PERCENT (45%) OF THE GROSS RECEIPTS FROM THE BINGO DESCRIBED IN THAT DIVISION AS CONSIDERATION FOR THE USE OF THE PREMISES;**

- ~~[(2)]~~**(3)** Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo[~~, other than instant bingo,~~] **DESCRIBED IN SECTION 517.01(b)(1)**, for a charitable purpose listed in its license application and described in Section ~~517.01(v)]~~**517.02(k)**, or distribute all of the net profit from the proceeds of the

sale of instant bingo **OR ELECTRONIC INSTANT BINGO** as stated in its license application and in accordance with Ohio R.C. 2915.101, **AS APPLICABLE**.

(b) No charitable organization that conducts a bingo game described in Section 517.01~~[(e)]~~**(b)**(1) shall fail to do any of the following:

- (1) Conduct the bingo game on premises that are 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 the lesser of six hundred dollars (\$600.00) per bingo session or forty-five per cent **(45%)** of the gross receipts of the bingo session, on premises that are 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 four hundred fifty dollars (\$450.00) 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 four hundred fifty dollars (\$450.00) per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three **(3)** other charitable organizations per calendar week for conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three **(3)** charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine **(9)** bingo sessions be conducted on any premises in any calendar week.
- (2) Display its license conspicuously at the premises where the bingo session is conducted;
- (3) Conduct the bingo session in accordance with the definition of bingo set forth in Section 517.01~~[(v)]~~**(b)**(1).

(c) No charitable organization that conducts a bingo game described in Section 517.01~~[(e)]~~**(b)**(1) shall do any of the following:

- (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, 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 the food or beverages;

- (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;
- (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five **(5)** bingo sessions in a calendar year may conduct more than three **(3)** bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
- (5) Pay out more than six thousand dollars (\$6,000) in prizes for bingo games described in Section 517.01~~(e)~~**(b)**(1) during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo;
- (6) Conduct a bingo session at any time during the eight-hour period between ~~two~~ **2:00** a.m. and ~~ten~~ **10:00** a.m., at any time during, or within ten **(10)** hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at ~~nine~~ **9:00** a.m. for a bingo session that begins at ~~ten~~ **10:00** a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its 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 license, the charitable organization may apply in writing to the Attorney General for an amended license, pursuant to division ~~(F)~~ **(J)** of Ohio R.C. 2915.08. A charitable organization may apply twice 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 license. If the amended license is granted, the organization may conduct bingo sessions at the premises, 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 **(18)** 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 the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;
- (10) Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;
- (11) A. Use or permit the use of electronic bingo aids except under the following circumstances:
 1. For any single participant, not more than ninety **(90)** bingo faces can be played using an electronic bingo aid or aids.

2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.
 3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.
 4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
 5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
- B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.
- (12) Permit any person the charitable organization knows, or should have known, to be under eighteen **(18)** years of age to play bingo described in Section 517.01[~~(s)~~](b)(1). [~~(Ord. 1-14. Passed 1-13-14.)~~]
- (d) (1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.
- (2) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo, **ELECTRONIC INSTANT BINGO, OR BOTH** other than at a bingo session at the site of instant bingo, **ELECTRONIC INSTANT BINGO, OR BOTH** other than at a bingo session.
- (3) Nothing in subsection (d) hereof prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.
- (e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has 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 **(2)** bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two **(2)** bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, 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 the day on which the sessions will be conducted, 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 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.

(f) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(g) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (c)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c)(12) of this section, a violation of subsection (c)(12) is a felony and shall be prosecuted under appropriate State law. [~~Ord. 87-05. Passed 5-9-05.~~] **(ORC 2915.09)**

517.08 RAFFLES.

(a) (1) Subject to subsection (a)(2) of this section, a **PERSON OR ENTITY** [~~charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization~~] that is exempt from federal income taxation under [~~subsection~~] **IRC** 501(a) and is described in [~~subsection~~] **IRC** 501(c)(3), 501(c)(4), **501(c)(6)**, 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) [~~of the Internal Revenue Code~~] may conduct a raffle to raise money for the **PERSON OR ENTITY** [~~organization or school~~] and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If a **PERSON OR ENTITY** [~~charitable organization~~] that is described in subsection (a)(1) of this section, but that is not also described in [~~subsection~~] **IRC** 501(c)(3) [~~of the Internal Revenue Code~~], conducts a raffle, the **PERSON OR ENTITY** [~~charitable organization~~] shall distribute at least fifty percent **(50%)** of the net profit from the raffle to a charitable purpose described in Section 517.01[~~(v)~~](j) or to a department or agency of the federal government, the state, or any political subdivision.

[~~Ord. 1-14. Passed 1-13-14.~~]

(b) Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092[~~Ord. 157-08. Passed 12-8-08.~~])

517.09 CHARITABLE INSTANT BINGO ORGANIZATIONS.

[No changes to this section until paragraph (b)(1).]

- (b) (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session **UNDER A TYPE III LICENSE ISSUED UNDER OHIO R.C. 2915.08**, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.
- (2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session **UNDER A TYPE III LICENSE ISSUED UNDER OHIO R.C. 2915.08** is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five **(5)** days per calendar year and not more than ten **(10)** hours per day.

[No further changes to this section until paragraph (d).]

(d) The owner or lessor of a location that enters into a contract pursuant to subsection (b) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this subsection.

As used in this subsection, "expenses" means those items provided for in subsections ~~[(gg)]~~(r)(4), (5), (6), (7), (8), (12) and (13) of Section 517.01 and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses" in the aggregate, shall not exceed six percent **(6%)** of the total gross receipts of any deal of instant bingo tickets.

As used in this subsection, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

[No changes to this section until paragraph (f).]

(f) Subsection (c) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars. ~~[(Ord. 1-14. Passed 1-13-14.)]~~**(ORC 2915.093)**

517.11 BINGO OR GAME OF CHANCE RECORDS.

(a) No charitable organization that conducts bingo or a game of chance pursuant to Section 517.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

- (1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, **EACH ELECTRONIC INSTANT BINGO GAME BY SERIAL**

NUMBER, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number **AND EACH ELECTRONIC INSTANT BINGO GAME BY SERIAL NUMBER**;

- (2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo ~~or instant bingo~~, 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 each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number **AND EACH ELECTRONIC INSTANT BINGO GAME BY SERIAL NUMBER**, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value; ~~[(Ord. 31-04. Passed 2-23-04.)]~~
- (4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section 517.01~~[(w)]~~**(j)**, Section 517.02(d), or Ohio R.C. 2915.101, 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 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 "gross receipts" Section 517.01~~[(t)]~~**(aa)**; ~~[(Ord. 1-14. Passed 1-13-14.)]~~
- (7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo **OR ELECTRONIC INSTANT BINGO** 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 a receipt for all of the expenses.

(b) A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept. ~~[(Ord. 31-04. Passed 2-23-04.)]~~

(c) The gross profit from each bingo session or game described in Section 517.01~~[(e)]~~**(b)**(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks **OR ELECTRONIC FUND TRANSFERS** drawn on the bingo session or game account.

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

[No further changes to this section until paragraph (f).]

(f) A distributor shall maintain, for a period of three **(3)** years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
- (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;

- (3) A description that clearly identifies the bingo supplies;
 - (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.
- (g) A manufacturer shall maintain, for a period of three **(3)** years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:
- (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
 - (2) A description that clearly identifies the bingo supplies, including serial numbers;
 - (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.
- (h) **(1)** The Attorney General, or any law enforcement agency, may do all of the following:
- ~~[(1)]~~ **A.** Investigate any charitable organization, **DISTRIBUTOR, OR MANUFACTURER** or any officer, agent, trustee, member, or employee of the organization, **DISTRIBUTOR, OR MANUFACTURER**;
 - ~~[(2)]~~ **B.** Examine the accounts and records of the **CHARITABLE** organization, **DISTRIBUTOR, OR MANUFACTURER OR OF ANY OFFICER, AGENT, TRUSTEE, MEMBER, OR EMPLOYEE OF THE ORGANIZATION, DISTRIBUTOR, OR MANUFACTURER**;
 - ~~[(3)]~~ **C.** Conduct inspections, audits, and observations of bingo or games of chance;
 - ~~[(4)]~~ **D.** Conduct inspections of the premises where bingo or games of chance are conducted **OR WHERE BINGO SUPPLIES ARE MANUFACTURED OR DISTRIBUTED**;
 - ~~[(5)]~~ **E.** Take any other necessary and reasonable action to determine if a violation of any provision of this chapter **OR OHIO R.C. CHAPTER 2915** has occurred and to determine whether Section 517.12 has been complied with.
- (2)** If any law enforcement agency has reasonable grounds to believe that a charitable organization, **DISTRIBUTOR, OR MANUFACTURER** or an officer, agent, trustee, member, or employee of the organization, **DISTRIBUTOR, OR MANUFACTURER** has violated any provision of this chapter **OR OHIO R.C. CHAPTER 2915**, the law enforcement agency may proceed by action in the proper court to enforce this chapter **OR OHIO R.C. CHAPTER 2915**, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this ~~[subsection]~~ **DIVISION**.
- (i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, **DISTRIBUTOR, OR MANUFACTURER** that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance, or **OF** premises where bingo or a game of chance is conducted, or **OF PREMISES WHERE BINGO SUPPLIES ARE MANUFACTURED OR DISTRIBUTED, 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 law enforcement agency pursuant to subsection (h) ~~[of this section]~~ **HEREOF**.
- (j) Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. ~~[(Ord. 31-04. Passed 2-23-04.)]~~ **(ORC 2915.10)**

517.13 BINGO EXCEPTIONS.

(a) Ohio R.C. 2915.07 to 2915.11 **AND 2915.14** or Section 517.06 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)(1) **OR (2)** hereof:

- (1)
 - A. 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.
 - B. 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).
 - C. 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.
 - D. The bingo game is not conducted either during or within ten **(10)** hours of any of the following:
 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
[~~(Ord. 31-04. Passed 2-23-04.)~~]
 2. A scheme or game of chance or bingo described in Section 517.01[~~(e)~~](b)(2). [~~(Ord. 1-14. Passed 1-13-14.)~~]
 - E. The number of players participating in the bingo game does not exceed fifty **(50)**.
- (2)
 - A. 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 (25¢) to purchase a bingo card or sheet, objects to cover the spaces or other devices used in playing bingo.
 - B. The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00).
 - C. All of the money paid for bingo cards or sheets, objects to cover spaces or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.
 - D. The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00).
 - E. 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.
 - F. The bingo game is not conducted during or within ten **(10)** hours of either of the following:

1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.~~[11]~~**15** or Section 517.06 et seq. of this chapter;
[~~{Ord. 31-04. Passed 2-23-04.}~~]
 2. A scheme of chance or game of chance or bingo described in Section 517.01~~[(a)]~~**(b)**(2).
[~~{Ord. 1-14. Passed 1-13-14.}~~]
- G. All of the participants reside at the premises where the bingo game is conducted.
- H. The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(b) The Attorney General, or any local law enforcement agency, may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with subsection (a) hereof. 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.
[~~{Ord. 31-04. Passed 2-23-04.}~~] **(ORC 2915.12)**

517.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.

(a) **SUBJECT TO THE REQUIREMENTS OF OHIO R.C. 2915.14 AND 2915.15 CONCERNING ELECTRONIC INSTANT BINGO,** [A] a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to Ohio R.C. **CHAPTER 2915**~~[-01 to 2915.12]~~ may conduct instant bingo, **ELECTRONIC INSTANT BINGO, OR BOTH** other than at a bingo session **UNDER A TYPE III LICENSE ISSUED UNDER OHIO R.C. 2915.08** if all of the following apply:

- (1) The veteran's organization, fraternal organization or sporting organization limits the sale of instant bingo **OR ELECTRONIC INSTANT BINGO** to twelve **(12)** hours during any day, provided that the sale does not begin earlier than ~~[ten]~~ **10:00** a.m. and ends not later than ~~[two]~~ **2:00** a.m.
- (2) The veteran's organization, fraternal organization or a sporting organization limits the sale of instant bingo **OR ELECTRONIC INSTANT BINGO** to its own premises and to its own members and invited guests.
- (3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in ~~[subsection]~~ **IRC 509(a)(1), [509](a)(2), or [509](a)(3) [of the Internal Revenue Code]** and is either a governmental unit or an organization that maintains its principal place of business in this ~~[S]~~state, that is exempt from federal income taxation under ~~[subsection]~~ **IRC 501(a)** and described in ~~[subsection]~~ **IRC 501(c)(3) [of the Internal Revenue Code]**, and that is in good standing in this ~~[S]~~state and executes a written contract with that organization as required in subsection (b) ~~[of this section]~~ **HEREOF**.

(b) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo **OR ELECTRONIC INSTANT BINGO** pursuant to subsection (a) **HEREOF** ~~[of this section]~~ is raising money for another organization that is described in ~~[subsection]~~ **IRC 509(a)(1), [509](a)(2), or [509](a)(3) [of the Internal Revenue Code]** and is either a governmental unit or an organization that maintains its principal place of business in this ~~[S]~~state, that is exempt from federal income taxation under ~~[subsection]~~ **IRC 501(a)** and described in ~~[subsection]~~ **IRC 501(c)(3) [of the Internal Revenue Code]**, and that is in good standing in this ~~[S]~~state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in ~~[subsection]~~ **IRC 509(a)(1), [509](a)(2), or [509](a)(3) [of the Internal Revenue Code]** and is either a governmental unit or an organization that maintains its principal place of business in this ~~[S]~~state,

that is exempt from federal income taxation under ~~[subsection]~~ **IRC 501(a)** and described in ~~[subsection]~~ **IRC 501(c)(3)** ~~[of the Internal Revenue Code]~~, and that is in good standing in this ~~[S]~~state in order to conduct instant bingo **OR ELECTRONIC INSTANT BINGO**. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal or sporting organization will be distributing to the organization that is described in ~~[subsection]~~ **IRC 509(a)(1)**, ~~[509](a)(2)~~ or ~~[509](a)(3)~~ ~~[of the Internal Revenue Code]~~ and is either a governmental unit or an organization that maintains its principal place of business in this ~~[S]~~state, that is exempt from federal income taxation under ~~[subsection]~~ **IRC 501(a)** and described in ~~[subsection]~~ **IRC 501(c)(3)** of the Internal Revenue Code, and that is in good standing in this ~~[S]~~state.

- (c) (1) If a veteran's organization, fraternal organization or a sporting organization authorized to conduct instant bingo **OR ELECTRONIC INSTANT BINGO** pursuant to subsection ~~[(a) of this section]~~ **(b) HEREOF** has been issued a liquor permit under Ohio R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or a sporting organization violates a provision of this chapter or Ohio R.C. Chapter 2915.
- (2) No veteran's organization, fraternal organization, or a sporting organization that enters into a written contract pursuant to subsection (b) ~~[of this section]~~ **HEREOF** shall violate any provision of this chapter or Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or Ohio R.C. Chapter 2915.

(d) A veteran's organization, fraternal organization, or a sporting organization shall give all required proceeds earned from the conduct of instant bingo **OR ELECTRONIC INSTANT BINGO** to the organization with which the veteran's organization, fraternal organization, or a sporting organization has entered into a written contract.

(e) Whoever violates this section is guilty of illegal instant bingo **OR ELECTRONIC INSTANT BINGO** conduct. Except as otherwise provided in this ~~[subsection]~~ **DIVISION**, illegal instant bingo **OR ELECTRONIC INSTANT BINGO** conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo **OR ELECTRONIC INSTANT BINGO** conduct is a felony and shall be prosecuted under appropriate ~~[S]~~state law.
~~[(Ord. 87-05. Passed 5-9-05.)] (ORC 2915.13)~~

517.15 SKILL-BASED AMUSEMENT MACHINES.

- (a) (1) No person shall give to another person any item described in Section 517.01~~[(vv)]~~**(ff)**(1), (2), (3), or (4) in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-prize game won on a skill- based amusement machine.
~~[(Ord. 1-14. Passed 1-13-14.)]~~
- (2) Whoever violates subsection (a)(1) of this section is guilty of skill-based amusement machine prohibited conduct. Except as provided herein, a violation of subsection (a)(1) is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of subsection (a)(1), a violation of subsection (a)(1) is a felony and shall be prosecuted under appropriate State law. (ORC 2915.06)
- (b) Any regulation of skill-based amusement machines shall be governed by this chapter and Ohio R.C. Chapter 2915 and not by Ohio R.C. Chapter 1345.
~~(ORC 2915.061[-; Ord. 157-08. Passed 12-8-08.])~~

517.17 ELECTRONIC INSTANT BINGO; PROHIBITED CONDUCT.

(a) NO CHARITABLE ORGANIZATION SHALL CONDUCT ELECTRONIC INSTANT BINGO UNLESS ALL OF THE FOLLOWING ARE TRUE:

- (1) THE ORGANIZATION IS A VETERAN'S ORGANIZATION DESCRIBED IN OHIO R.C. 2915.01(J), OR IS A FRATERNAL ORGANIZATION DESCRIBED IN OHIO R.C. 2915.01(L), AND THE ORGANIZATION QUALIFIED AS A VETERAN'S ORGANIZATION OR FRATERNAL ORGANIZATION, AS APPLICABLE, ON OR BEFORE JUNE 30, 2021.
- (2) THE ORGANIZATION IS A VETERAN'S ORGANIZATION DESCRIBED IN IRC 501(c)(4) OR 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 IRC 501(a), AND IS DESCRIBED IN IRC 501(c)(7), 501(c)(8), 501(c)(10), OR 501(c)(19).
- (3) THE ORGANIZATION HAS NOT CONDUCTED A RAFFLE IN VIOLATION OF OHIO R.C. 2915.092(B) USING AN ELECTRONIC RAFFLE MACHINE, AS DESCRIBED IN OHIO VETERANS AND FRATERNAL CHARITABLE COALITION V. DEWINE, CASE NO. 13-CV-13610 (C.P. FRANKLIN CO. FEBRUARY 23, 2018), AT ANY TIME ON OR AFTER JANUARY 1, 2022.

(b) NO CHARITABLE ORGANIZATION THAT CONDUCTS ELECTRONIC INSTANT BINGO SHALL DO ANY OF THE FOLLOWING:

- (1) POSSESS AN ELECTRONIC INSTANT BINGO SYSTEM THAT WAS NOT OBTAINED IN ACCORDANCE WITH OHIO R.C. CHAPTER 2915 OR WITH ANY RULE ADOPTED UNDER OHIO R.C. CHAPTER 2915;
- (2) CONDUCT ELECTRONIC INSTANT BINGO ON ANY DAY, AT ANY TIME, OR ON ANY PREMISES NOT SPECIFIED ON THE ORGANIZATION'S TYPE II OR TYPE III LICENSE ISSUED UNDER OHIO R.C. 2915.08;
- (3) HOLD MORE THAN ONE VALID LICENSE TO CONDUCT ELECTRONIC INSTANT BINGO AT ANY ONE TIME;
- (4) CONDUCT ELECTRONIC INSTANT BINGO ON MORE THAN ONE PREMISES OR ON ANY PREMISES OTHER THAN THE CHARITABLE ORGANIZATION'S PRINCIPAL PLACE OF BUSINESS;
- (5) OPERATE MORE THAN TEN ELECTRONIC BINGO SYSTEMS AT THE PREMISES ON WHICH THE CHARITABLE ORGANIZATION CONDUCTS ELECTRONIC INSTANT BINGO UNDER ITS LICENSE;
- (6) FAIL TO DISPLAY BOTH OF THE FOLLOWING CONSPICUOUSLY AT THE PREMISES ON WHICH THE CHARITABLE ORGANIZATION CONDUCTS ELECTRONIC INSTANT BINGO:
 - A. THE CHARITABLE ORGANIZATION'S BINGO LICENSE;
 - B. THE SERIAL NUMBER OF EACH DEAL OF ELECTRONIC INSTANT BINGO TICKETS BEING SOLD.
- (7) PERMIT ANY PERSON THE CHARITABLE ORGANIZATION KNOWS, OR SHOULD HAVE KNOWN, TO BE UNDER EIGHTEEN (18) YEARS OF AGE TO PLAY ELECTRONIC INSTANT BINGO;
- (8) SELL OR PROVIDE TO ANY PERSON AN ELECTRONIC INSTANT BINGO TICKET FOR A PRICE DIFFERENT FROM THE PRICE DISPLAYED ON THE GAME FLARE FOR THAT DEAL, EXCEPT THAT THE CHARITABLE ORGANIZATION MAY GIVE A PARTICIPANT WHO WINS AN ELECTRONIC INSTANT BINGO GAME AN ELECTRONIC INSTANT BINGO TICKET AS A PRIZE IN PLACE OF A CASH PRIZE;

- (9) FAIL, ONCE AN ELECTRONIC INSTANT BINGO DEAL IS BEGUN, TO CONTINUE TO SELL TICKETS IN THAT DEAL UNTIL ALL PRIZES HAVE BEEN AWARDED;
- (10) PERMIT ANY PERSON WHOM THE ORGANIZATION KNOWS, OR SHOULD HAVE KNOWN, HAS BEEN CONVICTED OF A FELONY OR GAMBLING OFFENSE IN ANY JURISDICTION TO BE A BINGO GAME OPERATOR IN THE CONDUCT OF ELECTRONIC INSTANT BINGO;
- (11) PERMIT A BINGO GAME OPERATOR TO PLAY ELECTRONIC INSTANT BINGO;
- (12) A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (b)(12)B. HEREOF, PAY COMPENSATION TO A BINGO GAME OPERATOR FOR CONDUCTING ELECTRONIC INSTANT BINGO.
B. SUBSECTION (b)(12)A. HEREOF DOES NOT PROHIBIT AN EMPLOYEE OF A VETERAN'S ORGANIZATION OR FRATERNAL ORGANIZATION FROM REDEEMING ELECTRONIC INSTANT BINGO TICKETS OR VOUCHERS FOR THE ORGANIZATION'S MEMBERS OR INVITED GUESTS, SO LONG AS NO PORTION OF THE EMPLOYEE'S COMPENSATION IS PAID FROM ANY BINGO RECEIPTS.
- (13) PAY CONSULTING FEES TO ANY PERSON IN RELATION TO ELECTRONIC INSTANT BINGO.

(c) NO PERSON SHALL SELL, OFFER TO SELL, OR OTHERWISE PROVIDE OR OFFER TO PROVIDE AN ELECTRONIC INSTANT BINGO SYSTEM TO ANY PERSON FOR USE IN THIS MUNICIPALITY UNLESS THE ELECTRONIC INSTANT BINGO SYSTEM HAS BEEN APPROVED UNDER OHIO R.C. 2915.15.

(d) WHOEVER KNOWINGLY VIOLATES SUBSECTION (a), (b) OR (c) HEREOF OR A RULE ADOPTED UNDER OHIO R.C. 2915.14(D) IS GUILTY OF ILLEGAL ELECTRONIC INSTANT BINGO CONDUCT. ILLEGAL ELECTRONIC INSTANT BINGO CONDUCT IS A MISDEMEANOR OF THE FIRST DEGREE, EXCEPT THAT IF THE OFFENDER PREVIOUSLY HAS BEEN CONVICTED OF A VIOLATION OF SUBSECTION (a) OR (b) HEREOF, OR ANY SUBSTANTIALLY EQUIVALENT MUNICIPAL ORDINANCE OR STATE LAW, OR OF A RULE ADOPTED UNDER OHIO R.C. 2915.14(D), ILLEGAL INSTANT BINGO CONDUCT IS A FELONY TO BE PROSECUTED UNDER APPROPRIATE STATE LAW.

(ORC 2915.14)

529.01 DEFINITIONS.

[No changes to this section until paragraph (e).]

- (e) "CLUB". A CORPORATION OR ASSOCIATION OF INDIVIDUALS ORGANIZED IN GOOD FAITH FOR SOCIAL, RECREATIONAL, BENEVOLENT, CHARITABLE, FRATERNAL, POLITICAL, PATRIOTIC, OR ATHLETIC PURPOSES, WHICH IS THE OWNER, LESSOR, OR OCCUPANT OF A PERMANENT BUILDING OR PART OF A PERMANENT BUILDING OPERATED SOLELY FOR SUCH PURPOSES, MEMBERSHIP IN WHICH ENTAILS THE PREPAYMENT OF REGULAR DUES, AND INCLUDES THE PLACE SO OPERATED.
- (f) "COMMUNITY FACILITY". MEANS EITHER OF THE FOLLOWING:
 - (1) ANY CONVENTION, SPORTS OR ENTERTAINMENT FACILITY OR COMPLEX, OR ANY COMBINATION OF THESE, THAT IS USED BY OR ACCESSIBLE TO THE GENERAL PUBLIC AND THAT IS OWNED OR OPERATED IN WHOLE OR IN PART BY THE STATE, A STATE AGENCY, OR A POLITICAL SUBDIVISION OF THE STATE OR THAT IS LEASED FROM, OR LOCATED ON PROPERTY OWNED BY OR LEASED FROM, THE STATE, A STATE AGENCY, A POLITICAL SUBDIVISION OF THE STATE, OR A CONVENTION FACILITIES AUTHORITY CREATED PURSUANT TO OHIO R.C. 351.02;

- (2) AN AREA DESIGNATED AS A COMMUNITY ENTERTAINMENT DISTRICT PURSUANT TO OHIO R.C. 4301.80.
- (g) **"CONTROLLED ACCESS ALCOHOL AND BEVERAGE CABINET".** A CLOSED CONTAINER, EITHER REFRIGERATED, IN WHOLE OR IN PART, OR NONREFRIGERATED, ACCESS TO THE INTERIOR OF WHICH IS RESTRICTED BY MEANS OF A DEVICE THAT REQUIRES THE USE OF A KEY, MAGNETIC CARD, OR SIMILAR DEVICE AND FROM WHICH BEER, INTOXICATING LIQUOR, OTHER BEVERAGES OR FOOD MAY BE SOLD.
- ~~[(e)]~~(h) "Hotel". The same meaning as in Ohio R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.
- ~~[(f)]~~(i) "Intoxicating Liquor" and "Liquor". All liquids and compounds, other than beer, 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 they are medicated, proprietary, or patented. The terms include cider and alcohol, and all solids and confections which contain one-half of one percent (0.5%) or more of alcohol by volume.
- ~~[(g)]~~(j) "Low-Alcohol Beverage". Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in this definition do not include a soft drink such as root beer, birch beer, or ginger beer.
- ~~[(h)]~~(k) "Manufacture". All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.
- ~~[(i)]~~(l) "Manufacturer". Any person engaged in the business of manufacturing beer or intoxicating liquor.
- ~~[(j)]~~(m) "Mixed Beverages". Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume. The phrase includes the contents of a pod.
- (n) **"NIGHTCLUB". A PLACE HABITUALLY OPERATED FOR PROFIT, WHERE FOOD IS SERVED FOR CONSUMPTION ON THE PREMISES, AND ONE OR MORE FORMS OF AMUSEMENT ARE PROVIDED OR PERMITTED FOR A CONSIDERATION THAT MAY BE IN THE FORM OF A COVER CHARGE OR MAY BE INCLUDED IN THE PRICE OF THE FOOD AND BEVERAGES, OR BOTH, PURCHASED BY PATRONS.**
- ~~[(k)]~~(o) "Person". Includes firms and corporations.
- (p) **"PHARMACY". AN ESTABLISHMENT AS DEFINED IN OHIO R.C. 4729.01, THAT IS UNDER THE MANAGEMENT OR CONTROL OF A LICENSED PHARMACIST IN ACCORDANCE WITH OHIO R.C. 4729.27.**
- ~~[(l)]~~(q) "POD". Means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply:
- (1) The capsule contains intoxicating liquor of more than twenty-one percent (21%) of alcohol by volume.
 - (2) The capsule also contains a concentrated flavoring mixture.
 - (3) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed.

- (4) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.
- (5) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume.
- ~~[(m)]~~(r) "Restaurant". A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.
- ~~[(n)]~~(s) "Sale" and "Sell". The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to Ohio R.C. 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division of Liquor Control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the Division pursuant to Ohio R.C. 4303.25.
- (t) **"SALES AREA OR TERRITORY". AN EXCLUSIVE GEOGRAPHIC AREA OR TERRITORY THAT IS ASSIGNED TO A PARTICULAR A OR B PERMIT HOLDER AND THAT EITHER HAS ONE OR MORE POLITICAL SUBDIVISIONS AS ITS BOUNDARIES OR CONSISTS OF AN AREA OF LAND WITH READILY IDENTIFIABLE GEOGRAPHIC BOUNDARIES. THE TERM DOES NOT INCLUDE, HOWEVER, ANY PARTICULAR RETAIL LOCATION IN AN EXCLUSIVE GEOGRAPHIC AREA OR TERRITORY THAT HAD BEEN ASSIGNED TO ANOTHER A OR B PERMIT HOLDER BEFORE APRIL 9, 2001.**
- ~~[(o)]~~(u) "Sealed Container". Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.
- ~~[(p)]~~(v) "Spirituos Liquor". All intoxicating liquors containing more than twenty-one percent (21%) of alcohol by volume. The phrase does not include the contents of a pod.
- ~~[(q)]~~(w) "Vehicle". All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.
- (x) **"WHOLESALE DISTRIBUTOR" AND "DISTRIBUTOR". A PERSON ENGAGED IN THE BUSINESS OF SELLING TO RETAIL DEALERS FOR PURPOSES OF RESALE.**
- ~~[(r)]~~(y) "Wine". All liquids fit to use for beverage purposes containing not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products. **THE TERM INCLUDES CIDER, EXCEPT AS USED IN OHIO R.C. 4301.13, 4301.421, 4301.422, 4301.432, AND 4301.44, AND, FOR PURPOSES OF DETERMINING THE RATE OF THE TAX THAT APPLIES, OHIO R.C. 4301.43(B), THE TERM DOES NOT INCLUDE CIDER.** ~~[Except as provided in Ohio R.C. 4301.01(B)(3), the term does not include cider.]~~
(ORC 4301.01, 4301.244[; Ord. 16-22. Passed 2-14-22.])

529.07 OPEN CONTAINER PROHIBITED.

[No changes to this section until paragraph (b)(2).]

(b)

- (2) Except as provided in subsection (c) **OR (i)** hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;

[No further changes to this section until paragraph (c)(1)B.]

- (c) (1)

B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, **S-1, OR S-2** permit holder ~~[or S-permit holder]~~ for consumption on the premises of a farmers market for which an F- 10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

~~[(Ord. 101-16, Passed 12-5-16.)]~~

[No further changes to this section until paragraph (i).]

(i) THIS SECTION DOES NOT APPLY TO A PERSON THAT HAS IN THE PERSON'S POSSESSION AN OPENED CONTAINER OF HOMEMADE BEER OR WINE THAT IS SERVED IN ACCORDANCE WITH OHIO R.C. 4301.201(E). (ORC 4301.62)

~~[(i)]~~**(j)** Whoever violates this section is guilty of a minor misdemeanor.

~~(ORC 4301.99(A)[; Ord. 16-22, Passed 2-14-22.])~~

537.19 HAZING PROHIBITED.

- (a) AS USED IN THIS SECTION:**

(1) "HAZING" MEANS DOING ANY ACT OR COERCING ANOTHER, INCLUDING THE VICTIM, TO DO ANY ACT OF INITIATION INTO ANY STUDENT OR OTHER ORGANIZATION OR ANY ACT TO CONTINUE OR REINSTATE MEMBERSHIP IN OR AFFILIATION WITH ANY STUDENT OR OTHER ORGANIZATION THAT CAUSES OR CREATES A SUBSTANTIAL RISK OF CAUSING MENTAL OR PHYSICAL HARM TO ANY PERSON, INCLUDING COERCING ANOTHER TO CONSUME ALCOHOL OR A DRUG OF ABUSE, AS DEFINED IN OHIO R.C. 3719.011.

(2) "ORGANIZATION" INCLUDES A NATIONAL OR INTERNATIONAL ORGANIZATION WITH WHICH A FRATERNITY OR SORORITY IS AFFILIATED.

- (b) (1) NO PERSON SHALL RECKLESSLY PARTICIPATE IN THE HAZING OF ANOTHER.**

(2) NO ADMINISTRATOR, EMPLOYEE, FACULTY MEMBER, TEACHER, CONSULTANT, ALUMNUS, OR VOLUNTEER OF ANY ORGANIZATION, INCLUDING ANY PRIMARY, SECONDARY, OR POST-SECONDARY SCHOOL OR ANY OTHER EDUCATIONAL INSTITUTION, PUBLIC OR PRIVATE, SHALL RECKLESSLY PERMIT THE HAZING OF ANY PERSON ASSOCIATED WITH THE ORGANIZATION.

- (c) (1) NO PERSON SHALL RECKLESSLY PARTICIPATE IN THE HAZING OF ANOTHER WHEN THE HAZING INCLUDES COERCED CONSUMPTION OF ALCOHOL OR DRUGS OF ABUSE RESULTING IN SERIOUS PHYSICAL HARM TO THE OTHER PERSON.**

(2) NO ADMINISTRATOR, EMPLOYEE, FACULTY MEMBER, TEACHER, CONSULTANT, ALUMNUS, OR VOLUNTEER OF ANY ORGANIZATION, INCLUDING ANY PRIMARY, SECONDARY, OR POST-SECONDARY SCHOOL OR OTHER EDUCATIONAL INSTITUTION, PUBLIC OR PRIVATE, SHALL RECKLESSLY PERMIT THE HAZING OF ANY PERSON ASSOCIATED WITH THE ORGANIZATION WHEN THE HAZING INCLUDES COERCED CONSUMPTION OF ALCOHOL OR DRUGS OF ABUSE RESULTING IN SERIOUS PHYSICAL HARM TO THAT PERSON.

(d) WHOEVER VIOLATES SUBSECTIONS (b) OR (c) OF THIS SECTION IS GUILTY OF HAZING. A VIOLATION OF SUBSECTIONS (b)(1) OR (b)(2) OF THIS SECTION IS A MISDEMEANOR OF THE SECOND

DEGREE. A VIOLATION OF SUBSECTIONS (c)(1) OR (c)(2) OF THIS SECTION IS A FELONY TO BE PROSECUTED UNDER APPROPRIATE STATE LAW. (ORC 2903.31)

- (e) RECKLESS FAILURE TO IMMEDIATELY REPORT KNOWLEDGE OF HAZING.
 - (1) NO ADMINISTRATOR, EMPLOYEE, FACULTY MEMBER, TEACHER, CONSULTANT, ALUMNUS, OR VOLUNTEER OF ANY ORGANIZATION, INCLUDING ANY PRIMARY, SECONDARY, OR POST-SECONDARY SCHOOL OR ANY OTHER PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, WHO IS ACTING IN AN OFFICIAL AND PROFESSIONAL CAPACITY SHALL RECKLESSLY FAIL TO IMMEDIATELY REPORT THE KNOWLEDGE OF HAZING TO A LAW ENFORCEMENT AGENCY IN THE COUNTY IN WHICH THE VICTIM OF HAZING RESIDES OR IN WHICH THE HAZING IS OCCURRING OR HAS OCCURRED.
 - (2) A VIOLATION OF SUBSECTION (e)(1) OF THIS SECTION IS A MISDEMEANOR OF THE FOURTH DEGREE, EXCEPT THAT THE VIOLATION IS A MISDEMEANOR OF THE FIRST DEGREE IF THE HAZING CAUSES SERIOUS PHYSICAL HARM. (ORC 2903.311(B), (C))

549.02 CARRYING CONCEALED WEAPONS.

[No changes to this section until paragraph (b).]

(b) No person who has been issued a concealed handgun license, shall do any of the following:

- (1) If the person is stopped for a law enforcement purpose~~[,]~~ and is carrying a concealed handgun, **BEFORE OR AT THE TIME A** ~~[fail to promptly inform any]~~ law enforcement officer **ASKS IF** ~~[who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that]~~ the person ~~[then]~~ is carrying a concealed handgun, **KNOWINGLY FAIL TO DISCLOSE THAT THE PERSON THEN IS CARRYING A CONCEALED HANDGUN, PROVIDED THAT IT IS NOT A VIOLATION OF THIS SECTION IF THE PERSON FAILS TO DISCLOSE THAT FACT TO AN OFFICER DURING THE STOP AND THE PERSON ALREADY HAS NOTIFIED ANOTHER OFFICER OF THAT FACT DURING THE SAME STOP;**

[No further changes to this section until paragraph (c)(2).]

- (c)
 - (2) Subsection (a)(2) of this section does not apply to any person who~~[,]~~ **HAS BEEN ISSUED A CONCEALED HANDGUN LICENSE THAT IS VALID** at the time of the alleged carrying or possession of a handgun **OR WHO, [either is] AT THE TIME OF THE ALLEGED CARRYING OR POSSESSION OF A** ~~[a valid concealed]~~ handgun ~~[license or]~~ is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in ~~[division]~~ **OHIO R.C. 2923.125(G)(1)** ~~[of Ohio R.C. 2923.125], unless the person knowingly is in a place described in [division (B) of] Ohio R.C. 2923.126(B).~~

[No further changes to this section until paragraph (e).]

- (e)
 - (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
 - (2) **IF A PERSON IS CONVICTED OF, WAS CONVICTED OF, PLEADS GUILTY TO, OR HAS PLEADED GUILTY TO A VIOLATION OF SUBSECTION (b)(1) OF THIS SECTION AS IT EXISTED PRIOR TO JUNE 13, 2022, THE PERSON MAY FILE AN APPLICATION**

UNDER OHIO R.C. 2953.37 REQUESTING THE EXPUNGEMENT OF THE RECORD OF CONVICTION.

[No further changes to this section until paragraph (f)(2).]

- (f) (1)
- (2) ~~[Except as provided in subsection (f)(5) of this section, if a]~~ A person being arrested for a violation of subsection (a)(2) of this section **SOLELY BECAUSE THE PERSON DOES NOT** promptly produce[s] a valid concealed handgun license. ~~[, and if]~~ If ~~[at the time of the violation the]~~ A person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection, and the offender shall be punished as follows:

[No further changes to this section until paragraph (f)(3).]

- (3) ~~[Except as otherwise provided in this subsection, c]~~ Carrying concealed weapons in violation of subsection (b)(1) ~~[hereof]~~ **OF THIS SECTION** is a misdemeanor of the ~~[first]~~ **SECOND** degree~~[, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).]~~ If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128].
- (4) ~~[Except as otherwise provided herein, c]~~ Carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of ~~[Ohio R.C. 2923.12(B)(2) or (B)(4)]~~ **SUBSECTION (b)(2) OR (b)(3) HEREOF** or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

[No further changes to this section.]

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

[No changes to this section until paragraph (b)(1).]

- (b)
- (1) ~~[Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and]~~ **BEFORE OR AT THE TIME A LAW ENFORCEMENT OFFICER ASKS IF THE PERSON IS CARRYING A CONCEALED HANDGUN, KNOWINGLY FAIL TO DISCLOSE** that the person then possesses or has a loaded handgun in the motor vehicle, **PROVIDED THAT IT IS NOT A VIOLATION OF THIS DIVISION IF THE PERSON FAILS TO DISCLOSE THAT FACT TO AN OFFICER DURING**

THE STOP AND THE PERSON ALREADY HAS NOTIFIED ANOTHER OFFICER OF THE FACT THAT DURING THE SAME STOP;

- (2) ~~[Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and]~~ **BEFORE OR AT THE TIME AN EMPLOYEE OF THE MOTOR CARRIER ENFORCEMENT UNIT ASKS IF THE PERSON IS CARRYING A CONCEALED HANDGUN, KNOWINGLY FAIL TO DISCLOSE** that the person then possesses or has a loaded handgun in the commercial motor vehicle~~[-]~~, **PROVIDED THAT IT IS NOT A VIOLATION OF THIS DIVISION IF THE PERSON FAILS TO DISCLOSE THAT FACT TO AN EMPLOYEE OF THE UNIT DURING THE STOP AND THE PERSON ALREADY HAS NOTIFIED ANOTHER EMPLOYEE OF THE UNIT OF THAT FACT DURING THE SAME STOP;**

[No further changes to this section until paragraph (c)(2)A.]

(c)

(2)

- A. The person transporting or possessing the handgun ~~[is either carrying a valid]~~ **HAS BEEN ISSUED A** concealed handgun license **THAT IS VALID AT THE TIME IN QUESTION OR THE PERSON** is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in ~~[division (G)(1) of]~~ Ohio R.C. 2923.125**(G)(1)**.

[No further changes to this section until paragraph (e)(2).]

(e)

- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011~~[-]~~, ~~the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.]~~ **OR**
~~[I]f a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to [September 30, 2011]~~ **JUNE 13, 2022**, ~~[and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011,]~~ the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. ~~[Except as otherwise provided in this subsection,]~~ ~~[a]~~ **A** violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the ~~[first]~~ **SECOND** degree~~[-]~~, ~~and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this~~

~~section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128]. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).~~

[No further changes to this section until paragraph (h).]

(h) As used in this section:

(1) **"COMMERCIAL MOTOR VEHICLE" HAS THE SAME MEANING AS IN OHIO R.C. 4506.25(A).**

(2) **"MOTOR CARRIER ENFORCEMENT UNIT" MEANS THE MOTOR CARRIER ENFORCEMENT UNIT IN THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE HIGHWAY PATROL, THAT IS CREATED BY OHIO R.C. 5503.34.**

~~[(1)]~~(3) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

~~[(2)]~~(4) A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (h)~~[(2)]~~(4)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:

a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

2. For the purposes of subsection (h)~~[(2)]~~(4)A.1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

- b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
- 3. For the purposes of subsection (h)~~[(2)]~~**(4)**A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- B. “Unloaded” means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.
- ~~[(3)]~~ “Commercial motor vehicle” has the same meaning as in Ohio R.C. 4506.25(A).
- ~~(4)~~ “Motor carrier enforcement unit” means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.]
- (i) Subsection (h)~~[(2)]~~**(4)** of this section does not affect the authority of a person who **HAS BEEN ISSUED A CONCEALED HANDGUN LICENSE THAT** is ~~[carrying a]~~ valid **AT THE TIME IN QUESTION** ~~[concealed handgun license]~~ to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in **THOSE DIVISIONS, SO** ~~[that subsection, as]~~ long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter ~~[or Ohio R.C. Chapter 2923]~~. A person who **HAS BEEN ISSUED A** ~~[is carrying a valid]~~ concealed handgun license **THAT IS VALID AT THE TIME IN QUESTION** may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter ~~[or Ohio R.C. Chapter 2923]~~. (ORC 2923.16) ~~[(Ord. 102-11. Passed 10-11-11; Ord. 1-14. Passed 1-13-14.)]~~

549.12 POSSESSING REPLICA FIREARM IN SCHOOL.

[No changes to this section until paragraph (b).]

~~(b) [Subsection (a) hereof does not apply to premises upon which home schooling is conducted. Subsection (a) hereof also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.]~~

- (1) **THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:**
 - A. **AN OFFICER, AGENT, OR EMPLOYEE OF THIS OR ANY OTHER STATE OR THE UNITED STATES WHO IS AUTHORIZED TO CARRY DEADLY WEAPONS OR DANGEROUS ORDNANCE AND IS ACTING WITHIN THE SCOPE OF THE OFFICER’S, AGENT’S, OR EMPLOYEE’S DUTIES;**
 - B. **A LAW ENFORCEMENT OFFICER WHO IS AUTHORIZED TO CARRY DEADLY WEAPONS OR DANGEROUS ORDNANCE;**
 - C. **A SECURITY OFFICER EMPLOYED BY A BOARD OF EDUCATION OR GOVERNING BODY OF A SCHOOL DURING THE TIME THAT THE SECURITY OFFICER IS ON DUTY PURSUANT TO THAT CONTRACT OF EMPLOYMENT;**

- D. 1. ANY PERSON NOT DESCRIBED IN SUBSECTIONS (b)(1)A. TO (b)(1)C. OF THIS SECTION WHO HAS WRITTEN AUTHORIZATION FROM THE BOARD OF EDUCATION OR GOVERNING BODY OF A SCHOOL TO CONVEY DEADLY WEAPONS OR DANGEROUS ORDNANCE INTO A SCHOOL SAFETY ZONE OR TO POSSESS A DEADLY WEAPON OR DANGEROUS ORDNANCE IN A SCHOOL SAFETY ZONE AND WHO CONVEYS OR POSSESSES THE DEADLY WEAPON OR DANGEROUS ORDNANCE IN ACCORDANCE WITH THAT AUTHORIZATION, PROVIDED BOTH OF THE FOLLOWING APPLY:
- A. EITHER THE PERSON HAS SUCCESSFULLY COMPLETED THE CURRICULUM, INSTRUCTION, AND TRAINING ESTABLISHED UNDER OHIO R.C. 5502.703, OR THE PERSON HAS RECEIVED A CERTIFICATE OF HAVING SATISFACTORILY COMPLETED AN APPROVED BASIC PEACE OFFICER TRAINING PROGRAM OR IS A LAW ENFORCEMENT OFFICER;
 - B. THE BOARD OR GOVERNING BODY HAS NOTIFIED THE PUBLIC, BY WHATEVER MEANS THE AFFECTED SCHOOL REGULARLY COMMUNICATES WITH THE PUBLIC, THAT THE BOARD OR GOVERNING BODY HAS AUTHORIZED ONE OR MORE PERSONS TO GO ARMED WITHIN A SCHOOL OPERATED BY THE BOARD OR GOVERNING AUTHORITY;
2. A DISTRICT BOARD OR SCHOOL GOVERNING BODY THAT AUTHORIZES A PERSON UNDER SUBSECTION (b)(1)D. OF THIS SECTION SHALL REQUIRE THAT PERSON TO SUBMIT TO AN ANNUAL CRIMINAL RECORDS CHECK CONDUCTED IN THE SAME MANNER AS OHIO R.C. 3319.39 OR OHIO R.C. 3319.391.
- E. ANY PERSON WHO IS EMPLOYED IN THIS STATE, WHO IS AUTHORIZED TO CARRY DEADLY WEAPONS OR DANGEROUS ORDNANCE, AND WHO IS SUBJECT TO AND IN COMPLIANCE WITH THE REQUIREMENTS OF OHIO R.C. 109.801, UNLESS THE APPOINTING AUTHORITY OF THE PERSON HAS EXPRESSLY SPECIFIED THAT THE EXEMPTION PROVIDED IN SUBSECTION (b)(1)E. OF THIS SECTION DOES NOT APPLY TO THE PERSON.
- (2) THIS SECTION DOES NOT APPLY TO PREMISES UPON WHICH HOME SCHOOLING IS CONDUCTED. THIS SECTION ALSO DOES NOT APPLY TO A SCHOOL ADMINISTRATOR, TEACHER OR EMPLOYEE WHO POSSESSES AN OBJECT THAT IS INDISTINGUISHABLE FROM A FIREARM FOR LEGITIMATE SCHOOL PURPOSES DURING THE COURSE OF EMPLOYMENT, A STUDENT WHO USES AN OBJECT THAT IS INDISTINGUISHABLE FROM A FIREARM UNDER THE DIRECTION OF A SCHOOL ADMINISTRATOR, TEACHER OR EMPLOYEE, OR ANY OTHER PERSON WHO, WITH THE EXPRESS PRIOR APPROVAL OF A SCHOOL ADMINISTRATOR, POSSESSES AN OBJECT THAT IS INDISTINGUISHABLE FROM A FIREARM FOR A LEGITIMATE PURPOSE, INCLUDING THE USE OF THE OBJECT IN A CEREMONIAL ACTIVITY, A PLAY, RE-ENACTMENT OR OTHER DRAMATIC PRESENTATION,

SCHOOL SAFETY TRAINING, OR A ROTC ACTIVITY OR ANOTHER SIMILAR USE OF THE OBJECT.

- (3) THIS SECTION DOES NOT APPLY TO A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY A HANDGUN INTO, OR POSSESSES A HANDGUN IN, A SCHOOL SAFETY ZONE IF, AT THE TIME OF THAT CONVEYANCE, ATTEMPTED CONVEYANCE, OR POSSESSION OF THE HANDGUN, ALL OF THE FOLLOWING APPLY:

- A. THE PERSON DOES NOT ENTER INTO A SCHOOL BUILDING OR ONTO SCHOOL PREMISES AND IS NOT AT A SCHOOL ACTIVITY.
- B. THE PERSON HAS BEEN ISSUED A CONCEALED HANDGUN LICENSE THAT IS VALID AT THE TIME OF THE CONVEYANCE, ATTEMPTED CONVEYANCE, OR POSSESSION OR THE PERSON IS AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND IS CARRYING A VALID MILITARY IDENTIFICATION CARD AND DOCUMENTATION OF SUCCESSFUL COMPLETION OF FIREARMS TRAINING THAT MEETS OR EXCEEDS THE TRAINING REQUIREMENTS DESCRIBED IN OHIO R.C. 2923.125(G)(1).
- C. THE PERSON IS IN THE SCHOOL SAFETY ZONE IN ACCORDANCE WITH 18 U.S.C. § 922(Q)(2)(B).
- D. THE PERSON IS NOT KNOWINGLY IN A PLACE DESCRIBED IN OHIO R.C. 2923.126(B)(1) OR (B)(3) TO (8).

- (4) THIS SECTION DOES NOT APPLY TO A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY A HANDGUN INTO, OR POSSESSES A HANDGUN IN, A SCHOOL SAFETY ZONE IF AT THE TIME OF THAT CONVEYANCE, ATTEMPTED CONVEYANCE, OR POSSESSION OF THE HANDGUN ALL OF THE FOLLOWING APPLY:

- A. THE PERSON HAS BEEN ISSUED A CONCEALED HANDGUN LICENSE THAT IS VALID AT THE TIME OF THE CONVEYANCE, ATTEMPTED CONVEYANCE OR POSSESSION OR THE PERSON IS AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND IS CARRYING A VALID MILITARY IDENTIFICATION CARD AND DOCUMENTATION OF SUCCESSFUL COMPLETION OF FIREARMS TRAINING THAT MEETS OR EXCEEDS THE TRAINING REQUIREMENTS DESCRIBED IN OHIO R.C. 2923.125(G)(1).
- B. THE PERSON LEAVES THE HANDGUN IN A MOTOR VEHICLE.
- C. THE HANDGUN DOES NOT LEAVE THE MOTOR VEHICLE.
- D. IF THE PERSON EXITS THE MOTOR VEHICLE, THE PERSON LOCKS THE MOTOR VEHICLE.

(c) Whoever violates ~~[subsection (a) hereof]~~ **THIS SECTION** is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this ~~[subsection]~~ **DIVISION**, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of ~~[Ohio R.C. 2923.122]~~ **THIS SECTION**, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony and shall be prosecuted under appropriate State law.

- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, the court shall impose upon the offender a

class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of Ohio R.C. 4510.02 and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

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

- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in ~~that~~ subsection **(d)(1) OF THIS SECTION**, the court in its discretion may choose not to impose the suspension, revocation, or denial required in ~~that~~ subsection **(d)(1) OF THIS SECTION**, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

~~[(Ord. 103-12, Passed 11-26-12.)]~~

(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

(ORC 2923.122(C)-(G); ~~Ord. 87-05, Passed 5-9-05.~~)

549.14 CONCEALED HANDGUN LICENSES; POSSESSION OF REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING SIGNS PROHIBITING POSSESSION.

(a) POSSESSION OF A REVOKED OR SUSPENDED CONCEALED HANDGUN LICENSE.

- (1) NO PERSON, EXCEPT IN THE PERFORMANCE OF OFFICIAL DUTIES, SHALL POSSESS A CONCEALED HANDGUN LICENSE THAT WAS ISSUED AND THAT HAS BEEN REVOKED OR SUSPENDED.
- (2) WHOEVER VIOLATES THIS SUBSECTION (a) IS GUILTY OF POSSESSING A REVOKED OR SUSPENDED CONCEALED HANDGUN LICENSE, A MISDEMEANOR OF THE THIRD DEGREE.

(ORC 2923.1211(B), (C))

(b) ADDITIONAL RESTRICTIONS. PURSUANT TO OHIO R.C. 2923.126:

- (1) A CONCEALED HANDGUN LICENSE THAT IS ISSUED UNDER OHIO R.C. 2923.125 SHALL EXPIRE FIVE YEARS AFTER THE DATE OF ISSUANCE. A LICENSEE WHO HAS BEEN ISSUED A LICENSE UNDER THAT SECTION SHALL BE GRANTED A GRACE PERIOD OF THIRTY DAYS AFTER THE LICENSEE'S LICENSE EXPIRES DURING WHICH THE LICENSEE'S LICENSE REMAINS VALID. EXCEPT AS PROVIDED IN SUBSECTION (b)(2) AND (b)(3) OF THIS SECTION, A LICENSEE WHO HAS BEEN ISSUED A CONCEALED HANDGUN LICENSE UNDER OHIO R.C. 2923.125 OR 2923.1213 MAY CARRY A CONCEALED HANDGUN ANYWHERE IN THIS STATE IF THE LICENSE IS VALID WHEN THE LICENSEE IS IN ACTUAL POSSESSION OF A CONCEALED HANDGUN. THE LICENSEE SHALL GIVE NOTICE OF ANY CHANGE IN THE LICENSEE'S RESIDENCE ADDRESS TO THE SHERIFF WHO ISSUED THE LICENSE WITHIN FORTY-FIVE DAYS AFTER THAT CHANGE.
- (2) A VALID CONCEALED HANDGUN LICENSE DOES NOT AUTHORIZE THE LICENSEE TO CARRY A CONCEALED HANDGUN IN ANY MANNER PROHIBITED UNDER OHIO

R.C. 2923.12(B) OR IN ANY MANNER PROHIBITED UNDER OHIO R.C. 2923.16. A VALID LICENSE DOES NOT AUTHORIZE THE LICENSEE TO CARRY A CONCEALED HANDGUN INTO ANY OF THE FOLLOWING PLACES:

- A. A POLICE STATION, SHERIFF'S OFFICE, OR STATE HIGHWAY PATROL STATION, PREMISES CONTROLLED BY THE BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION; A STATE CORRECTIONAL INSTITUTION, JAIL, WORKHOUSE, OR OTHER DETENTION FACILITY; ANY AREA OF AN AIRPORT PASSENGER TERMINAL THAT IS BEYOND A PASSENGER OR PROPERTY SCREENING CHECKPOINT OR TO WHICH ACCESS IS RESTRICTED THROUGH SECURITY MEASURES BY THE AIRPORT AUTHORITY OR A PUBLIC AGENCY; OR AN INSTITUTION THAT IS MAINTAINED, OPERATED, MANAGED, AND GOVERNED PURSUANT TO OHIO R.C. 5119.14(A) OR OHIO R.C. 5123.03(A)(1);
 - B. A SCHOOL SAFETY ZONE IF THE LICENSEE'S CARRYING THE CONCEALED HANDGUN IS IN VIOLATION OF OHIO R.C. 2923.122;
 - C. A COURTHOUSE OR ANOTHER BUILDING OR STRUCTURE IN WHICH A COURTROOM IS LOCATED IF THE LICENSEE'S CARRYING THE CONCEALED HANDGUN IS IN VIOLATION OF OHIO R.C. 2923.123;
 - D. ANY PREMISES OR OPEN AIR ARENA FOR WHICH A D PERMIT HAS BEEN ISSUED UNDER OHIO R.C. CHAPTER 4303 IF THE LICENSEE'S CARRYING THE CONCEALED HANDGUN IS IN VIOLATION OF OHIO R.C. 2923.121;
 - E. ANY PREMISES OWNED OR LEASED BY ANY PUBLIC OR PRIVATE COLLEGE, UNIVERSITY, OR OTHER INSTITUTION OF HIGHER EDUCATION, UNLESS THE HANDGUN IS IN A LOCKED MOTOR VEHICLE OR THE LICENSEE IS IN THE IMMEDIATE PROCESS OF PLACING THE HANDGUN IN A LOCKED MOTOR VEHICLE OR UNLESS THE LICENSEE IS CARRYING THE CONCEALED HANDGUN PURSUANT TO A WRITTEN POLICY, RULE, OR OTHER AUTHORIZATION THAT IS ADOPTED BY THE INSTITUTION'S BOARD OF TRUSTEES OR OTHER GOVERNING BODY AND THAT AUTHORIZES SPECIFIC INDIVIDUALS OR CLASSES OF INDIVIDUALS TO CARRY A CONCEALED HANDGUN ON THE PREMISES;
 - F. ANY CHURCH, SYNAGOGUE, MOSQUE, OR OTHER PLACE OF WORSHIP, UNLESS THE CHURCH, SYNAGOGUE, MOSQUE, OR OTHER PLACE OF WORSHIP POSTS OR PERMITS OTHERWISE;
 - G. ANY BUILDING THAT IS A GOVERNMENT FACILITY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE AND THAT IS NOT A BUILDING THAT IS USED PRIMARILY AS A SHELTER, RESTROOM, PARKING FACILITY FOR MOTOR VEHICLES, OR REST FACILITY AND IS NOT A COURTHOUSE OR OTHER BUILDING OR STRUCTURE IN WHICH A COURTROOM IS LOCATED THAT IS SUBJECT TO SUBSECTION (b)(2)C. OF THIS SECTION, UNLESS THE GOVERNING BODY WITH AUTHORITY OVER THE BUILDING HAS ENACTED A STATUTE, ORDINANCE, OR POLICY THAT PERMITS A LICENSEE TO CARRY A CONCEALED HANDGUN INTO THE BUILDING;
 - H. A PLACE IN WHICH FEDERAL LAW PROHIBITS THE CARRYING OF HANDGUNS.
- (3) A. NOTHING IN THIS SUBSECTION (b) SHALL NEGATE OR RESTRICT A RULE, POLICY, OR PRACTICE OF A PRIVATE EMPLOYER THAT IS NOT A PRIVATE COLLEGE, UNIVERSITY, OR OTHER INSTITUTION OF HIGHER EDUCATION

CONCERNING OR PROHIBITING THE PRESENCE OF FIREARMS ON THE PRIVATE EMPLOYER'S PREMISES OR PROPERTY, INCLUDING MOTOR VEHICLES OWNED BY THE PRIVATE EMPLOYER. NOTHING IN THIS SUBSECTION (b) SHALL REQUIRE A PRIVATE EMPLOYER OF THAT NATURE TO ADOPT A RULE, POLICY, OR PRACTICE CONCERNING OR PROHIBITING THE PRESENCE OF FIREARMS ON THE PRIVATE EMPLOYER'S PREMISES OR PROPERTY, INCLUDING MOTOR VEHICLES OWNED BY THE PRIVATE EMPLOYER.

- B.
 - 1. A PRIVATE EMPLOYER SHALL BE IMMUNE FROM LIABILITY IN A CIVIL ACTION FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT ALLEGEDLY WAS CAUSED BY OR RELATED TO A LICENSEE BRINGING A HANDGUN ONTO THE PREMISES OR PROPERTY OF THE PRIVATE EMPLOYER, INCLUDING MOTOR VEHICLES OWNED BY THE PRIVATE EMPLOYER, UNLESS THE PRIVATE EMPLOYER ACTED WITH MALICIOUS PURPOSE. A PRIVATE EMPLOYER IS IMMUNE FROM LIABILITY IN A CIVIL ACTION FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT ALLEGEDLY WAS CAUSED BY OR RELATED TO THE PRIVATE EMPLOYER'S DECISION TO PERMIT A LICENSEE TO BRING, OR PROHIBIT A LICENSEE FROM BRINGING, A HANDGUN ONTO THE PREMISES OR PROPERTY OF THE PRIVATE EMPLOYER.
 - 2. A POLITICAL SUBDIVISION SHALL BE IMMUNE FROM LIABILITY IN A CIVIL ACTION, TO THE EXTENT AND IN THE MANNER PROVIDED IN OHIO R.C. CHAPTER 2744, FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT ALLEGEDLY WAS CAUSED BY OR RELATED TO A LICENSEE BRINGING A HANDGUN ONTO ANY PREMISES OR PROPERTY OWNED, LEASED, OR OTHERWISE UNDER THE CONTROL OF THE POLITICAL SUBDIVISION. AS USED IN THIS DIVISION, "POLITICAL SUBDIVISION" HAS THE SAME MEANING AS IN OHIO R.C. 2744.01.
 - 3. AN INSTITUTION OF HIGHER EDUCATION SHALL BE IMMUNE FROM LIABILITY IN A CIVIL ACTION FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT ALLEGEDLY WAS CAUSED BY OR RELATED TO A LICENSEE BRINGING A HANDGUN ONTO THE PREMISES OF THE INSTITUTION, INCLUDING MOTOR VEHICLES OWNED BY THE INSTITUTION, UNLESS THE INSTITUTION ACTED WITH MALICIOUS PURPOSE. AN INSTITUTION OF HIGHER EDUCATION IS IMMUNE FROM LIABILITY IN A CIVIL ACTION FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT ALLEGEDLY WAS CAUSED BY OR RELATED TO THE INSTITUTION'S DECISION TO PERMIT A LICENSEE OR CLASS OF LICENSEES TO BRING A HANDGUN ONTO THE PREMISES OF THE INSTITUTION.
- C.
 - 1.
 - a. EXCEPT AS PROVIDED IN SUBSECTION (b)(3)C.2. OF THIS SECTION AND OHIO R.C. 2923.1214, THE OWNER OR PERSON IN CONTROL OF PRIVATE LAND OR PREMISES,

AND A PRIVATE PERSON OR ENTITY LEASING LAND OR PREMISES OWNED BY THE STATE, THE UNITED STATES, OR A POLITICAL SUBDIVISION OF THE STATE OR THE UNITED STATES, MAY POST A SIGN IN A CONSPICUOUS LOCATION ON THAT LAND OR ON THOSE PREMISES PROHIBITING PERSONS FROM CARRYING FIREARMS OR CONCEALED FIREARMS ON OR ONTO THAT LAND OR THOSE PREMISES. EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION, A PERSON WHO KNOWINGLY VIOLATES A POSTED PROHIBITION OF THAT NATURE IS GUILTY OF CRIMINAL TRESPASS IN VIOLATION OF OHIO R.C. 2911.21(A)(4) AND IS GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE. IF A PERSON KNOWINGLY VIOLATES A POSTED PROHIBITION OF THAT NATURE AND THE POSTED LAND OR PREMISES PRIMARILY WAS A PARKING LOT OR OTHER PARKING FACILITY, THE PERSON IS NOT GUILTY OF CRIMINAL TRESPASS UNDER OHIO R.C. 2911.21 OR UNDER ANY OTHER CRIMINAL LAW OF THIS STATE OR CRIMINAL LAW, ORDINANCE, OR RESOLUTION OF A POLITICAL SUBDIVISION OF THIS STATE, AND INSTEAD IS SUBJECT ONLY TO A CIVIL CAUSE OF ACTION FOR TRESPASS BASED ON THE VIOLATION.

- b. IF A PERSON KNOWINGLY VIOLATES A POSTED PROHIBITION OF THE NATURE DESCRIBED IN THIS DIVISION AND THE POSTED LAND OR PREMISES IS A CHILD DAY-CARE CENTER, TYPE A FAMILY DAY-CARE HOME, OR TYPE B FAMILY DAY-CARE HOME, UNLESS THE PERSON IS A LICENSEE WHO RESIDES IN A TYPE A FAMILY DAY-CARE HOME OR TYPE B FAMILY DAY-CARE HOME, THE PERSON IS GUILTY OF AGGRAVATED TRESPASS IN VIOLATION OF OHIO R.C. 2911.211. EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION, THE OFFENDER IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED OF A VIOLATION OF THIS DIVISION OR ANY SUBSTANTIALLY EQUIVALENT STATE LAW OR MUNICIPAL ORDINANCE, OR OF ANY OFFENSE OF VIOLENCE, IF THE WEAPON INVOLVED IS A FIREARM THAT IS EITHER LOADED OR FOR WHICH THE OFFENDER HAS AMMUNITION READY AT HAND, OR IF THE WEAPON INVOLVED IS DANGEROUS ORDNANCE, THE OFFENDER IS GUILTY OF A FELONY TO BE PROSECUTED UNDER APPROPRIATE STATE LAW.
- 2. A LANDLORD MAY NOT PROHIBIT OR RESTRICT A TENANT WHO IS A LICENSEE AND WHO ON OR AFTER SEPTEMBER 9, 2008 ENTERS INTO A RENTAL AGREEMENT WITH THE LANDLORD FOR THE USE OF RESIDENTIAL PREMISES, AND THE TENANT'S GUEST

WHILE THE TENANT IS PRESENT, FROM LAWFULLY CARRYING OR POSSESSING A HANDGUN ON THOSE RESIDENTIAL PREMISES.

3. AS USED IN SUBSECTION (b)(3)C. OF THIS SECTION:
 - A. "RESIDENTIAL PREMISES" HAS THE SAME MEANING AS IN OHIO R.C. 5321.01, EXCEPT "RESIDENTIAL PREMISES" DOES NOT INCLUDE A DWELLING UNIT THAT IS OWNED OR OPERATED BY A COLLEGE OR UNIVERSITY.
 - B. "LANDLORD", "TENANT", AND "RENTAL AGREEMENT" HAVE THE SAME MEANINGS AS IN OHIO R.C. 5321.01.
- (4) A PERSON WHO HOLDS A VALID CONCEALED HANDGUN LICENSE ISSUED BY ANOTHER STATE THAT IS RECOGNIZED BY THE ATTORNEY GENERAL PURSUANT TO A RECIPROCITY AGREEMENT ENTERED INTO PURSUANT TO OHIO R.C. 109.69 OR A PERSON WHO HOLDS A VALID CONCEALED HANDGUN LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN OHIO R.C. 109.69(B) HAS THE SAME RIGHT TO CARRY A CONCEALED HANDGUN IN THIS STATE AS A PERSON WHO WAS ISSUED A CONCEALED HANDGUN LICENSE UNDER OHIO R.C. 2923.125 AND IS SUBJECT TO THE SAME RESTRICTIONS THAT APPLY TO A PERSON WHO HAS BEEN ISSUED A LICENSE UNDER THAT SECTION THAT IS VALID AT THE TIME IN QUESTION.
- (5)
 - A. A PEACE OFFICER HAS THE SAME RIGHT TO CARRY A CONCEALED HANDGUN IN THIS STATE AS A PERSON WHO WAS ISSUED A CONCEALED HANDGUN LICENSE UNDER OHIO R.C. 2923.125, PROVIDED THAT THE OFFICER WHEN CARRYING A CONCEALED HANDGUN UNDER AUTHORITY OF THIS SECTION IS CARRYING VALIDATING IDENTIFICATION. FOR PURPOSES OF RECIPROCITY WITH OTHER STATES, A PEACE OFFICER SHALL BE CONSIDERED TO BE A LICENSEE IN THIS STATE.
 - B. AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO IS CARRYING A VALID MILITARY IDENTIFICATION CARD AND DOCUMENTATION OF SUCCESSFUL COMPLETION OF FIREARMS TRAINING THAT MEETS OR EXCEEDS THE TRAINING REQUIREMENTS DESCRIBED IN OHIO R.C. 2923.125(G)(1) HAS THE SAME RIGHT TO CARRY A CONCEALED HANDGUN IN THIS STATE AS A PERSON WHO WAS ISSUED A CONCEALED HANDGUN LICENSE UNDER OHIO R.C. 2923.125 AND IS SUBJECT TO THE SAME RESTRICTIONS AS SPECIFIED IN THIS SUBSECTION (b).
 - C. A TACTICAL MEDICAL PROFESSIONAL WHO IS QUALIFIED TO CARRY FIREARMS WHILE ON DUTY UNDER OHIO R.C. 109.771 HAS THE SAME RIGHT TO CARRY A CONCEALED HANDGUN IN THIS STATE AS A PERSON WHO WAS ISSUED A CONCEALED HANDGUN LICENSE UNDER OHIO R.C. 2923.125.
- (6)
 - A. A QUALIFIED RETIRED PEACE OFFICER WHO POSSESSES A RETIRED PEACE OFFICER IDENTIFICATION CARD ISSUED PURSUANT TO SUBSECTION (b)(6)B. OF THIS SECTION AND A VALID FIREARMS REQUALIFICATION CERTIFICATION ISSUED PURSUANT TO SUBSECTION (b)(6)C. OF THIS SECTION HAS THE SAME RIGHT TO CARRY A CONCEALED HANDGUN IN THIS STATE AS A PERSON WHO WAS ISSUED A CONCEALED HANDGUN LICENSE UNDER OHIO R.C. 2923.125 AND IS

SUBJECT TO THE SAME RESTRICTIONS THAT APPLY TO A PERSON WHO HAS BEEN ISSUED A LICENSE ISSUED UNDER THAT SECTION THAT IS VALID AT THE TIME IN QUESTION. FOR PURPOSES OF RECIPROCITY WITH OTHER STATES, A QUALIFIED RETIRED PEACE OFFICER WHO POSSESSES A RETIRED PEACE OFFICER IDENTIFICATION CARD ISSUED PURSUANT TO SUBSECTION (b)(6)B. OF THIS SECTION AND A VALID FIREARMS REQUALIFICATION CERTIFICATION ISSUED PURSUANT TO SUBSECTION (b)(6)C. OF THIS SECTION SHALL BE CONSIDERED TO BE A LICENSEE IN THIS STATE.

- B. 1. EACH PUBLIC AGENCY OF THIS STATE OR OF A POLITICAL SUBDIVISION OF THIS STATE THAT IS SERVED BY ONE OR MORE PEACE OFFICERS SHALL ISSUE A RETIRED PEACE OFFICER IDENTIFICATION CARD TO ANY PERSON WHO RETIRED FROM SERVICE AS A PEACE OFFICER WITH THAT AGENCY, IF THE ISSUANCE IS IN ACCORDANCE WITH THE AGENCY'S POLICIES AND PROCEDURES AND IF THE PERSON, WITH RESPECT TO THE PERSON'S SERVICE WITH THAT AGENCY, SATISFIES ALL OF THE FOLLOWING:
- a. THE PERSON RETIRED IN GOOD STANDING FROM SERVICE AS A PEACE OFFICER WITH THE PUBLIC AGENCY, AND THE RETIREMENT WAS NOT FOR REASONS OF MENTAL INSTABILITY.
 - b. BEFORE RETIRING FROM SERVICE AS A PEACE OFFICER WITH THAT AGENCY, THE PERSON WAS AUTHORIZED TO ENGAGE IN OR SUPERVISE THE PREVENTION, DETECTION, INVESTIGATION, OR PROSECUTION OF, OR THE INCARCERATION OF ANY PERSON FOR, ANY VIOLATION OF LAW AND THE PERSON HAD STATUTORY POWERS OF ARREST.
 - c. AT THE TIME OF THE PERSON'S RETIREMENT AS A PEACE OFFICER WITH THAT AGENCY, THE PERSON WAS TRAINED AND QUALIFIED TO CARRY FIREARMS IN THE PERFORMANCE OF THE PEACE OFFICER'S DUTIES.
 - d. BEFORE RETIRING FROM SERVICE AS A PEACE OFFICER WITH THAT AGENCY, THE PERSON WAS REGULARLY EMPLOYED AS A PEACE OFFICER FOR AN AGGREGATE OF 15 YEARS OR MORE, OR, IN THE ALTERNATIVE, THE PERSON RETIRED FROM SERVICE AS A PEACE OFFICER WITH THAT AGENCY, AFTER COMPLETING ANY APPLICABLE PROBATIONARY PERIOD OF THAT SERVICE, DUE TO A SERVICE-CONNECTED DISABILITY, AS DETERMINED BY THE AGENCY.
2. A RETIRED PEACE OFFICER IDENTIFICATION CARD ISSUED TO A PERSON UNDER SUBSECTION (b)(6)B.1. OF THIS SECTION SHALL IDENTIFY THE PERSON BY NAME, CONTAIN A PHOTOGRAPH OF THE PERSON, IDENTIFY THE PUBLIC AGENCY OF THIS STATE OR OF THE POLITICAL SUBDIVISION OF THIS STATE FROM WHICH THE PERSON RETIRED AS A PEACE OFFICER AND THAT IS

ISSUING THE IDENTIFICATION CARD, AND SPECIFY THAT THE PERSON RETIRED IN GOOD STANDING FROM SERVICE AS A PEACE OFFICER WITH THE ISSUING PUBLIC AGENCY AND SATISFIES THE CRITERIA SET FORTH IN SUBSECTIONS (b)(6)B.1.a. TO (b)(6)B.1.d. OF THIS SECTION. IN ADDITION TO THE REQUIRED CONTENT SPECIFIED IN THIS SUBSECTION, A RETIRED PEACE OFFICER IDENTIFICATION CARD ISSUED TO A PERSON UNDER SUBSECTION (b)(6)B.1. OF THIS SECTION MAY INCLUDE THE FIREARMS REQUALIFICATION CERTIFICATION DESCRIBED IN SUBSECTION (b)(6)C. OF THIS SECTION, AND IF THE IDENTIFICATION CARD INCLUDES THAT CERTIFICATION, THE IDENTIFICATION CARD SHALL SERVE AS THE FIREARMS REQUALIFICATION CERTIFICATION FOR THE RETIRED PEACE OFFICER. IF THE ISSUING PUBLIC AGENCY ISSUES CREDENTIALS TO ACTIVE LAW ENFORCEMENT OFFICERS WHO SERVE THE AGENCY, THE AGENCY MAY COMPLY WITH SUBSECTION (b)(6)B.1. OF THIS SECTION BY ISSUING THE SAME CREDENTIALS TO PERSONS WHO RETIRED FROM SERVICE AS A PEACE OFFICER WITH THE AGENCY AND WHO SATISFY THE CRITERIA SET FORTH IN SUBSECTION (b)(6)B.1.a. TO (b)(6)B.1.d. OF THIS SECTION, PROVIDED THAT THE CREDENTIALS SO ISSUED TO RETIRED PEACE OFFICERS ARE STAMPED WITH THE WORD "RETIRED".

3. A PUBLIC AGENCY OF THIS STATE OR OF A POLITICAL SUBDIVISION OF THIS STATE MAY CHARGE PERSONS WHO RETIRED FROM SERVICE AS A PEACE OFFICER WITH THE AGENCY A REASONABLE FEE FOR ISSUING TO THE PERSON A RETIRED PEACE OFFICER IDENTIFICATION CARD PURSUANT TO SUBSECTION (b)(6)B.1. OF THIS SECTION.
- C.
1. IF A PERSON RETIRED FROM SERVICE AS A PEACE OFFICER WITH A PUBLIC AGENCY OF THIS STATE OR OF A POLITICAL SUBDIVISION OF THIS STATE AND THE PERSON SATISFIES THE CRITERIA SET FORTH IN SUBSECTIONS (b)(6)B.1.a. TO (b)(6)B.1.d. OF THIS SECTION, THE PUBLIC AGENCY MAY PROVIDE THE RETIRED PEACE OFFICER WITH THE OPPORTUNITY TO ATTEND A FIREARMS REQUALIFICATION PROGRAM THAT IS APPROVED FOR PURPOSES OF FIREARMS REQUALIFICATION REQUIRED UNDER OHIO R.C. 109.801. THE RETIRED PEACE OFFICER MAY BE REQUIRED TO PAY THE COST OF THE COURSE.
 2. IF A RETIRED PEACE OFFICER WHO SATISFIES THE CRITERIA SET FORTH IN SUBSECTIONS (b)(6)B.1.a. TO (b)(6)B.1.d. OF THIS SECTION ATTENDS A FIREARMS REQUALIFICATION PROGRAM THAT IS APPROVED FOR PURPOSES OF FIREARMS REQUALIFICATION REQUIRED UNDER OHIO R.C. 109.801, THE RETIRED PEACE OFFICER'S SUCCESSFUL COMPLETION OF THE FIREARMS REQUALIFICATION PROGRAM REQUALIFIES THE RETIRED PEACE OFFICER FOR PURPOSES OF SUBSECTION (b)(6) OF THIS SECTION FOR FIVE YEARS FROM THE DATE ON WHICH THE PROGRAM WAS SUCCESSFULLY COMPLETED, AND THE

REQUALIFICATION IS VALID DURING THAT FIVE-YEAR PERIOD. IF A RETIRED PEACE OFFICER WHO SATISFIES THE CRITERIA SET FORTH IN SUBSECTIONS (b)(6)B.1.a. TO (b)(6)B.1.d. OF THIS SECTION SATISFACTORILY COMPLETES SUCH A FIREARMS REQUALIFICATION PROGRAM, THE RETIRED PEACE OFFICER SHALL BE ISSUED A FIREARMS REQUALIFICATION CERTIFICATION THAT IDENTIFIES THE RETIRED PEACE OFFICER BY NAME, IDENTIFIES THE ENTITY THAT TAUGHT THE PROGRAM, SPECIFIES THAT THE RETIRED PEACE OFFICER SUCCESSFULLY COMPLETED THE PROGRAM, SPECIFIES THE DATE ON WHICH THE COURSE WAS SUCCESSFULLY COMPLETED, AND SPECIFIES THAT THE REQUALIFICATION IS VALID FOR FIVE YEARS YEAR FROM THAT DATE OF SUCCESSFUL COMPLETION. THE FIREARMS REQUALIFICATION CERTIFICATION FOR A RETIRED PEACE OFFICER MAY BE INCLUDED IN THE RETIRED PEACE OFFICER IDENTIFICATION CARD ISSUED TO THE RETIRED PEACE OFFICER UNDER SUBSECTION (b)(6)B. OF THIS SECTION.

3. A RETIRED PEACE OFFICER WHO ATTENDS A FIREARMS REQUALIFICATION PROGRAM THAT IS APPROVED FOR PURPOSES OF FIREARMS REQUALIFICATION REQUIRED UNDER OHIO R.C. 109.801 MAY BE REQUIRED TO PAY THE COST OF THE PROGRAM.

(7) AS USED IN SUBSECTION (b)(6) OF THIS SECTION:

- A. "GOVERNING BODY." HAS THE SAME MEANING AS IN OHIO R.C. 154.01.
- B. "GOVERNMENT FACILITY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE" MEANS ANY OF THE FOLLOWING:
 1. A BUILDING OR PART OF A BUILDING THAT IS OWNED OR LEASED BY THE GOVERNMENT OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE AND WHERE EMPLOYEES OF THE GOVERNMENT OF THIS STATE OR THE POLITICAL SUBDIVISION REGULARLY ARE PRESENT FOR THE PURPOSE OF PERFORMING THEIR OFFICIAL DUTIES AS EMPLOYEES OF THE STATE OR POLITICAL SUBDIVISION;
 2. THE OFFICE OF A DEPUTY REGISTRAR SERVING PURSUANT TO OHIO R.C. CHAPTER 4503 THAT IS USED TO PERFORM DEPUTY REGISTRAR FUNCTIONS.
- C. "QUALIFIED RETIRED PEACE OFFICER" MEANS A PERSON WHO SATISFIES ALL OF THE FOLLOWING:
 1. THE PERSON SATISFIES THE CRITERIA SET FORTH IN SUBSECTIONS (b)(6)B.1.a. TO (b)(6)B.1.d. OF THIS SECTION.
 2. THE PERSON IS NOT UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER INTOXICATING OR HALLUCINATORY DRUG OR SUBSTANCE.
 3. THE PERSON IS NOT PROHIBITED BY FEDERAL LAW FROM RECEIVING FIREARMS.
- D. "RETIRED PEACE OFFICER IDENTIFICATION CARD" MEANS AN IDENTIFICATION CARD THAT IS ISSUED PURSUANT TO SUBSECTION

(b)(6)B. OF THIS SECTION TO A PERSON WHO IS A RETIRED PEACE OFFICER.

E. "TACTICAL MEDICAL PROFESSIONAL." HAS THE SAME MEANING AS IN OHIO R.C. 109.71.

F. "VALIDATING IDENTIFICATION." MEANS PHOTOGRAPHIC IDENTIFICATION ISSUED BY THE AGENCY FOR WHICH AN INDIVIDUAL SERVES AS A PEACE OFFICER THAT IDENTIFIES THE INDIVIDUAL AS A PEACE OFFICER OF THE AGENCY.

(ORC 2923.126)

(c) POSTING OF SIGNS PROHIBITING POSSESSION. EACH PERSON, BOARD, OR ENTITY THAT OWNS OR CONTROLS ANY PLACE OR PREMISES IDENTIFIED IN OHIO R.C. 2923.126(B) AS A PLACE INTO WHICH A VALID LICENSE DOES NOT AUTHORIZE THE LICENSEE TO CARRY A CONCEALED HANDGUN, OR A DESIGNEE OF SUCH A PERSON, BOARD, OR ENTITY, SHALL POST IN THE FOLLOWING ONE OR MORE CONSPICUOUS LOCATIONS IN THE PREMISES A SIGN THAT CONTAINS A STATEMENT IN SUBSTANTIALLY THE FOLLOWING FORM: "UNLESS OTHERWISE AUTHORIZED BY LAW, PURSUANT TO THE OHIO REVISED CODE, NO PERSON SHALL KNOWINGLY POSSESS, HAVE UNDER THE PERSON'S CONTROL, CONVEY, OR ATTEMPT TO CONVEY A DEADLY WEAPON OR DANGEROUS ORDNANCE ONTO THESE PREMISES.

(ORC 2923.1212)

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in ~~[Ohio R.C.]~~ **SECTION 4301.01 OF THE OHIO REVISED CODE.**
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d)
 - (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
 - (2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in ~~[Ohio R.C.]~~ **SECTION 3719.01 OF THE OHIO REVISED CODE.**
- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in ~~[S]section [1519.05]~~ **3743.80 OF THE OHIO REVISED CODE.**
- (g) "FIREWORKS PLANT" MEANS ALL BUILDINGS AND OTHER STRUCTURES IN WHICH THE MANUFACTURING OF FIREWORKS, OR THE STORAGE OR SALE OF MANUFACTURED FIREWORKS BY A MANUFACTURER, TAKES PLACE.
- (h) "FOUNTAIN DEVICE" MEANS A SPECIFIC TYPE OF 1.4G FIREWORK THAT MEETS ALL OF THE FOLLOWING CRITERIA:
 - (1) IT IS NONAERIAL AND NONREPORT PRODUCING.

- (2) IT IS RECOGNIZED AND MANUFACTURED IN ACCORDANCE WITH SECTIONS 3.1.1 AND 3.5 OF APA STANDARD 87-1 (2001 EDITION).
- (3) IT IS A GROUND-BASED OR HAND-HELD SPARKLER WITH ONE OR MORE TUBES CONTAINING A NONEXPLOSIVE PYROTECHNIC MIXTURE THAT PRODUCES A SHOWER OF SPARKS UPON IGNITION, WITH OR WITHOUT ADDITIONAL EFFECTS THAT MAY INCLUDE A COLORED FLAME, AUDIBLE CRACKLING EFFECT, AUDIBLE WHISTLE EFFECT, OR SMOKE.
- (4) IT CONTAINS NOT MORE THAN SEVENTY-FIVE GRAMS OF THE NONEXPLOSIVE PYROTECHNIC MIXTURE IN ANY INDIVIDUAL TUBE AND NOT MORE THAN FIVE HUNDRED GRAMS OR LESS FOR MULTIPLE TUBES.
- (i) "HIGHWAY" MEANS ANY PUBLIC STREET, ROAD, ALLEY, WAY, LANE, OR OTHER PUBLIC THOROUGHFARE.
- ~~(g)~~(j) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to ~~[Ohio R.C.]~~ **SECTIONS 3743.50 to 3743.55 OF THE OHIO REVISED CODE.**
- (k) "LICENSED FOUNTAIN DEVICE RETAILER" OR "LICENSED RETAILER" MEANS A PERSON LICENSED PURSUANT TO **SECTION 3743.26 OF THE OHIO REVISED CODE.**
- ~~(h)~~(l) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to ~~[Ohio R.C.]~~ **SECTIONS 3743.02 to 3743.08 OF THE OHIO REVISED CODE.**
- ~~(i)~~(m) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to ~~[Ohio R.C.]~~ **SECTIONS 3743.15 to 3743.21 OF THE OHIO REVISED CODE.**
- (n) "LIST OF LICENSED EXHIBITORS" MEANS THE LIST REQUIRED BY DIVISION (C) OF SECTION 3743.51 OF THE OHIO REVISED CODE.
- (o) "LIST OF LICENSED MANUFACTURERS" MEANS THE LIST REQUIRED BY DIVISION (C) OF SECTION 3743.03 OF THE OHIO REVISED CODE.
- (p) "LIST OF LICENSED WHOLESALERS" MEANS THE LIST REQUIRED BY DIVISION (C) OF SECTION 3743.16 OF THE OHIO REVISED CODE.
- (q) "MANUFACTURING OF FIREWORKS" MEANS THE MAKING OF FIREWORKS FROM RAW MATERIALS, NONE OF WHICH IN AND OF THEMSELVES CONSTITUTE A FIREWORKS, OR THE PROCESSING OF FIREWORKS.
- (r) "NAVIGABLE WATERS" MEANS ANY BODY OF WATER SUSCEPTIBLE OF BEING USED IN ITS ORDINARY CONDITION AS A HIGHWAY OF COMMERCE OVER WHICH TRADE AND TRAVEL IS OR MAY BE CONDUCTED IN THE CUSTOMARY MODES, BUT DOES NOT INCLUDE A BODY OF WATER THAT IS NOT CAPABLE OF NAVIGATION BY BARGES, TUGBOATS, AND OTHER LARGE VESSELS.
- ~~(j)~~(s) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- ~~(k)~~(t) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (u) "PROCESSING OF FIREWORKS" MEANS THE MAKING OF FIREWORKS FROM MATERIALS ALL OR PART OF WHICH IN AND OF THEMSELVES CONSTITUTE A FIREWORKS, BUT DOES NOT INCLUDE THE MERE PACKAGING OR REPACKAGING OF FIREWORKS.

- ~~[+]~~(v) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (w) **"RETAIL SALE" OR "SELL AT RETAIL" MEANS A SALE OF FIREWORKS TO A PURCHASER WHO INTENDS TO USE THE FIREWORKS, AND NOT RESELL THEM.**
- ~~[+]~~(x) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- ~~[+]~~(y) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- ~~[+]~~(z) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- ~~[+]~~(aa) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- ~~[+]~~(bb) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
- (cc) **"WHOLESALE SALE" OR "SELL AT WHOLESALE" MEANS A SALE OF FIREWORKS TO A PURCHASER WHO INTENDS TO RESELL THE FIREWORKS SO PURCHASED.**
- (dd) **"LICENSED PREMISES" MEANS THE REAL ESTATE UPON WHICH A LICENSED MANUFACTURER OR WHOLESALER OF FIREWORKS CONDUCTS BUSINESS.**
- (ee) **"LICENSED BUILDING" MEANS A BUILDING ON THE LICENSED PREMISES OF A LICENSED MANUFACTURER OR WHOLESALER OF FIREWORKS THAT IS APPROVED FOR OCCUPANCY BY THE BUILDING OFFICIAL HAVING JURISDICTION.**
- (ff) **"FIREWORKS INCIDENT" MEANS ANY ACTION OR OMISSION THAT OCCURS AT A FIREWORKS EXHIBITION, THAT RESULTS IN INJURY OR DEATH, OR A SUBSTANTIAL RISK OF INJURY OR DEATH, TO ANY PERSON, AND THAT INVOLVES EITHER OF THE FOLLOWING:**
 - (1) THE HANDLING OR OTHER USE, OR THE RESULTS OF THE HANDLING OR OTHER USE, OF FIREWORKS OR ASSOCIATED EQUIPMENT OR OTHER MATERIALS;
 - (2) THE FAILURE OF ANY PERSON TO COMPLY WITH ANY APPLICABLE REQUIREMENT IMPOSED BY THIS CHAPTER OR ANY APPLICABLE RULE ADOPTED UNDER THIS CHAPTER.
- (gg) **"DISCHARGE SITE" MEANS AN AREA IMMEDIATELY SURROUNDING THE MORTARS USED TO FIRE AERIAL SHELLS.**
- (hh) **"FIREWORKS INCIDENT SITE" MEANS A DISCHARGE SITE OR OTHER LOCATION AT A FIREWORKS EXHIBITION WHERE A FIREWORKS INCIDENT OCCURS, A LOCATION WHERE AN INJURY OR DEATH ASSOCIATED WITH A FIREWORKS INCIDENT OCCURS, OR A LOCATION WHERE EVIDENCE OF A FIREWORKS INCIDENT OR AN INJURY OR DEATH ASSOCIATED WITH A FIREWORKS INCIDENT IS FOUND.**
- (ii) **"STORAGE LOCATION" MEANS A SINGLE PARCEL OR CONTIGUOUS PARCELS OF REAL ESTATE APPROVED BY THE STATE FIRE MARSHAL PURSUANT TO DIVISION**

(I) OF SECTION 3743.04 OF THE OHIO REVISED CODE OR DIVISION (F) OF SECTION 3743.17 OF THE OHIO REVISED CODE THAT ARE SEPARATE FROM A LICENSED PREMISES CONTAINING A RETAIL SHOWROOM, AND WHICH PARCEL OR PARCELS A LICENSED MANUFACTURER OR WHOLESALER OF FIREWORKS MAY USE ONLY FOR THE DISTRIBUTION, POSSESSION, AND STORAGE OF FIREWORKS IN ACCORDANCE WITH THIS CHAPTER.

(ORC 3743.01[; Ord. 200-98. Passed 11-9-98.])

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, ~~[an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45,]~~ or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this ~~[M]~~municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

~~[(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.]~~

~~[(f)]~~(e) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(ORC 3743.65[; Ord. 200-98. Passed 11-9-98.])

1519.05 APPLICATION.

[No changes to this section until paragraph (d).]

(d) The manufacture for, the transportation, storage, possession or use by, or sale to the ~~[A]~~armed ~~[F]~~forces of the United States and the militia of this ~~[S]~~state, **AS RECOGNIZED BY THE ADJUTANT GENERAL OF OHIO**, of pyrotechnic devices;

[No further changes to this section.]

1519.07 MANUFACTURING OR WHOLESALE SALE WITHOUT A LICENSE; PROHIBITIONS.

(a) **NO LICENSED MANUFACTURER OR LICENSED WHOLESALER OF FIREWORKS SHALL KNOWINGLY FAIL TO COMPLY WITH THE RULES ADOPTED BY THE STATE FIRE MARSHAL PURSUANT TO OHIO R.C. 3743.05 AND 3743.18 OR THE REQUIREMENTS OF OHIO R.C. 3743.06 AND 3743.19.**

(b) **NO LICENSED MANUFACTURER OR LICENSED WHOLESALER OF FIREWORKS SHALL FAIL TO MAINTAIN COMPLETE INVENTORY, WHOLESALE SALE AND RETAIL RECORDS AS REQUIRED BY OHIO R.C. 3743.07 AND 3743.20, OR TO PERMIT AN INSPECTION OF THESE RECORDS OR THE PREMISES OF A FIREWORKS PLANT OR THE WHOLESALER PURSUANT TO OHIO R.C. 3743.08 AND 3743.21.**

(c) **NO LICENSED MANUFACTURER OR LICENSED WHOLESALER OF FIREWORKS SHALL FAIL TO COMPLY WITH AN ORDER OF THE STATE FIRE MARSHAL ISSUED PURSUANT TO OHIO R.C. 3743.01(B)(1) AND 3743.21(B)(1) WITHIN THE SPECIFIED PERIOD OF TIME.**

(d) NO LICENSED MANUFACTURER OR LICENSED WHOLESALER OF FIREWORKS SHALL FAIL TO COMPLY WITH AN ORDER OF THE STATE FIRE MARSHAL ISSUED PURSUANT TO OHIO R.C. 3743.08(B)(2) AND 3743.21(B)(2) UNTIL THE NONCONFORMITIES ARE ELIMINATED, CORRECTED OR OTHERWISE REMEDIED OR THE SEVENTY-TWO HOUR PERIOD SPECIFIED IN THOSE DIVISIONS HAS EXPIRED, WHICHEVER OCCURS FIRST.

(e) NO PERSON SHALL SMOKE OR SHALL CARRY A PIPE, CIGARETTE OR CIGAR, OR A MATCH, LIGHTER, OTHER FLAME-PRODUCING ITEM, OR OPEN FLAME ON, OR SHALL CARRY A CONCEALED SOURCE OF IGNITION INTO, THE PREMISES OF A FIREWORKS PLANT OR ON THE PREMISES OF A WHOLESALER OF FIREWORKS, EXCEPT AS SMOKING IS AUTHORIZED IN SPECIFIED LUNCHROOMS OR RESTROOMS BY A MANUFACTURER OR WHOLESALER PURSUANT TO OHIO R.C. 3743.06(C) OR 3743.19(D).

(f) NO PERSON SHALL HAVE POSSESSION OR CONTROL OF, OR BE UNDER THE INFLUENCE OF, ANY INTOXICATING LIQUOR, BEER, OR CONTROLLED SUBSTANCE WHILE ON THE PREMISES OF THE FIREWORKS PLANT OR ON THE PREMISES OF A WHOLESALER OF FIREWORKS.

(g) NO LICENSED MANUFACTURER OF FIREWORKS OR LICENSED WHOLESALER OF FIREWORKS SHALL NEGLIGENTLY FAIL TO FURNISH A SAFETY PAMPHLET TO A PURCHASER OF 1.4G FIREWORKS AS REQUIRED BY OHIO R.C. 3743.47(A).

(h) NO LICENSED MANUFACTURER OF FIREWORKS OR LICENSED WHOLESALER OF FIREWORKS SHALL NEGLIGENTLY FAIL TO HAVE SAFETY GLASSES AVAILABLE FOR SALE AS REQUIRED BY OHIO R.C. 3743.47(B).

(ORC 3743.60, 3743.61)



**City Council Action Item
Special Meeting - June 29, 2023**

Submitted by: Alisha Wilson, Clerk

Submitting Department: Clerk

Subject:

July Meeting Cancellation

Legislation Title:

Simple Motion: Motion to cancel the July 10, 2023 City Council Meeting.

Recommendation:

Due to scheduling conflicts, there will not be enough members in attendance to hold this Regular Meeting. It is recommended that the meeting be cancelled.

Background/Synopsis: Due to scheduling conflicts, there will not be enough members in attendance to hold this Regular Meeting. It is recommended that the meeting be cancelled.

Financial Impact: None.

Rule Suspension Requested:

Emergency Provision Needed:



**City Council Ordinance
Special Meeting - June 29, 2023**

Submitted by: Brian Rose,
Submitting Department: Public Works

Subject:

Purchase of E-One Fire Truck #8-E33 (Fire)

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with Vogelpohl Fire Equipment, Inc. for the purchase of an E-One Fire Truck and declaring an emergency.

Recommendation:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing the appropriation of funding in the amount of \$991,410 from the Capital Improvement Fund for this purchase. It is further recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to enter into a contract with Vogelpohl Fire Equipment Inc., 2770 Circleport Dr., Erlanger Kentucky, 41018.

Background/Synopsis:

This request is for the purchase of an E-One Custom Rescue Pumper Fire Truck to be used by the Fire Department. This unit will replace unit #8-E34, a 2004 E-One Fire Truck (VIN #8333) due to age and condition. The old unit will be auctioned. This unit is being purchased through Vogelpohl Fire Equipment Inc., 2770 Circleport Dr., Erlanger Kentucky, 41018 with contracts held with Sourcewell joint purchasing program, contract #113021-RVG-1, utilizing Ohio Revised Code Section 9.48 (B)(2) allowing for the purchase of contract items through a joint purchasing program operated by or through a national or state association of political subdivisions.

Financial Impact:

\$991,410 (\$941,410 for the Fire Truck + \$50,000 for Fire Fleet needs and contingencies) from the Capital Improvement Fund.

This unit is listed in the 2023 CIP as #3FT80 Replace Fire Truck (Fire) \$900,000

Emergency Provision Explanation:

Emergency provisions and rules suspension are being requested to facilitate the purchase and to avoid a price increase that takes effect after June 30th.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. 1 Fairfield Pumper 23-0613 Sourcewell Quote Files Q125593-36
2. Vogelpohl Fire Equipment Inc-Ord



VOGELPOHL FIRE EQUIPMENT, INC
 2770 Circleport Dr.
 Erlanger, KY 41018
 800-797-8317
 6/13/2023

SOURCEWELL QUOTATION CITY OF FAIRFIELD FIRE DEPT.

2025 E-One Custom Rescue Pumper

1 \$941,410

Cyclone Extended Long Cab, Raised Roof, Seating for 4
 Cummins X12 525hp Engine, Allison EVS4000 Transmission, Jake Brake
 Hale Qmax 1500 gpm Pump, Side Mount Control, Class 1 2.1 Smartfoam System
 Front Bumper Jump Line and 5" Front Suction
 (2) 200' 1.75" Crosslays, (1) 200' 2.5" Crosslay, (1) 2.5" Rear Preconnect
 Hale MIV Valves for Front and Side Suctions
 Trident Handwheel Controls for all discharges, tank fill, and pump to tank
 510 gallon Water Tank, 20 gallon Foam Tank
 Heavy-Duty Extruded Aluminum Body -
 Full Height Full Depth Driver Side Compts w/Rooftop Storage
 Full Height Full Depth Officer Side Compts w/Rooftop Storage
 Roof Top Storage Driver Side for (2) 10' hard suction
 Roof Top Storage Office Side for Stokes Basket
 Ladder Compartment Through the Tank, Low
 Painted Roll-up Side Compt Doors
 Aluminum Hosebed Cover
 2" Winch Receivers w/12v Connector - Front Bumper, Both Sides, Rear
 Weldon Vmux Multiplex Electric System with Drv and Ofc Vista Controls
 Whelen LED Warning Lights, Whelen Electronic Siren, Federal Q Siren
 Firetech 12v LED Scenelights - Brow, Cab Sides, Body Sides, Rear
 Kussmaul 3000w Charger Inverter
 Firecom Wireless Intercom, Back-up Camera
 Single Color Cab and Body Paint
 NFPA Striping and Lettering to match current apparatus
 Dealer Supplied Items per separate list
 E-One Quote # 125593-36

Total - Full Payment on Delivery

\$941,410

Quote Expires June 30, 2023

Attachment: 1 Fairfield Pumper 23-0613 Sourcewell Quote Files Q125593-36 (3616 : Purchase of E-One Fire Truck #8-E33 (Fire))



Fire Apparatus Quotation for: CITY OF FAIRFIELD



Quotation Number: 125593 Rev: 36

Unit Description: PRAL-CYCN

Quote Description: Rescue Pumper, Aluminum, Cyclone

Salesperson: K KLEMAN

Salescode	Extended Description	Qty	
TESTING COMPLIANCE STANDARD			
1001-0065	The E-ONE supplied components of the vehicle shall meet the requirements of NFPA 1901, 2016 edition.	1	
3090-0002	OAH. Unit has no overall height restrictions.	1	
3090-0004	OAL. Unit has no overall length restrictions.	1	
3090-0006	The hose bed is to have the capacity for the following hose. Hose load shall be listed from driver to officer.	1	Lay 1 - 600 ft. of 2.50 DJ Lay 2 - 1000 ft. of 5.00 LDH Lay 3 - 400 ft. of 1.75 DJ Estimated Weight - 1602 lbs.
3340-1137-12C	Equipment allowance on the apparatus shall be 2500 lbs. This allowance is in addition to the weight of the hoses and ground ladders listed in the shop order as applicable.	1	
BUMPERS			
1160-0000	Bumper 10" stainless steel.	1	
1160-0008	3/16" Front Bumper Gravel Shield.	1	
1160-0014	20" Front Bumper Gravel Shield Extension.	1	
BUMPER TRAYS			
1150-0055	Hinged diamond plate lid for center bumper tray. Includes: seal, 1/4 turn latch and gas shock hold open device.	1	
1150-0115-L57	Notch bumper tray lid for preconnected hose. Notch location: 4" front to rear x 3" side to side centered on driver side of center tray lid.	1	
1150-0120	Bumper tray center of bumper with slats 12 inches deep (approx 11 inches to slats).	1	
1150-0163	Tray officer side bumper next to front intake/discharge. Half moon style for 25' of 5" rolled hose.	1	
1150-0181-199	Nylon black strap with a stainless steel quick release buckle for front bumper hose tray. Strap to attach to side walls of tray down low as applicable. Location: officer's side.	1	

Attachment: 1 Fairfield Pumper 23-0613 Sourcewell Quote Files Q125593-36 (3616 : Purchase of E-One

Salescode	Extended Description	Qty
FRAME ASSEMBLY		
1250-0076	Rear underbody support frame. Zinc plated (galvanized).	1
1250-0080	Frame assembly with 10.25 x 3.5 x .375 powder coated galvanized rails.	1
1250-0083	Frame liner 9.375 x 3.125 x .375, galvanized and powder coated.	1
1250-0085	Front chassis frame extensions, crossmembers and battery brackets shall be zinc plated (galvanized) IPOS. Includes rear subframe if applicable (urban interface, straight frame 4x4, etc).	1
1250-0092	GEOMET coated frame assembly fasteners.	1
AXLE OPTIONS		
1025-0016	Meritor RS-24-160 single rear axle 24,000 lb. capacity.	1
1025-0028	Koni shock absorbers for front axle - adjustable.	1
1025-0030	Stemco sight glass for front axle hubs. Inboard wheel seals will be Chicago Rawhide (or equivalent).	1
1025-0210	Meritor FL-943 front axle 21,000 lb. Includes maintenance free bushings.	1
SUSPENSIONS		
1070-0049	Rear suspension springs rated equal to the capacity of the axle. Includes maintenance free bushings and alignment capability.	1
WHEEL OPTIONS		
1050-0001	Alcoa aluminum wheels for front axle (2).	1
1050-0003	Alcoa aluminum wheels for rear axle (4).	1
1050-0007	Front axle wheel trim kit. Includes stainless steel lug nut covers (chrome plated plastic if applicable) and center cap with E-ONE logo. Note: Center cap will have an inspection port IPO a logo if equipped with Stemco oil seals.	1
1050-0008	Rear axle (single) wheel trim kit. Includes stainless steel lug nut covers (chrome plated plastic if applicable) and center cap with E-ONE logo. E-ONE custom chassis w/steel wheels will have chrome plated plastic lug covers.	1
1050-0017	Each inside wheel of the single rear axle shall have valve stem extensions.	1
TIRE OPTIONS		
1060-0015	Four Michelin 11R rear tires with XDN2 all weather tread.	1
1060-0117	RWC AirGuard LED tire pressure monitoring valve stem caps (6) for single rear axle applications.	1
1060-0212	Two Michelin 425 tires model XZE for front axle.	1
BRAKE SYSTEMS		
1100-0001	Meritor EX225H 17" disc brakes for front axle.	1
1100-0002	ArvinMeritor 16-1/2" x 7" S-cam brakes with cast brake drums for a single rear axle.	1

Salescode	Extended Description	Qty
1100-0005	Brake system air 4X2/4X4.	1
1100-0006	Parking brake release mounted on the driver's side lower dash.	1
1100-0020	Compression fittings for all air brake system lines. Includes cab interior air lines as applicable and accessories (if equipped).	1
AIR SYSTEM OPTIONS		
1110-0000-001	Inlet for air system. Location: driver door jamb.	1
1110-0002	Air dryer Bendix AD-9.	1
1110-0004	Air tank drains w/pull cords.	1
1110-0006	Air lines nylon.	1
1110-0026	Air horns Hadley e-tone recessed in bumper (PR).	1
1110-0027	Isolated air tank. Includes pressure protection valve.	1
1110-0043	Auxiliary air tank to be plumbed to the following optional accessories (if equipped): Chassis air horns, brake system air outlet, air reel, light tower, air primer, air operated devices and or customer/dealer installed pneumatic add-on(s).	1
ENGINES & TRANSMISSIONS		
1200-0017	Push-button transmission shift selector.	1
1200-0021	TranSynd, Shell Spirax S6ATF A295, or equivalent synthetic transmission fluid for EVS4000 series.	1
1200-0097	Electronic limiting of speed to 68 MPH maximum. Note: Axle gear ratio will be as low as possible while allowing for 68 MPH top speed to improve acceleration. Note: Max speed may be set at 65 MPH due to tire rating.	1
1200-0456	Eng/Trans Cummins X12 525HP with EVS4000 transmission. 2021 EPA Compliant.	1
SECONDARY BRAKING		
1125-0002	Jacobs engine compression brake. Note: Brake lights will illuminate when auxiliary brake is activated.	1
1125-0023	Transmission to seek second gear when Jacobs engine brake or Telma retarder is engaged. N/A with Trans retarder.	1
EXHAUST OPTIONS		
1225-0053	Firwin exhaust blanket from the turbo down to the DPF.	1
COOLING PACKAGE		
1800-0013	Cooling system for use with Typhoon, Cyclone and Quest chassis. For use with 2010 - 2021 EPA engines. Includes coolant recovery system.	1
FUEL SYSTEMS		

Salescode	Extended Description	Qty
1350-0005	Fuel system 65 gallons.	1
1350-0012-670	Fuel shut-off valve. Location: one (1) inlet side of OEM fuel filter.	1
1350-0022	Fuel line hose rubber.	1
ALTERNATOR		
1700-0012	Alternator Niehoff 430 amp (430 Amp SAE/380 NFPA rating). Available on Cummins ISX12 / X12 only.	1
BATTERIES		
1400-0032	Battery five group 31 1000 CCA (two left / three right). For use with below cab DEF tank only.	1
CHASSIS OPTIONS		
1680-0005	Thermatic fan clutch.	1
1680-0007	Drivelines 1810. Required on 1550 lb/ft torque or greater engines. N/A with EVS3000 transmission.	1
1680-0008	Tow eyes front painted below bumper/cab (PR).	1
1680-0075	(3) way rear underbody receiver assembly. Includes rearward 9000 lb. winch receiver or Class III trailer receiver and (2) side facing 9000 lb. winch receivers- (1) each below rearward body compartments. Includes rearward tow eyes and electrical winch connections for each receiver. NOTE: When facing the receiver, mount electrical connection to the left side.	1
1680-0076	Receiver. Under front bumper 9K winch receiver. Includes electrical connection for portable winch application. Custom chassis only. NOTE: When facing the receiver, mount electrical connection to the left side.	1
1680-0187	On-Spot tire chain installation. Requires pre-wire option located in Cab Electrical. Requires engineering review and approval if less than 165" WB.	1
1680-0250-M58	Diesel Exhaust Fluid (DEF) 5 gallon tank. Location: left side below rear of cab.	1
1680-0284	Radiator mounted power steering cooler.	1
1680-0431	Bevel interior holes and exterior edges of front and rear tow eyes.	1
CAB MODEL		
1520-0245	Cyclone stretched long cab - 100" wide (74" CA).	1
CAB ROOF TYPE		
1615-0005	Delete front vista roof windows.	1
1615-0007	Delete rear vista roof windows.	1
1615-0042	Vista cab roof 4F/16R. Includes 4" front raise and 16" rear raise (12" step up). Does not include front side Vista windows. For use with 100" wide Cyclone only.	1
CAB BADGE PACKAGE		

Salescode	Extended Description	Qty
1610-0000	Cab and body to have applicable E-ONE logos.	1
CAB DOOR OPTIONS		
1550-0003	Rear crew cab doors in the medium position.	1
1550-0084	All cab exterior entry doors to have 1250 keyed locks.	1
1550-0114	Map pockets cab front doors aluminum plate painted multi-tone gray finish.	1
1550-0115	Map pockets cab rear doors aluminum plate painted multi-tone gray finish. Pocket size: 14" W x 3" D x 10" H.	1
1550-0159	Interior cab door locks - manual. Will be individually actuated from each respective door. Includes key lock on each exterior cab door handle.	1
1550-0178-000-J7	Red/Fluorescent Yellow Green Reflexite V98 chevron "A" stripe on lower cab door panel approx 12" high. Stainless steel/painted door panels only. E-ONE cabs only.	1
1550-0185	Cab door panels aluminum painted multi-tone to match cab interior paint. Includes upper and lower panels with seam below handrail.	1
1550-0265	Anodize aluminum trim on bottom edge of the exterior cab compartment openings. Includes wheel well and rear compartments (as applicable).	1
1550-0283	Driver and officer cab door windows with manual regulators. For use with new Typhoon and Cyclone cabs.	1
1550-0284	Rear crew cab door window(s) with manual regulator(s). For use with new Typhoon and 100" wide Cyclone cabs.	1
1550-0287	Cab doors to be barrier style. For use with new Typhoon and Cyclone only.	1
1550-0377	All cab doors shall have exterior pull style handles with integral key lock (glass reinforced nylon).	1
CAB STEP OPTIONS		
1640-0047	Lower steps to extend 3.5" past cab. For use with legacy Typhoon / Cyclone with barrier style doors and new Typhoon / Cyclone with barrier style or extended doors.	1
1640-0067	Cab door bottom step lowered 4" (front and rear doors). Includes extended cab sides / fender trim. For use with barrier style doors only.	1
MIRRORS		
1670-0001-274	Ramco 6001FFR mirrors. Remote controlled with top CAS750 manual convex. Location: mounted on front corners of cab.	1
1670-0088	Driver and officer Ramco cab mirrors to be heated. Includes all surfaces (flat and convex, as applicable).	1
MISC EXTERIOR CAB OPTIONS		
1550-0035	No window on the driver side of the cab	1
1550-0036	No window on the officer side of the cab.	1
1675-0022	Pair of 18" handrails located just behind driver and officer front door one each side.	1

Salescode	Extended Description	Qty
1675-0024	Pair of 36" handrails located just behind driver and officer rear door (ALS doors if equipped) one each side.	1
1675-0030	Mud flaps, front, black with E-ONE logo.	1
1675-0048	Rear cab wall to be smooth 3/16" aluminum plate with a diamond plate overlay.	1
1675-0201	Large radius cab wheel well. Includes bolt-on adjustable wheel well trim.	1
1675-0202	Mounting plate for battery charger receptacle, indicator, air inlet, etc (if applicable). Plate to be removable brushed stainless steel.	1
1675-0214	Rubber fenderettes in place of standard fender.	1
HVAC		
1515-0053	Controls for heating and air conditioning shall be located in the center dash area. (Lower area on Typhoon and Cyclone with severe duty dash)	1
1515-0102	Air conditioning with roof top mounted condenser. Includes reduced profile evaporator w/powder coated cover and electronic controls.	1
SEATS		
1510-0004	Seats, Bostrom brand.	1
1510-0008	Seat color gray.	1
1510-0037	Seat cover material Durawear.	1
1510-0203-147	Bracket SCBA IMMI SmartDock Gen2 restraint system. Location: officer's seat.	1
1510-0203-151	Bracket SCBA IMMI SmartDock Gen2 restraint system. Location: inboard driver's side rear wall.	1
1510-0203-152	Bracket SCBA IMMI SmartDock Gen2 restraint system. Location: inboard officer's side rear wall.	1
1510-0279-146	ReadyReach seat belt extender. Location: driver's seat.	1
1510-0279-147	ReadyReach seat belt extender. Location: officer's seat.	1
1510-0279-151	ReadyReach seat belt extender. Location: inboard driver's side rear wall.	1
1510-0279-152	ReadyReach seat belt extender. Location: inboard officer's side rear wall.	1
1510-0478-131	Flip-up with fold and hold Bostrom SCBA seat located driver's side inboard.	1
1510-0478-133	Flip-up with fold and hold Bostrom SCBA seat located officer's side inboard.	1
1510-0533	Driver seat to be Bostrom air ride (Air-50 suspension) with Gen II design. Can be used with dual retractor upgrade (1510-0508).	1
1510-0574	Officer seat to be Bostrom fixed SCBA with Gen II styling. Can be used with dual retractor upgrade (1510-0508).	1
1685-0031	Seating capacity tag of four occupants.	1
MEDICAL CABINETS		
1535-0030	Roll-up medical cabinet doors selected on the cab to be ROM brand.	3

Salescode	Extended Description	Qty
1535-0032	All medical cabinet RUD for the cab to be locking with 1250 key	1
1535-0202	Cab medical/storage cabinet(s) finish to be multi-tone gray. Includes interior/exterior of cabinet and shelves/trays if equipped.	1
1535-0256	Officer side cab wheel well medical cabinet with external locking pan door painted job color and interior cargo net. Cabinet includes (2) adjustable shelves. Cabinet is approximately 42H x 22W x 28D on Typhoon and Cyclone and 42H x 25W x 28D on 100" wide Cyclone and Quest (viewed from interior).	1
1535-0257	Driver side cab wheel well medical cabinet with external locking pan door painted job color and interior cargo net. Cabinet includes (2) adjustable shelves. Cabinet is approximately 42H x 22W x 28D on Typhoon and Cyclone and 42H x 25W x 28D on 100" wide Cyclone and Quest (viewed from interior).	1
1535-0261	Upper forward vista area cabinet. Cabinet to be full width and height of vista area by approx 20" deep (at the bottom) located forward of rear cab doors. Includes (2) equally spaced compartments with horizontally hinged lift-up doors, compartment divider and padding along lower rear edge. Cabinet shall match cab interior.	1
1535-0310	The compartments to the rear sides of the cab are to be designed with a pass through that extends fully from the driver side compartment to the officer side compartment. To be used when equipped with a bench seat riser, common riser used with individual seat(s) or center rear wall cabinet.	1
1535-0337	Interior medical cabinet. Locate to rear of engine cover. Cabinet to be 20.75" H x 45" W x 22" D. Cabinet to have a 2" lip around top, open rear with 1" lower lip, cargo net style cover over rear opening and (1) adj shelf.	1
1535-0419	(4) broom handle tubes vertically stacked on rear wall of cab transverse compartment.	1
1535-0422	Compartment rear side of cab "under riser" type. Approx 15W x 30H opening. Includes double pan hinged door. Stretched long cab with medium door location only. Location: driver and officer side.	1
1535-0583-160	The cab compartment located behind driver side rear door to have floor 7.75 inch outside dimension square recessed 4" for storage of one (1) standard size SCBA bottle, 20lbs ABC Extinguisher or 2.5 gal Water Extinguisher. Storage shall be rectangular with cutout for extinguisher hose towards the inside wall. Requires minimum 30" tall compartment and 67.5" CA or longer cab.	1
1535-0583-161	The cab compartment located behind officer side rear door to have floor 7.75 inch outside dimension square recessed 4" for storage of one (1) standard size SCBA bottle, 20lbs ABC Extinguisher or 2.5 gal Water Extinguisher. Storage shall be rectangular with cutout for extinguisher hose towards the inside wall. Requires minimum 30" tall compartment and 67.5" CA or longer cab.	1
1535-0596	Medical cabinet mounted on top of compartment pass through at the officer side of rear cab wall FHX18 (21 on 100" wide cab)X18 with a locking roll up door. Used for a 74" CA cab.	1

Salescode	Extended Description	Qty
1535-0597	Medical cabinet mounted on top of compartment pass through at the driver side of rear cab wall FHX18X18 with a locking roll up door. Used for a 74" CA cab.	1
1535-0844-OSX	Medical cabinet shelf. Location: driver side rear wall medical cabinet.	3
1535-0844-OSY	Medical cabinet shelf. Location: officer side rear wall medical cabinet.	3

MISC INTERIOR CAB OPTIONS

1685-0006	Padded sun visors, driver and officer's side overhead.	1
1685-0008	Control lanyard Y type for air horns.	1
1685-0068	Rear engine cover diamond plate trim.	1
1685-0094	Storage below rear bench seat. (1) horizontal hinged door on the front of the rear bench seat.	1
1685-0138	3/16" Aluminum plate on top engine cover forward of access door. Finish to match cab interior and be spaced up approx 1/2".	1
1685-0187	Severe duty engine cover, molded polyurethane.	1
1685-0446	Severe duty overhead console. Includes driver, center and officer overhead ahead of air conditioning plenum. Center overhead includes siren mounting locations. Overhead to match cab interior.	1
1685-0531	Reduced profile rear engine cover for increased legroom.	1
1685-0595-1R0	(1) dash blank panel. Includes: dash panel/housing to be cutout behind panel overlay, location: officer side of center dash upper tier. Color: Black.	1
1685-0595-33P	(1) dash blank panel. Includes: dash panel/housing to be cutout behind panel overlay, location: center of center dash upper tier. Color: Black.	1
1685-0670	Severe duty dash package with raised profile center section. Cast alum construction. Includes smooth plate alum lower kick panels; all painted to match cab interior.	1
1685-0692	Cab insulation package. Includes insulation for ceiling, front wall, rear wall, side walls, below seat risers and in doors.	1
1685-0764	Coat hook(s), stainless steel shall be provided at each door of cab. Location: photo on file for location and approximate size. (EA)	1
1685-0891	Cab interior padding to be gray.	1

CAB ELECTRICAL OPTIONS

1750-0024-179-02	Auto-Eject receptacle inlet 20 amp located outside driver's door next to handrail with a Red cover.	1
1750-0046-195	Cab Headlights. Position: lower.	1
1750-0072-545	12 VDC electrical outlet wired battery hot. Location: In cab driver side on 3 x 3 post rear facing just above engine cover (or seat riser if in a Hush).	1
1750-0072-592	12 VDC electrical outlet wired battery hot. Location: driver side dash.	1
1750-0072-593	12 VDC electrical outlet wired battery hot. Location: officer side dash.	1
1750-0072-748	12 VDC electrical outlet wired battery hot. Location: officer side rear cab wall in or	1

Salescode	Extended Description	Qty
1750-0073-587	below seat support structure as space allows. Antenna base Tessco P/N 90942 (NMO Motorola Style - also called MATM style) on cab roof. Location: officer side forward with coaxial cable terminating at the center of the dash board.	1
1750-0075	English dominant main cab gauge cluster.	1
1750-0158	Dome Lts Weldon Red/White LED. Package includes two lights mounted in the front and two mounted in the rear of the cab. White light wired through door and light assembly switch. Red light through light assembly switch.	1
1750-0265	Speedometer for officer side multiplex display.	1
1750-0449	Momentary DPF regeneration override switch.	1
1750-0483	Control push-button switch on officer's switch panel for Q2B siren brake.	1
1750-0491	The chassis shall be pre-wired for installation of tire chains. Includes lock-out/safety rocker style switch.	1
1750-0514	Peterson LED cab headlights.	1
1750-0580	Light EON LED (EA) mounted in riser height compartment.	2
1750-0768	TecNiq D07 LED cab door step area lighting. Includes (2) lights at each door area. Lights to be switched with door ajar.	1
1750-0796	Turn signal TecNiq LED strip (PR) with clear lens and polished alum housing located between quad headlight bezels (New Typhoon and Cyclone only).	1
1750-0902-545	Kussmaul dual port USB product code 091-264-N. Includes USB-C and USB-A NGR outlet charger sockets in the cab wired battery hot. Location: In cab driver side on 3 x 3 post rear facing just above engine cover (or seat riser if in a Hush).	1
1750-0902-592	Kussmaul dual port USB product code 091-264-N. Includes USB-C and USB-A NGR outlet charger sockets in the cab wired battery hot. Location: driver side dash.	1
1750-0902-593	Kussmaul dual port USB product code 091-264-N. Includes USB-C and USB-A NGR outlet charger sockets in the cab wired battery hot. Location: officer side dash.	1

BODY COMPT LEFT SIDE

3100-0374	Driver side roof top compartment contents: hard suction hoses (not included) stored horizontal side by side. Includes stop bracket rearward of hard suction and partition over the hard suction.	1
3100-0577	(2) driver side roof top compartments with extra width to inboard side. Includes hinged raised compartment lids with turn latches, grab handle(s) and gas shock hold open and drain line(s) ran to below body. Each lid to have (3) bracket mounted EON LED lights and to be wired to door ajar indicator in cab.	1
3100-0580	Driver side body with full height 48" wide forward and 56" wide rearward compartmentation. Includes (1) 56" wide compartment over the wheel well.	1
3100-0711	Rear aluminum smooth plate painted job color horizontal hinged door on roof top compartment. Includes D-ring latch, SouthCo hinges and wiring for door ajar switch.	1

Salescode	Extended Description	Qty
BODY COMPT RIGHT SIDE		
3120-0779	(2) officer side roof top compartments with extra width to inboard side. Includes hinged raised compartment lids with turn latches, grab handle(s) and gas shock hold open and drain line(s) ran to below body. Each lid to have (3) bracket mounted EON LED lights and to be wired to door ajar indicator in cab.	1
3120-0783	Officer side body with full height 48" wide forward and 56" wide rearward compartmentation. Includes (1) 56" wide compartment over the wheel well.	1
3120-0940	Rear aluminum smooth plate painted job color horizontal hinged door on roof top compartment. Includes D-ring latch, SouthCo hinges and wiring for door ajar switch.	1
3120-1116	Officer side roof top compartment contents: stokes basket (not included) stored horizontal. Includes stop bracket rearward of stokes basket and partition over the stokes basket.	1
BODY COMPT REAR		
3110-0285	The rearend area of the extra wide roof top compartment above the Zico access ladder to be recessed in 16". The stepping area to be embossed diamond plate and side and forward plates to be diamond plate.	1
3110-0710	Bolt-on diamond plate 16" tailboard (full width of body). For use with rear ladder application. Includes handrails- (1) vertical on trailing edge of body opposite side of ladder and handrail(s) horizontal below hosebed.	1
3110-0714	Single Low Rear Compartment with Upper Storage Compartment. For use with low hosebed. Includes smooth plate panels and storage access door with push button latch. This is a non transverse compartment.	1
DOORS		
3300-0021-004	Door roll up short (up to 45") with painted finish ROM. Location(s): L2.	1
3300-0021-016	Door roll up short (up to 45") with painted finish ROM. Location(s): R2.	1
3300-0022-003	Door roll up tall (greater than 45") with painted finish ROM. Location(s): L1.	1
3300-0022-005	Door roll up tall (greater than 45") with painted finish ROM. Location(s): L3.	1
3300-0022-015	Door roll up tall (greater than 45") with painted finish ROM. Location(s): R1.	1
3300-0022-017	Door roll up tall (greater than 45") with painted finish ROM. Location(s): R3.	1
3300-0188-003	Drip pan (E-ONE style) for a roll-up door (EA). Location(s): L1.	1
3300-0188-004	Drip pan (E-ONE style) for a roll-up door (EA). Location(s): L2.	1
3300-0188-005	Drip pan (E-ONE style) for a roll-up door (EA). Location(s): L3.	1
3300-0188-015	Drip pan (E-ONE style) for a roll-up door (EA). Location(s): R1.	1
3300-0188-016	Drip pan (E-ONE style) for a roll-up door (EA). Location(s): R2.	1
3300-0188-017	Drip pan (E-ONE style) for a roll-up door (EA). Location(s): R3.	1
3300-0276	All rear panel body storage compartments and tunnels with hinged doors greater	1

Salescode	Extended Description	Qty	
3300-0290-027	than 1 sq. ft. shall have D-Ring latches in place of thumb latches . Door double vertical hinged w/rotary latches - smooth plate sanded. Location(s): B1. Includes latch handle extension installed on secondary door's interior latch with "PULL" tags using .125 plate.	1	
3300-0368	Pull-down bungee type straps for full height and high side roll-up door(s) on body / pump module. For use with ROM and AMDOR doors only.	1	
SHELVES			
3370-0246	Adjustable shelf for non-transverse compartments. Location:	11	L1 (3 fwd of partition); L3 (2 fwd of partition); R1 (2 fwd of partition); R2; R3 (2 fwd of partition 1 rwd of partition);
3370-0247	Tracks for adjustable shelf and/or adjustable tray in a compartment. Location:	5	L1; L3; R1; R2; R3
COMPARTMENT DIVIDERS			
3390-0557	Partition, bolt-in vertical partition wall. Location:	4	L1 and R1 (50/50); L3 12`` off rwd wall; R3 30`` off rwd wall.
TRAYS / TOOLBOARDS			
3305-0010-044	Compartment underbody. Includes: Treadplate drop down front door with push- button latches. Locate below compartment L1.	1	
3380-0019-135	Running board suction tray. Includes removable slats in bottom of tray. Location(s): driver side running board	1	
3380-0019-136	Running board suction tray. Includes removable slats in bottom of tray. Location(s): officer side running board	1	
3380-0497-003	Adjustable heavy duty tool board with 500 lbs. capacity. Includes return style reinforcing bends on vertical front and rear edges of tool board, upper and lower adjustable track and Accuride heavy duty lock-in lock-out slides with front latch release. Tool board sized to compartment height and depth as applicable. Location(s): L1.	1	
3380-0497-015	Adjustable heavy duty tool board with 500 lbs. capacity. Includes return style reinforcing bends on vertical front and rear edges of tool board, upper and lower adjustable track and Accuride heavy duty lock-in lock-out slides with front latch release. Tool board sized to compartment height and depth as applicable. Location(s): R1.	2	
3380-0498	Tray, floor mounted roll-out with gas spring. 500 lbs. capacity. Location:	2	L3 fwd of partition; B1
COVERS			
3305-0002	Bi-Fold diamond plate cover for the crosslay area. Includes applicable grab handles and (2) hold downs.	1	
3305-0004	Crosslay cover to be hinged forward.	1	
3305-0022-000-02	Vinyl rear cover for diamond plate hose bed cover. Color: Red.	1	
3305-0064-135	Nylon black strap with stainless steel quick-release buckle for hose tray. Strap to	1	

Salescode	Extended Description	Qty
	attach to side walls of tray down low as applicable. Location: driver side running board.	
3305-0064-136	Nylon black strap with stainless steel quick-release buckle for hose tray. Strap to attach to side walls of tray down low as applicable. Location: officer side running board.	1
3305-0119	Hold open device(s) for aluminum crosslay (single or bi-fold) cover. Locate as required based off options on module.	1
3305-0419	Nylon black cargo net on sides for crosslay cover. Includes seat belt style buckles at each upper corner of flap attached to a lanyard pull release to extend down and join to a common pull point. Pulling lanyard shall release both buckles and allow net to drop down for rapid deployment.	1
3305-0825	(2) piece aluminum hose bed cover. Includes dividerless cross structure, fill tower(s) access door(s) and handles (as applicable), (2) gas shocks, positive hold-opens/hold-closed at the front, (2) handrails (fwd) and (2) handrails (rear). For use on low hosebed configurations where rear access to the positive hold-opens/hold-closed from the rear is difficult/impossible. There must be adequate access to the front of the cover (front compartment mounted access steps) and approval from management is required before using this salescode.	1
PUMP MODULE		
3130-0167	Pump module to be 76" wide (side to side). Includes upper, lower, crosswalk, speedlay and tranverse module(s) if applicable.	1
3130-0523	Side mount pump module. Extruded aluminum with runningboards.	1
3130-0534	Pump panel opening is 51" wide.	1
3130-0540	Pump module height is 80". Pumper / tanker only.	1
3136-0214	Crosslay triple 7.75/7.75/10" wide double stack to hold up to 200' of 2.0" DJ (each) in front lays and 200' of 2.5" DJ hose in rear lay.	1
PUMP PANELS		
3134-0064	The gauge panel(s) on the driver side of the Side Mount module to be hinged upward. Panel(s) to include (2) mechanical/pneumatic (as applicable to panel size) hold opens and latches.	1
3134-0143	Officer side pump panel to be vertical hinged on forward extrusion. Panel to be (3) pieces with upper (2) panels secured in the closed position with push button latches. Upper panel to be held open with gas shock.	1
3134-0236	The driver and officer side pump panels are to be painted Scorpion black.	1
MISC PUMP PANEL OPTIONS		
4460-0003	Pump panel tags color coded per NFPA compliance.	1
4460-0090	All single tags placed directly on the pump panel to be mechanically fastened with screws.	1

Salescode	Extended Description	Qty
PUMP MODULE OPTIONS		
3136-0000-202	Air horn switch at pump panel. Switch to be labeled "Evacuation Alert". Location: driver side pump panel.	1
3136-0058	E-ONE logo mounted one each side on pump module/preconnect panels. Logos to be sized as applicable to available space on panels.	1
3136-0138	Pump module storage pan.	1
WATER TANK		
4010-0057	530 Gallon "L" shaped Water Tank. Includes lowered rear section for lower hose bed height. Note: Any foam cell(s) optioned will reduce the overall water capacity. Tank capacity is 530 US gallon / 441 Imperial gallons / 2006 Liters.	1
4010-0099	Fill tower(s) to be located offset to officer side of water tank.	1
4010-0463	Water tank shell size will be increased to maintain water capacity with storage tunnel.	1
WATER TANK OPTIONS		
4020-0056	Tank sleeve for rear or hosebed (low hosebed applications) discharge.	1
TANK PLUMBING		
4450-0010	2" tank fill Akron manual valve.	1
4450-0119	3" tank to pump Akron manual valve w/4" tank connection.	1
FOAM TANK		
4100-0008-590	20 gallon integral foam tank for Class A foam. Foam tank capacity will reduce the water tank capacity. Tank capacity is 20 US gallon / 16 Imperial gallons / 75 Liters.	1
LADDER STORAGE / RACKS		
3365-0023	Ladder storage through tank for (1) 2-section 24' extension, (1) 14' roof, (1) 10' attic with feet and (2) pike poles. Reduces selected water tank capacity by approximately 250 gallons for pumpers and 300 gallons for tankers.	1
3365-0050	Brand of ladders capable of being carried on unit to be Duo-Safety.	1
3365-0086-4DJ	Pike pole(s) capable of being stored are to be the following length: (1) 10' and (1) 8' pike poles.	1
3365-0087-Z71	The length of ladders capable of being stored shall be the following: 24' 2-section, 14' roof ladder and 10' attic ladder w/shoes.	1
HANDRAILS / STEPS		
3110-0099-524	NFPA hose bed access ladder. Zico model RL12 that gives increased visibility of DOT/NFPA lighting if mounted outboard rear of body. Includes required step lights and additional hand rail(s) if applicable. Location: rear of body driver side.	1
3330-0206	Step rear 10" intermediate embossed treadplate. Locate below hosebed, includes	1

Salescode	Extended Description	Qty
3330-0278	three (3) hand hold cut-outs on top of the step in place of the hand rail. Innovative Controls dual lighted LED folding steps rear NFPA. Includes folding steps on officer side rear of the body. (staggered stepped as applicable with tailboard depth) for NFPA hosebed access and handrail mounted on officer side upper hosebed side (as applicable).	1
3330-0279-060	Innovative Controls dual lighted LED folding step. Location: officer side front compartment face. Each location requires a minimum of (1) handrail per NFPA.	4
3330-0279-062	Innovative Controls dual lighted LED folding step. Location: driver side front compartment face. Each location requires a minimum of (1) handrail per NFPA.	4
MISC BODY OPTIONS		
3340-0004	Hosebed above the booster tank. Includes forward hosebed and tower(s) cover plate work (as applicable). Hosebed adjustable divider extrusion in the forward area and rearward area of the hose bed to run full width of the hosebed (as is practical with other hosebed mounted equipment).	1
3340-0027	Diamond plate corner guards for the driver and officer front compartment face. Guards to wrap around the corner and be full height of side assembly or to a max of 96".	1
3340-0035	Divider Long. To run full length of hose bed (front to rear).	2
3340-0049	Hosebed storage pan. Locate in forward area of hosebed.	1
3340-0058	Recessed fuel fill driver side wheel well.	1
3340-0079	Locate Tank Fill Tower(s) in the hose bed storage pan as applicable.	1
3340-0093	Mud flaps, rear, black with E-ONE logo.	1
3340-0094	Body mainframe and hosebed side assemblies for a 95" high body.	1
3340-0102	(Boston style) Angled tailboard corners.	1
3340-0110	The rear of each hose bed divider to have a hand hold cut-out(s).	1
3340-0191	Divider Support to run full width of hosebed (side to side) at the front of the hosebed and towards the rear of the hosebed at top of the divider(s). Attach to each hosebed divider to provide additional support.	1
3340-0681	Body mainframe layout line to be 24". Includes body and all applicable modules.	1
3340-1225	Diamond plate single axle wheel well. Includes bolt-on composite wheel well liners and bolt-on rubber trim fenderettes.	1
3340-1648	Anodized aluminum trim on bottom edge of all body compartment openings including pump enclosure if applicable with painted edges.	1
3340-1719	Rubrails constructed of 3" x 2" Black U.H.M.W. polyethylene bolted to the lower exterior edge of the apparatus. Includes pump module sides, body sides and rear body/tailboard as applicable. Rubrails shall be mitered 45 degrees at leading and trailing end and notched for lighting and other rubrail mounted options. Includes strip of embossed diamond plate on top surface of rubrail in stepping areas (finish to match stepping surface).	1

Salescode	Extended Description	Qty
SCBA BOTTLE STORAGE		
3320-0100	Strap, loop style to retain SCBA bottle(s). Locate one per bottle in each exterior body storage compartment.	1
3320-0182-497	E-ONE designed (1) SCBA bottle storage driver side rear wheel well offset rearward with hinged door and push button latch. Door material to match wheel well material. Holds standard size SCBA bottle, 20lbs ABC Extinguisher (10.25"x7"x24") or 2.5 gal Water Extinguisher (9"x7"x24.5"). Door shall cover the recessed fuel fill if located in the wheel well adjacent to the SCBA storage.	1
3320-0184-495	E-ONE designed (3) SCBA bottle storage driver side rear wheel well offset forward with hinged door and push button latch. Door material to match wheel well material. Holds standard size SCBA bottles. Upper storage troughs hold standard size 20lbs ABC Extinguisher (10.25"x7"x24") or 2.5 gal Water Extinguisher (9"x7"x24.5") in each trough.	1
3320-0184-498	E-ONE designed (3) SCBA bottle storage officer side rear wheel well offset forward with hinged door and push button latch. Door material to match wheel well material. Holds standard size SCBA bottles. Upper storage troughs hold standard size 20lbs ABC Extinguisher (10.25"x7"x24") or 2.5 gal Water Extinguisher (9"x7"x24.5") in each trough.	1
3320-0184-500	E-ONE designed (3) SCBA bottle storage officer side rear wheel well offset rearward with hinged door and push button latch. Door material to match wheel well material. Holds standard size SCBA bottles. Upper storage troughs hold standard size 20lbs ABC Extinguisher (10.25"x7"x24") or 2.5 gal Water Extinguisher (9"x7"x24.5") in each trough.	1
PUMPS		
4005-0031	Rating 1500 GPM.	1
4005-0196	Hale QMAX 1000-2250 GPM single stage pump. Requires primer option.	1
PUMP CERTIFICATION		
4475-0000	Pump certification 750-2250 GPM	1
PUMP OPTIONS		
4015-0008	Zinc anodes for Hale pump (PR), (1) discharge side and (1) intake side.	1
4015-0018-202	Valve Inlet MIV-E - Hale. Location: driver side pump panel.	1
4015-0018-203	Valve Inlet MIV-E - Hale. Location: officer side pump panel.	1
4015-0018-340	Valve Inlet MIV-E - Hale. Location: 5 in. front intake.	1
4015-0022	Mechanical pump seal - Hale.	1
4015-0053-198	Steamers to be Flush + 1". Location: driver's side.	1
4015-0053-199	Steamers to be Flush + 1". Location: officer's side.	1
4015-0098	Manual operated master pump drain. The master drain shall be clearly marked and	1

Attachment: 1 Fairfield Pumper 23-0613 Sourcewell Quote Files Q125593-36 (3616 : Purchase of E-One

Salescode	Extended Description	Qty
4015-0130-340	placed in accessible location on pump panel. Additional Trident Primer Valve, Located: 5 in. front intake. Requires aux air tank if connected to front or rear intake.	1
4015-0210	Pump cooler with Innovative Control 1/4 turn valve with "T" handle and label.	1
4015-0242	Trident primer W/3 barrel push button control. For use with 1250 GPM and larger pumps. Requires 15.6 CFM or larger engine air compressor.	1

INTAKES

4440-0005	2.5" Left Intake Akron Manual Valve.	1
4440-0006	2.5" Right intake Akron manual valve.	1
4440-0014	5" front intake without valve. Includes fixed 90 degree elbow above bumper when swivel option not selected. (Requires NST adapter if no swivel).	1

INTAKE OPTIONS

4445-0005	Front intake swivel 6" polished chrome.	1
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DISCHARGES AND PRECONNECTS

4415-0008	1.5" Front bumper discharge Akron manual valve.	1
4415-0012-654	1.5" Crosslay with Akron manual valve. Location: crosslay 1 & 2.	2
4415-0014-581	2.5" Left Pump Panel Discharge Akron Manual Valve. Location: left side discharge 1.	1
4415-0014-582	2.5" Left Pump Panel Discharge Akron Manual Valve. Location: left side discharge 2.	1
4415-0016-584	2.5" Right Pump Panel Discharge Akron Manual Valve. Location: right side discharge 2.	1
4415-0022-350	2.5" Left Rear Discharge Akron Manual Valve. Location: left rear discharge.	1
4415-0034-583	3" Right Pump Panel Discharge Akron Manual Valve (Waterous pumps noted location to be forward lower port). Location: right side discharge 1.	1
4415-0041	3" Deck Gun Discharge, Akron manual valve. (outlet shall terminate with MNPT threads unless extend gun is install)	1
4415-0058-655	2.5" Crosslay Akron Manual Valve. Location: crosslay 3.	1
4415-0178-531	Polished Stainless Steel Swivel Located on Top of Bumper driver's side of center tray for Front Bumper Discharge.	1
4415-1249	Decontamination discharge 3/4" with valve; heated. Includes pressure reducing valve, heat exchanger, and thermostatic mixing valve. Location: Driver side pump panel.	1
4417-0106-L65	Deck gun piping to be positioned centered in deck gun channel.	1

DISCHARGE OPTIONS

4417-0034	Deck gun TFT 18" Extend-A-Gun, 3" manual operation.(outlet shall terminate with MNPT threads)	1
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Salescode	Extended Description	Qty
4417-0163	Additional control for deck gun valve handwheel control locate adjacent to discharge outlet. Hand wheel to be extended to top of pan.	1
4417-0176	Innovative Controls 3/4" bleeder/drain valve include lift lever with ergonomic grip.	10
4417-0185	Innovative Controls discharge and intake bezels with integral color code and verbiage for side mount pump panel.	1
4417-0204-1PC	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location tank to pump.	1
4417-0204-349	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location front bumper discharge.	1
4417-0204-350	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location left rear discharge.	1
4417-0204-352	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location 1.5 in. crosslay preconnect.	2
4417-0204-353	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location 2.5 in. crosslay preconnect.	1
4417-0204-356	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location deck gun.	1
4417-0204-583	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location right side discharge 1.	1
4417-0204-584	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location right side discharge 2.	1
4417-0204-E55	Trident Hand Wheel Control 4".(In place of standard push/pull rod): Location tank fill.	1
4417-0246	Dealer/Customer installed monitor, nozzle and/or tips, make and model as specified.	1

PRESSURE GOVERNORS

4465-0028	Class 1 Sentry pressure governor/ Twister throttle. Includes master intake and discharge gauges, water, oil, tran, volt and tachometer.	1
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GAUGES

4435-0084	Innovative Controls 10 LED SL series foam tank level gauge. On pump panel.	1
4435-0347-295	IC 10 LED SL series/Whelen PSTank2 water tank level gauge package. Location of Whelen PSTank2 Strip Lights: each side of cab towards rear.	1
4435-0348-230	Additional PSTank2 Level Strip-Light. Located: officer rear.	1
4435-0451	Innovative Controls TC Series 2.5" (63MM) pressure gauge with chrome bezel.	10
4435-0458	Pump panel pressure gauges to be 0-400 / Master Intake gauge to be 30-0-400.	1

FOAM SYSTEMS

4430-0079	The foam system performance shall be tested and certified in compliance with the applicable NFPA 1901 requirements.	1
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Salescode	Extended Description	Qty
4430-0159	Class 1 2.1A foam system with SmartFoam controller.(Class A foam concentrate only)	1
FOAM SYSTEM OPTIONS		
4432-0053-556	Foam system plumbed to 1.5 first crosslay.	1
4432-0053-557	Foam system plumbed to 1.5 second crosslay.	1
4432-0053-560	Foam system plumbed to first 2.5 crosslay.	1
4432-0053-565	Foam system plumbed to driver's side front jump line.	1
ELECTRICAL SYSTEMS		
5010-0036	V-MUX Electrical system for pumper / tanker / rescue.	1
5010-0049	Vehicle data recorder - 2009 / 2016 NFPA compliant. Includes occupant detection shown in multiplex display. E-ONE chassis only.	1
5010-0055-168	Vista IV display for V-MUX electrical system. Location: officer's side engine cover.	1
5010-0055-649	Vista IV display for V-MUX electrical system. Location: driver's side engine cover.	1
5010-0094	Nanoprotech corrosion inhibiting spray coating to be applied on all exposed electrical connections.	1
LIGHT BARS		
5300-0504	Whelen MKEZ7 1.5" standard mount for front light bar (PR).	1
5300-0506-000-4V	Front light bar LED color: Red/White with clear lenses (If applicable, includes side facing when colors are the same.)	1
5300-0510	Light bar Whelen Freedom IV Model F4X7 72" with 10 LED modules. Location: Centered on the front cab roof.	1
WARNING LIGHTS		
5600-0787-3RH-4U	Warning light Whelen M2W Wide Angle Super LED warning lights (PR). Surface mounted w/chrome flanges (if applicable). Location: (1) each side NFPA/ULC required lower zone rear side facing, color will be RED with RED lenses.	1
5600-0787-469-4U	Warning light Whelen M2W Wide Angle Super LED warning lights (PR). Surface mounted w/chrome flanges (if applicable). Location: (1) each side centered below forward compartments in rubrail if equipped, color will be RED with RED lenses.	1
5600-0850-170	Hazard (door ajar) light TecNiq S38 LED red. Location: center overhead.	1
5600-0948-3RE-4U	Warning light Whelen M6 series Linear Super LED (PR) RED with RED lenses. Location: (1) each side NFPA/ULC required lower zone front facing.	1
5600-0948-3RF-4U	Warning light Whelen M6 series Linear Super LED (PR) RED with RED lenses. Location: (1) each side NFPA/ULC required lower zone forward side facing.	1
5600-0948-3RG-4U	Warning light Whelen M6 series Linear Super LED (PR) RED with RED lenses. Location: (1) each side NFPA/ULC required lower zone midship side facing.	1
5600-0948-3RI-4U	Warning light Whelen M6 series Linear Super LED (PR) RED with RED lenses. Location: (1) each side NFPA/ULC required lower zone rear facing.	1

Salescode	Extended Description	Qty
5600-0948-463-4U	Warning light Whelen M6 series Linear Super LED (PR) RED with RED lenses. Location: (1) each side in front quad inboard of NFPA warning light.	1
5600-0948-464-4U	Warning light Whelen M6 series Linear Super LED (PR) RED with RED lenses. Location: (1) each side of cab down low just ahead of rear doors.	1
5600-0949-457-4U	Warning light Whelen M9 series Super LED (PR) RED with RED lenses. Location: (1) each side of body rear facing up high.	1
5600-0949-G98-4U	Warning light Whelen M9 series Super LED (PR) RED with RED lenses. Location: (1) each side of body side facing upper forward.	1
5600-0949-G99-4U	Warning light Whelen M9 series Super LED (PR) RED with RED lenses. Location: (1) each side of body side facing upper rearward.	1

SIRENS

5500-0011-209	Federal Q2B siren - Pedestal mounted on bumper. Location: driver side front bumper. Requires activation switch.	1
5500-0015	Whelen model 295SLSA1 siren with microphone (replaced 295HFSA1).	1
5500-0024-170	The primary electronic siren control is to be located center overhead.	1

SPEAKERS

5510-0029-B21	Speaker, Federal Signal Dynamax ES100 with "E-ONE" grille through bumper. Location: driver side front bumper inboard of frame.	1
5510-0029-B22	Speaker, Federal Signal Dynamax ES100 with "E-ONE" grille through bumper. Location: officer side front bumper inboard of frame.	1

DOT LIGHTING

5150-0017	License plate light LED with chrome housing located at the rear of the body.	1
5150-0025	Marker light Truck-Lite LED body/cab package. E-One custom cab and pumper or tanker body only.	1
5150-0271	Bracket license plate at rear of body. Smooth plate sanded bracket.	1
5150-0299-5WC	Front (if applicable) and rear turn signal flash pattern: populated arrow.	1
5150-0302	Whelen M6 series LED vertical mount tail lights. Includes LED stop/tail, turn and back-up lights with vertical 4 light housing and weatherproof connectors. Requires turn signal flash pattern.	1

LIGHTS - COMPARTMENT, STEP & GROUND

5380-0280	Ground light package TecNiq T440 4" LED - large.	1
5380-0473	Compartment light package TecNiq E45 LED for medium bodies. Includes two lights per compartment (four if transverse).	1
5380-0476	Compartment light TecNiq E45 LED for medical cabinet (EA).	6

LIGHTS - DECK AND SCENE

5390-0007	Deck/scene light circuit wiring through chassis reverse. Requires rear deck or scene light.	1
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Salescode	Extended Description	Qty
5390-0025	Cab scene lights are to be switched with cab doors in addition to standard.	1
5390-0190	Hose bed light Amdor H2O. Locate at the front area of hose bed. Switched with work light switch in cab.	1
5390-0264-457	FireTech FT-GESM scene lights (PR) with chrome flange (when required) and weatherproof connectors. Switch in cab (driver and officer side lights switched separately). Locate: (1) each side of body rear facing up high.	1
5390-0264-490	FireTech FT-GESM scene lights (PR) with chrome flange (when required) and weatherproof connectors. Switch in cab (driver and officer side lights switched separately). Locate: (1) each side of vista forward of rear doors.	1
5390-0264-861	FireTech FT-GESM scene lights (PR) with chrome flange (when required) and weatherproof connectors. Switch in cab (driver and officer side lights switched separately). Locate: driver side forward and rearward areas of roof top storage compartment (inboard of warning lights if equipped).	1
5390-0264-862	FireTech FT-GESM scene lights (PR) with chrome flange (when required) and weatherproof connectors. Switch in cab (driver and officer side lights switched separately). Locate: officer side forward and rearward areas of roof top storage compartment (inboard of warning lights if equipped).	1
5390-0337	Crosslay light FireTech model WL2000 LED with black housing. Locate to rear of crosslay (SM) and forward of crosslay (TM, or as applicable). Switched with work light switch in cab.	1

LIGHTS - NON-WARNING

5400-0185	LED pump compartment light (EA).	1
5400-0224	Engine compartment light Optronics LED Series ILL22 (EA).	1
5400-0259	TecNiq model E10 pump panel LED light package with (3) lights per side pump panel. Pump panels over 45" may require additional lights. Side mount only.	1

CONTROLS / SWITCHES

5100-0000-198	Foot switch to control air horns located driver's side.	1
5100-0001-112	Switch circuit three way. Includes (1) additional switch. An additional switch required for more than two locations. Location: driver rear of body for rear scene lights.	1
5100-0006-198	Foot switch to control Q2B located driver's side.	1
5100-0006-199	Foot switch to control Q2B located officer's side.	1
5100-0036-5CV	Additional programming instructions: as specified.	2
5100-0165	Audible door ajar alarm wired through door ajar light. For use with multiplex display(s) only.	1

CAMERAS / INTERCOM

5350-0070	Voyager back-up camera. Video displays automatically when transmission is in reverse. Camera only - does not include monitor.	1
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Salescode	Extended Description	Qty
5350-0319	FireCom wireless intercom kit to include a digital intercom model 5100D, one (1) base transmit unit with up to (5) radio/intercom only transmission and up to (5) headset hooks shall be installed within the cab. Headsets are not included and ordered separately (misc loose equip).	1
MISC ELECTRICAL		
5110-0017	Back-up alarm 97 dB.	1
5110-0205-339	12 volt 12 gauge constant hot lead (36" long) with ground wire. Location: center of dash.	2
5110-0219-5YI	Blue Sea 12V power distribution module model 5032. Location: on cab/bumper as specified.	1
GENERATOR TEST		
5255-0001	Testing - Line voltage power source (generator / inverter) on units with rated water pump. (3rd Party)	1
BREAKER BOXES		
5200-0000-13E	Breaker box 8 place single phase. Includes main breaker. Note: Main breaker occupies 2 places leaving 6 available. Locate R1 forward wall.	1
LIGHTS - AREA		
5450-0341-4A7	FireTech 72" 12V scene light with black housing. Includes switch accessible to driver. Side facing lights switched seperately. Location: front of cab between top of windshield and drip rail.	1
RECEPTACLES		
5470-0004-663	Receptacle household 20A/110V duplex 3-prong NEMA 5-20 with cover plate interior mounted wired to inlet receptacle. Location: L1 high on forward wall.	1
5470-0004-743	Receptacle household 20A/110V duplex 3-prong NEMA 5-20 with cover plate interior mounted wired to inlet receptacle. Location: L3 high on forward wall.	1
5470-0004-744	Receptacle household 20A/110V duplex 3-prong NEMA 5-20 with cover plate interior mounted wired to inlet receptacle. Location: R1 high on forward wall.	1
5470-0004-746	Receptacle household 20A/110V duplex 3-prong NEMA 5-20 with cover plate interior mounted wired to inlet receptacle. Location: R3 high on forward wall.	1
5470-0051-4W3	6 outlet household 20A/110V power strip wired to inlet receptacle. Location: on top of rear engine tunnel cabinet, centered as far forward as possible on top of tray.	1
MISC ELECTRICAL 110V		
5050-0037	Kussmaul Auto Power 3000 watt inverter charger, (NFPA rating at 1400 watts). Provides up to 150 amps battery charge output. Includes on/off switch in L1 compartment. Inverter charger to be mounted in a body compartment as close to the chassis batteries as practical.	1

Salescode	Extended Description	Qty
MISC LOOSE EQUIPMENT		
7900-0014	DOT Required Drive Away Kit - Kit includes three (3) triangular warning reflectors with carrying case. This kit is for the end user and is to remain with the truck.	1
EXTERIOR PAINT		
8100-0089	All applicable pump/pre-connect application modules are to have a sanded finish (not painted job color). Includes upper and lower pump modules, crosswalk module and/or speedlay/pre-connect module (as applicable). Rear mounted body/pump module to be painted job color.	1
8100-0116	Rear body surface to have a sanded finish (not painted job color). Includes hinged doors that do not have discrete sales codes and removable panels.	1
8100-0176-000-60	Paint E-ONE chassis cab - Sikkens paint (non-metallic color). Color: FLNA 3087 E-ONE RED.	1
8100-0182-000-60	Paint Body - Small - For Pumpers, Rear Mounts, S/A Tankers/Wetsides and Rescues. Sikkens paint (non-metallic color). Color: FLNA 3087 E-ONE RED.	1
8100-0222	Paint roll up door header plate(s) job color for all painted roll-up doors.	1
8100-0396	Undercoating E-ONE. To be applied after customer final inspection.	1
8100-0421-000-39	Paint air conditioning condenser cover. Color: Job Color.	1
8100-0662	Sanded rear cab extrusions. Same height as rear cab diamond plate overlay panels.	1
INTERIOR PAINT		
8150-0011	The interior of the cab to be painted multi-tone gray finish.	1
8150-0024	The lower area of the painted cab interior door panels to be masked off and left unpainted for reflective material.	1
LETTERING		
8200-0114	Scotchlite Letter (Each) upto 12" tall. The exact size, color and location of the letters as specified by the customer.	6
8200-0116	Shade and/or outline (EA) for letters as specified by the customer.	79
8200-0117	Sign Gold Letter (Each) upto 6" tall. The exact size and location of the letters as specified by the customer.	61
8200-0118	Sign Gold Letter (Each) upto 12" tall. The exact size, color and location of the letters as specified by the customer.	18
STRIPING		
8300-0274-000-J7	Chevron "A" style 6" Reflexite V98 striping full width on rear of body. Includes rear facing extrusions, panels and doors. Colors to be Red/Fluorescent Yellow Green.	1
8300-0331	Single NFPA Scotchlite Stripe - up to 6" wide with hockey style, Z or S style or other customer specific design style. Stripe to be installed on cab and the body. Size, color	1

Salescode	Extended Description	Qty
	and location as specified by the customer.	
8300-0334	Additional NFPA Scotchlite Stripe - up to 3" wide on cab and the body. Design, size, color and location as specified by the customer.	1
8300-0381	Yellow perimeter marking to indicate designated standing / walking areas above 48" high in compliance with 2016 NFPA 1901 consisting of individual Reflexite diamonds approximately 1" wide. Steps, ladders and areas with a railing or structure at least 12" high are excluded from this requirement.	1
GRAPHICS		
8400-0060	Graphics drawing showing striping, lettering and logos. Requires E-ONE installed graphics.	1
8400-0067	E-ONE logo with grey backing on M6 series vertical tail light housing (PR).	1
WARRANTY / STANDARD & EXTENDED		
9100-0101	Meritor 5 year / unlimited miles parts and labor warranty for front non-drive axle. Exceptions: MFS rated at 22,800 includes a 2 year / 200K miles parts and labor warranty and a front drive axle includes a 2 year / unlimited miles parts and labor warranty.	1
9100-0102	Meritor 5 year unlimited miles, parts and labor rear drive single or rear drive tandem axle warranty.	1
9100-0117	General One (1) year or 24,000 Miles Limited Warranty (RFW0001)	1
9100-0126	Custom chassis One (1) Year or 18,000 Miles Limited Warranty (RFW0101).	1
9100-0131	Regulated Emissions Systems Five (5) Years or 100,000 Miles Limited Warranty (RFW0140). N/A for California. For units going to California use 9100-0162 with L9 and 9100-0163 with X12/15.	1
9100-0132	Electrical One (1) Year or 18,000 Miles Limited Warranty (RFW0201).	1
9100-0136	Body Structure Aluminum Ten (10) years or 100,000 Miles Limited Warranty (RFW0502).	1
9100-0138	Cab Structural Ten (10) Years or 100,000 Miles Limited Warranty (RFW0602).	1
9100-0139	Plumbing and piping (Stainless Steel) Ten (10) years or 100,000 Miles Limited Warranty (RFW0800).	1
9100-0140	Paint and Finish (Exterior Clear coated) Ten (10) Years Limited Warranty (RFW0710).	1
9100-0151	Frame Rail Corrosion (Zinc Plate and Powder Coat) Twenty Five (25) Years or 150,000 Miles Limited Warranty (RFW0316).	1
9100-0152	Frame Components Corrosion (Zinc Plate) Twenty (20) Years or 132,000 Miles Limited Warranty (RFW0314).	1
9100-0165	Frame Rail Lifetime (50) Years or 250,000 Miles Limited Warranty (RFW0305).	1
SUPPORT, DELIVERY, INSPECTIONS AND MANUALS		
9300-0009	Manuals, Operator and Service in digital format.	1

Salescode	Extended Description	Qty
9300-0012	Pump panel approval drawings. Will be provided on purchased units prior to construction.	1
9300-0016	Approval Drawings-Standard.	1
9300-0031	Dash/Console panel layout approval drawings. Will be provided on purchased units prior to construction.	1
9300-0316	Fire Apparatus Safety Guide published by FAMA, latest edition.	1

DEALER SUPPLIED EQUIPMENT - Per Separate List

Attachment: 1 Fairfield Pumper 23-0613 Sourcewell Quote Files Q125593-36 (3616 : Purchase of E-One

Vogelpohl Fire Equipment
 Dealer Supplied Apparatus Equipment
 Customer
 Quote/Truck #
 Date

City of Fairfield

Q125593

6/13/2023

CAT#	QUANT	SPEC
02-0000	.	TRUCK ACCESSORIES - CHASSIS
02-1112	1	Wheel Chocks, two (2), Worden #HWG aluminum chocks with underbody mounting brackets, installed under the compartment forward of the driver's side rear axle.
04-0000	.	TRUCK ACCESSORIES - BODY
04-1242	3	Toolboard, fixed, Sensible Chant Panel, installed as follows: (1) 50" L x 30" H back wall of L2; (2) 25" L x 30" H side walls of L2; (1) 50" L x 30" panel location(s) to be determined. Individual mounting brackets not included.
08-0000	.	TRUCK ACCESSORIES - ELECTRICAL
08-1621	4	Firecom UH54 Wired Headset, each. Intercom with radio listen only for rear crew positions. For E-One installed intercom systems.
08-9001	8	Misc. Electrical Install. Per hour.
20-0000	.	LADDERS
20-0800	1	Ladder, Little Giant model #15417-001 Velocity 17-1A. 300# rating. 4'-7' A frame. 9'-15' extension.
22-0000	.	TOOLS
22-2261	2	New York Roof Hook, 6' , All purpose head, aircraft steel shaft, chisel end, Celtex grip. Fire Hooks RH-6
22-2262	1	New York Roof Hook, 8' , All purpose head, aircraft steel shaft, chisel end, Celtex grip. Fire Hooks RH-8
22-2263	1	New York Roof Hook, 10' , All purpose head, aircraft steel shaft, chisel end, Celtex grip. Fire Hooks RH-10
22-9900	8	Tool and Equipment Mounting, hourly, not including brackets.
32-0000	.	NOZZLES AND MONITORS
32-5200	1	Monitor, 1250 gpm, truck/portable. Includes shaper tube, stacked discharge tips, 3" direct mount for connection to deck gun piping, and portable base with 5" inlet. Elkhart Stinger #8297-51 with 8298P.
34-0000	.	ADAPTERS, THREADED
34-0401	1	Adapter, discharge, 2-1/2" female rigid rockerlug NST x 2-1/2" male local thread, hardcoat alloy. Action AA137
34-0451	4	Adapter, discharge, 45° elbow, 2-1/2" female swivel rockerlug NST x 2-1/2" male local thread, CP brass. Elkhart #105.
34-0601	2	Adapter, intake, 2-1/2" male NST x 2-1/2" female swivel rockerlug local thread, CP brass. Elkhart S327.
34-4101	3	Cap, 2-1/2" rockerlug local thread, CP brass, with 16" chain. Elkhart #310.
34-4301	2	Plug, 2-1/2" rockerlug, local thread, CP brass, with 16" chain. Elkhart #311.
36-5000	.	ADAPTERS, STORTZ

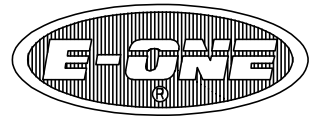
Attachment: 1 Fairfield Pumper 23-0613 Sourcewell Quote Files Q125593-36 (3616 : Purchase of E-One Fire Truck #8-E33 (Fire))

Vogelpohl Fire Equipment
 Dealer Supplied Apparatus Equipment
 Customer
 Quote/Truck #
 Date

City of Fairfield
 Q125593
 6/13/2023

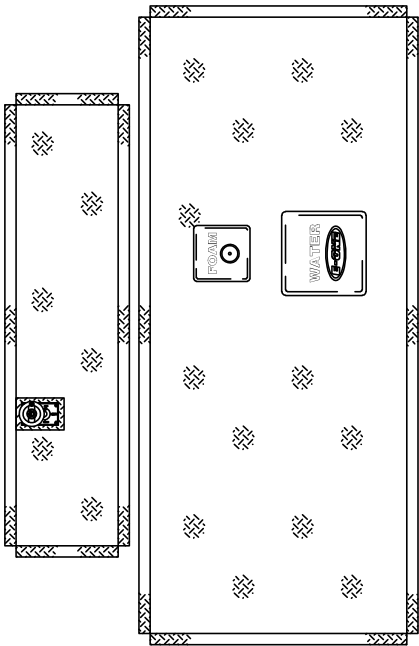
CAT#	QUANT	SPEC
36-5200	1	Adapter, discharge, 30 degree elbow, 3.0" FM NST rocker lug swivel x 5" Stortz rigid. TFT AH3ST-NL
36-5700	2	Adapter, suction, 30 ⁰ elbow, 6" FM NST long handle swivel x 5" Stortz rigid. TFT AH3HST-NX. For standard pump panel with MIV valve.
36-6100	3	Cap, 5" Stortz with cable. TFT A01ST
40-0000	.	MISC. EQUIPMENT
40-7001	1	Winch, portable, 8,000lb 12VDC assembly designed for use with Class III receivers and controlled by a hand held remote with a 12 foot lead. Includes 100' of 3/8" dia. synthetic cable with clevis hook & strap and multi-mount kit. Warn Zeon 8-S Winch with 107000 Universal Multi-mount Kit.
70-0000	.	MISC. SERVICES
70-1000	1	Pre-delivery Inspection - Pumper or Aerial - After transportation from the factory and immediately prior to delivery to the fire department, the local dealer shall provide the following service: complete inspection and operational check including chassis, cab, body, pump and aerial (as applicable), and all electrical and mechanical devices; correction of any issues and leaks; fluid level checks and top off; and complete cleaning and detailing of the apparatus.
80-0000	.	MISCELLANEOUS CHARGES
80-1000	1	Inspection Trip - An inspection trip to the manufacturer's plant shall be provided for 2 department members accompanied by the dealer sales representative. All travel, lodging, and meals will be provided by the dealer. Travel from the fire department location shall be via commercial air.
80-1001	2	Inspection Trip - Additional fire department representative, each.

Attachment: 1 Fairfield Pumper 23-0613 Sourcewell Quote Files Q125593-36 (3616 : Purchase of E-One Fire Truck #8-E33 (Fire))

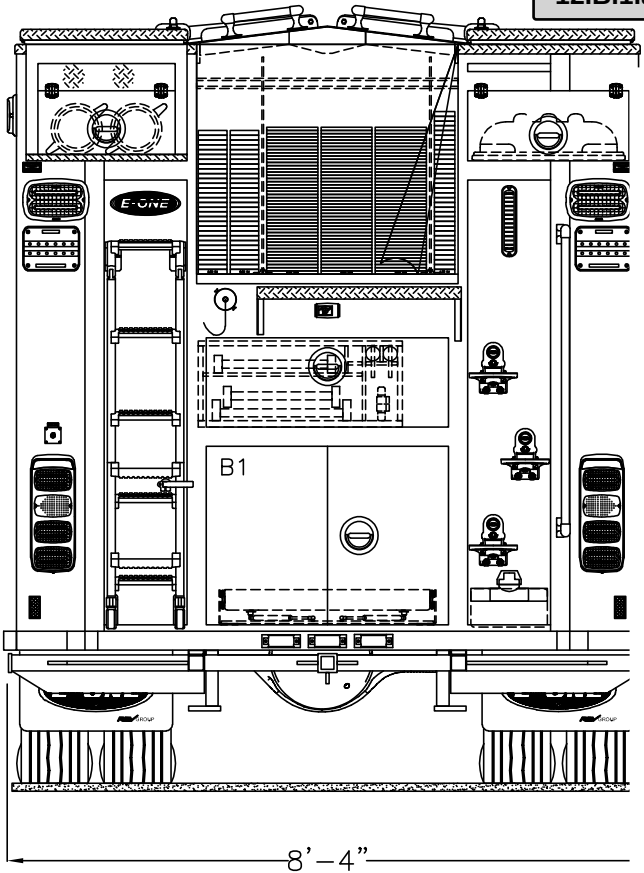


CITY OF FAIRFIELD
FAIRFIELD, OH
Q125593
PUMPER
CYCLONE 4X2 CHASSIS

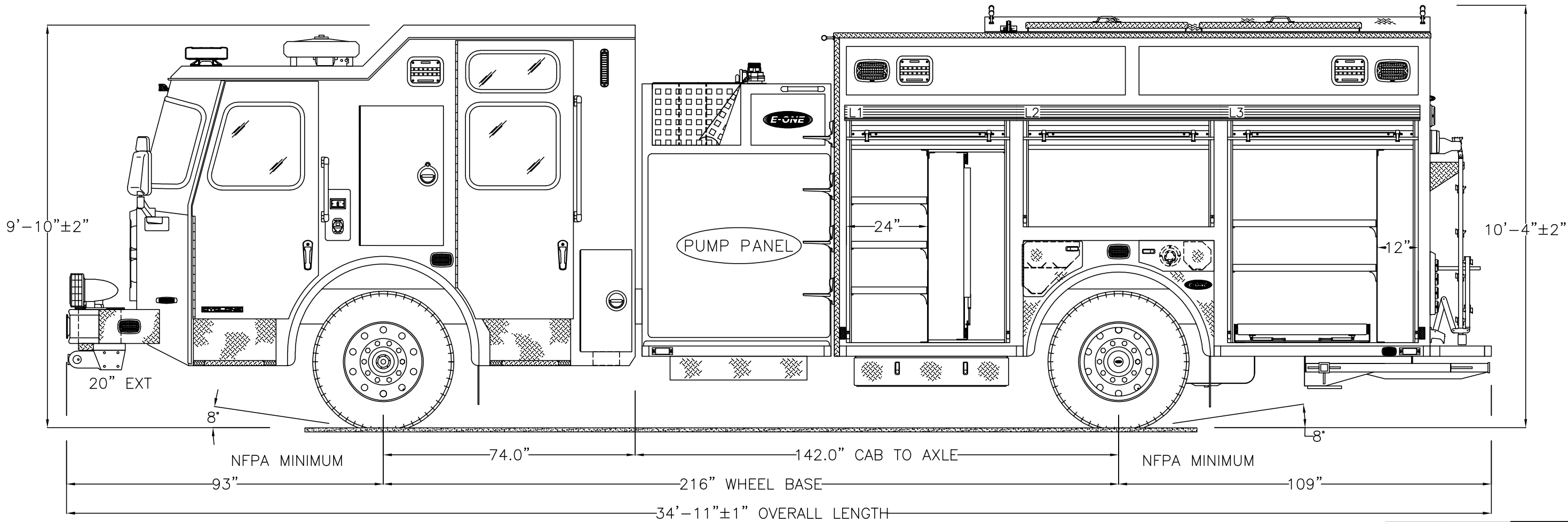
1500 GPM HALE QMAX PUMP 510 GALLON WATER TANK 20 GALLON INTEGRAL CLASS "A" FOAM			HOSE LOAD:		
			600' OF 2.50" DJ		
			1000' OF 5.00" LDH		
			400' OF 1.75" DJ		
COMPT.	OPENING		INTERIOR DIMENSION		
L1/R1	46W	59H	48W	3H	12D UPPER
			48W	56H	26D LOWER
L2/R2	54W	25H	56W	3H	12D UPPER
			56W	22H	26D LOWER
L3/R3	54W	59H	56W	3H	12D UPPER
			56W	56H	26D LOWER
B1	38W	28H	38W	28H	27D
THIS DRAWING IS FOR REFERENCE PURPOSES. ALL DIMENSIONS ARE SUBJECT TO MINOR VARIATIONS DUE TO MANUFACTURING PROCESSES.					
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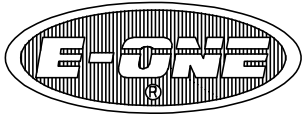
HOSEBED HEIGHT:
(FOR REFERENCE ONLY)
TO TAILBOARD: 56"
TO GROUND: 80±2"



12.B.1.a



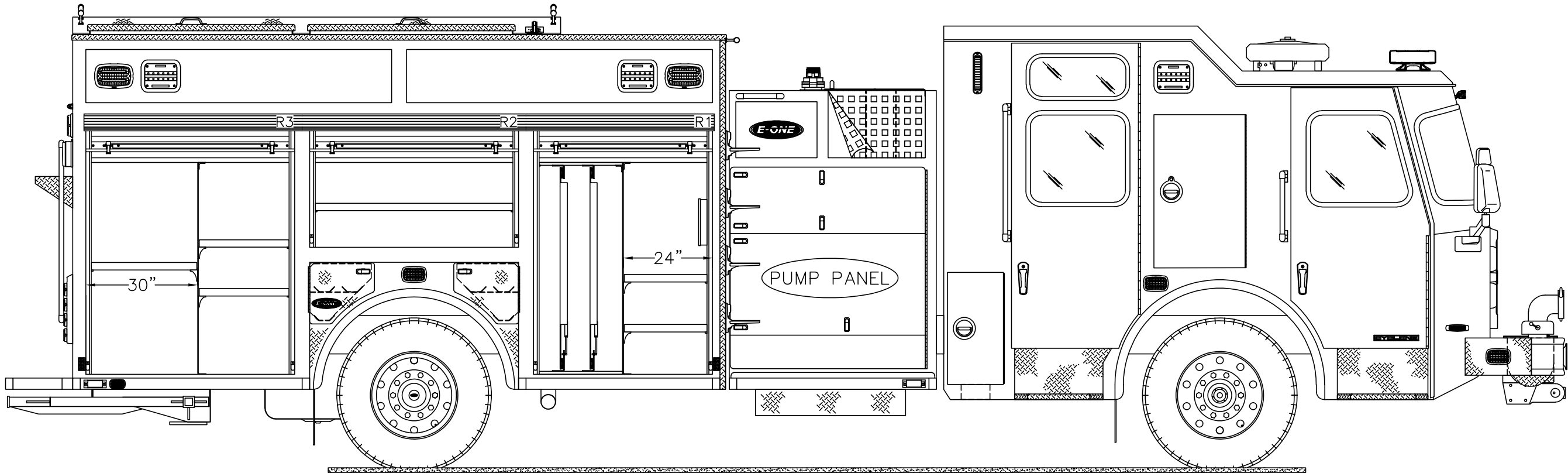
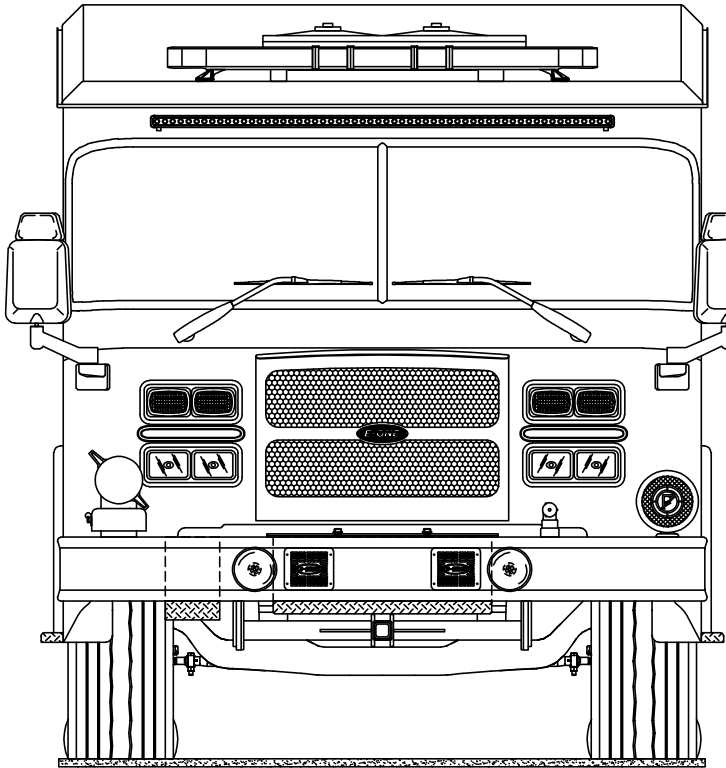
NRIFIN	A	QUOTE
DRAWN BY	REV	DESCR
APPROVAL	REVISIONS	



CITY OF FAIRFIELD
FAIRFIELD, OH
Q125593
PUMPER
CYCLONE 4X2 CHASSIS

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NGRIFFIN	A	QUOTE #
DRAWN BY	REV	DESCR
APPROVAL REVISIONS		

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH VOGELPOHL FIRE EQUIPMENT, INC. FOR THE PURCHASE
OF AN E-ONE FIRE TRUCK AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to enter into a contract with Vogelpohl Fire Equipment, Inc. for the purchase of an E-One Fire Truck in accordance with the bid on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the purchase be facilitated to avoid a price increase that takes effect after June 30, 2023; wherefore, this ordinance shall take effect immediately upon its passage.

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Vogelpohl Fire Equipment, Inc-Ord

Attachment: Vogelpohl Fire Equipment Inc-Ord (3616 : Purchase of E-One Fire Truck #8-E33 (Fire))



**City Council Resolution
Special Meeting - June 29, 2023**

Submitted by: Chris Hacker,
Submitting Department: Finance

Subject:
2024 Tax Budget

Legislation Title:
Resolution adopting the tax budget of the City of Fairfield, Ohio, for the fiscal year beginning January 1, 2024 and submitting the same to the Butler County Auditor and declaring an emergency.

Recommendation:
It is recommended that the City Council hold a Budget Hearing on June 29, 2023, to discuss the 2024 Tax Budget. It is recommended that City Council authorize and direct the preparation of a resolution, and pass the resolution approving the 2024 Tax Budget on June 29, 2023.

Background/Synopsis:
In accordance with ORC section 5705.28, each taxing authority must pass a resolution adopting a tax budget prior to July 15 and submit such tax budget to the County Auditor.

The tax budget requires the City to estimate revenues and expenditures for funds, which derive revenues from real and personal property taxes. The City of Fairfield has two funds, which derive money from property taxes: the General fund and Fire/Paramedic Levy fund. Detail schedules for these funds have been included in the tax budget.

Financial Impact:
In accordance with ORC section 5705.28, each taxing authority must pass a resolution adopting a tax budget prior to July 15 and submit such tax budget to the County Auditor.

The tax budget requires the City to estimate revenues and expenditures for funds, which derive revenues from real and personal property taxes. The City of Fairfield has two funds, which derive money from property taxes: the General fund and Fire/Paramedic Levy fund. Detail schedules for these funds have been included in the tax budget.

☐ General Fund

The General fund collects 1.29 mills (1 mill-original inside, .29 Mill-1995 Township) on real and personal property. It is estimated that approximately \$1.38 million will be collected in property taxes in 2024 for the General fund. Income tax collections in the General fund will be approximately \$30,192,000 of a total income tax collection of \$34,530,043 estimated for 2024; this is approximately a 2.0% increase from the amount estimated to be collected in 2023. Undivided Local

Government Fund revenues for 2024 are calculated under the alternative formula. Based on the State of Ohio's budget, it is estimated that the City will collect approximately \$650,000.

Total revenues of the General fund for 2024 as stated on page 3 are estimated at \$39,272,243. Total expenditures of the General fund for 2019 as stated on pages 4 and 5 before transfers and refunds are estimated to be \$32,487,360. Transfers / Subsidies from the General fund for 2024 are estimated to be \$4,942,518.

☐ Fire/Paramedic Levy Fund

The Fire/Paramedic Levy has combined 9.25 mill permanent levies with no expiration date. Revenues in the Fire/Paramedic Levy fund are estimated to be \$13,675,319 in 2024. The operating expenses (personnel costs, other expenses and capital outlay) of the Fire/Paramedic Levy fund are estimated to be \$12,252,359.

☐ Other Operating Funds

Other operating funds included in the 2024 Tax Budget are on pages 8 and 9 and are estimated to be continuations of current budget spending levels with adjustments made for changes in other costs

☐ Capital Project Spending

Funding for capital projects are outlined in the Statement of Permanent Improvements on pages 10 through 10b in the 2024 Tax Budget. These projects were taken from the 2023-2027 Capital Improvement Program and are projects, which are reviewed and approved by Council on an individual basis. The presentation of these projects in this tax budget are intended to forecast a level of spending for capital outlay.

☐ Debt Service

A 2024 Schedule of Outstanding Debt is presented on page 12. This budget estimates that the City will have approximately \$11.3 million outstanding in debt on January 1, 2024 and make principal payments of \$2.5 million throughout the budget year.

Emergency Provision Explanation:

Failure to pass a tax budget before July 15th and submit a tax budget to the County Auditor before July 20 of each year may jeopardize the City's share of Local Government funds.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Tax Budget-Res

RESOLUTION NO. _____

RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF FAIRFIELD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024 AND SUBMITTING THE SAME TO THE BUTLER COUNTY AUDITOR AND DECLARING AN EMERGENCY.

WHEREAS, the City Manager has heretofore prepared a tentative budget for the City of Fairfield, Ohio, for the fiscal year beginning January 1, 2024 showing detailed estimates of all balances that will be available at the beginning of the year 2024 for the purposes of such year, and of all revenues to be received for such fiscal year, including all general and special taxes, charges for utility services, recreational fees and all other types and classes of revenues; also estimates of all expenditures or charges in or for the purpose of such fiscal year to be paid or met from said revenues or balances; and otherwise conforming with the requirements of law; and;

WHEREAS, said budget has been made conveniently available for public inspection for at least ten (10) days by having at least two (2) copies thereof on file on the offices of the Clerk of Council and Finance; and

WHEREAS, the Council held a public hearing on said budget of which public notice was given by publication not less than ten (10) days prior to the date thereof.

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

- Section 1. The tax budget of the City of Fairfield, Ohio, for the fiscal year beginning January 1, 2024 heretofore prepared by the City Manager and submitted to this Council, copies of which have been and are on file in the offices of Finance and Clerk of Council which is incorporated herein by reference, be and it is hereby adopted, as the official budget of the City of Fairfield, Ohio, for the fiscal year beginning January 1, 2024.
- Section 2. The Clerk of Council be and is hereby authorized and directed to certify a copy of said budget and a copy of this resolution and to transmit the same to the County Auditor of Butler County, Ohio.
- Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the urgent benefit and protection of the City and its inhabitants for the reason that the budget must be submitted to the Butler County Auditor in a timely manner in accordance with law; wherefore, this Resolution shall take effect immediately upon its passage.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Tax Budget-Res

Attachment: Tax Budget-Res (3618 : 2024 Tax Budget)



City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: Chris Hacker,
 Submitting Department: Finance

Subject:

2023 Sidewalk Special Assessment Bond

Legislation Title:

Ordinance providing for the issuance of \$49,797.75 of bonds by the City of Fairfield, Ohio, to pay part of the cost of sidewalk repair in the City, and declaring an emergency.

Recommendation:

It is necessary for Council to authorize the issuance of Sidewalk Special Assessment bonds for 2023 in the amount of \$49,797.75.

It is recommended that City Council authorize and direct preparation of legislation to authorize the issuance of bonds for the repair of sidewalks against lots that benefited from the improvements. The legislation will require the emergency clause as unpaid assessments were certified to the County Auditor.

Background/Synopsis:

The annual Sidewalk Program required property owners repair sidewalks/aprons that were marked for replacement. Council passed a resolution to authorize the repairs. Invoices were then sent out to the property owners. The outstanding balances were certified to the County Auditor to be collected with the real estate taxes.

In accordance with State law, the City Council must pass an ordinance to issue bonds for outstanding assessments. The bonds to be issued will be purchased by the City treasury and will carry an interest rate of 2.50%.

Financial Impact:

The sidewalk bonds will be purchased by the City treasury, which is permissible under State law. Debt service payments will be repaid from special assessments placed on the properties for sidewalk and apron repaired by the City and collected with the real estate taxes.

Emergency Provision Explanation:

Unpaid sidewalk assessments were certified to the County Auditor and are in the process of being collected with the real estate tax.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. SidewalkBonds-Ord

ORDINANCE NO. _____**PROVIDING FOR THE ISSUANCE OF \$49,797.75 OF BONDS BY THE CITY OF FAIRFIELD, OHIO, TO PAY PART OF THE COST OF SIDEWALK REPAIR IN THE CITY, AND DECLARING AN EMERGENCY.**

WHEREAS, in order to provide for the safety and welfare of the citizens of the City, the City has made certain sidewalk improvements; and

WHEREAS, the fiscal officer of the City has estimated the life of the improvements hereinafter described as at least five (5) years and certified the maximum maturity of bonds as five (5) years pursuant to the special assessment proceedings;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fairfield (herein the "City"), County of Butler, Ohio:

SECTION 1. That it is necessary to issue a bond of the City, in the principal sum of \$49,797.75, for the purpose of providing funds to pay the property owner's share of the cost of sidewalk repair in the City under the authority of the provisions of the Ohio Revised Code and the Uniform Public Securities Law thereof.

SECTION 2. That said bond shall be in fully registered form, numbered R-1, shall be dated as of its date of issuance, and bear interest on the outstanding principal amount at the rates per annum set forth on Exhibit A attached hereto and incorporated herein, which the Acting Finance Director has certified to be not in excess of a fair market rate of interest, payable annually on December 1 each year, commencing December 1, 2024, until the principal sum is paid. Said bond shall mature in installments as set forth on Exhibit A on December 1 of each year from 2024 through 2028, inclusive. The principal and interest on said bond shall be payable by check or draft to the registered holder thereof. Said bond shall be designated "Sidewalk Special Assessment Bonds (2023 Sidewalk Program)."

SECTION 3. That said bond shall be executed by the City Manager and Finance Director and shall bear the corporate seal of the City. Said bond shall be payable at the office of the Finance Director, City of Fairfield, Ohio, and shall express upon its face the purpose for which it is issued and that it is issued in pursuance of this ordinance.

SECTION 4. That said bond shall be sold by the Finance Director at par and accrued interest to the Special Assessment Fund of the City, and the proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. Premium and accrued interest, if any, shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on said bond in the manner provided by law.

SECTION 5. That said bond shall be the full general obligation of this City, and the full faith, credit and revenue of this City are hereby pledged for the prompt payment of the same. Any excess funds resulting from the issuance of said bond, shall, to the extent necessary, be used only

for the retirement of said bond at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 6. That during the period while the bond runs there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the bond, when and as the same fall due; provided, however, to the extent other City monies, including monies from the levy and collection of special assessments, are available and appropriated for such purpose said tax shall not be levied therefor.

SECTION 7. This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in compliance with the law.

SECTION 8. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such closing certificates, financing statements and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 9. That the firm of Dinsmore & Shohl LLP (“Dinsmore”), is hereby engaged as the City’s “bond counsel” pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 10. That this ordinance is hereby declared to be an emergency measure for the necessary preservation of the public peace, health, safety and welfare or for the urgent benefit or protection of the inhabitants of the City of Fairfield, and for the reason that the immediate issuance of said bonds is necessary to provide funds for payment for the improvements hereinabove described, and shall take effect immediately upon its passage, pursuant to Section 4.07(A) of the Charter of the City of Fairfield (hereafter called the “Charter”).

SECTION 11. That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Auditor of Butler County, Ohio.

SECTION 12. That the Clerk of Council is hereby directed to cause this ordinance to be published or posted within ten days after its passage, as required by Section 4.13(A) of the Charter, any publication to be made in the Journal News, a newspaper of circulation in the City.

ADOPTED June 29, 2023.

Clerk of Council

Mayor



City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: Laurie Murphy,
 Submitting Department: City Manager's Office

Subject:

Amendment to Codified Ordinance Section 163.18

Legislation Title:

Ordinance to amend section 163.18 Pers Pickup of Chapter 163, Employee Provisions, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio; Repeal Ordinance Nos. 99-05 and 58-08 and declaring an emergency.

Recommendation:

It is recommended that City Council adopt an amendment to Codified Ordinance 163.18.

Background/Synopsis:

The proposed amendment is in response to compliance recommendations received from Ohio Public Employees Retirement System ("OPERS") following a recent audit.

Financial Impact:

There is no financial impact to the City of Fairfield.

Emergency Provision Explanation:

An emergency declaration is requested in order to ensure that the City of Fairfield is current with OPERS compliance updates and timely conforms its OPERS PICK-UP ordinance to remain compliant.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Section 163.18-Ord
2. Ex A Section 163.18

ORDINANCE NO. _____

ORDINANCE TO AMEND SECTION 163.18 PERS PICKUP OF CHAPTER 163, EMPLOYEE PROVISIONS, OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO; REPEAL ORDINANCE NOS 99-05 AND 58-08 AND DECLARING AN EMERGENCY.

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

Section 1. Section 163.18 PERS PICKUP of Chapter 163, Employee Provisions, of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, is hereby amended to read as follows:

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

Section 2. Ordinance Nos. 99-05 and 58-08, and all other prior ordinances inconsistent herewith, are hereby repealed.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the amendment will ensure the City remains current and compliant with OPERS requirements; wherefore, this ordinance shall take effect immediately upon its passage.

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

ATTEST:

Clerk of Council

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

Clerk of Council

EXHIBIT A
PROPOSED AMENDMENT TO CODIFIED ORDINANCE 163.18

[163.18 PERS PICKUP.]

~~[(a) — The full amount of the statutorily required contribution to the Public Employees Retirement System of the State of Ohio shall be withheld from the gross pay of each full time employee of the City, who is a member of such Public Employees Retirement System and shall be "picked up" (assumed and paid to the Public Employees Retirement System of the State of Ohio) by the City. This "pickup" by the City is and shall be designated as public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of the State of Ohio by each such employee. No full time employee subject to this "pickup" shall have the option of being excluded from the "pickup" or choosing to receive the statutorily required contribution to the Public Employees Retirement System of the State of Ohio instead of having it "picked up" by the City. This section shall take effect on June 20, 1988.~~

~~[(b) — The City through its proper officers shall, in reporting and making remittance to the Public Employees Retirement System of the State of Ohio, report that the contribution for each employee subject to their "pickup" has been made by the City in lieu of contributions to such Public Employees Retirement System of the State of Ohio by each such employee and that such contributions are designated as public employee contributions.~~

~~[(c) — The term "full time employee" as used herein is as defined in Section 163.001 of the Codified Ordinances of the City.
 (Ord. 99-05. Passed 5-9-05.)]~~

~~[(d) — The provisions of subsection (a) above notwithstanding, the City hereby establishes a plan applicable only to the City Manager to "pick up" and pay (assume and pay to the Public Employees Retirement System of the State of Ohio (OPERS) by the fringe benefit method), the full amount of the statutorily required percentage of employee gross pay contribution to the Public Employees Retirement System of Ohio (OPERS) and including any further amendments to such employee percentage contribution as may be required in the future. These contributions by the City, although designated as public employee contributions, are being paid by the City in lieu of contributions to the Public Employees Retirement System of the State of Ohio by the City Manager. These contributions are not included as federally taxable wages. The City Manager shall not have the option of being excluded from the "pickup" provided in this subsection and shall not have the option of choosing to receive the contributed amounts directly instead of having them "picked up" and paid to the Public Employees Retirement System of Ohio by the City. This subsection as amended shall take effect on or about March 9, 2006 to coincide with the Manager's payroll period. The City of Fairfield, Ohio shall in reporting and making remittance to the Ohio Public Employees Retirement System report that the City Manager's contribution subject to this "pick up" has been made as provided by the statute.~~

~~(Ord. 58-08. Passed 4-28-08.)]~~

163.18 OPERS PICK-UP.

(a) Effective June 29, 2023, the full amount of the statutorily required employee contributions to the Ohio Public Employees Retirement System ("OPERS") pursuant to Internal Revenue Code section 414(h)(2) shall be withheld from the gross pay of each full-

time employee of the City, who is a member of OPERS and shall be “picked-up” (assumed and paid to OPERS) by the City. This “pick-up” by the City shall be designated as public employee contributions and shall be in lieu of contributions to OPERS by each person as described in part (b). No person subject to this “pick-up” shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it “picked-up” by the City or being excluded from the “pick-up”. The City shall, in reporting and making remittance to OPERS, report that the public employee’s contribution for each person subject to the “pick-up” has been made as provided by the statute. Contributions, although designated as employee contributions, are employer paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

(b) The “pick-up” by the City provided by this Ordinance shall apply to full-time employees of the City who are or become contributing members of OPERS. The term “full-time employee” as used herein is as defined in section 163.001 of the Codified Ordinances of the City of Fairfield, Ohio.

(c) The City’s method of payment of salary to employees who are participant in OPERS is hereby modified as provided in part (d) of this section in order to provide for a salary reduction and the pick-up of employee contributions to OPERS.

(d) The total salary for each employee shall be the salary otherwise payable under City policies. Such total salary of each employee shall be payable by the City in two (2) parts: (i) deferred salary and; (ii) cash salary. An employee’s deferred salary shall be equal to that percentage of that employee’s total salary which is required from time to time by OPERS to be paid as an employee contribution by that employee, and shall be paid by the City to OPERS on behalf of that employee as a pick up and in lieu of the OPERS employee contribution otherwise payable by that employee. An employee’s cash salary shall be equal to that employee’s total salary less the amount of the pick up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to OPERS based upon an employee’s total salary. The total combined expenditures of the City for such employee’s total salaries payable under applicable City policies and the pick-up provisions of the ordinance shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The provisions of subsection (a) above notwithstanding, the City hereby establishes a plan applicable only to the City Manager to “pick-up” and pay (assume and pay to the Public Employees Retirement System of the State of Ohio (OPERS) by the fringe benefit method), the full amount of the statutorily required percentage of employee gross pay contribution to the Public Employees Retirement System of Ohio (OPERS) and including any further amendments to such employee percentage contribution as may be required in the future. These contributions by the City, although designated as public employee contributions, are being paid by the City in lieu of contributions to the Public Employees Retirement System of the State of Ohio by the City Manager. These contributions are not included as federally taxable wages. The City Manager shall not have the option of being excluded from the “pick-up” provided in this subsection and shall not have the option

of choosing to receive the contributed amounts directly instead of having them “picked-up” and paid to the Public Employees Retirement System of Ohio by the City. This subsection shall take effect only if and as specifically authorized in the City Manager’s Employment Agreement. The City of Fairfield, Ohio shall in reporting and making remittance to the Ohio Public Employees Retirement System report that the City Manager’s contribution subject to this “pick-up” has been made as provided by the statute.



City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: Carol Mayhall,
 Submitting Department: City Manager's Office

Subject:

Health Insurance effective August 1, 2023

Legislation Title:

Ordinance to authorize the City Manager to enter into an agreement with Anthem Blue Cross/Blue Shield to administer the self-insured Health Insurance plan for City Employees and declaring an emergency.

Recommendation:

It is recommended that Council approve the City Manager entering into an agreement with Anthem Blue Cross Blue Shield for health insurance administration for employees coverage for the 2023/2024 plan year.

Background/Synopsis:

Due to the increasing costs of health and dental insurance benefits, the City has been exploring alternatives. The City has successfully negotiated the transition of the FOP, IAFF and IUOE bargaining unit employees to Anthem Blue Cross Blue Shield for health benefits beginning August 1, 2023.

Financial Impact:

Humana, our current health insurance administrator, quoted a 6.3% increase (\$183,428) in fees for the 2023/2024 plan year. Anthem quoted only a 0.7% increase (\$20,335) which would be a \$163,094 savings by changing to Anthem.

Emergency Provision Explanation:

Rules suspension and the emergency clause are requested so that the Agreement may be executed immediately to allow timely enrollment of employees prior to the start date of August 1, 2023.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Anthem Ordinance
2. Health Ins Proposals
3. Anthem-Ord

ORDINANCE NO. _____

Date: 6/29/23

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH ANTHEM BLUE CROSS BLUE SHIELD TO ADMINISTER
HEALTH INSURANCE FOR CITY EMPLOYEES AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to enter into an agreement with Anthem Blue Cross and Blue Shield for health insurance coverage in accordance with the agreement on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the employees can be enrolled prior to the start date of August 1, 2023.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

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

Clerk of Council

Attachment: Anthem Ordinance (3620 : Health Insurance effective August 1, 2023)

Health Plan Renewal 8/1/23 – Funding Rate Projection – Humana & Sun Life

Plan	8/1/2022		8/1/2023		Change
	Ees	Rates	Ees	Rates	
	Active	Total	Active	Total	Total
Medical/Rx					
NPOS Traditional					
Single	12	\$1,535.50	12	\$1,631.54	6.3%
Ee & C(ren)	1	\$2,924.18	1	\$3,107.08	6.3%
Ee & Sp	1	\$3,071.05	1	\$3,263.14	6.3%
Family	3	\$4,917.00	3	\$5,224.55	6.3%
	17		17		
HSA					
Single	24	\$984.66	24	\$1,046.25	6.3%
Ee & C(ren)	11	\$1,873.99	11	\$1,991.21	6.3%
Ee & Sp	9	\$1,965.38	9	\$2,088.31	6.3%
Family	58	\$3,145.62	58	\$3,342.37	6.3%
	102		102		
Total Medical/Rx					
Monthly	119	\$283,552	119	\$301,288	
Annual		\$3,402,628		\$3,615,459	\$212,830
PEPM		\$2,382.79		\$2,531.83	6.3%
NPOS Traditional					
Monthly	17	\$39,172	17	\$41,622	
Annual		\$470,067		\$499,469	\$29,402
PEPM		\$2,304.25		\$2,448.38	6.3%
HSA					
Monthly	102	\$244,380	102	\$259,666	
Annual		\$2,932,561		\$3,115,990	\$183,428
PEPM		\$2,395.88		\$2,545.74	6.3%

Health Plan Renewal 8/1/23 – Financial Projection – Humana & Sun Life

PLANS				TOTAL MEDICAL		Rx		TOTAL MEDICAL and Rx	
RENEWAL PLAN YEAR Projection									
	# mos	time period							
Estimated Enrollment Months: Full Year	12	8/1/2023		1,396		1,396		1,396	
Estimated Average Enrollment: Full Year				116		116		116	
Paid Claims	May-22	to	Apr-23	\$1,749,382		\$796,996		\$2,546,378	
High Cost Claimants (-)				(\$440,823)		(\$4,934)		(\$445,757)	
Net Paid Claims excluding High Claimants				\$1,308,559		\$792,062		\$2,100,621	
Adjmt: Plan Design Changes				\$0		\$0		\$0	
				\$1,308,559		\$792,062		\$2,100,621	
Adjmt: Demographic Changes				1,000		1,000			
				\$1,308,559		\$792,062		\$2,100,621	
Assumed Annual Trend Rate				7.40%		11.28%			
Trend Months				15.0		15.0			
Trend Factor				1.0933		1.1429			
Trended Claims				\$1,430,647		\$905,248		\$2,335,895	
High Claimants Base Liability (+)				\$210,000		\$0			
Adjusted Trended Claims				\$1,640,647		\$905,248		\$2,545,895	
Rebates				\$0		\$0			
Plan Design Changes for Renewal Plan Year				\$0		\$0			
Projected Policy Period Claims (with Plan Changes)				\$1,640,647		\$905,248		\$2,545,895	
Set Back Lives For Experience Period				114		114			
Projected Claims PEPM					\$1,199.30		\$661.73		
Projected Claims				\$1,674,228	\$1,199.30	\$923,777	\$661.73	\$2,598,004	\$1,861.03
Claim Fluctuation Adjustment (Margin %)				2%		2%			
Claim Fluctuation Margin				\$33,485	\$23.99	\$18,476	\$13.23	\$51,960	
Projected Claims with Margin				\$1,707,712	\$1,223.29	\$942,252	\$674.97	\$2,649,964	\$1,898.26
Projected Annual Fixed Costs - ASO Fees				\$84,290	\$60.38	\$0	\$0.00	\$84,290	\$60.38
Specific Stop Loss Premium				\$763,612	\$646.93			\$763,612	\$646.93
Aggregate Stop Loss Premium				\$36,673	\$26.27			\$36,673	\$26.27
Projected Costs				\$2,592,188	\$1,856.87	\$942,252	\$674.97	\$3,534,440	\$2,531.83
Total Current Budget Rate PEPM									\$2,382.79
Change: Formula									6.3%

Health Plan Renewal 8/1/23 – Funding Rates – Anthem admin & stop loss

Plan	8/1/2022		8/1/2023		Change
	Ees	Rates	Ees	Rates	
	Active	Total	Active	Total	Total
Medical/Rx					
NPOS Traditional					
Single	12	\$1,535.50	12	\$1,546.15	0.7%
Ee & C(ren)	1	\$2,924.18	1	\$2,944.46	0.7%
Ee & Sp	1	\$3,071.05	1	\$3,092.34	0.7%
Family	3	\$4,917.00	3	\$4,951.09	0.7%
	17		17		
HSA					
Single	24	\$984.66	24	\$991.49	0.7%
Ee & C(ren)	11	\$1,873.99	11	\$1,886.98	0.7%
Ee & Sp	9	\$1,965.38	9	\$1,979.01	0.7%
Family	58	\$3,145.62	58	\$3,167.43	0.7%
	102		102		
Total Medical/Rx					
Monthly	119	\$283,552	119	\$285,519	
Annual		\$3,402,628		\$3,426,222	\$23,594
PEPM		\$2,382.79		\$2,399.32	0.7%
NPOS Traditional					
Monthly	17	\$39,172	17	\$39,444	
Annual		\$470,067		\$473,326	\$3,259
PEPM		\$2,304.25		\$2,320.23	0.7%
HSA					
Monthly	102	\$244,380	102	\$246,075	
Annual		\$2,932,561		\$2,952,896	\$20,335
PEPM		\$2,395.88		\$2,412.50	0.7%

Health Plan Renewal 8/1/23 – Financial Projection – Anthem admin & stop loss

PLANS				TOTAL MEDICAL		Rx		TOTAL MEDICAL and Rx	
RENEWAL PLAN YEAR Projection									
	# mos	time period							
Estimated Enrollment Months: Full Year	12	8/1/2023		1,396		1,396		1,396	
Estimated Average Enrollment: Full Year				116		116		116	
Paid Claims	May-22	to	Apr-23	\$1,749,382		\$796,996		\$2,546,378	
High Cost Claimants (-)				(\$440,823)		(\$4,934)	-	(\$445,757)	-
Net Paid Claims excluding High Claimants				\$1,308,559		\$792,062		\$2,100,621	
Adjmt: Plan Design Changes				\$0		\$0	-	\$0	-
				\$1,308,559		\$792,062		\$2,100,621	
Adjmt: Demographic Changes				1.000		1.000	-		
				\$1,308,559		\$792,062		\$2,100,621	
Assumed Annual Trend Rate				7.40%		11.28%			
Trend Months				15.0		15.0			
Trend Factor				1.0933		1.1429	-		-
Trended Claims				\$1,430,647		\$905,248		\$2,335,895	
High Claimants Base Liability (+)				\$210,000		\$0	-		-
Adjusted Trended Claims				\$1,640,647		\$905,248		\$2,545,895	
Rebates						\$0			
Plan Design Changes for Renewal Plan Year				\$0		\$0	-		
Projected Policy Period Claims (with Plan Changes)				\$1,640,647		\$905,248		\$2,545,895	
Set Back Lives For Experience Period				114		114			-
Projected Claims PEPM					\$1,199.30		\$661.73		
Projected Claims				\$1,674,228	\$1,199.30	\$923,777	\$661.73	\$2,598,004	\$1,861.03
Claim Fluctuation Adjustment (Margin %)				2%		2%			
Claim Fluctuation Margin				\$33,485	\$23.99	\$18,476	\$13.23	\$51,960	
Projected Claims with Margin				\$1,707,712	\$1,223.29	\$942,252	\$674.97	\$2,649,964	\$1,898.26
Projected Annual Fixed Costs - ASO Fees				\$2,792	\$2.00	\$0	\$0.00	\$2,792	\$2.00
Specific Stop Loss Premium				\$606,674	\$434.58			\$606,674	\$434.58
Aggregate Stop Loss Premium				\$90,014	\$64.48			\$90,014	\$64.48
Projected Costs				\$2,407,192	\$1,724.35	\$942,252	\$674.97	\$3,349,444	\$2,399.32
Total Current Budget Rate PEPM									\$2,382.79
Change: Formula									0.7%

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Attachment: Health Ins Proposals (3620 : Health Insurance effective August 1, 2023)

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ANTHEM BLUE CROSS/BLUE SHIELD TO ADMINISTER THE SELF-INSURED HEALTH INSURANCE PLAN FOR CITY EMPLOYEES AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to enter into an agreement with Anthem Blue Cross/Blue Shield to administer the self-insured health insurance plan in accordance with the agreement on file in the office of the City Manager. This agreement is authorized as an emergency without competitive bidding due to the immediate need to maintain administration of the self-insured health plan on a continuing basis on and after August 1, 2023 when the current contract expires.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the employees can be enrolled prior to the start date of August 1, 2023 and maintain continuity of benefits; wherefore, this ordinance shall take effect immediately upon its passage.

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Anthem-Ord

Attachment: Anthem-Ord (3620 : Health Insurance effective August 1, 2023)



City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: Alisha Wilson, Clerk

Submitting Department: Clerk

Subject:

Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 155-22 entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023."

Recommendation:

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

Background/Synopsis: Please refer to specific Council Communications for full description of these items.

\$991,410 for purchase of E-One Fire Truck.

Financial Impact: \$991,410.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. Contractual 6-29-Ord

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 155-22 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023."

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

Section 1. Ordinance No. 155-22, the 2023 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated County Motor Vehicle Fund	\$175,000
	20516025-252000 Improvements Other Than	
To:	Building	\$175,000
	(Route 4 Paving 3PW28)	
From:	Unappropriated Capital Improvement Fund	\$991,410
	40216025-253100 Automotive Equipment	\$991,410
To:	(Replace Fire Truck 3FT80 [\$991,410])	

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Contractual 6-29-Ord

Attachment: Contractual 6-29-Ord (3624 : Contractual Appropriations)



City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Non-Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 155-22 entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023."

Recommendation:

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

Background/Synopsis: Please refer to specific Council Communications for full description of these items.

\$30,500 for Water Division Raw Water Well Pump 5 Emergency Repair;
 \$30,000 for purchase of Fire Hydrants;
 \$30,000 for Toro Z Master 6000 and other power equipment for Parks Maintenance;
 \$25,927 for Village Green Park improvements;
 \$11,000 for Wastewater Division Mixing Unit;
 \$17,000 for purchase of Commercial Water Meter.

Financial Impact: \$144,427.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. NonContractualAppropriations.062923
2. NonContractual 6-29-Ord



City Council Information Item
Special Meeting - June 29, 2023

Submitted by: Jason Hunold,
 Submitting Department: Public Utilities

Subject:

Water Division Raw Water Well Pump 5 Emergency Repair

Legislation Title:

Water Division Raw Water Well Pump 5 Emergency Repair

Background/Synopsis:

Fairfield's Water Division pumps, treats and distributes about 5.5 million gallons of drinking water each day. Fairfield utilizes six raw water / ground water production wells to supply water to its Water Treatment Plant. Raw Water Well #5 was recently rehabilitated. The pump for the well was pulled and inspected as well. The inspection resulted in the need to make significant emergency repairs to the pump and motor in order to place the well back in service during the City's high water demand season. This matter is designated as an emergency as the City must maintain in good operational order a sufficient number of wells to comply with regulatory obligations including redundancy requirements.

Moody's of Dayton Inc. - the contractor who rehabilitated the well and inspected the pump - will be performing the emergency pump repairs. A cost estimate is attached for review.

Financial Impact:

An appropriation in the amount of \$30,500.00 is being requested for emergency repairs of the Water Treatment Plant's Raw Water Well 5 pump and motor.

Funding for this project was included in the approved 2023-2027 Capital Improvement Program (CIP) under project 3WT01, Maintain Raw Water Production Wells. The funding source is the Water Surplus Fund.

Attachments:

1. Fairfield Well 5 2023 Repairs New Bowl Assembly

MOODY'S of Dayton, Inc.



4359 INFIRMARY ROAD
MIAMISBURG, OHIO 45342-1231

PHONE AC 937-859-4482

FAX AC 937-859-4522

www.moodysofdayton.com

June 9, 2023

City of Fairfield
5021 Groh Lane
Fairfield, OH 45014

Subject: Well 5 Repairs

Attention: Mr. Jason Hunold

The motor required guide bearing replacement and regular service. The pump needs new impellers, wear rings, bearings, and collets. It is more cost effective to replace the pump than to rebuild.. The column needed to be pressure washed and the shafts needed straightened and three needed replaced. Three new pieces of column pipe are needed as their faces are thin and show thin spots behind the threads.

Following are the costs to repair the pump, motor, and column assembly:

1	Ls	Motor repair.....	\$ 2,785.00
1	Ea	New bowl assembly.....	\$ 9,812.00
1	Ea	Repair discharge head assembly.....	\$ 1,015.00
3	Ea	10 ft column pipe replacement @ \$1,405.00/Ea.	\$ 4,215.00
3	Ea	10 ft ss shafting replacement @ \$795.00/Ea.....	\$ 2,385.00
2	Ea	5 ft ss shafting replacement @ \$477.00/Ea.....	\$ 954.00
35	Hrs	Clean columns and shafts, straighten shafts, etc @ \$110.00/hr.....	\$ 3,850.00
1	Ls	Re-installation and flow testing.....	\$ 5,200.00

TOTAL REPAIR COST \$30,216.00

If you have any questions, please do not hesitate to call; we look forward to hearing from you and can proceed on repairs/replacement upon your approval.

Thank you for the opportunity to serve the City of Fairfield.

Respectfully,

Michael Spicer
Vice President/Geologist

ACCEPTED BY: _____ DATE: _____

Attachment: NonContractualAppropriations.062923 (3621 : Non-Contractual Appropriations)



City Council Information Item
Special Meeting - June 29, 2023

Submitted by: Matt Young,
Submitting Department: Public Utilities

Subject:

Fire hydrant appropriation

Legislation Title:

Fire hydrant appropriation

Background/Synopsis:

This appropriation is proposed to replace fire hydrants that are older and/or hydrants that are difficult to repair due to obsolete replacement parts. Older hydrants are identified via routine asset evaluations, and/or when roadway or other capital improvement projects are performed. A number of fire hydrants are also replaced as needed due to traffic accidents. In addition to normally required replacements, staff proposes an upgrade in technology by purchasing proprietary equipment to outfit 4 hydrants as 'Smart' hydrants in the City's commercialized area – mainly the Seward Road and Port Union Road corridors.

The appropriation will provide a source of revenue to purchase replacement fire hydrants through the City's normal purchasing procedures. The City proposes to procure 4 traditional hydrants and 4 'Smart' hydrant kits through Ferguson Waterworks per the attached quote. The 'Smart' hydrants by Mueller are necessary to ensure compatibility with existing City of Fairfield assets; a sole source letter from Mueller is attached for review.

Financial Impact:

An appropriation in the amount of \$30,000.00 is being requested for the purchase of four traditional fire hydrants and 4 'Smart' hydrants for the Water Division. 2023 funding for this project is requested from the 2023-2027 Capital Improvement Program under project 3WT09 REPLACE FIRE HYDRANTS. The funding source is the Water Surplus Fund (605).

Attachments:

1. Mueller - sole source letter for Fairfield_OH
2. Smart hydrants



Mueller Water Products
Headquarters
1200 Abernathy Road NE
Suite 1200
Atlanta, GA 30328

phone: 770-206-4200

June 1, 2023

Matt Young, Public Utilities Superintendent
City of Fairfield, Ohio
5021 Groh Lane
Fairfield, OH 45014

To: Matt Young,

Mueller Water Products, Inc. is a leading manufacturer and marketer of products and services used in the transmission, distribution, and measurement of water in North America. Our broad product and service portfolio includes engineered valves, fire hydrants, pipe connection and repair products, metering products, leak detection, pipe condition assessment, pressure management products, and software technology that provides critical water system data.

Smart hydrant is a sole source product, manufactured by Mueller Water Products. Mueller Super Centurion fire hydrants cannot be retrofitted by any other company to add pressure monitoring via a kit that includes a smart bonnet and lower stem.

Thank you for your interest in Mueller Water Products. We hope you find this information useful. If you have any further questions, please do not hesitate to contact me.

King Regards,

Randy Johnson

Senior Product Manager-Hydrants

Rjohnson2@muellerwp.com

MUELLER® | ECHOLOGICS® | HYDRO GATE® | HYDRO-GUARD® | HYMAX® | i20® | JONES® | KRAUSZ®
MI.NET® | MILLIKEN® | PRATT® | PRATT INDUSTRIAL® | SINGER® | SENTRYX™ | U.S. PIPE VALVE AND HYDRANT



FEL-CINCINNATI, OH WW (F528)
11860 MOSTELLER ROAD
CINCINNATI, OH 45241-1525

Phone: 513-942-2525
Fax: 513-942-2533

Deliver To:

From: William Fetterman

Comments:

15:42:46 JUN 13 2023

Page 1 of 1

FEL-FERGUSON WATERWORKS #527

Price Quotation

Phone: 513-942-2525

Fax: 513-942-2533

Bid No: B512515
Bid Date: 05/08/23
Quoted By: MKP

Cust Phone: 513-867-5300
Terms: NET 10TH PROX

Customer: CITY OF FAIRFIELD
5021 GROH LANE
FAIRFIELD, OH 45014

Ship To: CITY OF FAIRFIELD
5021 GROH LANE
FAIRFIELD, OH 45014

Cust PO#: QUOTE

Job Name: SMART HYD

Item	Description	Quantity	Net Price	UM	Total
SP-SMARTANNUALFEE	ANNUAL FEE FOR RETROFIT SMART HYD	1	295.000	EA	295.00
SP-MSMARTHYD46RETRMUELLER	SMART HYD 4'6 RETROFIT	4	3648.353	EA	14593.41
MA423LAOLRSTZY	5-1/4 A423 HYD 4'6 OL L/A STZ YEL	4	3724.235	EA	14896.94
Net Total:					\$29785.35
Tax:					\$0.00
Freight:					\$0.00
Total:					\$29785.35

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE/VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENTATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with "NP" in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to
complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=528&on=15755>



City Council Information Item
Special Meeting - June 29, 2023

Submitted by: Jason Hunold,
 Submitting Department: Public Utilities

Subject:

Wastewater Division Mixing Unit

Legislation Title:

Wastewater Division Mixing Unit

Background/Synopsis:

In the Solids Handling Wastewater Treatment Process, Anaerobically Digested Sludge is thickened by solids/water separation and compaction in order to increase solids content before it is beneficially reused and land applied. The Wastewater Division utilizes a Schwing Bioset Screwpress in order to achieve this initiative. The separated water, known as filtrate, is sent to a holding tank where it is then pumped to, and treated by the Activated Sludge Treatment Process. The holding tank requires mixing in order to keep uncaptured solids in suspension to avoid pump clogging.

The requested appropriation is for the purchase of new Flight 4620 Mixing Unit. The existing unit has reached the end of its useful life and is in need of replacement. Wastewater Division staff will replace the mixing unit in-house.

A cost estimate from Xylem Water Solutions Inc. has been attached for review.

Financial Impact:

An appropriation in the amount of \$11,000.00 is being requested for the purchase of a Flight 4620 Mixing Unit.

Funding for this project was included in the approved 2023-2027 Capital Improvement Program (CIP) under project 3WW06, Pump Overhaul/Replacement Program. The funding source is the Sewer Surplus Fund, 624.

Attachments:

1. Fairfield 4620 Mixer Quote 5-18-23



**Xylem Water Solutions USA, Inc.
Flygt Products**

May 18, 2023

CITY OF FAIRFIELD
5350 PLEASANT AVE
FAIRFIELD OH 45014

1615 State Route 131
Milford, Ohio 45150
Tel 513/831-7867
Fax 513/831-7868

Quote # 2023-CIN-0221 Alternate 1, Version 3
Project Name: Fairfield 4620 mixer

Xylem Water Solutions USA, Inc. is pleased to provide a quote for the following Flygt equipment.

Flygt 4620 Mixer Non FM

Qty	Part Number	Description
1	4620.410-5458	SR042115SJ 2.3/460/3 65' FLS+ VS

Total Price \$ 10,259.10

Terms & Conditions

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Freight Terms: 3 DAP - Delivered At Place 08 - Jobsite (per Incoterms 2020)
See Freight Payment (Delivery Terms) below.

Taxes: State, local and other applicable taxes are not included in this quotation.

Back Charges: Buyer shall not make purchases nor shall Buyer incur any labor that would result in a back charge to Seller without prior written consent of an authorized employee of Seller.

Shortages: Xylem will not be responsible for apparent shipment shortages or damages incurred in shipment that are not reported within two weeks from delivery to the jobsite. Damages should be noted on the receiving slip and the truck driver advised of the damages. Please contact our office as soon as possible to report damages or shortages so that replacement items can be shipped and the appropriate claims made.

Terms of Delivery: PP/Add Order Position

Terms of Payment: 100% N60 after invoice date.

Xylem's payment shall not be dependent upon Purchaser being paid by any third party unless Owner denies payment due to reasons solely attributable to items related to the equipment being provided by FLYGT.

Validity: This Quote is valid for thirty (30) days.

Please note that this pricing is valid for 30 days and contingent upon final approval of submittals and release to fabrication by (within 90 days of bid date).



This quotation is subject to change if any changes to the specifications or plans are made that alter the scope of supply.

Schedule: Please consult your local Flygt Branch Office to get fabrication and delivery lead times.

COVID 19: Delivery lead-times may be impacted by the current COVID-19 virus pandemic relative to transportation logistics.

Exclusions: This Quote includes only the items listed specified above.

Thank you for the opportunity to provide this quotation. Please contact us if there are any questions.

Sincerely,

Doug Billiter
Sales Representative
Phone: 513-831-0194
Cell: 513-722-6985
doug.billiter@xylem.com
Fax: 513-831-7868

Attachment: NonContractualAppropriations.062923 (3621 : Non-Contractual Appropriations)





Xylem Water Solutions USA, Inc.
Flygt Products

Customer Acceptance

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

A signed copy of this Quote is acceptable as a binding contract.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Quote #: 2023-CIN-0221 Alternate 1, Version 3
 Customer Name: CITY OF FAIRFIELD
 Job Name:
 Total Amount: \$ 10,259.10
 (excluding freight)

Signature: _____	Name: _____ (PLEASE PRINT)
Company/Utility: _____	PO: _____
Address: _____	Date: _____
_____	Phone: _____
_____	Email: _____
_____	Fax: _____

Attachment: NonContractualAppropriations.062923 (3621 : Non-Contractual Appropriations)





City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Non-Contractual Appropriation for Toro Z Master 6000 and other miscellaneous power equipment

Legislation Title:

Non-Contractual Appropriation for Toro Z Master 6000 and other miscellaneous power equipment (trimmers, pruners, blowers, etc.) for Parks Maintenance

Recommendation:

It is recommended that City Council authorize an appropriation of \$30,000.00 from the Capital Fund for the purchase of a Toro 6000 mower utilizing the Sourcewell joint purchasing program and other miscellaneous power equipment.

Background/Synopsis:

This project is to purchase an additional Toro Z Master 6000 mower to be used by the Parks and Recreation Department. The Parks Department is moving one of their existing zero turns to the Golf Course as that group needed a mower of that size for regular use during mowing season.

This purchase will allow the Parks Department to continue to use this type of mower for any and all Parks Department maintained properties. This new mower with a striping kit will be used primarily on the downtown area properties; the library, Community Arts Center, Village Green Park, etc. to improve the aesthetics of the lawn areas on these properties.

The mower is being purchased through Al Joes pet and garden centers Inc. under the Sourcewell joint purchasing program as referenced in the attached quotation. The City is utilizing Ohio Revised Code Section 9.48 (B)(2) allowing for the purchase of contract items through a joint purchasing program operated by or through a national or state association of political subdivisions.

The City of Fairfield is a Sourcewell participating agency.

The project is programmed in the 2023-2027 CIP as 3PR13 Parks Equipment.

Financial Impact:

\$30,000.00 from the Capital Fund for Parks Department needs.

Emergency Provision Explanation:

Not applicable

Attachment: NonContractualAppropriations.062923 (3621 : Non-Contractual Appropriations)

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Toro 6000 Quote with Sourcewell Discount and other misc power tools

Q U O T A T I O N

PAGE: 1



173 N. Brookwood Avenue
Hamilton, OH 45013-1287
Phone 513-894-3291
Fax 513-894-3758
www.aljoesonline.com
e-mail aljoes1@fuse.net

PHONE #: (513)867-5348

CELL #:

ALT. #:

P.O.#:

TERMS: Cash

SALES TYPE: Quote

DATE: 5/12/2023

ORDER #: 1493439

CUSTOMER #: 38922

CP: Jerry C

LOCATION: 3

STATUS: Active

BILL TO 38922

Fairfield City Parks Department
411 Wessel Drive
FAIRFIELD, OH 45014 US

SHIP TO

Fairfield City Parks Department
411 Wessel Drive
FAIRFIELD, OH 45014 US

MFR	PRODUCT NUMBER	DESCRIPTION	QTY	PRICE	NET	TOTAL
TOR	72980	Z Master 6000 37hp Vanguard EFI w/Oil Guard w/60" Turbo Forc	1	\$19,138.98	\$15,858.56	\$15,858.56
TOR	115-7470	ROLLER STRIPER KIT-48,52,60 (1P)	1	\$304.49	\$304.49	\$304.49
****	LABOR	Labor- Installation of striper	1	\$50.00	\$50.00	\$50.00
GF	412T50-5L	LOW PROFILE HEAVY-DUTY GRASSFLAP WITH SEL PEDAL	1	\$399.00	\$399.00	\$399.00
****	LABOR	Labor	1	\$95.00	\$40.00	\$40.00
STI	FS 94 R	FS 94 R TRIMMER	3	\$399.99	\$319.99	\$959.97
STI	BR 430	BR430 Back Pack Blower 3.8 Hp 21.8Lbs. 183MPH 500 cfm 26 New	2	\$449.99	\$359.99	\$719.98
STI	BG 86	BG86 HAND HELD BLOWER 15 Newtons	2	\$289.99	\$231.99	\$463.98
STI	KM 131 R	KM 131 R KOMBI	1	\$499.99	\$399.99	\$399.99
STI	HL-KM 0 145	0/145 HEDGETRIMMER ATTACH	1	\$279.99	\$279.99	\$279.99
STI	MS 271 18	MS 271 W/ 18" BAR & CHAIN	1	\$489.99	\$391.99	\$391.99
STI	MS 201 T 14	MS201T W/14in BAR & CHAIN	1	\$629.95	\$503.96	\$503.96
STI	HS 82 T 24	HS82T HEDGETRIMMER 24in	1	\$589.99	\$471.99	\$471.99
STI	HT 105	HT 105 TELESCOPING POLE PRUNER	1	\$699.99	\$559.99	\$559.99
STI	FB 131	FB 131 BED DEFINER	1	\$629.99	\$503.99	\$503.99
TOR	21462	Recycler 22" 6.25 gt B&S 163cc OHV SP RWD M/B/S HW	1	\$479.00	\$459.00	\$459.00
STI	MM 56 C-E	MM 56 C-E YARD BOSS (w/wheel kit & Pick Tines)	1	\$499.99	\$399.99	\$399.99
GEN	7154	GP3300i Inverter 50 ST/CSA	1	\$853.98	\$829.00	\$829.00

Prices reflected on this quote are valid for 30 days.
Hours M-F 8:00-7:00 pm Sat 8:00-5:00 pm (Hamilton)
M-F 8-6 pm Sat 8-1 (West Chester)
513-894-3291 aljoessales@gmail.com

SUBTOTAL: \$23,595.87

TAX: \$0.00

ORDER TOTAL: \$23,595.87

Attachment: NonContractualAppropriations.062923 (3621 : Non-Contractual Appropriations)

Authorized By: _____



City Council Ordinance
Special Meeting - June 29, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Various Improvements and Purchases for Village Green Parks Needs

Legislation Title:

Various Improvements and Purchases for Village Green Parks Needs

Recommendation:

It is recommended that City Council authorize an appropriation of \$25,927.00 for various Village Green Park and other Parks Department needs from the Capital Fund.

Background/Synopsis:

This project is to purchase various labor, equipment, and materials needed for improvements to Village Green Park.

One identified improvement is to replace and upgrade existing fountains with new pumps, filters, and lights.

This funding allows for this and other items that will improve operations and enhance park enjoyment and engagement.

The project is programmed in the 2023-2027 CIP as 3PR02 Village Green Park.

Financial Impact:

\$25,927.00 from the Capital Fund for various purchases at Village Green Park and other Parks Department needs.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Emergency Provision Needed:

No



City Council Information Item
Special Meeting - June 29, 2023

Submitted by: Adam Sackenheim,
 Submitting Department: Public Utilities

Subject:

Water Meter Appropriation

Legislation Title:

Water Meter Appropriation

Background/Synopsis:

The requested appropriation will allow for the purchase of one 12" commercial water meter and transceiver assembly through the City's normal purchasing procedures. A proposal for the appropriate equipment and a sole source document are attached for review. The meter will be purchased from Ferguson Water Works and installed at a new industrial complex at Firebird Drive by Fairfield Water Division staff.

The Water Division has determined that the Octave water meter manufactured by Master Meter and supplied and supported by Ferguson Water Works is the best meter for commercial applications in Fairfield based on factors including accuracy, maintenance requirements, and installation considerations. The Octave meter is fully compatible with the City's current smart metering system.

Financial Impact:

An appropriation in the amount of \$17,000.00, including limited contingency, is being requested for the purchase of a commercial water meter (Master Meter Octave Water Flow Meter) for the Water Division. Funding for the project is included in the approved 2023-2027 Capital Improvement Program, under projects 3WT17 and 3WW14, Automatic Meter Reading (AMR). The funding sources are the Water and Sewer Replacement and Improvement Fund. Costs for equipment procurement will be split equally between the two sources of funds.

Attachments:

1. Trade Center meter quote
2. Ferguson sole source



FEL-CINCINNATI, OH WW (F528)
11860 MOSTELLER ROAD
CINCINNATI, OH 45241-1525

Phone: 513-942-2525
Fax: 513-942-2533

Deliver To:

From: Jeffrey Garrett

Comments:

10:00:03 JUN 20 2023

Page 1 of 1

FEL-FERGUSON WATERWORKS #527

Price Quotation

Phone: 513-942-2525

Fax: 513-942-2533

Bid No: B516754
Bid Date: 06/20/23
Quoted By: JRG

Cust Phone: 513-567-5300
Terms: NET 10TH PROX

Customer: CITY OF FAIRFIELD
METER ACCOUNT
5021 GROH LANE
FAIRFIELD, OH 45014

Ship To: CITY OF FAIRFIELD
METER ACCOUNT
5021 GROH LANE
FAIRFIELD, OH 45014

Cust PO#:

Job Name: TRADE CENTER

Item	Description	Quantity	Net Price	UM	Total
MO308E1D09	12X20 EPOX OCTAVE MTR L/ MDL	1	15789.000	EA	15789.00
M96501054	ENCODER MDL W/ 25 FT NICOR ATTACH	1	310.000	EA	310.00
M19901680	PIT ALLEGRO RADIO UNIT W/ NCR	1	199.000	EA	199.00
Net Total:					\$16298.00
Tax:					\$0.00
Freight:					\$0.00
Total:					\$16298.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE/VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENTATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with "NP" in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to
complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=528&on=33410>



August 31, 2020

City of Fairfield, OH
Attn: Adam Sackenheim
5021 Groh Lane
Fairfield, OH 45014

Ref: Exclusive Distribution

Mr. Sackenheim:

Ferguson Waterworks is currently Master Meter's exclusive distributor in the state of Ohio. All pricing, inquiries and sales opportunities of Master Meter products must be handled through Ferguson Waterworks.

Ferguson Waterworks was selected as our exclusive distributor due to their location and willingness to maintain inventory, which allows them to better service Master Meter customers in that area. They have made a commitment to stocking products for the various customers in the area and to providing ongoing support and the sales effort needed to grow our business.

Exclusive agreements are very common in our industry today due to the complexity of products being sold. The knowledge needed to properly support a product line such as water meters and electronics is essential to servicing our customers. Working exclusively with one distributor in an area makes it easier to properly track the movement of product and is critical to our ability to respond when a problem occurs.

Please feel free to contact me if you should have any questions. Master Meter and Ferguson Waterworks look forward to having the opportunity to work with you and thank you for your business.

Respectfully,

Brandon Foster
Vice President of Sales – Eastern Region
Master Meter Inc.
bfoster@mastermeter.com
Office (817) 842-8108
Cell (706) 594-5763

cc: Mike Phillips, RSM
Brandon Pontious, Ferguson Waterworks

Attachment: NonContractualAppropriations.062923 (3621 : Non-Contractual Appropriations)

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 155-22 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023."

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

Section 1. Ordinance No. 155-22, the 2023 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Water Surplus Fund	\$60,500
To:	60516025-252000 Improvements Other Than Building (Maintain Production Wells 3WT01 [\$30,500]) (Fire Hydrant Replacements 3WT09 [\$30,000])	\$60,500
From:	Unappropriated Sewer Surplus Fund	\$11,000
To:	62416025-252000 Improvements Other Than Building (Pump Replacements 3WW06)	\$11,000
From:	Unappropriated Capital Improvement Fund	\$55,927
To:	40216025-252100 Park Improvements (Water Feature and Landscaping Improvements 3PR02)	\$25,927
To:	40216025-253200 Capital Equipment (Toro Z6000 Mower 3PR13)	\$30,000
From:	Unappropriated Water Replacement & Improvement Fund	\$8,500
To:	60416025-253200 Capital Equipment (AMR Project 3WT17)	\$8,500
From:	Unappropriated Sewer Replacement & Improvement Fund	\$8,500
To:	62316025-253200 Capital Equipment (AMR Project 3WW14)	\$8,500

Attachment: NonContractual 6-29-Ord (3621 : Non-Contractual Appropriations)

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

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	
ATTEST:		

Clerk of Council		

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\NonContractual 6-29-Ord

Attachment: NonContractual 6-29-Ord (3621 : Non-Contractual Appropriations)