

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
REGULAR MEETING AGENDA
MONDAY, MAY 22, 2023 7:00 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. 6:30 PM - Energy Aggregation
- 2. BUSINESS MEETING CALL TO ORDER**
- 3. PRAYER/PLEDGE OF ALLEGIANCE**
 - A. Councilmember Adam Kraft
- 4. ROLL CALL**
- 5. AGENDA MODIFICATIONS**
- 6. EXECUTIVE SESSION REQUESTS**
- 7. SPECIAL PRESENTATIONS**
 - a. Auditor Nancy Nix, Introduction
 - b. Special Recognition Presentation, Fire Department
- 8. CITIZEN COMMENTS**
- 9. PUBLIC HEARING(S)**
- 10. APPROVAL OF MINUTES**
 - a. Regular Meeting held May 8, 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

E. PUBLIC UTILITIES

Councilmember Adam Kraft

1. Ordinance to authorize the City Manager to enter into a contract with Building Crafts, Inc. for completion of the Aeration System Improvements Project at the City's Wastewater Treatment Plant.

- Legislation - Third Reading
- Motion - Adoption

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 approve the following 2023 Boards/Commissions Appointments effective May 22, 2023: Vivian Paul - Environmental Commission (partial term expires 3/31/24)

B. PARKS, RECREATION AND ENVIRONMENT

Councilmember Gwen Brill

1. Ordinance to authorize the City Manager to enter into a contract with Topp Shape Enterprises, Inc. for the 2023 Bunker Renovation Project at Fairfield's South Trace Golf Course and declaring an emergency.

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

- Motion - Adoption

C. PUBLIC SAFETY

Councilmember Dale Paullus

1. Simple Motion: Motion to not request a hearing regarding a liquor permit application in the name of Asafo African Market, Inc., 7255 Dixie Highway, Units K & L, Fairfield, OH 45014 (Permit Class C1, C2 & D6).
2. 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 - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

D. PUBLIC WORKS

Councilmember Terry Senger

1. Ordinance to authorize the City Manager to execute and file the Ohio Kentucky Indiana Regional Council of Governments (OKI) – Transportation Alternative Funding Application and Agreement for the Fairfield Extension of the Great Miami River Trail (GMRT) and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
2. Ordinance to authorize the City Manager to execute and file the Ohio Kentucky Indiana Regional Council of Governments (OKI) – Surface Transportation Block Grant Funding Application and Agreement for the Fairfield Pleasant Avenue Multi-Use Trail and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

E. FINANCE & BUDGET

Councilmember Tim Meyers

1. Ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio, to repeal Ordinance No. 69-23 and all amendments thereto and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings

- Motion - Adoption

2. 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

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

3. 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: \$210,000 for 2023 Bunker Renovation Project; \$258,000 contingency funds restored for Port Union Water Tower Project (existing contract); \$13,188 for CAD/RMS software upgrade (existing contract).

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

4. 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: \$30,000 for South Route 4 Island Extension; \$32,400 for purchase of 3-point mower for Tractor (Sewer Division); \$14,900 for Polymer Feed Unit (Wastewater Division); \$8,000 for CAD/RMS project; \$4,300 for Safety Town Project; \$39,000 for Police Canine replacement; \$30,000 for storm sewer extensions for Emerald Lakes; \$75,000 for Parks Facilities Maintenance Items (multiple vendors).

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

13. MEETING SCHEDULE

- A. Monday, June 12 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, July 10 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- C. Monday, August 14 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

14. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

15. ADJOURNMENT

**City of Fairfield
Minutes
Regular Meeting of City Council
May 8, 2023**

Council-Manager Briefing

Tax Incentive Guidelines & Multipurpose Trail Discussion

Vice Mayor Meyers called the briefing to order at 6:00 PM. Councilmembers present: Leslie Besl, Dale Paullus, Terry Senger, Adam Kraft, Tim Meyers, Matt Davidson and Gwen Brill.

Staff members present: Scott Timmer, Alisha Wilson, Steve Wolterman, Greg Kathman, Nathaniel Kaelin, Ben Mann, Mandi Brock, Chris Hacker, Laurie Murphy, Carol Mayhall, Adam Sackenheim, Steve Maynard and Tom Lakamp.

Development Services Director Greg Kathman and Economic Development Manager Nathaniel Kaelin presented an overview of the tax incentive guidelines. Public Works Director Ben Mann led the multipurpose trail discussion. See attached slides.

Business Meeting Call to Order

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

Prayer/Pledge of Allegiance

Councilmember Senger led the 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	Present	
Mitch Rhodus	Mayor	Excused	

Agenda Modifications

None.

Executive Session Requests

None.

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Special Presentations

a. National Police Week Proclamation

Councilmember Paullus presented the National Police Week proclamation to members of the Fairfield Police Department and thanked them for their service to the community.

Citizen Comments

1. Nick Dadabo, 2402 Charter Oak Drive

Mr. Dadabo thanked Council and staff for the work that they do. He explained that he lost his dog to coyotes in November and stated that humans have dominion over animals and need to take care of the problem. He also stated that he feels this is bigger than a city or county issue, he feels it is a state issue. He would like someone to call the Governor for help to deal with the problem. He said that the plan the City has put in place is admirable and he hopes it is coming together, but he is worried someone will shoot at one in a neighborhood and there will be a terrible accident. He said he is also worried about kids out playing that could be attacked by a coyote.

Vice Mayor Meyers assured him that the City is working diligently on the issue.

2. Rick Riley, 5552 Crystal Drive

Mr. Riley stated that, while the City's plan is pretty good, he has read better coyote management plans from other jurisdictions. He stated that he is on the citizen commission and would like the opportunity to speak to everyone else on that commission sooner rather than later. He stated that he knows the City has an expert coming to the upcoming meeting and that he will also have an expert at that meeting. He also stated that he would like to see the City do a clean-out of city parks and wooded areas to take away some of the shelter that coyotes are using, as he has seen done in Germany.

3. Jay Needleman, 5587 Chesapeake Way

Mr. Needleman stated that one of his cats was killed on Friday night and it was all caught on outdoor cameras. He said the cameras showed the coyote stalking the cat and then carrying it off camera. He feels this is a country-wide problem. He said that coyotes don't look mangy and scrawny anymore, that they look healthy because they have adapted. He said they are smart and know the sound of an arrow coming off of a bow, so they avoid those areas where they are hunted. He suggested using rubber buckshot as a deterrent and gave an example of a family that used it against a mountain lion attacking their animals. He said that it rarely penetrates the skin but it spreads out fast and hurts like crazy.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of April 24, 2023 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Community & Public Relations

Councilmember Leslie Besl

Development Services

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Councilmember Matt Davidson

Parks, Recreation and Environment

Councilmember Gwen Brill

Public Safety

Councilmember Dale Paullus

Public Utilities

Councilmember Adam Kraft

Ordinance to authorize the City Manager to enter into a contract with Building Crafts, Inc. for completion of the Aeration System Improvements Project at the City's Wastewater Treatment Plant.

Recommendation:

It is recommended that City Council authorize the City Manager to enter into a contract with Building Crafts, Inc. and appropriate \$6,450,000 for completion of the Aeration System Improvements Project at the City's Wastewater Treatment Plant.

Councilmember Kraft presented the second reading of this ordinance.

RESULT:	SECOND READING	Next: 5/22/2023 7:00 PM
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Public Works

Councilmember Terry Senger

Finance & Budget

Councilmember Tim Meyers

NEW BUSINESS

Councilmember Besl, seconded by Councilmember Davidson, made a motion to read all New Business by title only. Motion carried 7-0.

Public Utilities

Councilmember Adam Kraft

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this resolution.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Resolution permitting a Fairfield property owner at 1053 Schirmer Drive to receive City of Hamilton, Ohio water service and declaring an emergency.

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Recommendation:

It is recommended that City Council pass a resolution to grant permission to the property owner of 1053 Schirmer Drive to receive water service from the City of Hamilton, for the use of that property only. Rules suspension is requested to expedite property development and building construction. Emergency provisions are needed to preserve public health, safety, and the environment by enabling public water and sewer service to this property.

RESOLUTION NO. 5-23. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Leslie Besl, Councilmember, 1st Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to authorize the City Manager to enter into a contract with Blue Strike Environmental for professional and technical services related to the development and implementation of a Sustainability Plan for the City of Fairfield.

Recommendation:

It is recommended that City Council authorize the City Manager to enter into a contract with Blue Strike Environmental and appropriate \$125,500.00 to provide professional services in relation to the development and implementation of a Sustainability Plan for the City of Fairfield.

ORDINANCE NO. 80-23. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to authorize the City Manager to enter into a contract with Hazen and Sawyer for Engineering Services related to the Aeration System Improvements at the City's Wastewater Treatment Plant.

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Recommendation:

It is recommended that City Council authorize the City Manager to enter into a contract with Hazen and Sawyer and appropriate \$541,000.00 to provide professional engineering services in relation to the City's Wastewater Treatment Plant Aeration System Improvement project.

ORDINANCE NO. 81-23. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, 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:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to authorize the City Manager to execute and file the application for financial assistance and enter into an agreement with Ohio Department of Transportation (ODOT) for a Jobs and Commerce Grant for the Seward Road and Tylersville Road Intersection Improvements and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation authorizing the City Manager to execute and file the application for financial assistance, and enter into an agreement with ODOT for a grant to fund a portion of the right of way acquisition costs for the Seward and Tylersville Intersection Improvement project.

ORDINANCE NO. 82-23. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Terry Senger, Councilmember, 3rd Ward
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Motion to Suspend Second and Third Readings

Councilmember Senger presented the first reading of this ordinance.

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

RESULT: CARRIED [UNANIMOUS]
MOVER: Terry Senger, Councilmember, 3rd Ward
SECONDER: Adam Kraft, Councilmember, 4th Ward
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to authorize the City Manager to enter into a contract with Barry L. Brown Paving, LLC for the construction of the Riegert Square Roadway Improvement (Pleasant Avenue Streetscape) and declaring an emergency.

Recommendation:

It is recommended that City Council approve legislation for an appropriation of funding for the amounts shown in the Financial Impact.

It is also recommended that City Council direct the preparation of legislation authorizing the City Manager to enter into a contract with Barry L. Brown Paving, LLC for the construction of the Riegert Square Roadway Improvements Project.

ORDINANCE NO. 83-23. APPROVED 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Terry Senger, Councilmember, 3rd Ward
SECONDER: Dale Paullus, Councilmember, 2nd Ward
AYES: Meyers, Davidson, Brill, Besl, Paullus, Senger, 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, 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. 84-23. APPROVED 7-0.

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

Motion to Suspend Second and Third Readings

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

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, 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. 85-23. APPROVED 7-0.

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

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Monday, May 22 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, June 12 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- C. Monday, July 10 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

None.

15. ADJOURNMENT

The Regular Meeting adjourned at 7:55 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)



Tax Incentive Guidelines

Council-Manager Briefing
May 8, 2023

Topics

- Tax Incentives Overview
- Property Tax Incentives
- Income Tax Incentives
- Next Steps





TAX INCENTIVES OVERVIEW

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Attracting Business Growth

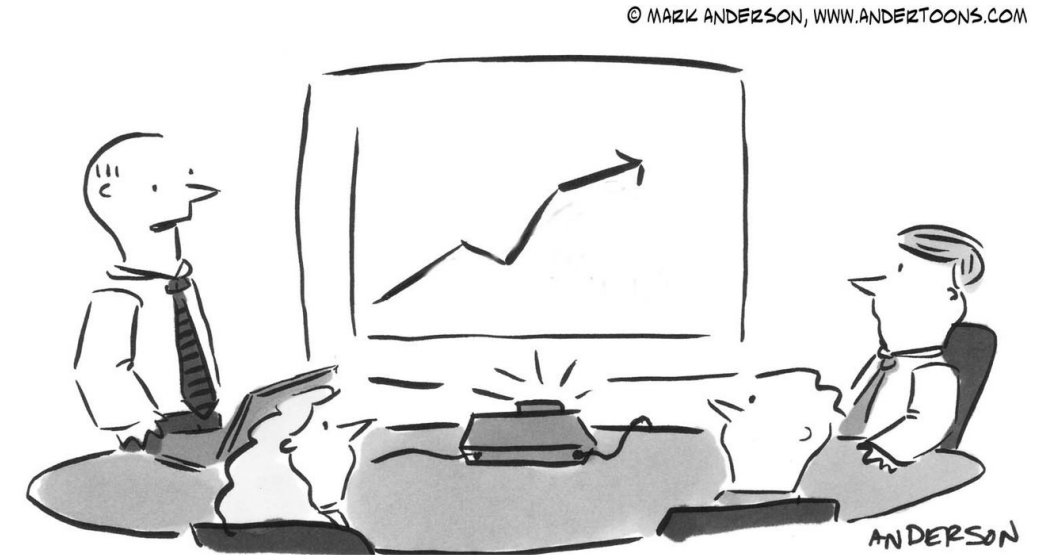
- Available and skilled workforce
- Transportation access and infrastructure
- Utility infrastructure
- Adequate sites and buildings
- Business-friendly development process
- Direct assistance and tax incentives



Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Tax Incentive Examples

- Federal
 - Opportunity Zones
- State
 - Job creation
 - Workforce credits
- County/Port Authority
 - Sales tax exemption
- Local
 - Property tax incentives
 - Income tax credits/rebates



"The incentive program has been more successful than we expected, that's why we're starting our disincentive program."

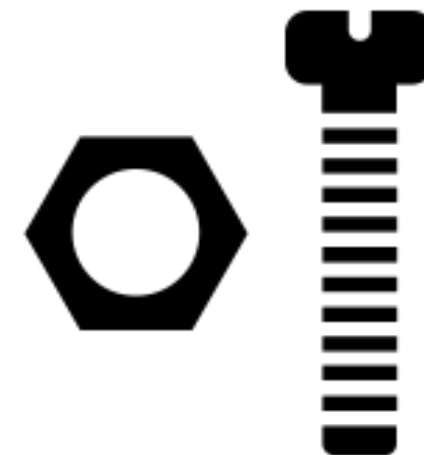


PROPERTY TAX INCENTIVES

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Property Tax Incentives

- Tools enabled by Ohio Revised Code
 - Tax Increment Financing (TIF)
 - Community Reinvestment Areas (CRAs)
 - Enterprise Zones (EZs)
- Require annual reporting and review
- Require cooperation with school districts (FCSD & Butler Tech)
- Fairfield has established Tax Incentive Guidelines



Community Reinvestment Area (CRA) Projects

- Mechanism to abate property taxes for building renovation or construction
- Each project is evaluated based on:
 - Jobs
 - Payroll
 - Investment
- Abatements apply only to the increased value created by the new construction or renovation (cannot abate existing buildings)



Community Reinvestment Area (CRA) Projects

Current Guidelines for New Construction

Investment	Jobs Created/Retained	Payroll	Maximum Abatement	Term
\$ 1,500,000	25	\$ 1,000,000	40%	5 years
\$ 3,000,000	50	\$ 2,000,000	50%	7 years
\$ 5,000,000	75	\$ 3,000,000	65%	8 years
\$ 8,000,000	100	\$ 4,000,000	75%	10 years

Community Reinvestment Area (CRA) Projects

Current Guidelines for Renovation

Investment	Jobs Created/Retained	Maximum Abatement	Term
\$ 500,000	15	40%	5 years
\$ 1,000,000	30	50%	6 years
\$ 2,000,000	50	60%	7 years
\$ 5,000,000	75	70%	8 years
\$ 8,000,000	100	75%	10 years

CRA Project Examples

- Standex Electronics
(new business)
- Pacific Manufacturing
(business expansion)
- Fairfield Commerce Park
(speculative construction)



Existing Property Examples

- 100 Commercial Drive
(Route 4 & Commercial)
- Liberty Mutual/Ohio Casualty
(Seward Road)
- Gilmore Point
(Gilmore & Mack Roads)



INCOME TAX INCENTIVES



Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Income Tax Incentives

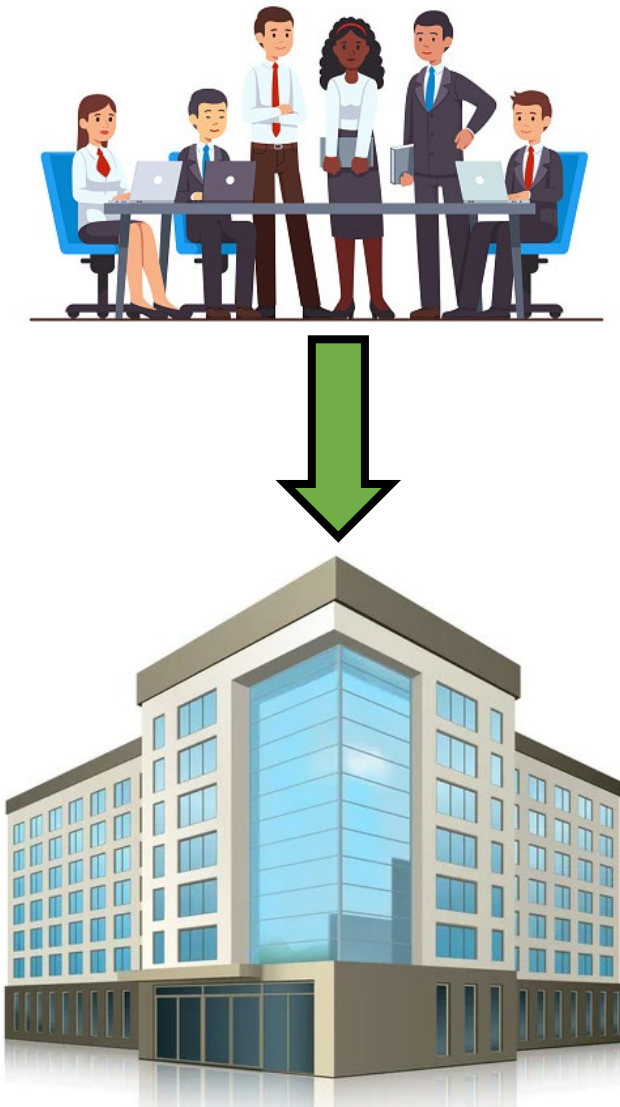
- State law permits municipalities to grant a credit against income tax in order to foster job creation (ORC 718.15) or job retention (ORC 718.151)
- Credit is calculated as a percentage of income tax revenue from the company
- Credit cannot be granted for more than 15 years and is applied against withholdings or net profits taxes



Income Tax Incentives

Example Project – “Project JCTC”

- Back-office operation for large company
- 125 new jobs
 - \$72,000 average salary
 - \$9 million total payroll
- Fairfield site is existing building
 - Minor tenant improvements identified
- Company has shortlisted three sites



Income Tax Incentives

Example Project – “Project JCTC”

Sample incentive: 25% credit for 5 years

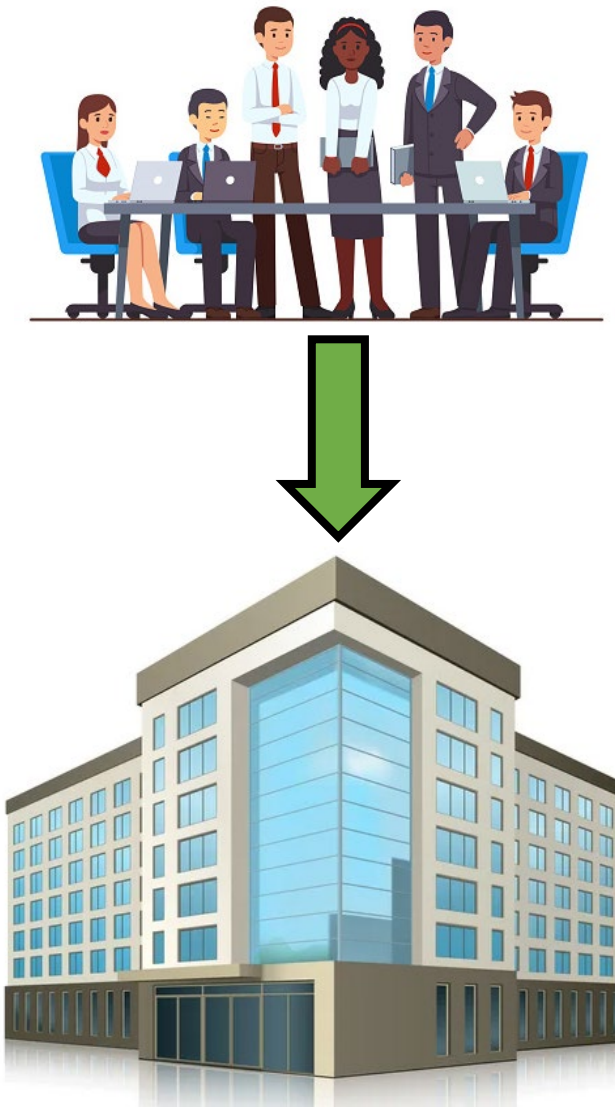
\$9 million payroll = \$135,000 income tax

$\$135,000 \times 25\% = \$33,750$ annual credit

$\$33,750 \times 5 = \$168,750$ total credit

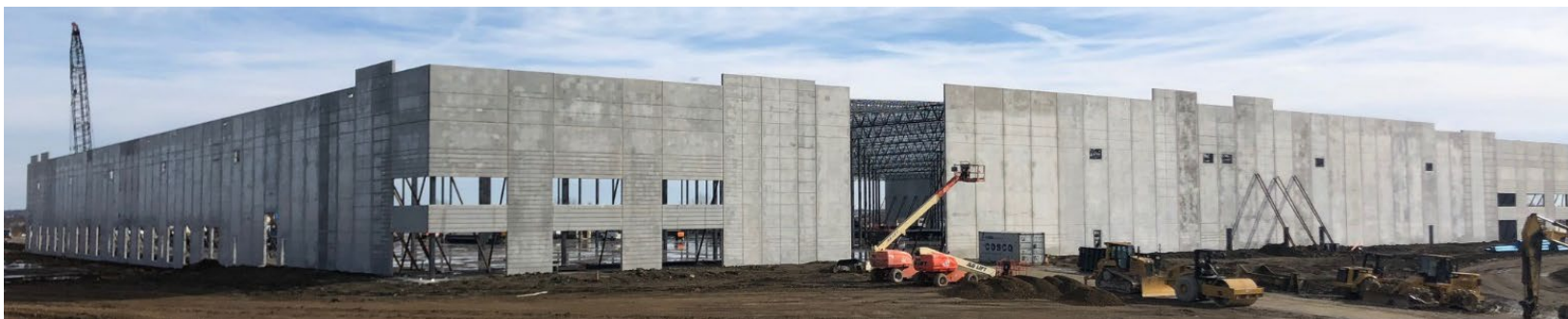
\$506,250 net income taxes to the City

Return on investment within 2 years



Next Steps

Tax Incentives Guidelines Briefing	➔	Tonight
Internal Review of Draft Guidelines	➔	Summer
Approval of Guidelines (City & Schools)	➔	Fall





THANK YOU

Greg Kathman
Development Services Director
gkathman@fairfieldoh.gov
(513) 867-5345

Nathaniel Kaelin
Economic Development Manager
nkaelin@fairfieldoh.gov
(513) 896-8171



Pleasant Avenue Project Funding/ Great Miami River Trail Funding

Council – Manager Briefing
May 8, 2023

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

FAIRFIELD FORWARD

Comprehensive Plan



FAIRFIELD CONNECTS

CONNECTIVITY MASTER PLAN

FAIRFIELD OHIO MKSK 

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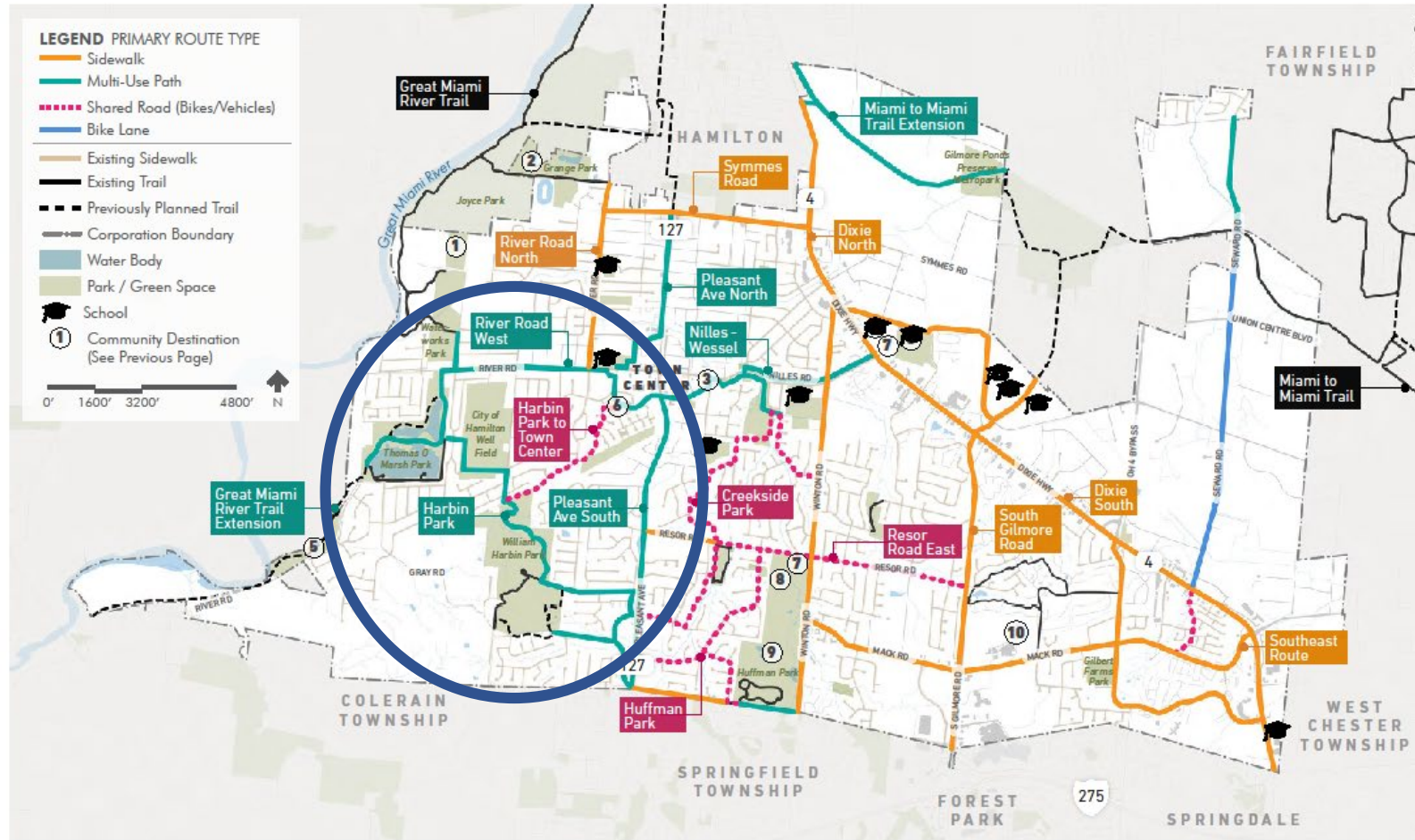
Multi Use Trail to Establish a Sense of Place

- 10-12' wide asphalt Multi Use path would provide more of a neighborhood interaction, community gathering space, walking, running, biking, dog-walking facility
- Sidewalk will be appropriate for lesser used segments and to make a quick connection to neighborhoods



Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

COMPREHENSIVE CONNECTIVITY PLAN



FAIRFIELD CONNECTS

CONNECTIVITY PLAN

15

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Future Funding Application

- OKI applications due June 2, 2023
 - Pleasant Avenue Multi Use path
 - Surface Transportation Block Grant (Federal Funds)
 - Proposing a \$750k match to a \$1.75M request (\$2.5M)
 - City responsible for Engineering and limited R/W in 2025/2026, \$250k
 - Should score fairly well with a 30% match and significant number of users but it is a regionally competitive grant

Pleasant Avenue Corridor Plan

1. Reigert Square Project – Construct 2023

2. Pleasant Avenue Waterline – Construct 2024

3. Pleasant Avenue (Hunter to Patterson) – Construct 2025

4. Pleasant Avenue Multi Use Path – Apply for Funding 2023

5. Pleasant Avenue Multi Use Path – Engineering in 2024/25

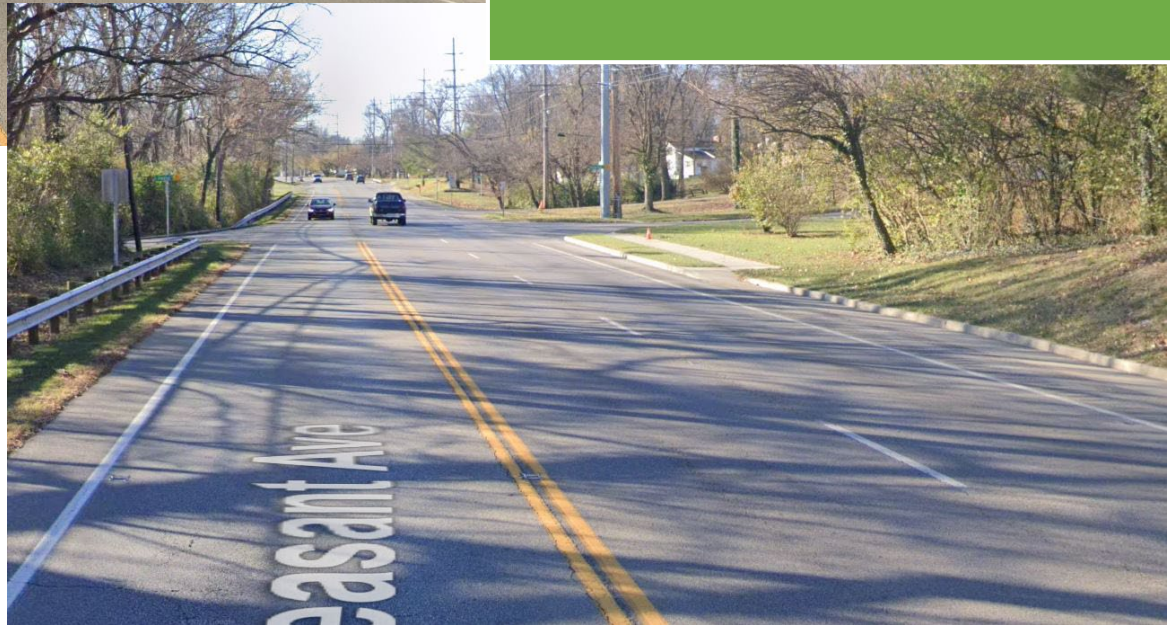
6. Pleasant Avenue Multi Use Path – Construct 2026/27

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

Pleasant Avenue Existing Conditions



- “Sidewalk” adjacent to road
- No curb or grass buffer
- No center turn lane
- Relatively wide existing right of way



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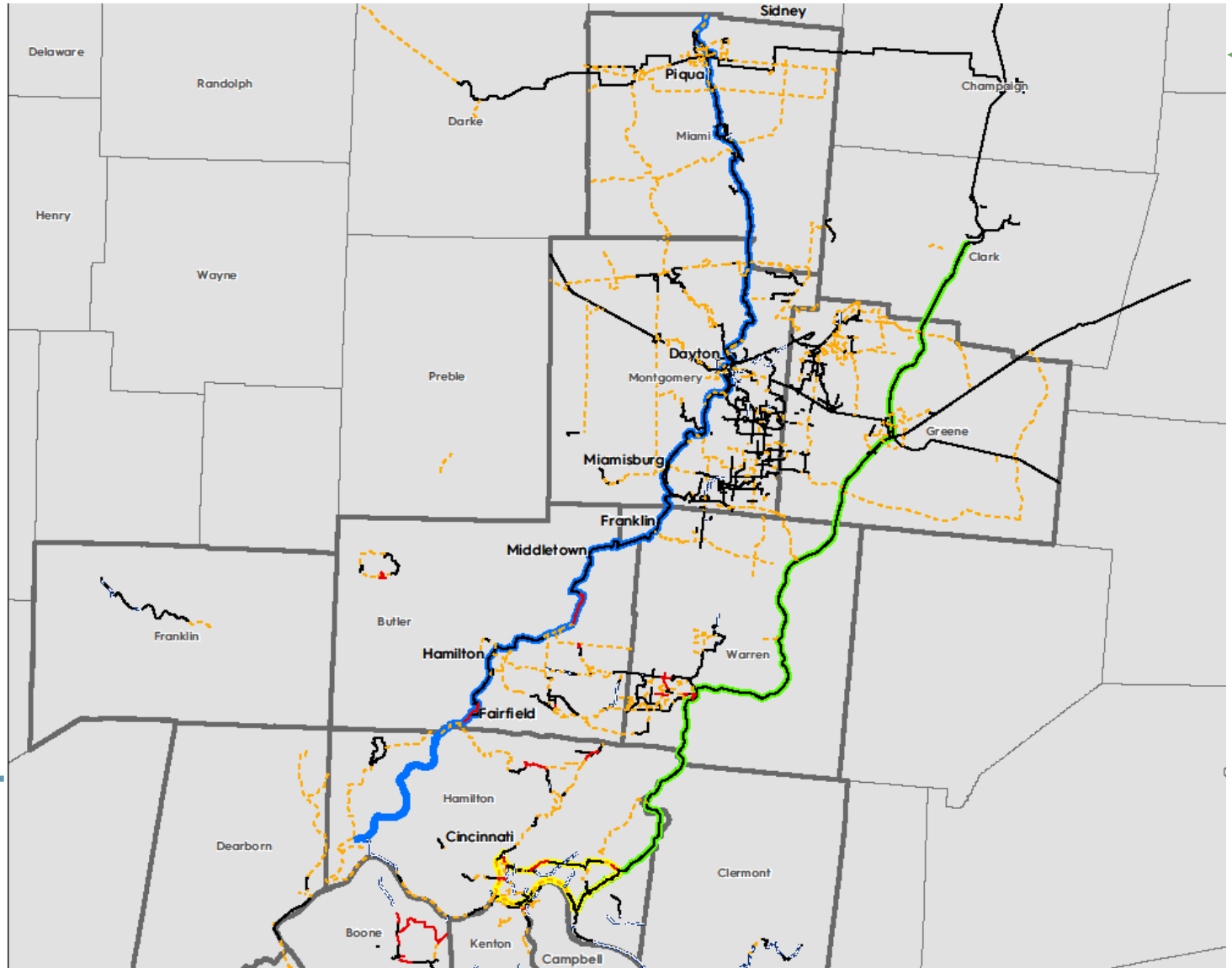
Future Funding Applications

- OKI applications due June 2, 2023
 - Great Miami River Trail
 - Transportation Alternative Grant (Federal Funds)
 - Proposing a \$750k match to a \$750k request (\$1.5M)
 - Smaller pot of available money, does not score as well without a significant match
 - City responsible for Engineering (R/W shouldn't be needed) in 2024/2025, \$250k
 - Matching dollars and additional dollars may be available through the Clean Ohio trail fund (different timeline)



Cincinnati to Dayton Regional Trail Connections

- Existing Trail
- Existing Bike Lane
- Existing Shared Road
- Planned Trail
- - - Proposed Trail
- Great Miami River Trail
- Little Miami Scenic Trail
- ▭ TST & MVPRC Jurisdiction



Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

GMRT Existing Conditions



- Connectivity ends at Waterworks
- Right of Way controlled by City
- Past projects set up future expansion



Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)



GREAT MIAMI RIVER TRAIL GAPS

Regional Trails Plan

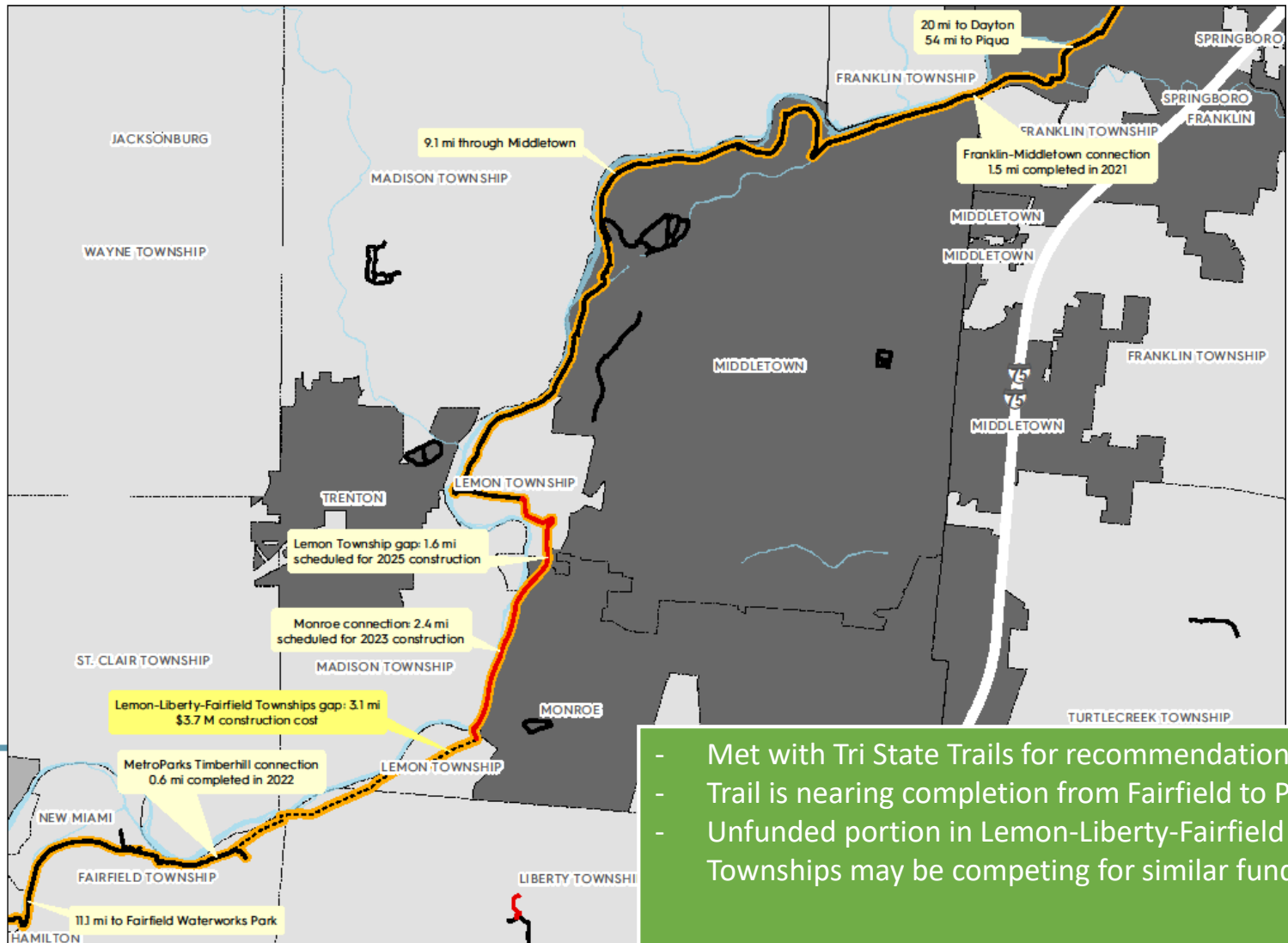
- Existing Trail
- Planned Trail
- - - Proposed Trail

Arterial Trail Corridors

- Great Miami River Trail

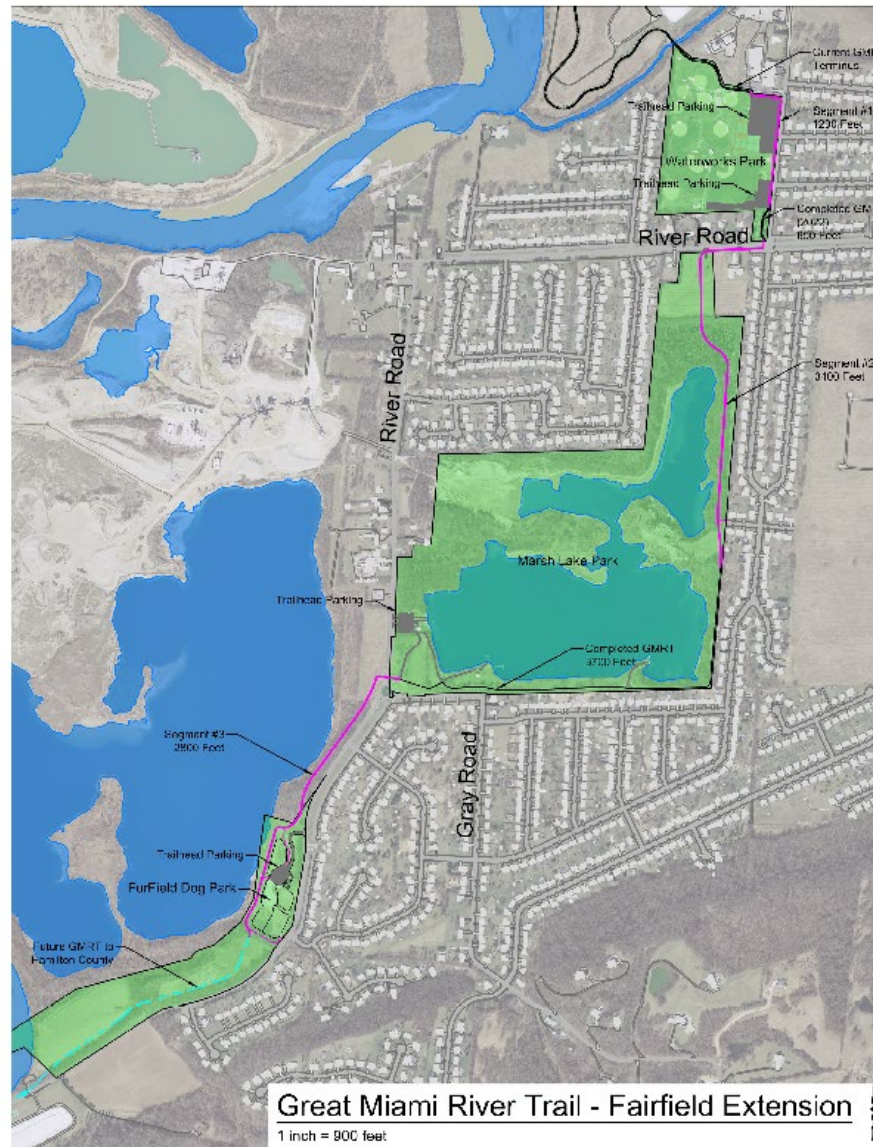
Jurisdictions

- City
- Town or Village
- Township or Unincorporated
- Parks



- Met with Tri State Trails for recommendations
- Trail is nearing completion from Fairfield to Piqua
- Unfunded portion in Lemon-Liberty-Fairfield Townships may be competing for similar funding

Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)



Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)

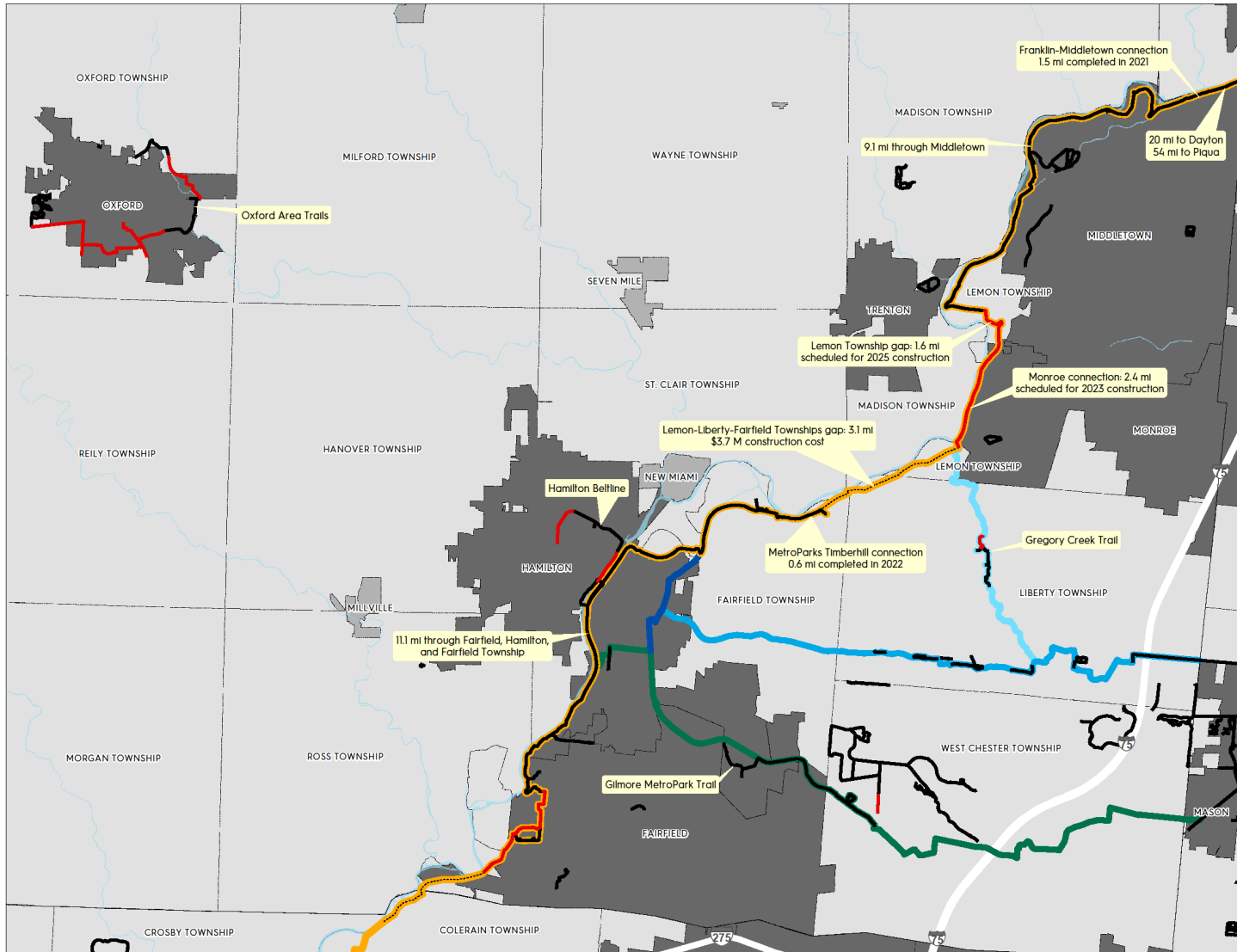
Discussion



BUTLER COUNTY REGIONAL TRAILS

- Regional Trails Plan
- Existing Trail
 - Planned Trail
 - Proposed Trail
- Arterial Trail Corridors
- Great Miami River Trail
 - Canal Cultural Trail
 - Gregory Creek Greenway
 - Hamilton Loop
 - SR 129 Greenway
- Jurisdictions
- City
 - Town or Village
 - Township

0 0.75 1.5 3 Miles
Date: April 27, 2023
Source: Tri-State Trails, Butler County



Minutes Acceptance: Minutes of May 8, 2023 7:00 PM (Approval of Minutes)



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Adam Sackenheim,
 Submitting Department: Public Utilities

Subject:

Contract with Building Crafts Inc. for Wastewater Plant Aeration System Improvements

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with Building Crafts, Inc. for completion of the Aeration System Improvements Project at the City's Wastewater Treatment Plant.

Recommendation:

It is recommended that City Council authorize the City Manager to enter into a contract with Building Crafts, Inc. and appropriate \$6,450,000 for completion of the Aeration System Improvements Project at the City's Wastewater Treatment Plant.

Background/Synopsis:

The "Activated Sludge" process is a biological wastewater treatment process where heterotrophic microorganisms, consisting of bacteria and protozoans, use air (oxygen) to remove soluble organic matter (carbon) still present in wastewater following primary settling. When provided the proper amount of time in a fully aerobic environment, the heterotrophic microorganisms, also known as biomass, feed on organic matter, grow, flocculate, and eventually settle out of the water producing a pristine final effluent. The final effluent can then be disinfected as appropriate and discharged into the receiving water body.

The City's Wastewater Treatment Plant utilizes this type of treatment process to clean sewage and comply with all federal and state environmental mandates. Due to age, many of the critical mechanical components of the activated sludge process, including aeration system diffusers, piping, valving, and instrumentation, are showing signs of critical failure. The existing style components have been in place since 1988 and need removed and replaced with newer and more efficient technologies and systems. Additionally, two existing dissolved air blowers installed in 1975 need removed and replaced, and an underground air "header" transmission pipe also needs upgraded.

In 2022 Hazen and Sawyer was hired by Fairfield to provide engineering support services to upgrade the City's Wastewater Treatment Plant. Hazen and Sawyer completed engineering and detailed design and permitting work for the City's Wastewater Treatment Plant Aeration System Improvement project – focused on optimizing the treatment process and addressing equipment deficiencies as outlined above. The ultimate objectives of the project are three-fold:

- To protect public health;

- To protect the environment; and
- To improve regulatory compliance with federal and state permits.

Project plans were prepared for formal competitive bidding, with 2 bids received on April 3, 2023. Staff recommends that the bid be awarded to Building Crafts, Inc. of Wilder, KY, as supplier of lowest and best bid. Bids are summarized on the attached sheet. A contractor letter of reference memo from Hazen and Sawyer, as design engineer, is also attached for review.

A contractual appropriation with contingency is requested in the amount of \$6,450,000. This amount will enable completion of all base bid work as well as alternate items #1 and #2.

The engineer's estimate for this project was \$6,900,000. Both bids came in under the estimate.

Financial Impact:

Funding for this project is included in the approved 2023-2027 Capital Improvement Program (CIP), under 3WW17 – 'Aeration System Improvements'. The project will be debt-financed, likely through the Ohio Water Development Authority's (OWDA) 'market rate program'. The City evaluated the impact of this additional debt on its utility enterprise funds and existing utility rate structure, and determined the new debt will have no significant negative impacts on critical financial key performance indicators (KPIs).

A contractual appropriation with contingency is requested in the amount of \$6,450,000.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Wastewater Treatment Plant Aeration Improvements Project
2. Fairfield WWTP Aeration_Bid Recommendation Letter
3. Building Crafts Inc-Ord

City of Fairfield

Bid Tabulation for "Wastewater Treatment Plant Aeration Improvements Project"

Bid Opening: April 3, 2023

Engineer's Estimate: \$6,900,000.00

BIDDER							
				Building Crafts Inc 2 Rosewood Dr Wilder, KY 41076 859-781-9500		Dugan & Meyers 11110 Kenwood Rd Cincinnati, OH 45242 513-891-4300	
Item	Description	Quan.	Unit	Unit Price	Total Price	Unit Price	Total Price
1	Division 01 - General Conditions	1	Lump	\$ 270,000.00	\$ 270,000.00	\$ 840,620.00	\$ 840,620.00
2	Divisions 02, 31, 32, and 33 - Sitework	1	Lump	\$ 320,000.00	\$ 320,000.00	\$ 327,344.00	\$ 327,344.00
3	Section 31 00 01 Earthwork - Portion of Work associated with hauling and disposal of excavated material	1	Lump	\$ 5,000.00	\$ 5,000.00	\$ 4,852.00	\$ 4,852.00
4	Division 3 - Concrete	1	Lump	\$ 110,000.00	\$ 110,000.00	\$ 63,366.00	\$ 63,366.00
5	Division 5 - Metals	1	Lump	\$ 425,000.00	\$ 425,000.00	\$ 234,910.00	\$ 234,910.00
6	Division 6 - Woods, Plastics, and Composites	1	Lump	\$ 45,000.00	\$ 45,000.00	\$ 97,936.00	\$ 97,936.00
7	Division 7 and 9	1	Lump	\$ 25,000.00	\$ 25,000.00	\$ 25,273.00	\$ 25,273.00
8	Division 26 - Electrical	1	Lump	\$ 625,000.00	\$ 625,000.00	\$ 601,718.00	\$ 601,718.00
9	Division 40 - Control and Information Systems (Section 60.61.13 - Section 40	1	Lump	\$ 820,000.00	\$ 820,000.00	\$ 793,612.00	\$ 793,612.00
10	Division 40 - Process Interconnections (Section 40 05 00 - Section 40 42 13)	1	Lump	\$ 1,794,000.00	\$ 1,794,000.00	\$ 1,542,853.00	\$ 1,542,853.00
11	Division 43 - Blowers	1	Lump	\$ 800,000.00	\$ 800,000.00	\$ 753,116.00	\$ 753,116.00
12	Division 46 - Equipment and Diffusers	1	Lump	\$ 825,000.00	\$ 825,000.00	\$ 832,400.00	\$ 832,400.00
Total Base Bid Amount					\$ 6,064,000.00		\$ 6,118,000.00

These bids will be reviewed by the Public Utilities Department, and a recommendation will be made to Council.

There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest.

April 12, 2023

Mr. Adam Sackenheim
Public Utilities Director
City of Fairfield, OH
5021 Groh Lane
Fairfield, OH 45014

Re: Bid Recommendation Letter
Fairfield Wastewater Treatment Plant
Aeration Improvements Project

Mr. Sackenheim:

The WWTP Aeration Improvements project consists of the installation of a new overhead air header, the removal and replacement of diffusers and associated piping, valving, and instruments in two (2) Aeration System tanks, the removal and replacement of two (2) blowers, installation of electrical conduit and duct bank to provide service to new equipment, and all associated work. The project was publicly advertised on February 24, 2023 and a pre-bid meeting was held on March 7, 2023. Bids for the project were received and opened on April 3, 2023.

Two (2) construction bids were received for the project. A copy of the Bid Tabulation Summary is included in Attachment A. The bid documents from all bidders were reviewed in detail and the total bid amounts for the bids received are as follows:

<u>Contractor's Name</u>	<u>Total Base Bid Price</u>	<u>Additive Alt. No.1 Price</u>	<u>Additive Alt. No.2 Price</u>	<u>Total Bid with Alternates</u>
Building Crafts, Inc.	\$6,064,000.00	\$107,000.00	\$4,300.00	\$6,175,300.00
Dugan & Meyers	\$6,118,000.00	\$86,103.00	\$3,927.00	\$6,208,030.00

The published Engineer's Estimate for this project was \$6,900,000.00. Based on the above summary, the low base bid received was from **Building Crafts, Inc.**, Wilder, KY in the amount of \$6,064,000.00. Building Crafts, Inc. also provided a price for the two (2) additive alternates listed within the bid form.

There were no irregularities found in the bid form from Building Crafts, Inc. Building Crafts, Inc. submitted all required information for the bid including the signed bid form, non-collusion affidavit, affidavit of Contractor non-delinquency of personal property taxes, subcontractors list, bidder's questionnaire, and bid bond.

Hazen and Sawyer contacted several references including current clients, past clients, surety partners, and banking partners of Building Crafts, Inc. A summary of the input received from the references is included below.

Ms. Jenna Canafax of Northern Kentucky Water District was contacted as a reference for the recently completed Fort Thomas Treatment Plant Residuals Improvements project. The approximate \$2,450,000 project included the replacement of dewatering equipment including belt presses, conveyors, pumps, valves, piping, and associated electrical equipment. Ms. Canafax noted that equipment delays were experienced on the project but Building Crafts, Inc. was proactive in their work to accommodate and meet the schedule where possible. Ms. Canafax stated that the project had specific work sequencing requirements and that Building Crafts, Inc. was able to accommodate and work within these requirements. Ms. Canafax added that Building Crafts, Inc. maintained high levels of project supervision and their administrative documentation was excellent throughout the project. Lastly, Ms. Canafax noted that Building Crafts, Inc. completed the punch list in a timely manner and was responsive on warranty items after project closeout. Overall, Northern Kentucky Water District was pleased with the project and recommends Building Crafts, Inc. on other projects.

Mr. Rick Skinner, the former Mayor of Williamstown, KY, was provided as a reference for the completed Water Systems Improvements – Contract No.2 – New Water Treatment Plant and Raw Water Intake project. Mr. Skinner noted that Building Crafts, Inc. completed the approximate \$16,000,000 project on schedule with minor change orders. Mr. Skinner complimented Building Crafts, Inc.’s workmanship and their project supervision. Mr. Skinner stated that Building Crafts, Inc. completed the punch list in a timely manner and the project documentation was “exceptional”. Mr. Skinner and the City of Williamstown were pleased with the project and recommend Building Crafts, Inc. on other projects.

Mr. Chris Rowland from Clermont County, OH Water Resources Department was provided as a reference for the active Newtonsville Wastewater Treatment Plant project. The project scope includes the construction of a new, small wastewater treatment plant to service a previously unserved community. Mr. Rowland noted that the \$6,200,000 project is currently on schedule and approximately 70% complete. Mr. Rowland added that the project supervision has been very good to date and no issues have been experienced. Additionally, Mr. Rowland noted that Building Crafts, Inc. has been very proactive in their documentation and paperwork.

Mr. Mike Crawford of Assured Partners was provided as a surety reference for Building Crafts, Inc. Mr. Crawford noted that Assured Partners has been writing bonds for Building Crafts, Inc. for a period of fifteen years. Mr. Crawford assured that Building Crafts, Inc. has adequate bonding capacity and Assured Partners have not had any forfeitures or problems in the past with any Building Crafts, Inc. bonds.

U.S. Bank was listed by Building Crafts, Inc. as a bank reference and listed Ms. Sharen Ritter as a contact. Ms. Ritter stated that Building Crafts, Inc. has been a long-standing client and has always maintained their accounts in good standing.

Subject to review and approval by City Council, Hazen recommends that the City of Fairfield award construction of this project to Building Crafts, Inc. Additionally, the additive alternate pricing provided from Building Crafts, Inc. is comparable to the Engineer's estimates for the work involved. As such, Hazen recommends awarding the project to Building Crafts, Inc. in the amount of \$6,175,300.00 to include the additive alternates subject to project budget review and approval by the City Council.



Please contact me by phone at (502) 290-6930 or by e-mail at dosborne@hazenandsawyer.com should you have any additional questions regarding this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David C. Osborne".

David C. Osborne, PE
Senior Principal Engineer

Enclosure(s)

Attachment A – Bid Tabulation Summary

cc: Jason Hunold, City of Fairfield
Jamie Gellner, PE – Hazen and Sawyer
Alyssa Mayer, PE – Hazen and Sawyer

ATTACHMENT A - BID TABULATION SUMMARY

11.E.1.b

City of Fairfield

Bid Tabulation for "Wastewater Treatment Plant Aeration Improvements Project"

Bid Opening: April 3, 2023

Engineer's Estimate: \$6,900,000.00

Item	Description	Quan.	Unit	BIDDER			
				Building Crafts Inc 2 Rosewood Dr Wilder, KY 41076 859-781-9500	Dugan & Meyers 11110 Kenwood Rd Cincinnati, OH 45242 513-891-4300		
				Unit Price	Total Price	Unit Price	Total Price
1	Division 01 - General Conditions	1	Lump	\$ 270,000.00	\$ 270,000.00	\$ 840,620.00	\$ 840,620.00
2	Divisions 02, 31, 32, and 33 - Sitework	1	Lump	\$ 320,000.00	\$ 320,000.00	\$ 327,344.00	\$ 327,344.00
3	Section 31 00 01 Earthwork - Portion of Work associated with hauling and disposal of excavated material	1	Lump	\$ 5,000.00	\$ 5,000.00	\$ 4,852.00	\$ 4,852.00
4	Division 3 - Concrete	1	Lump	\$ 110,000.00	\$ 110,000.00	\$ 63,366.00	\$ 63,366.00
5	Division 5 - Metals	1	Lump	\$ 425,000.00	\$ 425,000.00	\$ 234,910.00	\$ 234,910.00
6	Division 6 - Woods, Plastics, and Composites	1	Lump	\$ 45,000.00	\$ 45,000.00	\$ 97,936.00	\$ 97,936.00
7	Division 7 and 9	1	Lump	\$ 25,000.00	\$ 25,000.00	\$ 25,273.00	\$ 25,273.00
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9	Division 40 - Control and Information Systems (Section 60 61 13 - Section 40 78 56)	1	Lump	\$ 820,000.00	\$ 820,000.00	\$ 793,612.00	\$ 793,612.00
10	Division 40 - Process Interconnections (Section 40 05 00 - Section 40 42 13)	1	Lump	\$ 1,794,000.00	\$ 1,794,000.00	\$ 1,542,853.00	\$ 1,542,853.00
11	Division 43 - Blowers	1	Lump	\$ 800,000.00	\$ 800,000.00	\$ 753,116.00	\$ 753,116.00
12	Division 46 - Equipment and Diffusers	1	Lump	\$ 825,000.00	\$ 825,000.00	\$ 832,400.00	\$ 832,400.00
Total Base Bid Amount					\$ 6,064,000.00		\$ 6,118,000.00
Additive Alternate No.1					\$ 107,000.00		\$ 86,103.00
Additive Alternate No.2					\$ 4,300.00		\$ 3,927.00

Attachment: Fairfield WWTP Aeration_Bid Recommendation Letter (3535 : Contract with Building Crafts

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BUILDING CRAFTS, INC. FOR COMPLETION OF THE AERATION SYSTEM IMPROVEMENTS PROJECT AT THE CITY'S WASTEWATER TREATMENT PLANT.

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 Building Crafts, Inc. for completion of the Aeration System Improvements Project at the City's Wastewater Treatment Plant in accordance with the bid on file in the office of the City Manager.

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Building Crafts Inc.-Ord

Attachment: Building Crafts Inc-Ord (3535 : Contract with Building Crafts Inc. for Wastewater Plant Aeration System Improvements)



City Council Action Item
Regular Meeting - May 22, 2023

Submitted by: Alisha Wilson, Clerk
Submitting Department: Clerk

Subject:

Environmental Commission Appointment

Legislation Title:

Simple Motion: Motion to approve the following 2023 Boards/Commissions Appointments effective May 22, 2023: Vivian Paul - Environmental Commission (partial term expires 3/31/24)

Recommendation:

It is recommended that City Council, via simple motion, appoint the following residents to serve on the various boards and commissions **effective May 22, 2023:**

Vivian Paul - Environmental Commission (partial term expires 3/31/24)

Background/Synopsis: On May 17, 2023, Patricia Ott submitted her resignation from the Environmental Commission. Positions on the Environmental Commission are recommended to Council for appointment by the Parks & Recreation Board. The Parks & Recreation Board recommends Vivian Paul to Council to fill the remainder of the term, which expires on March 31, 2024.

Rule Suspension Requested:

Emergency Provision Needed:



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

South Trace Golf Course Bunker Renovation

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with Topp Shape Enterprises, Inc. for the 2023 Bunker Renovation Project at Fairfield's South Trace Golf Course and declaring an emergency.

Recommendation:

It is recommended that City Council authorize an appropriation of \$210,000.00 as outlined in the financial impact section. It is further recommended that City Council authorize the City Manager to enter into a contract with Topp Shape Enterprises, Inc. of Dayton, Ohio for the 2023 Bunker Renovation Project at Fairfield's South Trace Golf Course.

Background/Synopsis:

This project is to rebuild bunkers on the 18-hole South Trace golf course. The bunkers were originally installed with the golf course in the mid to late 1960's and have been reworked and altered over the years but a comprehensive bunker renovation has not been done in recent memory and has been recommended by our golf professionals for many years.

The bunker system being recommended will include a porous concrete liner which will increase the life of the bunkers and improve the regular playing condition of the bunkers. Drainage improvements, redesign of location and shape that compliments play, new sod around the bunkers, and new sand in the bunkers will be included with this project.

Upon completion, it is expected that this bunker system will last for at least 25 to 30 years without major repairs. Some minor repairs and sand addition should be expected as part of the routine maintenance for the golf course bunker system.

Proposals were solicited through the Journal news and City website and received on April 10, 2023. Several qualified companies reviewed the request for proposal on-line but Topp Shape Enterprises, Inc. of Dayton, Ohio was the only qualified company to submit a proposal. City staff from Parks and from Public Works reviewed their proposal and found it to be acceptable and in the best interests of the City to recommend them for this project.

The attached proposal from Topp Shape includes options and alternates above and beyond the funding being requested. As this project will not take place for more than 12 months, staff believes it is appropriate to award the project for the funding listed in the financial impact and revisit the

alternatives with the general contractor nearer the time of construction to evaluate conditions and determine if additional funds are available and/or warranted at that time.

Financial Impact:

\$210,000.00 (\$191,282.75 for the base project and \$18,717.25 for alternates, contingencies, and other Golf Course needs).

This project is programmed in the current 2023-2027 Capital Improvement Program. Funding is requested in the amount of \$150,000 from the 640 Recreation Fund under 3RC02 and \$60,000.00 from the Capital Fund under 3RC03.

Emergency Provision Explanation:

A suspension of rules and emergency provision is being requested in order to retain a spot on the contractor's schedule for fall of 2024. Once under contract, we may be able to move this project forward sooner if the contractor develops an opening in their schedule but it will not take place in 2023.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. 04102023100112-0001
2. 2023 South Trace Bunker Project RFP Revised_Topp Shape
3. Topp Shape Enterprises Inc.-Ord



**2023 Bunker Renovation Project
Fairfield South Trace Golf Course**

Request for Proposal and Statement of Qualifications



Proposal Due Date: April 10, 2023

Ben Mann, PE
Public Works Director

City of Fairfield, Ohio
5350 Pleasant Avenue
Fairfield, Ohio 45014

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SECTION I

Advertisement for Request for Proposal and Statement of Qualifications

2023 Bunker Renovation Project Fairfield South Trace Golf Course

For

Department of Public Works
City of Fairfield, Ohio

Sealed Proposals and Request for Qualifications will be received by the Public Works Director of the City of Fairfield, Ohio, Public Works Department, 8870 North Gilmore Road, Fairfield, Ohio 45014, until two (2) o'clock p.m., local time, on the 10th day of April, 2023.

The City of Fairfield, Ohio, is requesting proposals and statements of qualifications from firms who offer Golf Course Bunker Rebuilding Services. It is the intention of the City to contract the services of a firm that at a minimum, will provide: Golf Course Bunker Rebuilding Services which will be aesthetically pleasing and aid in maintenance practices.

Copies of the "Request for Proposal and Statement of Qualifications" documents may be obtained from the Public Works Department, 8870 North Gilmore Road, Fairfield, Ohio 45014.

The City reserves the right to reject any and all proposals, to waive any informalities or irregularities in the proposals received or to accept any proposal which is deemed most favorable to the City of Fairfield, Ohio.

Ben Mann, PE
Public Works Director

Advertised: March 17, 2023

Attachment: 04102023100112-0001 (3542 : South Trace Golf Course Bunker Renovation)

Scope

General

The City of Fairfield, Ohio, is requesting proposals and statements of qualifications from firms who offer Golf Course Bunker Rebuilding Services.

The City operates an 18-hole golf course at South Trace and a 9-hole golf course at North Trace. The services being requested are for the 18-hole golf course at South Trace, only. South Trace is located at 2200 John Gray Road, Fairfield, Ohio 45014. The purpose of this RFP is to solicit prospective agencies that are interested in providing their golf course bunker rebuilding services. The prospective firms shall work with City staff to use the existing contours of the property to rebuild bunkers to achieve improved play, drainage, and aesthetics.

Any questions concerning these specifications shall be directed to Derek Baxter, Parks and Recreation Maintenance Superintendent, 411 Wessel Drive, Fairfield, Ohio, (513) 858-8377, between the hours of 8:00 A.M. and 4:00 P.M. or by email at dbaxter@fairfieldOH.gov. A virtual tour of all 18 holes of South Trace is available on our website at <https://www.fairfield-city.org/950/Virtual-Tour>

It is the intention of the City to contract the services of a firm that at a minimum, will provide: Golf Course Bunker Rebuilding Services for the 18-hole Golf Course at South Trace.

Current Process

The City has not had a comprehensive bunker rebuild at South Trace in a very long time. The existing golf course bunkers need to be reviewed with the firm selected and individual bunkers will be either removed, moved, altered, have drainage installed, etc.

Step 1. Proposal

Interested firms shall provide a complete and comprehensive proposal describing the scope and nature of the services the firm would provide as well as completed SECTIONS II of this “Request for Proposal and Statement of Qualifications”. Please include a copy of the firm’s standard agreement for these type services, which at a minimum clearly describes the party obligations and compensation.

Step 2. Statement of Qualifications

To be submitted with the Proposal is the City’s “Statement of Qualifications” form. This form is attached. All questions must be answered and the data given must be clear and comprehensive. This statement must be notarized. As necessary, questions may be answered on separate attached sheets.

Step 3. Submission of Proposal and Statement of Qualifications

Sealed Proposals with the Statement of Qualifications will be received for consideration by the Public Works Director of the City of Fairfield, Ohio, at 8870 North Gilmore Road, Fairfield, Ohio 45014 until 2:00 p.m. local time, on the 10th of April, 2023.

Step 4. Evaluation and Qualification

In order to evaluate and select firms and their services, which in the City's opinion is most capable, the City may hold discussions with individual firms to explore further the firm's Proposal, the scope and nature of the services the firm would provide and various approaches the firms may take toward the providing of their services.

During the evaluation process the City will consider: The number and success of projects completed by the firm which are of similar size and nature; the firm's approach to program implementation; the firm's implementation schedule; the number, certifications and experience of the firm's employees, location, and cost to the City.

The evaluation will be done by a City team with a minimum of three (3) members of staff and/or Parks Board with the criterion being weighted as follows:

Success of similar past projects (10 points)

Firm's approach to project implementation (25 points)

Firm's implementation schedule (20 points)

Experience of Firm's employees (20 points)

Location of Firm (5 points)

Cost to the City (20 points)

Following this evaluation, the City will rank the firms and their programs in order considered most capable of meeting the City's overall needs. The City will select the firm considered most capable. Negotiations will begin with this firm. If a mutual agreement can't be reached in a reasonable time the City will reject the firm's Proposal and begin negotiations with the next firm considered most capable and so forth, until a mutual agreement is reached.

For further information, please contact the appropriate individuals identified in SECTION III.

SECTION II

Statement of Qualifications

All questions must be answered and the data given must be clear and comprehensive. This statement must be notarized. Questions are to be answered on separate attached sheets. The firm may submit any additional information desired.

1. Name of firm, date organized and if a corporation, where incorporate
 - Topp Shape Enterprises Inc.
 - 1994
 - Dayton, Ohio
2. Permanent main office address; Location of office that would serve Fairfield, Ohio; Primary Contact; Phone Number; Fax Number; E-mail Address.
 - 5017 Ackerman Blvd. Kettering, OH 45429
 - Tyler Topp (937-475-6024)
 - tjt.toppshape@gmail.com
3. Names of persons to be contacted for information or services different than Primary Contact.
 - Tom Topp
 - 937-470-5868
 - toppshape@gmail.com
4. Describe the bunker rebuilding process you will follow to improve the City's existing golf course. Include descriptions of all planned types of activities that will be employed (Example: drainage systems, bunker liners, type of sand and other materials to be used). During what hours will work be performed? How will play be maintained?
 - Bunkers to be rebuilt to complement the existing contours of the property while enhancing aesthetics and maintenance practices.
 - Bunker design complements the property and brings the bunkers more into play.
 - Detail of each phase of bunker construction is outlined in Topp Shape's proposal.
 - Materials: N-12 drainage pipe and fittings, gravel, Fescue Sod, Better Billy Bunker Polymer, Best Sand Signature 700 bunker sand.
 - Hours: M-F 7:00-5:30 Saturdays (as needed) 7:00-12:00
 - Club can continue to allow play as long as Topp Shape's crew and equipment are kept in mind. Constant communication between the pro shop and golfers to be mindful that they are playing during construction and to be courteous to our crew. Temporary pins in fairways while Topp Shape is working on greenside bunkers. Temporary tee markers while Topp Shape is working on fairway bunkers.
5. Describe your experience with similar projects. Please provide examples.
 - Reference statement of qualifications
6. List at least three prior projects that most closely match the City's request. Be sure to include a contact name, phone number and when the programs were implemented.

- Reference statement of qualifications
7. Personnel Resumes: Background, certifications and experience of the principal members of your organization including number of employees, and titles of employees (upon request).
 - Reference statement of qualifications
 8. Provide a detailed financial statement and furnish any other information that may be required by the City of Fairfield, Ohio (upon request).
 9. Please list any other relevant information that will assist the City of Fairfield in evaluating your firm as it would apply to this Request for Proposal and Statement of Qualification.

Statement of Qualifications (continued from previous page)

The undersigned hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the City of Fairfield, Ohio, in verification of the recitals comprising this Statement of Qualifications.

Dated at ~~4/1/23~~ Springboro this 1 day of April, 2023.
Ohio

Topp Shape Ent. Inc.
 (Company Name)

By: Tyler Topp
PM
 (Title)

STATE OF Ohio
) SS:
 COUNTY OF Warren

Tyler Topp being duly sworn, deposes and says that he/she is
Project Manager of Topp Shape Ent. Inc. and that the answers to
 the foregoing questions and all statements therein contained are true and correct. Subscribed and sworn to
 before me this 1 day of April, 2023.



ABIGAIL MW POHL
 Notary Public
 State of Ohio
 My Comm. Expires
 July 27, 2027

Abigail MW Pohl
 (Notary Public)

Attachment: 04102023100112-0001 (3542 : South Trace Golf Course Bunker Renovation)

SECTION III

City Contacts

Parks and Recreation Department

Derek Baxter
Parks and Recreation
Maintenance Superintendent
513-858-8377
dbaxter@FairfieldOH.gov

Public Works Department

Ben Mann
Public Works
Director
513-867-4213
bmenn@FairfieldOH.gov

City of Fairfield Ohio Qualification Form

Contractor's Information

Topp Shape Enterprises Inc.: 5017 Ackerman Blvd. Kettering Ohio, 45429

- Contact person name and title
 - o Tyler Topp, Project Manager
 - 937-475-6024
 - Tjt.toppshape@gmail.com
- Contractor has been in business under present business name for 27 years from 1994-2022.
- Number of years in the golf course construction and/or renovation business: 31 years.

List of Recently Completed Projects

Short Game Practice Area – Brookside G & CC September 2019 – Golf Architect: Brian Silva

- New short game practice area included new 10,000 USGA green along with 7,000 SF of bunkers using the Better Billy Bunker Method. Surrounds shaped, sodded roughs, seeded bent fairway area, new irrigation system.
- Contact Carl Wittenauer (CGCS): 614-554-0233

Hole 11 Par 3 (New golf hole) – Brookside G & CC – August 2020 – Golf Architect: Brian Silva

- Complete renovation of new Redan inspired Par 3
- Included new tees, fairway, bunkers (BBB), 7,500 SF USGA green, Drainage system, irrigation, and cart path.
- Contact Carl Wittenauer (CGCS): 614-554-0233

Hole 13 Par 4 (New golf hole) – Brookside G & CC – November 2020 – Golf Architect: Brian Silva

- Complete renovation of new Cape inspired Par 4
- Included new tees, bunkers (BBB), drainage system, irrigation, and harvesting and installing 40,000 SF of bent grass to flip existing fairway from the left to the right.
- Contact Carl Wittenauer (CGCS): 614-554-0233

NCR CC – Short Game Practice Area – Golf Architect: Dr. Michael Hurdzan

- 6 Acre development consisting of 5 greens (California Greens) 7,000 SF of bunkers, fairway and rough areas, 3 new detention basins, drainage system, irrigation
- American Society of Golf Course Architects Design Excellence Award
- Contact Jim Campion (CGCS): 937-643-6908

NCR CC – South Course Bunker Renovation – March 2017 – Golf Architect: Dr. Michael Hurdzan

- Renovation of 95 bunkers on NCR's championship South Course
- Contact Jim Campion (CGCS): 937-643-6908

NCR CC- South Course Tee Renovation – March 2020- Dr. Michael Hurdzan

- Complete 18-hole tee renovation for 2022 US Women's Senior Open
- Contact Jim Campion (CGCS): 937-643-6908

Prairie Trace GC New Construction of par 4 and par 3- August 2020 – Golf Architect: Dr. Michael Hurdzan

- New construction of hole 7 par 4 and hole 8 par 3
- Contact Shannon Pearson (CGCS): 937-369-9484

NCR CC – New Driving Range – August 2021

- New construction of 11 acre driving range at NCR CC
- Contact Jim Campion (CGCS): 937-643-6908

Sycamore Creek CC – 18-hole Billy Bunker Renovation – November 2021

- Restoration of Todd Quinto designed Sycamore Creek CC using the Better Billy Bunker Method

Community GC 36 Hole Bunker Renovation – November 2021-May 2022 – Golf Architect: Chris Wilczynski
The Lakes Golf and Country Club

- Renovation of 18 holes of bunkers using the Better Billy Bunker Method – Golf Designer: Ed Snead

Topp Shape Design/Build

- Wildwood GC (Middletown, OH)
 - o 18-hole bunker renovation
- Beckett Ridge GC (West Chester, OH)
 - o 18-hole bunker renovation
- Fox Valley GC (Kaukauna, WI)
 - o 18-hole tee renovation
- Hamilton Parks Conservancy (Hamilton, OH)
 - o 9-hole bunker renovation at Potter's Park GC
 - o 18-hole bunker renovation at Twin Run GC
- Dean Estate (Vandalia, OH)
 - o 6-hole executive golf course
- Beavercreek GC (Beavercreek, OH)
 - o 18-hole bunker renovation (awarded)

Tyler Topp

200 Napoleon Dr. Kettering, Ohio 45429

Phone: 937-475-6024 Fax: 937-436-1449 E-Mail: tjt.toppshape@gmail.com

Objective

Expand the golf course construction portfolio of Topp Shape Enterprises Incorporated.

Experience

Topp Shape Enterprises Incorporated, Project Manager, Site Superintendent 2004-2012, 2015-present

- Responsible for all aspects of operation. Hiring, estimates, bidding, budgets. Golf design/build projects by Topp Shape. Public Relations. Site layout per golf course architect's design plans and specifications. Coordinate the daily tasks of crewmembers. Ordering and handling of all materials pertaining to construction projects. Effectively coordinating the building of golf features to be approved by golf course architect. Proficient in collecting data for As-Builds. Proficient in running heavy equipment: skid steerer, bulldozer, excavators (including knuckle bucket), tractors, finish machines (sand pro and equivalent), etc.
- Managing crews of up to 25 people to complete golf course design plans per golf course architect's plans and specifications. Proficiently run bulldozer and equivalent to shape the earth per golf course architect plans (includes greens, tees, bunkers, landing areas and ponds/lakes). Drainage: efficiently operate excavators of all sizes to install drainage pipe/catch basins to control water flow. Green Construction: Shape, drain, gravel blanket and mix install in accordance with USGA (United States Golf Association), experience in building, draining, finishing, and seeding California Greens. Bunker Construction: shape bunkers efficiently with bulldozer, skid steerer, and excavator, includes shape, drainage, and sand installation. Experience with Sand Trapper II, Billy Bunker and Capillary Concrete bunker liners. Finish Work: operate tractors with box blade efficiently to ensure the surface of the golf course will drain to the intended locations. This includes developing a high-quality seedbed for grass seed to take. Seeding: operate tractors efficiently to seed open dirt by calculating the type of grass with the square footage.
- Notable projects: NCR Country Club Short Game Practice Area (American Society of Golf Course Architects Design Excellence Award), NCR Country Club Championship South Course Bunker and Tee Renovation, Scioto Country Club Tee, Bunker, and Greens Renovation (Golf Digest Renovation of the Year).

Wadsworth Golf Course Construction, Superintendent, Shaper 2013-2015

- Notable Projects: Peninsula State Park Golf Course Short Course (Ephraim, WI) (American Society of Golf Course Architects Design Excellence Award), NAS Jacksonville Golf Club (Jacksonville, FL) (Superintendent and Safety Coordinator working with the Navy).

Education

University of Akron 2012-2016

Master's in applied politics

Wright State University

Bachelor's in political science

2009-2012

Tom Topp

- V.P. of Topp Shape Ent. Inc. and Lead Shaper
- 31 years experience in the golf course construction industry
- Notable Golf Course Architects include:
 - o Todd Quitno
 - o Brian Silva
 - o Arthur Hills
 - o Dr. Michael Hurdzan
- Notable Shaping projects:
 - o Peninsula Golf Course Par 3 course: Ephraim, WI
 - o NCR CC: Dayton, OH
 - o Scioto CC: Columbus, OH
 - o Heatherwood GC: Springboro, OH
 - o Yankee Trace GC: Centerville, OH

Attachment: 04102023100112-0001 (3542 : South Trace Golf Course Bunker Renovation)

Hole 1



Hole 2



Hole 4



Hole 5



Hole 7



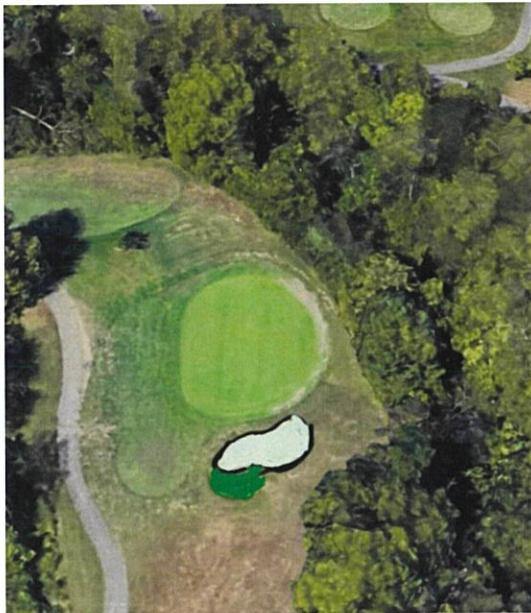
Hole 8



Hole 11



Hole 12



Hole 15



Fairfield Greens GC

Derek,

The following proposal includes prices for bunker work at Fairfield Greens Golf Course. After our site visit, it was decided that each bunker will be reshaped in some way. Topp Shape is to work with the existing contours of the property to rebuild the bunkers achieving a better look aesthetically while also aiding in maintenance practices.

This proposal includes a lump sum for earthwork. Earthwork will include the cleaning out of the existing bunker sand along with surrounding turf, any topsoil management and shaping of disturbed areas. This might necessitate the need to haul in excess soil or the removal of soil to achieve the desired look for each bunker. Once the bunker is shaped, bunker edges re-edged at 8" and bunker bottoms prepped. All prep work outside the bunker for sod installation will be included in the lump sum earthwork price. Earthwork price assumes all material stays on site.

Bunker drainage will include Topp Shape to purchase and install new drainage systems within the bunkers. ADS N-12 4" perforated pipe and fittings will be installed with Topp Shape purchasing the drainage pipe and gravel. Existing drainage pipe outlets within the bunkers will be exposed and examined with Fairfield Greens maintenance staff to determine the outlet drainage is functioning properly. If the need arises to install new outlet drainage pipe outside the bunker, an additional \$11.00/LF will be applied. This proposal includes an estimate on pipe needed for the project. Topp Shape will only charge the club for the pipe installed.

This proposal includes an estimate on sod install. An area outside each bunker will need to be disturbed to achieve the shape desired along with allowing enough room to divert water around the bunkers. The disturbed area around each bunker will be determined in the field but the proposal includes an approximation of sod needed for the project. The sod will be Turf Type Tall Fescue purchased from Blevins or Green Velvet Sod and be either palletized or big rolls. Topp Shape will purchase and install sod and charge the club based on square footage.

The bunker liner chosen for the project is the Better Billy Bunker Method. The first step in this process is after the sod is laid, a 2" gravel layer will be installed on the floor of the bunker. The gravel required is a super washed #8 gravel that is tested and approved by Billy Bunker specs. Test results can be available upon request. Topp Shape will purchase and install Better Billy Bunker gravel layer and charge the club based on square footage.

The second step of the Better Billy Bunker Method is the application of the Billy Bunker polymer. Topp Shape is a Better Billy Bunker certified installer and will be responsible for purchasing and applying the polymer. Topp Shape will charge the club based on square footage.

The sand selection for this project is Best Sand 700. Topp Shape is responsible for purchasing, handling, and installing bunker sand. Topp Shape will charge the club based on square footage.

Square footage in the field will be determined by GPS, purchased material with receipts will also be available to the club. Drainage, sod, BBB gravel layer, BBB polymer application and Best Sand 700 will be charged on a square foot basis. All aspects under earthwork will be charged by lump sum. Topp Shape will bill Fairfield Greens every two weeks for work performed.

*Any irrigation alterations will be billed as time and material.

*Proposal assumes all spoils stay on site

Mobilization - \$25,000.00

Earthwork - \$86,193.80

Bunker Drainage (est. 640 LF @ \$11.00/LF) - \$7,040.00

Basins (est. 4 @ \$600/EA with composite grates) - \$2,400.00

Sod Installation (est. 26,210 SF @ \$1.15/SF) - \$30,141.50

BBB Gravel Install (est. 11,393 SF @ \$.85/SF) - \$9,684.05

BBB Polymer Application (est. 11,393 SF @ \$2.35/SF) - \$26,773.55

Best 700 Bunker Sand Installation (est. 11,393 SF @ \$3.55/SF - \$40,445.15

Total = \$227,678.05

Hole 4 Approach

100' N-12 solid pipe installation and fairway restoration @ \$22.00/LF= \$2,200.00
(2) Basins @ \$600.00/EA= \$1,200.00
Total = \$3,400.00

Prices in this proposal are for 2023. Material prices are subject to change. We would be thrilled to get to work with you all and enhance a beautiful property!

Respectfully,
Tyler Topp
Project Manager, Topp Shape Enterprises Inc.

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TOPP SHAPE ENTERPRISES, INC. FOR THE 2023 BUNKER RENOVATION PROJECT AT FAIRFIELD'S SOUTH TRACE GOLF COURSE 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 Topp Shape Enterprises, Inc. for the 2023 Bunker Renovation Project at Fairfield's South Trace Golf Course in accordance with the proposal 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 this project be placed on the contractor's schedule for 2024 or sooner if the schedule permits; 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\Topp Shape Enterprises, Inc.-Ord

Attachment: Topp Shape Enterprises Inc.-Ord (3542 : South Trace Golf Course Bunker Renovation)



City Council Action Item
Regular Meeting - May 22, 2023

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Asafo African Market Liquor Permit

Legislation Title:

Simple Motion: Motion to not request a hearing regarding a liquor permit application in the name of Asafo African Market, Inc., 7255 Dixie Highway, Units K & L, Fairfield, OH 45014 (Permit Class C1, C2 & D6).

Recommendation:

It is recommended that City Council request, by simple motion, that **no hearing be held** on the liquor permit application in the name of Asafo African Market, Inc., 7255 Dixie Highway, Units K & L, Fairfield, OH 45014 (Permit Class C1, C2 & D6).

Background/Synopsis: The City of Fairfield is in receipt of an application from the Ohio Division of Liquor Control for a C1, C2 & D6 permit for the above liquor permit applicant. Background checks from the Building and Zoning Division and Police Department are attached for Council and staff's review.

Financial Impact: No financial impact.

Rule Suspension Requested:

Emergency Provision Needed:

Attachments:

1. LiquorPermit.AsafaAfricanMarket

**DEPARTMENTAL
CORRESPONDENCE**

TO: Steve Maynard, Police Chief
Greg Kathman, Development Services Director

FROM: Alisha Wilson, Clerk of Council



DATE: April 25, 2023

SUBJECT: REQUEST FOR BACKGROUND CHECK – LIQUOR PERMIT

Attached is a liquor permit application in the name of Asafo African Market, Inc., 7255 Dixie Highway, Units K & L, Fairfield, OH 45014 (Permit Classes: C1, C2 & D6).

Please complete the necessary background check and submit your findings to me **no later than 11:00 AM on Monday, May 15** for the item to be added to Council's Regular Meeting agenda of Monday, May 22, 2023.

Thank you for your assistance.

c: Scott Timmer, City Manager
File

Attachment: LiquorPermit.AsafoAfricanMarket [Revision 1] (3591 : Asafo African Market Liquor Permit)

NOTICE TO LEGISLATIVE
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL
6608 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2360 FAX(614)844-3166

TO

0296231		NEW		ASAFO AFRICAN MARKET INC 7255 DIXIE HWY UNITS K & L FAIRFIELD OH 45014
PERMIT NUMBER		TYPE		
ISSUE DATE				
04 12 2023				
FILING DATE				
C1 C2 D6				
PERMIT CLASSES				
09	011	A	D74842	
TAX DISTRICT		RECEIPT NO.		

FROM

04/17/2023

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	

MAILED 04/17/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN.

05/18/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
 REFER TO THIS NUMBER IN ALL INQUIRIES A N 0296231

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

CLERK OF FAIRFIELD CITY COUNCIL
 5350 PLEASANT AV
 FAIRFIELD OH 45014

- ☐ Clerk of City Council
☐ Township Fiscal Officer



Department of Commerce

Rev 2/10/2021

Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

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

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

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

FAX: (614) 644 - 3136

EMAIL: LiquorLicensingMailUnit@com.state.oh.us

MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4006
Reynoldsburg, Ohio 43068-9006

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/llqr/llqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or
- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

Licensing Section
6606 Tussing Road
Reynoldsburg OH 43068-9009

Fax 614-728-1281
TTY/TDD 800-750-0750
com.ohio.gov



April 25, 2023

Ohio Division of Liquor Control
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005

RE: Liquor Permit No. 0296231

Dear Sir/Madam:

I am writing to request an extension on this liquor permit application. The notice was received on Monday, April 24, 2023 and there is not enough time to complete the necessary background checks prior to the agenda deadline for our next City Council meeting. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alisha Wilson".

Alisha Wilson
Clerk of Council

Office of Mayor and City Council
5350 Pleasant Avenue, Fairfield, OH 45014
Phone: (513) 867-5383 Fax: (513) 867-5329
www.fairfield-city.org

Attachment: LiquorPermit-AsafoAfricanMarket [Revision 1] (3591 : Asafo African Market Liquor Permit)

**Department
of Commerce**

Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

April 26, 2023

CLERK OF FAIRFIELD CITY COUNCIL
5350 PLEASANT AV
FAIRFIELD OHIO 45014

Re: **NEW C1 C2 D6 PERMIT #0296231**
ASAFO AFRICAN MARKET INC
7255 DIXIE HWY UNITS K & L
FAIRFIELD OH 45014

Dear Legislative Authority:

In reference to the above captioned application, and your request, a 30-day extension has been granted from **5/18/23 to 6/18/2023**.

If you have any questions concerning this matter please feel free to contact this office at the below address or phone number.

Licensing Processing Section

LG

Licensing New or Transfer Section
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005 U.S.A.
liquorlicensingmailunit@com.state.oh.us

An Equal Opportunity Employer and Service Provider

614 | 644 3155
Fax 614 | 644 3166
TTY/TDD 800 | 750 0750
www.com.ohio.gov/liqr

Attachment: LiquorPermit-AsafoAfricanMarket [Revision 1] (3591 : Asafo African Market Liquor Permit)

FAIRFIELD

O H I O

DEPARTMENTAL CORRESPONDENCE

Date: 4/25/2023

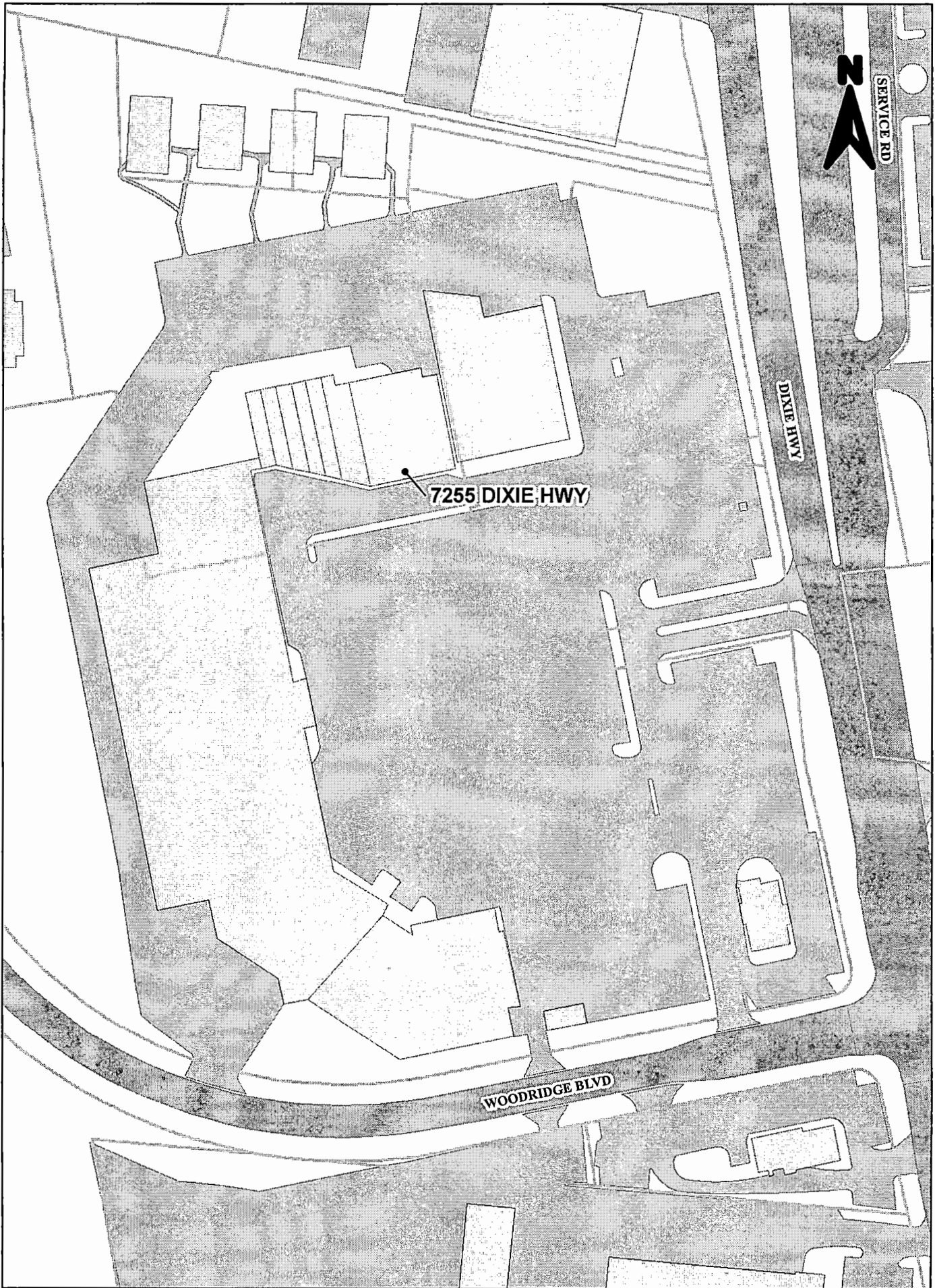
To: Alisha Wilson, Clerk of Council

From: Greg Kathman, Development Services Director 

Subject: Liquor Permit Application

The business at 7255 Dixie Hwy, Units K & L in the name of Asafo African Market Inc, is in the C-3, General Business District. A retail store is a permitted use within the C-3 zoning district. The consumption of alcohol on-site would require Conditional Use approval from the Planning Commission.

Attachment: LiquorPermit-AsafoAfricanMarket [Revision 1] (3591 : Asafo African Market Liquor Permit)



Attachment: LiquorPermit.AsafaAfricanMarket [Revision 1] (3591 : Asafa African Market Liquor Permit)

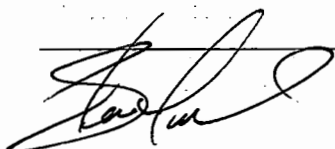
NAME OF ESTABLISHMENT Asafo African Market, Inc.

ADDRESS 7255 Dixie Highway, Unit K & L

Fairfield, OH 45014

- | | YES | NO |
|---|--------------------------|-------------------------------------|
| 1. Is there a conviction record of the applicant, any partner, member, officer director, manager or any shareholder owning 5% or more of the capital stock, for felonies or other crimes relating to his ability to operate a liquor establishment? | ☐ | ☒ |
| 2. Is there a prior unfavorable enforcement record of applicant and/or operation in disregard for laws, regulations or local ordinances? | ☐ | ☒ |
| 3. Is there misrepresentation of material fact by applicant in making application to the Department? | ☐ | ☒ |
| 4. Is there an inability of law enforcement authorities and of authorized agents of the Department to gain ready entrance to the permit premise; or location of permit premise at such distance from the road or street as to be isolated from police or other observation? | ☐ | ☒ |
| 5. Will the place substantially and adversely interfere with the public decency, sobriety, peace, or good order of the neighborhood in which it is located? | ☐ | ☒ |
| 6. Will the place substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school or township park? | ☐ | ☒ |
| 7. Will the granting or transferring of a permit substantially interfere with the morals, safety, or welfare of the public? | ☐ | ☒ |
| 8. Will there be adverse effects of saturation of the area in relation to the number of existing permits, and will there be any adverse conditions in the area? | ☐ | ☒ |

REMARKS:



Stephen B. Maynard
Chief of Police

HEARING REQUESTED: Yes ☐ No ☒

Date: May 15, 2023

Attachment: LiquorPermit-AsafoAfricanMarket [Revision 1] (3591 : Asafo African Market Liquor Permit)



City Council Ordinance
Regular Meeting - May 22, 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, 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.

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, 1519.06, 1519.07 and 1519.08 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^[,]; 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)~~[(1)]~~(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)~~[(1)]~~(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)~~[(1)]~~(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**

~~[(c)]~~(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.

~~[(+)]~~(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 ~~[(+)]~~(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 ~~[(+)]~~(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 participate 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~~[(v)]~~**(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~~[(v)]~~**(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)

~~[(+)](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]~~**if** 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 ~~[§]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 WHOLESALE OF FIREWORKS CONDUCTS BUSINESS.**
- (ee) **"LICENSED BUILDING" MEANS A BUILDING ON THE LICENSED PREMISES OF A LICENSED MANUFACTURER OR WHOLESALE 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]~~ **A LICENSED FOUNTAIN DEVICE RETAILER AS AUTHORIZED BY OHIO R.C. 3743.27, A PERSON AS AUTHORIZED BY OHIO R.C. 3743.44 AND 3743.45, OR A LICENSED EXHIBITOR OF FIREWORKS AS AUTHORIZED BY OHIO R.C. 3743.50 TO 3743.55, OR AS AUTHORIZED BY ANY MUNICIPAL ORDINANCE THAT IS SUBSTANTIALLY EQUIVALENT TO ANY OF THESE STATUTES, AND EXCEPT AS PROVIDED IN OHIO R.C. 3743.80 OR A SUBSTANTIALLY EQUIVALENT MUNICIPAL ORDINANCE.**

(b) Except as provided in **SUBSECTION (h) AND** Section 1519.05 **OR A SUBSTANTIALLY EQUIVALENT MUNICIPAL ORDINANCE**, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 **OR A SUBSTANTIALLY EQUIVALENT MUNICIPAL ORDINANCE** ~~[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. **NO PERSON UNDER EIGHTEEN YEARS OF AGE SHALL ENTER A FIREWORKS SALES SHOWROOM UNLESS THAT PERSON IS ACCOMPANIED BY A PARENT, LEGAL GUARDIAN, OR OTHER RESPONSIBLE ADULT. NO PERSON UNDER EIGHTEEN YEARS OF AGE SHALL TOUCH OR POSSESS FIREWORKS ON A LICENSED PREMISES WITHOUT THE CONSENT OF THE LICENSEE. A LICENSEE MAY EJECT ANY PERSON FROM A LICENSED PREMISES THAT IS IN ANY WAY DISRUPTIVE TO THE SAFE OPERATION OF THE PREMISES.**

~~[(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) EXCEPT AS OTHERWISE PROVIDED IN OHIO R.C. 3743.44, [N]**no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) NO PERSON SHALL NEGLIGENTLY DISCHARGE, IGNITE OR EXPLODE FIREWORKS WHILE IN POSSESSION OR CONTROL OF, OR UNDER THE INFLUENCE OF, ANY INTOXICATING LIQUOR, BEER, OR CONTROLLED SUBSTANCE.

(g) NO PERSON SHALL NEGLIGENTLY DISCHARGE, IGNITE OR EXPLODE FIREWORKS ON THE PROPERTY OF ANOTHER PERSON WITHOUT THAT PERSON'S PERMISSION TO USE FIREWORKS ON THAT PROPERTY.

(ORC 3743.65)

(h) PURCHASE, USE AND LOCAL REGULATION OF CONSUMER-GRADE FIREWORKS.

- (1) ANY PERSON WHO INTENDS TO OBTAIN POSSESSION IN THIS STATE OF 1.4G FIREWORKS PURCHASED IN THIS STATE SHALL OBTAIN POSSESSION OF THE 1.4G FIREWORKS ONLY FROM A LICENSED RETAILER, LICENSED MANUFACTURER, OR LICENSED WHOLESALE AND SHALL BE SUBJECT TO SUBSECTION (h).
- (2) ANY PERSON AUTHORIZED UNDER SUBSECTION (h) TO POSSESS 1.4G FIREWORKS IN THIS STATE MAY DISCHARGE, IGNITE OR EXPLODE THOSE FIREWORKS ON PRIVATE PROPERTY, WITH AUTHORIZATION FROM THE PROPERTY OWNER, ON THE FOLLOWING DAYS EACH YEAR:
 - A. JANUARY 1ST;
 - B. CHINESE NEW YEAR'S DAY;
 - C. MAY 5TH;
 - D. THE LAST MONDAY IN MAY, AND THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING THAT DAY;
 - E. JUNE 19TH;
 - F. JULY 3RD, 4TH, AND 5TH;
 - G. THE FIRST FRIDAY, SATURDAY AND SUNDAY BEFORE AND AFTER JULY 4TH;
 - H. THE FIRST MONDAY IN SEPTEMBER, AND THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING THAT DAY;
 - I. DIWALI;
 - J. DECEMBER 31ST.
- (3) FIREWORKS DISCHARGED, IGNITED OR EXPLODED PURSUANT TO THIS SUBSECTION (h) SHALL NOT BE CONSIDERED A PUBLIC EXHIBITION;
- (4) THE MUNICIPALITY MAY DO EITHER OF THE FOLLOWING:
 - A. RESTRICT THE DATES AND TIMES A PERSON MAY DISCHARGE, IGNITE OR EXPLODE FIREWORKS PURCHASED PURSUANT TO THIS SUBSECTION (h).
 - B. BAN THE DISCHARGE, IGNITION OR EXPLOSION OF FIREWORKS PURCHASED PURSUANT TO THIS SUBSECTION (h).
- (5) THIS SUBSECTION (h) DOES NOT LIMIT THE ENFORCEMENT OF ANY ORDINANCE, RESOLUTION OR STATUTE THAT REGULATES NOISE, DISTURBANCE OF THE PEACE, OR DISORDERLY CONDUCT.

(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.]

1519.06 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.

- (a) (1) EXCEPT AS DESCRIBED IN SUBSECTION (a)(2) OF THIS SECTION, ALL RETAIL SALES OF 1.4G FIREWORKS BY A LICENSED MANUFACTURER OR WHOLESALE SHALL ONLY OCCUR FROM AN APPROVED RETAIL SALES SHOWROOM ON A LICENSED PREMISES OR FROM A REPRESENTATIVE SAMPLE SHOWROOM AS DESCRIBED IN THIS SECTION ON A LICENSED PREMISES. FOR THE PURPOSES OF THIS

SECTION, A RETAIL SALE INCLUDES THE TRANSFER OF THE POSSESSION OF THE 1.4G FIREWORKS FROM THE LICENSED MANUFACTURER OR WHOLESALE TO THE PURCHASER OF THE FIREWORKS.

- (2) SALES OF 1.4G FIREWORKS TO A LICENSED EXHIBITOR FOR A PROPERLY PERMITTED EXHIBITION SHALL OCCUR IN ACCORDANCE WITH THE PROVISIONS OF THE OHIO REVISED CODE AND RULES ADOPTED BY THE STATE FIRE MARSHAL UNDER OHIO R.C. CHAPTER 119. SUCH RULES SHALL SPECIFY, AT A MINIMUM, THAT THE LICENSED EXHIBITOR HOLDS A LICENSE UNDER OHIO R.C. 3743.51, THAT THE EXHIBITOR POSSESSES A VALID EXHIBITION PERMIT ISSUED IN ACCORDANCE WITH OHIO R.C. 3743.54, AND THAT THE FIREWORKS SHIPPED ARE TO BE USED AT THE SPECIFICALLY PERMITTED EXHIBITION.

(b) ALL WHOLESALE SALES OF FIREWORKS BY A LICENSED MANUFACTURER OR WHOLESALE SHALL ONLY OCCUR FROM A LICENSED PREMISES TO PERSONS WHO INTEND TO RESELL THE FIREWORKS PURCHASED AT WHOLESALE. A WHOLESALE SALE BY A LICENSED MANUFACTURER OR WHOLESALE MAY OCCUR AS FOLLOWS:

- (1) THE DIRECT SALE AND SHIPMENT OF FIREWORKS TO A PERSON OUTSIDE OF THIS STATE;
- (2) FROM AN APPROVED RETAIL SALES SHOWROOM AS DESCRIBED IN THIS SECTION;
- (3) FROM A REPRESENTATIVE SAMPLE SHOWROOM AS DESCRIBED IN THIS SECTION;
- (4) BY DELIVERY OF WHOLESALE FIREWORKS TO A PURCHASER AT A LICENSED PREMISES OUTSIDE OF A STRUCTURE OR BUILDING ON THAT PREMISES. ALL OTHER PORTIONS OF THE WHOLESALE SALES TRANSACTION MAY OCCUR AT ANY LOCATION ON A LICENSED PREMISES.
- (5) ANY OTHER METHOD AS DESCRIBED IN RULES ADOPTED BY THE FIRE MARSHAL UNDER OHIO R.C. CHAPTER 119.

- (c) (1) A LICENSED MANUFACTURER OR WHOLESALE SHALL ONLY SELL 1.4G FIREWORKS FROM A REPRESENTATIVE SAMPLE SHOWROOM OR A RETAIL SALES SHOWROOM. EACH LICENSED PREMISES SHALL ONLY CONTAIN ONE SALES STRUCTURE.
- (2) A REPRESENTATIVE SAMPLE SHOWROOM SHALL CONSIST OF A STRUCTURE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE NONRESIDENTIAL BUILDING CODE ADOPTED UNDER OHIO R.C. CHAPTER 3781 AND THE FIRE CODE ADOPTED UNDER OHIO R.C. 3737.82 FOR A USE AND OCCUPANCY GROUP THAT PERMITS MERCANTILE SALES. A REPRESENTATIVE SAMPLE SHOWROOM SHALL NOT CONTAIN ANY PYROTECHNICS, PYROTECHNIC MATERIALS, FIREWORKS, EXPLOSIVES, EXPLOSIVE MATERIALS, OR ANY SIMILAR HAZARDOUS MATERIALS OR SUBSTANCES. A REPRESENTATIVE SAMPLE SHOWROOM SHALL BE USED ONLY FOR THE PUBLIC VIEWING OF FIREWORKS PRODUCT REPRESENTATIONS, INCLUDING PAPER MATERIALS, PACKAGING MATERIALS, CATALOGS, PHOTOGRAPHS, OR OTHER SIMILAR PRODUCT DEPICTIONS. THE DELIVERY OF PRODUCT TO A PURCHASER OF FIREWORKS AT A LICENSED PREMISES THAT HAS A REPRESENTATIVE SAMPLE STRUCTURE SHALL NOT OCCUR INSIDE ANY STRUCTURE ON A LICENSED PREMISES. SUCH PRODUCT DELIVERY SHALL OCCUR ON THE LICENSED PREMISES IN A MANNER PRESCRIBED BY RULES ADOPTED BY THE STATE FIRE MARSHAL PURSUANT TO OHIO R.C. CHAPTER 119.

- (3) IF A MANUFACTURER OR WHOLESALE ELECTS TO CONDUCT SALES FROM A RETAIL SALES SHOWROOM, THE SHOWROOM STRUCTURES, TO WHICH THE PUBLIC MAY HAVE ANY ACCESS AND IN WHICH EMPLOYEES ARE REQUIRED TO WORK, ON ALL LICENSED PREMISES, SHALL COMPLY WITH THE FOLLOWING SAFETY REQUIREMENTS:
- A. A FIREWORKS SHOWROOM THAT IS CONSTRUCTED OR UPON WHICH EXPANSION IS UNDERTAKEN ON AND AFTER JUNE 30, 1997, SHALL BE EQUIPPED WITH INTERLINKED FIRE DETECTION, FIRE SUPPRESSION, SMOKE EXHAUST, AND SMOKE EVACUATION SYSTEMS THAT ARE APPROVED BY THE SUPERINTENDENT OF INDUSTRIAL COMPLIANCE IN THE DEPARTMENT OF COMMERCE.
 - B.
 - 1. A FIREWORKS SHOWROOM THAT FIRST BEGINS TO OPERATE ON OR AFTER JUNE 30, 1997, OR THAT RESUMES OPERATIONS AT ANY TIME AFTER A PERIOD OF INACTIVE STATUS OR LICENSURE GREATER THAN ONE YEAR, AND TO WHICH THE PUBLIC HAS ACCESS FOR RETAIL PURPOSES SHALL NOT EXCEED 7,500 SQUARE FEET IN FLOOR AREA.
 - 2. A FIREWORKS SHOWROOM THAT, THROUGH CONSTRUCTION OF A NEW SHOWROOM, EXPANSION OF AN EXISTING SHOWROOM, OR SIMILAR MEANS, FIRST EXCEEDS 5,000 SQUARE FEET, TO WHICH THE PUBLIC HAS ACCESS FOR RETAIL PURPOSES, AFTER FEBRUARY 7, 2022, SHALL BE EQUIPPED WITH A SPRINKLER SYSTEM THAT MEETS THE CRITERIA FOR SPRINKLER SYSTEMS IN EXTRA HAZARD (GROUP 2) OCCUPANCIES UNDER "NFPA 13, STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS (2019 EDITION)".
 - 3. NOTWITHSTANDING SUBSECTION (d) OF THIS SECTION, THE STATE FIRE MARSHAL MAY PROVIDE A VARIANCE TO THE REQUIREMENTS OF SUBSECTION (c)(3)B.2. OF THIS SECTION PURSUANT TO OHIO R.C. 3743.59 FOR A SPRINKLER SYSTEM THAT MATCHES OR EXCEEDS THE DEGREE OF SAFETY PROVIDED BY A SPRINKLER SYSTEM THAT MEETS THE CRITERIA FOR SPRINKLER SYSTEMS IN EXTRA HAZARD (GROUP 2) OCCUPANCIES UNDER "NFPA 13, STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS (2019 EDITION)".
 - C. A NEWLY CONSTRUCTED OR AN EXISTING FIREWORKS SHOWROOM STRUCTURE THAT EXISTS ON SEPTEMBER 23, 2008, BUT THAT, ON OR AFTER SEPTEMBER 23, 2008, IS ALTERED OR ADDED TO IN A MANNER REQUIRING THE SUBMISSION OF PLANS, DRAWINGS, SPECIFICATIONS, OR DATA PURSUANT TO OHIO R.C. 3791.04, SHALL COMPLY WITH A GRAPHIC FLOOR PLAN LAYOUT THAT IS APPROVED BY THE STATE FIRE MARSHAL AND SUPERINTENDENT OF INDUSTRIAL COMPLIANCE SHOWING WIDTH OF AISLES, PARALLEL ARRANGEMENT OF AISLES TO EXITS, NUMBER OF EXITS PER WALL, MAXIMUM OCCUPANCY LOAD, EVACUATION PLAN FOR OCCUPANTS, HEIGHT OF STORAGE OR DISPLAY OF MERCHANDISE, AND OTHER INFORMATION AS MAY BE REQUIRED BY THE STATE FIRE MARSHAL AND SUPERINTENDENT OF INDUSTRIAL COMPLIANCE.

- D. A FIREWORKS SHOWROOM STRUCTURE THAT EXISTS ON JUNE 30, 1997, SHALL BE IN COMPLIANCE ON OR AFTER JUNE 30, 1997, WITH FLOOR PLANS SHOWING OCCUPANCY LOAD LIMITS AND INTERNAL CIRCULATION AND EGRESS PATTERNS THAT ARE APPROVED BY THE STATE FIRE MARSHAL AND SUPERINTENDENT OF INDUSTRIAL COMPLIANCE, AND THAT ARE SUBMITTED UNDER SEAL AS REQUIRED BY OHIO R.C. 3791.04.

(d) THE SAFETY REQUIREMENTS ESTABLISHED IN SUBSECTION (c) OF THIS SECTION ARE NOT SUBJECT TO ANY VARIANCE, WAIVER, OR EXCLUSION PURSUANT TO THIS CHAPTER OR ANY APPLICABLE BUILDING CODE.
(ORC 3743.25)

1519.07 MANUFACTURING OR WHOLESALE SALE WITHOUT A LICENSE; PROHIBITIONS.

(a) NO LICENSED MANUFACTURER OR LICENSED WHOLESALE 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 WHOLESALE 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 WHOLESALE PURSUANT TO OHIO R.C. 3743.08 AND 3743.21.

(c) NO LICENSED MANUFACTURER OR LICENSED WHOLESALE 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 WHOLESALE 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 WHOLESALE OF FIREWORKS, EXCEPT AS SMOKING IS AUTHORIZED IN SPECIFIED LUNCHROOMS OR RESTROOMS BY A MANUFACTURER OR WHOLESALE 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 WHOLESALE OF FIREWORKS.

(g) NO LICENSED MANUFACTURER OF FIREWORKS OR LICENSED WHOLESALE 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 WHOLESALE 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)

1519.08 PURCHASERS TO COMPLY WITH LAW; UNAUTHORIZED PURCHASES.

(a) NO PERSON WHO PURCHASES FIREWORKS IN THIS MUNICIPALITY SHALL OBTAIN POSSESSION OF THE FIREWORKS IN THIS MUNICIPALITY UNLESS THE PERSON COMPLIES WITH OHIO R.C. 3743.44 TO 3743.46.

(b) EXCEPT FOR THE PURCHASE OF 1.4G FIREWORKS MADE UNDER SECTION 1519.04, NO PERSON WHO RESIDES IN ANOTHER STATE AND WHO PURCHASES FIREWORKS IN THIS STATE SHALL OBTAIN POSSESSION OF FIREWORKS IN THIS STATE OTHER THAN FROM A LICENSED MANUFACTURER OR WHOLESALER, OR FAIL, WHEN TRANSPORTING 1.3G FIREWORKS, TO TRANSPORT THEM DIRECTLY OUT OF THIS STATE WITHIN SEVENTY-TWO HOURS AFTER THE TIME OF THEIR PURCHASE.

(c) NO PERSON WHO PURCHASES FIREWORKS IN THIS STATE UNDER SECTION 1519.04, SHALL GIVE OR SELL TO ANY OTHER PERSON IN THIS MUNICIPALITY FIREWORKS THAT THE PERSON HAS ACQUIRED IN THIS STATE.

(ORC 3743.63)



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Transportation Alternative Funding Application - Extension of the Great Miami River Trail

Legislation Title:

Ordinance to authorize the City Manager to execute and file the Ohio Kentucky Indiana Regional Council of Governments (OKI) – Transportation Alternative Funding Application and Agreement for the Fairfield Extension of the Great Miami River Trail (GMRT) and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation, with rules suspension and emergency provision, authorizing the City Manager to execute and file the application for financial assistance, and enter into an agreement for a grant to fund a portion of this proposed segment of the Great Miami River Trail within the City of Fairfield.

Background/Synopsis:

It is necessary for City Council to authorize the City Manager to execute an OKI grant application for financial assistance.

The City of Fairfield desires to add a network component for the Great Miami River Trail (GMRT) which currently ends at Waterworks Park in Fairfield. The section being considered is nearly 7400 feet of new trail. There is 4300 feet of existing trail that will be utilized. This phase would allow the path to be accessed directly by a considerable portion of the City's residential population without driving, connect the trail through Marsh Park to the new Dog Park/Trailhead, and allow for future expansion into Hamilton County.

A master plan for Marsh Park was completed by Kleingers and Associates for the City in 2016. The master plan included multi-use trail plans connecting Marsh Park to the Great Miami River Trail network.

We are applying for a grant from the Ohio Kentucky Indiana Regional Council of Governments for this project.

If funding is approved, this project would schedule to bid in 2026/2027.

The project is programmed in the current 2023-2027 CIP. If approved, OKI would be funding approximately 50% of the project's construction (\$750,000). The estimated total cost of construction for this project is approximately \$1,500,000.00. The engineering for this project will be 100% local funding and is estimated at \$250,000.

This trail extension is supported by the City's development of Fairfield Connects, the City's active transportation plan currently in development.

Financial Impact:

No immediate financial impact.

Emergency Provision Explanation:

The final applications are soon to be considered by OKI, therefore a suspension of the rules and emergency provisions are being requested.

Rule Suspension Requested:

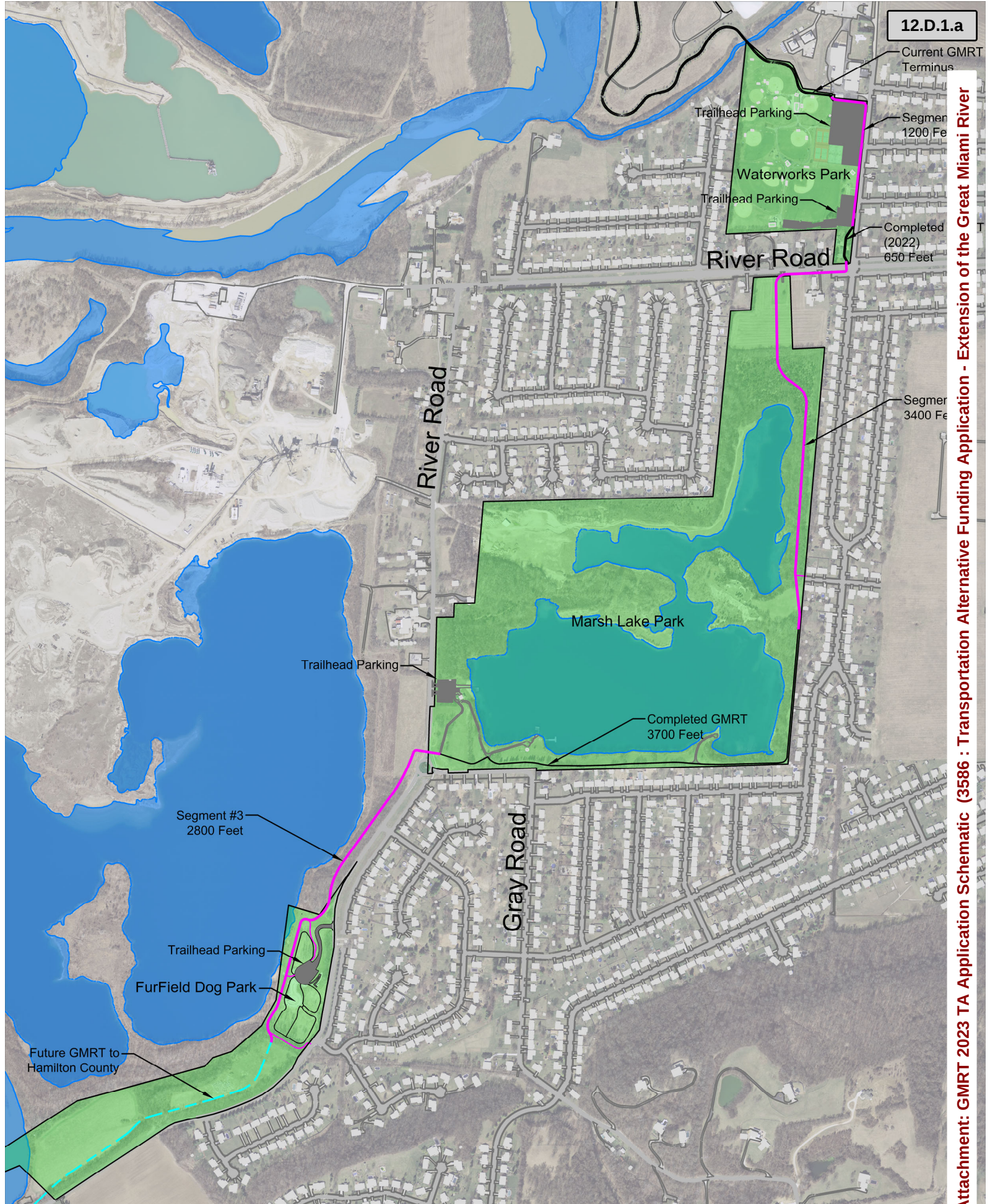
Yes

Emergency Provision Needed:

Yes

Attachments:

1. GMRT 2023 TA Application Schematic
2. Transportation Alternative Funding-Ord



Attachment: GMRT 2023 TA Application Schematic (3586 : Transportation Alternative Funding Application - Extension of the Great Miami River

Great Miami River Trail - Fairfield Extension

1 inch = 900 feet

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND FILE THE OHIO KENTUCKY INDIANA REGIONAL COUNCIL OF GOVERNMENTS (OKI) – TRANSPORTATION ALTERNATIVE FUNDING APPLICATION AND AGREEMENT FOR THE FAIRFIELD EXTENSION OF THE GREAT MIAMI RIVER TRAIL (GMRT) AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to execute and file the Ohio Kentucky Indiana Regional Council of Governments (OKI) – Transportation Alternative Funding Application and Agreement for the Fairfield Extension of the Great Miami River Trail (GMRT) in accordance with the application and 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 final application be considered by OKI during its current grant cycle; 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\Transportation Alternative Funding-Ord

Attachment: Transportation Alternative Funding-Ord (3586 : Transportation Alternative Funding Application - Extension of the Great Miami



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Surface Transportation Block Grant Funding Application for the Fairfield Pleasant Avenue Trail

Legislation Title:

Ordinance to authorize the City Manager to execute and file the Ohio Kentucky Indiana Regional Council of Governments (OKI) – Surface Transportation Block Grant Funding Application and Agreement for the Fairfield Pleasant Avenue Multi-Use Trail and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation, with rules suspension and emergency provision, authorizing the City Manager to execute and file the application for financial assistance, and enter into an agreement for a grant to fund a portion of this proposed segment of the Pleasant Avenue Multi-Use Trail within the City of Fairfield.

Background/Synopsis:

It is necessary for City Council to authorize the City Manager to execute an OKI grant application for financial assistance.

The City of Fairfield desires to add a network component for the City's sidewalk and trail system. The section being considered is nearly 6800 feet of new trail. A trail along Pleasant Avenue from Hunter to Wessel will connect many people and neighborhoods to jobs and amenities along the corridor. It will establish a connected corridor for multi-modal transportation. The City intends this to be part of a transformational trail plan linking the Great Miami River Trail, Fairfield's signature parks, and our City Center together.

We are applying for a grant from the Ohio Kentucky Indiana Regional Council of Governments for this project.

If funding is approved, this project would schedule to bid in 2026/2027.

The project is programmed in the current 2023-2027 CIP. If approved, OKI would be funding approximately 70% of the project's construction (\$1,750,000). The estimated total cost of construction for this project is approximately \$2,500,000.00. The engineering for this project will be 100% local funding and is estimated at \$250,000.

This trail development is supported by the City's development of Fairfield Connects, the City's active transportation plan currently in development.

Financial Impact:

No immediate financial impact.

Emergency Provision Explanation:

The final applications are soon to be considered by OKI, therefore a suspension of the rules and emergency provisions are being requested.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Pleasant Ave Multiuse Trail
2. Surface Transportation Block-Ord

River Road

Future Path
to GMRT
5500 Feet

Nilles Road

Wessel Drive

Village Green Hillside Preserve

Proposed Pleasant Ave
Multipurpose Path
6800 Feet

Emerald Lakes
Drive

Resor Road

Harbin Park

Point
Pleasant
Park

Hunter Road

Future Path to
Southern City Limit/
Hamilton County
3400 Feet

Pleasant Ave Multipurpose Path

1 inch = 900 feet

Packet Pg. 180

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND FILE THE OHIO KENTUCKY INDIANA REGIONAL COUNCIL OF GOVERNMENTS (OKI) – SURFACE TRANSPORTATION BLOCK GRANT FUNDING APPLICATION AND AGREEMENT FOR THE FAIRFIELD PLEASANT AVENUE MULTI-USE TRAIL AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to execute and file the Ohio Kentucky Indiana Regional Council of Governments (OKI) – Surface Transportation Block Grant Funding Application and Agreement for the Fairfield Pleasant Avenue Multi-Use Trail in accordance with the application and 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 final application be considered by OKI during its current grant cycle; 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\Surface Transportation Block-Ord

Attachment: Surface Transportation Block-Ord (3587 : Surface Transportation Block Grant Funding Application for the Fairfield Pleasant



City Council Ordinance
Regular Meeting - May 22, 2023

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

Subject:

Unclassified Pay Plan Ordinance

Legislation Title:

Ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio, to repeal Ordinance No. 69-23 and all amendments thereto and declaring an emergency.

Recommendation:

It is recommended that City Council approve this Ordinance adding full-time Body Camera Analyst to the Unclassified Pay Plan, suspending the rules and declaring an emergency.

Background/Synopsis:

The Body Camera Analyst is currently a part-time position in the Police Department. Due to greater demand for the video footage from Police Officers' body worn cameras, it has become necessary to increase the hours of the Body Camera Analyst to full-time. This position is responsible for review, redacting, storage and providing the footage from the body worn cameras. It is recommended that the position be added to Pay Grade 1 on the Unclassified Pay Plan.

Financial Impact:

Funding for a full-time Body Camera Analyst position will be approximately \$84,800 per year.

Emergency Provision Explanation:

It is recommended that City Council approve this Ordinance adding full-time Body Camera Analyst to the Unclassified Pay Plan, suspending the rules and declaring an emergency.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Unclassified Service Pay Plan and Position List effective 5-22-23

ORDINANCE NO. _____

ORDINANCE ESTABLISHING SALARIES FOR CERTAIN EXEMPT AND SALARIED EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO, TO REPEAL ORDINANCE NO. 69-23 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

- Section 1. Ordinance No. 69-23 and all other prior ordinances inconsistent herewith, are hereby repealed.
- Section 2. The attached position list, which is incorporated herein by reference, is hereby adopted. The existing salaries for the positions set forth in the attached salary structure shall be within the ranges as shown and are effective April 1, 2023.
- Section 3. The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement, not currently employed by the City, is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.
- Section 4. The City Manager is hereby authorized to grant performance-based wage increases, lump sum achievement awards and equity pay adjustments for employees within the job classifications listed on the Unclassified Service Pay Plan structure attached, within the confines of the ranges shown. Base wage increases awarded by percentage shall not exceed a total of \$100,000.00. Base wage lump sum increases awarded by percentage, lump sum achievement awards and equity pay adjustments shall not exceed a total of \$100,000. All increases and adjustments shall be effective as approved by the City Manager.
- Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner, 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.

Attachment: Unclassified Service Pay Plan and Position List effective 5-22-23 [Revision 1] (3584 : Unclassified Pay Plan Ordinance)

Clerk of Council

Attachment: Unclassified Service Pay Plan and Position List effective 5-22-23 [Revision 1] (3584 : Unclassified Pay Plan Ordinance)

**UNCLASSIFIED SERVICE PAY PLAN
POSITION LIST**

Pay Grade	Position Title	Annual Minimum	Annual Maximum
1	Secretary to Mayor Parks & Recreation Coordinator (3) Secretary to Director of Development Services Secretary to Director of Public Utilities Administrative Assistant Clerk of Council (PT) BODY CAMERA ANALYST EMS Privacy Officer	\$41,277.60	\$68,520.82
	Help Desk Technician* Payroll Administrator Human Resources Coordinator Accountant Code Enforcement Supervisor Golf Course Superintendent Landscape Coordinator Parks & Recreation Manager (2) Tax Analyst (2)	\$50,565.01	\$83,954.00
3	Network Analyst* G.I.S. Analyst* CALEA Accreditation Manager Golf Operations Manager Juvenile Diversion Counselor Risk/Safety Coordinator Communications Manager Construction Manager Neighborhood Development Manager Engineer	\$61,939.28	\$96,108.06
4	Senior Network Analyst* Accounting Supervisor Economic Development Manager Fleet/Facilities Superintendent Income Tax Administrator Planning Manager Parks & Recreation Superintendent (2) Streets & Grounds Superintendent Utility Collection Supervisor Human Resources Manager	\$71,593.81	\$115,967.07

5	City Engineer* Information Technology Manager* Superintendent of Building Inspection and Zoning Superintendent of Public Utilities - Field Operations Superintendent of Public Utilities - Treatment Deputy Fire Chief (3) Major/Deputy Police Chief (3)	\$83,495.36	\$135,275.92
6	Director of Development Services Director of Finance Director of Parks and Recreation Director of Public Utilities Director of Public Works Fire Chief Police Chief	\$97,392.26	\$146,076.94
14	Assistant City Manager	\$105,189.14	\$157,772.16

* S.T.E.M. positions- point factored in one pay grade lower but assigned to one pay grade higher for salary range



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Chris Hacker,
 Submitting Department: Finance

Subject:

Supplemental Appropriation - Transfer of Monies

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." - Supplemental Appropriations

Recommendation:

It is recommended that City Council suspend the rules requiring the second and third readings and authorize and direct the preparation of legislation amending the annual operating budget for 2023.

Background/Synopsis:

From:	Unappropriated Water Revenue Fund...	\$51,850
To:	60161927-271000 Transfer To... (Fund 602 Water Bond & Interest Fund)	\$51,850
From:	Unappropriated Water Bond & Interest Fund...	\$51,850
To:	60261926-261000 Payment of Interest...	\$51,850

Financial Impact:

Supplemental appropriations are requested in the amount of \$51,850 from the Water Revenue Fund.

Transfers from the Water fund were increased in order to make appropriate interest payments on debt financed department projects. In the Water Revenue Fund, an additional \$51,850 for transfers to the Water Bond and Interest Fund are required to cover the cost of the interest due in 2023 on prior years' debt issuances.

Emergency Provision Explanation:

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. Supplemental-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 Water Revenue Fund	\$51,850
To:	60161927-271000 Transfer To	\$51,850
	<i>(Fund 602 Water Debt Fund for Interest Payment)</i>	
From:	Unappropriated Water Bond & Interest Fund	\$51,850
To:	60261926-261000 Payment of Interest	\$51,850
	<i>(Interest paid for Water Debt)</i>	

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

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

Clerk of Council		

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

Clerk of Council



City Council Ordinance
Regular Meeting - May 22, 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.

\$210,000 for 2023 Bunker Renovation Project;
 \$258,000 contingency funds restored for Port Union Water Tower Project (existing contract);
 \$13,188 for CAD/RMS software upgrade (existing contract).

Financial Impact: \$481,188.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. ContractualAppropriations.052223
2. Contractual 5-22-Ord



City Council Action Item
Regular Meeting - May 22, 2023

Submitted by: Adam Sackenheim,
 Submitting Department: Public Utilities

Subject:

Contingency funds restored from 2022 for 2023 - Port Union Water Tower Project

Legislation Title:

Contingency funds restored from 2022 for 2023 - Port Union Water Tower Project

Recommendation:

Background/Synopsis:

Contingency funds were authorized in 2022 for the Port Union Water Tower Project as approved in the Public Utilities Department Capital Improvement Program (CIP), but funds were not formally appropriated in 2022. As this project has extended into 2023, City staff is requesting that these contingency funds be restored for use in 2023.

Financial Impact:

The project(s) and fund amount(s) to be restored for use in 2023:

Project 2WT25 - New Water Tower:
 Contingency funding to be restored:
 \$258,000.00

Rule Suspension Requested:

Emergency Provision Needed:

Attachment: Contractual Appropriations.052223 (3589 : Contractual Appropriations)



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Steve Maynard,
Submitting Department: Police

Subject:

CAD/RMS Project

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with Central Square to provide CAD/RMS software and declaring an emergency.

Recommendation:

It is recommended that Council authorize the City Manager to enter into a contract with Central Square to provide CAD/RMS software. This is a supplemental request for \$13,187.38 to increase an existing contract, PO-20221345.

Background/Synopsis: We are currently in the process of transitioning to a new CAD/RMS system. This appropriation is necessary to finish the project.

Financial Impact: Financial Impact: The purchase will be funded through the Capital Improvement Project, Fund 1PD03.

Emergency Provision Explanation: This project is necessary for the overall function of our dispatch center and the delivery of public safety services.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachment: ContractualAppropriations.052223 (3589 : 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 Recreational Facilities Fund	\$150,000
To:	64052025-252000 Improvements other than Bldg (<i>Golf Course Bunker Renovations 3RC02</i>)	\$150,000
From:	Unappropriated Capital Improvement Fund	\$73,188
To:	40216025-253400 Computer Equipment (<i>CAD/RMS System Upgrade 1PD03</i>)	\$13,188
To:	40216025-252000 Improvements other than Bldg (<i>Cart Path Repairs 3RC03 - Reallocated to Bunker Renovations</i>)	\$60,000
From:	Unappropriated Water Replacement & Improvement Fund	\$258,000
To:	60416025-252000 Improvements Other Than Building (<i>Port Union Water Tower Construction 2WT25</i>)	\$258,000

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

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

ATTEST:

Attachment: Contractual 5-22-Ord (3589 : Contractual Appropriations)

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 5-22-Ord

Attachment: Contractual 5-22-Ord (3589 : Contractual Appropriations)



City Council Ordinance
Regular Meeting - May 22, 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.

\$30,000 for South Route 4 Island Extension;
 \$32,400 for purchase of 3-point mower for Tractor (Sewer Division);
 \$14,900 for Polymer Feed Unit (Wastewater Division);
 \$8,000 for CAD/RMS project;
 \$4,300 for Safety Town Project;
 \$39,000 for Police Canine replacement;
 \$30,000 for storm sewer extensions for Emerald Lakes;
 \$75,000 for Parks Facilities Maintenance Items (multiple vendors).

Financial Impact: \$233,600.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. NonContractualAppropriations.052223
2. NonContractual 5-22-Ord



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Appropriation for Light Poles and Hanging Baskets for South Route 4 Island Extension

Legislation Title:

Appropriation for Light Poles and Hanging Baskets for South Route 4 Island Extension

Recommendation:

It is recommended that City Council approve an appropriation in the amount of \$30,000.00 from the Street Improvement Fund

Background/Synopsis:

The City is extending the center median with the Route 4 project to promote safety and aesthetics. It will limit the ability of cars to make illegal northbound lefts to and from Route 4 at Stockton Station Lane.

Additional landscaping and irrigation will be done using the existing contract with Davey Tree and with City forces. Poles will be purchased from the vendor that supplies the poles and lighting from the same manufacturer that was originally contracted for median lighting.

This funding is programmed in the Capital Improvement Program as 3PW09 for pavement markings. The funding being requested will not be needed for that item.

Financial Impact:

\$30,000.00 (\$23,118.00 for light poles and associated items with \$6,882.00 for contingencies and other Public Works Department needs) from the Street Improvement Fund.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

Attachment: NonContractualAppropriations.0522223 (3590 : Non-Contractual Appropriations)

1. CITY OF FAIRFIELD QUOTE 4-27
2. SR4 Sheet 17 - Concrete Island Extension 200' North of Stockton Station Lane

CITY OF FAIRFIELD

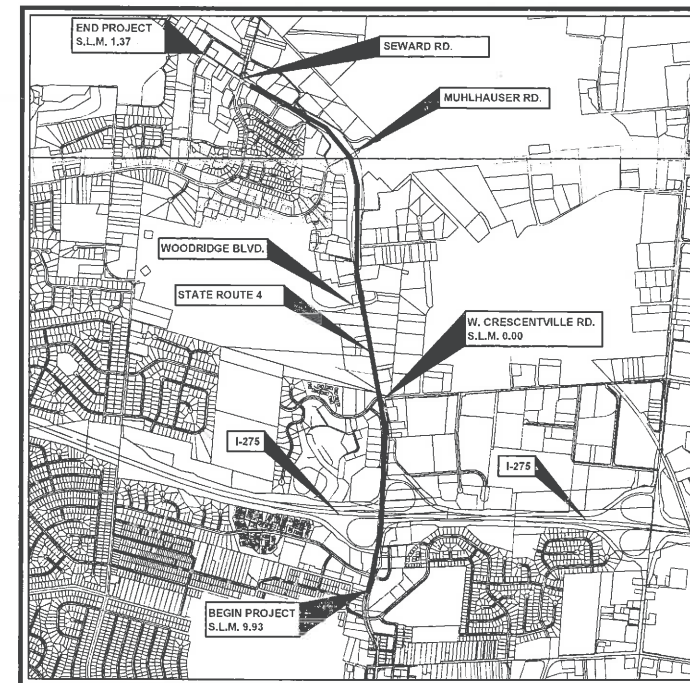
Qty	Type	Mfg	Description	Unit Price	Extended Price
5	HEAD	KIM	RA17A2/36L/350/5K7/2/CLR/UNV/BLS		
5	ARM	KIM	1SA/HA03S/BLS		
5	POLE	KIM	HSAS14-534188-S-SA-HA03S-BLS-SBC-SPC-ABT		
5	COUP	LEX	3VBCS BREAKAWAY COUPLING 5" BASE PAINT PWD BLACK DBL		
		LINE NOTE: CURRENT LEAD TIME APPROXIMATELY 7-9 WEEKS			
1		LOT	PRICE FOR HEAD, POLE, ARM, AND COUPLING	23,118.00	\$ 23,118
			FREIGHT INCLUDED		
				Estimated Total:	\$ 23,118

Notes

Payment Terms: As per Your Account

1. Any change in quantities or destination may incur a price adjustment.
2. Prices shown do not include any sales, excise or other government charge payable to seller, to Federal, State, or local authority. Any such taxes now or hereafter imposed upon sales or shipments will be added to the purchase price. Buyer agrees to reimburse Seller for any such tax or prov Seller with acceptable tax exemption certificate.
3. Acceptance of any order is subject to credit approval.
4. If Buyer fails to comply with these conditions of sale or Buyer's credit becomes unsatisfactory to Seller, Seller reserves right to terminate order upon written notice to Buyer.
5. Materials covered by this Quotation are warranted only to the extent of manufacturer's warranty which will be furnished on written request.
6. Seller is not to be accountable for delays in delivery by any legislative, administrative or executive law, order, or requisition of Federal Government or any State or Municipal Government or any subdivision, department agency, officer or official thereof, or if caused by strike, fire, floods, accidents, delays of carrier, inability to obtain suitable or sufficient labor, and necessary supplies of raw materials or other unavoidable contingencies beyond Seller's control. Seller shall not be liable for any consequences or special damages.
7. Claims for shortages, other than loss in transit, must be made to Seller in writing within five (5) days after receipt of shipment.
8. Orders placed as a result of this Quotation, are subject to the terms and conditions herein which shall prevail over any inconsistent terms of Buyer's purchase order. No additional conditions of sale may be imposed by Buyer without Seller's consent.
9. Prices are subject to change without notice, unless otherwise noted, and Quotation is subject to acceptance within (30) days from date of issue.
10. Return of any merchandise for credit subject to our prior approval. Manufacturer's charges for restocking and freight to and from factories will be passed on to customer.
11. As it pertains to Computer Control Hardware and Software, Richards Electric makes no warranties expressed or implied and is not liable for any direct, indirect, incidental, or consequential damages which may occur as a result of the use or misuse of these products.

Attachment: NonContractualAppropriations.0522223 (3590 : Non-Contractual Appropriations)



LOCATION MAP

LATITUDE: N 39°-17'-40.02" LONGITUDE: W 84°-29'-06.18"



PORTION TO BE IMPROVED _____
STATE & FEDERAL ROUTES _____
OTHER ROADS _____

DESIGN DESIGNATION

CURRENT ADT (2021) _____ 42300
DESIGN YEAR ADT (2030) _____ 49856
DESIGN HOURLY VOLUME (2030) _____ 3807
DIRECTIONAL DISTRIBUTION _____ 60% SLM 9.90 SLM 0.40
TRUCKS (24 HOUR B&C) _____ 6% TO 0.40 TO 1.37
DESIGN SPEED _____ 40 mph 50 mph
LEGAL SPEED _____ 40 mph 50 mph

DESIGN FUNCTIONAL CLASSIFICATION -
URBAN PRINCIPAL ARTERIAL

DESIGN EXCEPTIONS

NONE REQUIRED

ADA DESIGN WAIVER

NONE REQUIRED

UNDERGROUND UTILITIES
Contact Two Working Days
Before You Dig

OHIO811. 8-1-1. or 1-800-362-2764
(Non-members must be called directly)

PLAN PREPARED BY:



440 E. HOEWISHER ROAD • SIDNEY, OHIO 45365 • 937.497.0200
8956 GLENDALE MILFORD ROAD, SUITE 1 • LOVELAND, OHIO 45140 • 513.239.8554

www.CHOICEONEENGINEERING.com

STATE OF OHIO
DEPARTMENT OF TRANSPORTATION
BUT/HAM-SR 4-0.00/9.97
CITY OF FAIRFIELD
CITY OF SPRINGDALE
BUTLER AND HAMILTON COUNTY

INDEX OF SHEETS:

TITLE SHEET	1
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GENERAL SUMMARY	5-6
ROADWAY SUBSUMMARY	7
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CROSS SECTIONS - S.R.4	19
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FINAL TRACINGS
NOVEMBER 8, 2022

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF A 3" MILL AND FILL, RESTRIPIING, AND FULL DEPTH PAVEMENT REPLACEMENT ALONG STATE ROUTE 4 (DIXIE HIGHWAY) BETWEEN STRAIGHT LINE MILEAGE 9.90 IN THE CITY OF SPRINGDALE, OHIO TO STRAIGHT LINE MILEAGE 1.37 IN THE CITY OF FAIRFIELD, OHIO.

EARTH DISTURBED AREAS

PROJECT EARTH DISTURBED AREA	= 0.14 ACRES
ESTIMATED CONTRACTOR EARTH DISTURBED AREA	= 0.15 ACRES
NOTICE OF INTENT (NOI) EARTH DISTURBED AREA	= N/A ACRES

2019 SPECIFICATIONS

THE STANDARD SPECIFICATIONS OF THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, INCLUDING SUPPLEMENTAL SPECIFICATIONS LISTED IN THE PLANS AND CHANGES LISTED IN THE PROPOSAL SHALL GOVERN THIS IMPROVEMENT.

I HEREBY APPROVE THESE PLANS AND DECLARE THAT THE MAKING OF THIS IMPROVEMENT WILL NOT REQUIRE THE CLOSING TO TRAFFIC OF THE HIGHWAY AND THAT PROVISIONS FOR THE MAINTENANCE AND SAFETY OF TRAFFIC WILL BE AS SET FORTH ON THE PLANS AND ESTIMATES.

STANDARD CONSTRUCTION DRAWINGS								SUPPLEMENTAL SPECIFICATIONS	
BP-2.1	7/17/15	RM-3.1	7/20/18	TC-41.20	10/18/13			800	10/21/22
BP-3.1	1/17/20			TC-41.30	10/18/13			814	7/15/16
BP-4.1	7/19/13	MT-95.30	7/19/19	TC-41.41	07/19/19			821	4/20/12
BP-5.1	7/16/21	MT-95.31	7/19/19	TC-42.20	10/18/13			832	10/19/18
BP-7.1	7/17/20	MT-95.32	4/19/19	TC-52.10	10/18/13			902	7/19/19
		MT-95.60	4/19/19	TC-52.20	1/15/21			921	4/20/12
CB-3	7/16/21	MT-95.61	4/19/19	TC-65.10	1/17/14				
CB-3A	7/16/21	MT-98.30	7/16/21	TC-65.11	7/21/17				
CB-6	7/16/21	MT-99.20	4/19/19	TC-71.10	7/16/21				
		MT-101.90	7/17/20	TC-72.20	7/20/18				
MH-3	7/16/21	MT-102.20	4/19/19	TC-74.10	7/16/21				
		MT-105.10	1/17/20	TC-82.10	7/19/19				
DM-2.1	1/18/13	MT-110.10	7/19/13						
DM-4.4	1/15/16								

ENGINEERS SEAL



SIGNED: *Nicholas J. Selhorst*
DATE: 11/8/22

APPROVED
DATE: 10/3/22
John J. Jones
CITY ADMINISTRATOR, CITY OF SPRINGDALE

APPROVED
DATE: 10/9/22
Benjamin
PUBLIC WORKS DIRECTOR, CITY OF FAIRFIELD

APPROVED
DATE: 11/3/22
Nicholas W. Hill
CITY ENGINEER, CITY OF FAIRFIELD

FEDERAL PROJECT NO.
F191885

PID NO.
110415

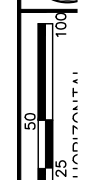
CONSTRUCTION PROJECT NO.

RAILROAD INVOLVEMENT
NONE

BUT/HAM-4-0.00/9.97

1

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)



CALCULATED
MRS
CHECKED

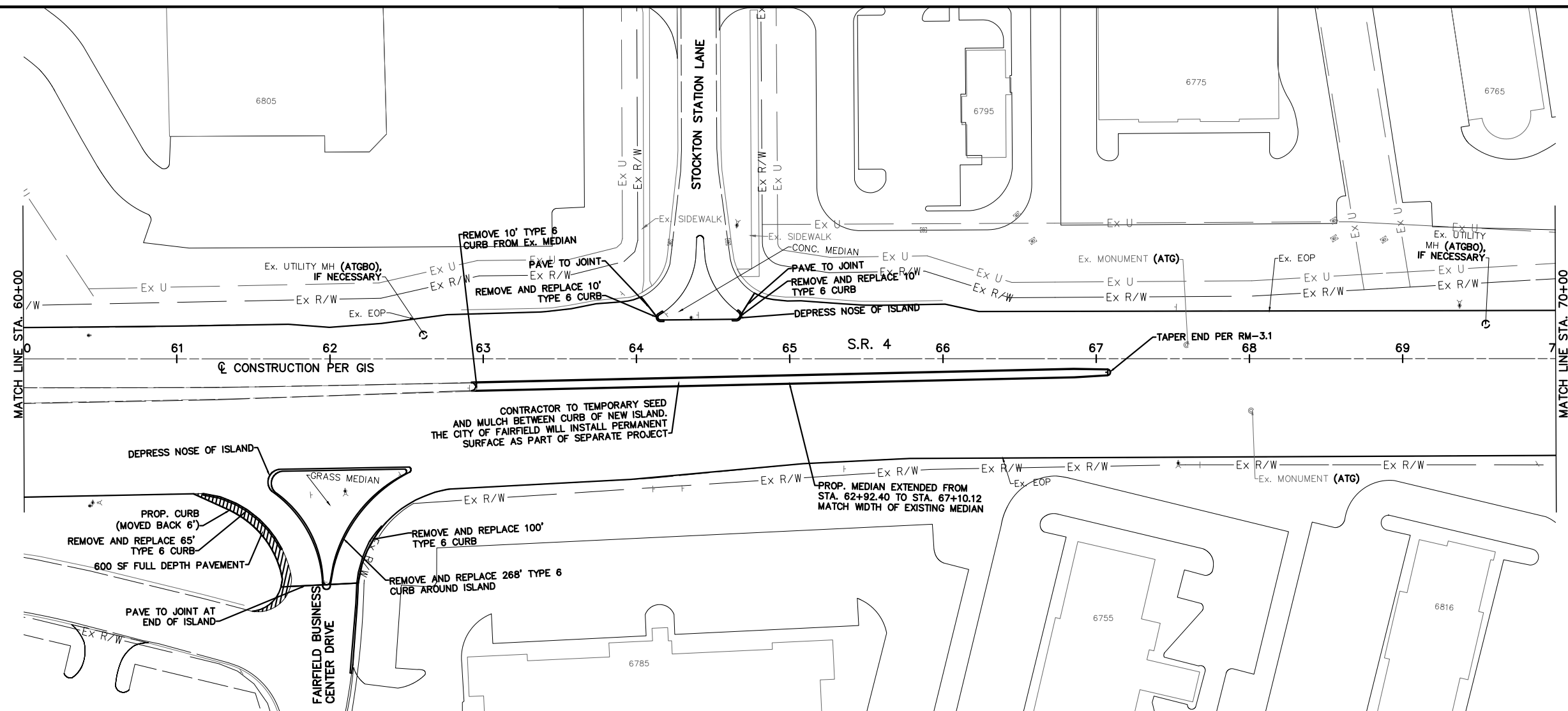
PLAN - S.R. 4

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)

BUT/HAM-4-0.00/9.97

17

Packet Pg. 200



STATION		LENGTH		FINAL PAVEMENT AREA	202	203	204	254	301	304	407	442	442	609	623	638	659
FROM	TO	MILES	LIN. FT.	SQ. FT.	CURB REMOVED, AS PER PLAN	EXCAVATION	SUBGRADE COMPACTION	3"± PAVEMENT PLANING, ASPHALT CONCRETE	9" ASPHALT CONCRETE BASE	6" AGGREGATE BASE	NON-TRACKING TACK COAT	ASPHALT CONCRETE SURFACE COURSE, 12.5MM, TYPE A, (449)	ASPHALT CONCRETE INTERMEDIATE COURSE, 9.5 MM, TYPE A (449)	CURB, TYPE 6, AS PER PLAN	MONUMENT ASSEMBLY ADJUSTED TO GRADE	VALVE BOX ADJUSTED TO GRADE	REPAIR SEEDING AND MULCHING
					FT.	CU. YD.	SQ. YD.	SQ. YD.	CU. YD.	CU. YD.	GAL.	CU. YD.	CU. YD.	FT.	EACH	EACH	SQ. YD.
60+00	70+00	0.19	1000	100374	453			11153			1673	465	465	453	2	1	
61+12	61+75	0.01	63	600		33	67		17	12	10	3	3				
62+92	67+10	0.08	418		10									837			274
TOTALS CARRIED TO SHEET 7					463	33	67	11153	17	12	1683	468	468	1290	2	1	274



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Brian Rose,
 Submitting Department: Public Works

Subject:

Purchase of 3 point mower for Tractor #2441 (Sewer)

Legislation Title:

Purchase of 3 point mower for Tractor #2441 (Sewer)

Recommendation:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing the appropriation of funding in the amount of \$32,400 from the Sewer Surplus Fund for this purchase.

Background/Synopsis:

This request is for the purchase of a 3 point boom mower to be used with tractor #2441 for mowing operations by the Sewer Division. This mower attachment is being purchased through the Kalida Truck Equipment Inc., listed under State of Ohio Index STS515 authorizing the use by Municipal Corporations.

The Tractor was requested on previous legislation.

Financial Impact:

\$32,400 from the Sewer Surplus Fund.

This unit is listed in the 2023 CIP as # 3FT46 Replacement of Tractor (Sewer) (\$100,000).

Since this request will exceed the monetary amount of 3FT46, the following CIP requests that have additional monies left in them will be used:

3FT46	\$20,737
3FT21	\$6,835
3FT45	\$4,828

Emergency Provision Explanation:

N/A

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Kalida 3 point boom



Kalida Truck Equipment, Inc.
P O Box 188
515 South Broad St
Kalida OH 45853
(419) 532-3919

QUOTE

Quote ID: KCV0006740

Quote Date: 3/22/2023

Quote Valid Until: 4/21/2023

Page 1 of 2

Customer: KOENIG EQUIPMENT
 5736 COLLEGE CORNER PIKE
 OXFORD OH 45056

Contact: STU MERKAMP
Phone: (513) 839-0419
Email: STU.MERKAMP@KOENIG EQUIPMENT.COM

Salesperson: Kyle Vorst

Part Number	Qty	Description	Unit Price	Amount
DIAMOND 16' 3-PT, 42" FLAIL	1	**OHIO STS INDEX NUMBER: STS515 QUOTED TO CITY OF FAIRFIELD DIAMOND 16' 3-POINT BOOM DIAMOND SPECS: HITCH- CAT II OR III PTO- 540 PTO HP- 60 MIN. TRACTOR WT.- 6,000 LB. FEATURES 4-FUNCTION PROPORTIONAL CONTROL JOYSTICK IMPROVED ERGONOMICS INCREASED MOWING SPEED IN TOUGH TERRAIN BECAUSE OF SHORTER OPERATOR REACTION TIME DECREASED OPERATOR FATIGUE 42" FLAIL HEAD: CUTS GRASS AND BRUSH UP TO 2" DIAMETER PROTECTIVE BONNET FOR SAFER OPERATION FLAIL KNIVES LESS LIKELY TO PROPEL OBJECTS **1-YEAR WARRANTY ON NON-WEAR PARTS** **3-YEAR WARRANTY ON ELECTRONIC JOYSTICK** **72-HOUR PARTS SHIPPING GUARANTEE ON TOP 750 PARTS SOLD** **BEST PRICE ON ALL PARTS GUARANTEE** **NOT INSTALLED DELIVERED TO YOUR LOCATION** ***THANK YOU FOR THE OPPORTUNITY TO EARN YOUR BUSINESS***	\$32,400.00	\$32,400.00

Sub Total: \$32,400.00

Sales Tax: \$0.00

Grand Total: \$32,400.00

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)

Customer must fill out the information below before the order can be processed...



Kalida Truck Equipment, Inc.
P O Box 188
515 South Broad St
Kalida OH 45853
(419) 532-3919

QUOTE

Quote ID: KCV0006740

Quote Date: 3/22/2023

Quote Valid Until: 4/21/2023

Page 2 of 2

Accepted by:	
Date:	
P.O. Number:	

A 3% CHARGE WILL BE APPLIED TO ALL DEBIT/CREDIT CARD TRANSACTIONS

Quoted price does not include any applicable taxes

Terms are Due Upon Receipt unless prior credit arrangements are made at the time of order

Due to the extremely volatile steel prices, our quoted price may change at any time. Call our office for an up to date price.

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)



City Council Information Item
Regular Meeting - May 22, 2023

Submitted by: Jason Hunold,
Submitting Department: Public Utilities

Subject:

Wastewater Division Polymer Feed Unit

Legislation Title:

Wastewater Division Polymer Feed Unit

Background/Synopsis:

In the Solids Handling Wastewater Treatment Process, Waste Activated Sludge is thickened by removing water in order to increase solids content before it is anaerobically digested. The Wastewater Division utilizes a Gravity Belt Thickener (GBT) in order to achieve this initiative. Waste sludge with a solids content of 0.5% is pumped to the GBT where a chemical (cationic polymer) is introduced to the sludge to promote solids and water separation. The sludge then flows across a porous 2 meter belt and runs through a series of plows. Separated water flows through the porous belt, which is sent back to the head of the treatment process for treatment, resulting in a sludge with a solids content of 4-5%. The thickened sludge is then pumped to the anaerobic digesters for further treatment.

The requested appropriation is for the purchase of new Gravity Belt Polymer Feed Unit. The existing unit has exceeded its projected useful life and is in need of replacement. Wastewater Division staff will replace the feed unit in-house.

A cost estimate from Prominent has been attached for review.

Financial Impact:

An appropriation in the amount of \$14,900.00 is being requested for the purchase of a Gravity Belt Polymer Feed Unit.

Funding for this project was included in the approved 2023-2027 Capital Improvement Program (CIP) under project 3WW16, Gravity Belt Polymer Feed Unit. The funding source is the Sewer Surplus Fund, 624.

Attachments:

1. Prominent Quote 1.5.23

Customer:

Tim Shaw
Henry P. Thompson Co

1046 Techne Center Dr
Milford, OH 45150
513-248-3200
tshaw@hpthompson.com

Submitted by:

Regional Sales Manager - Municipal Andy Ondish

Project Name:

Fairfield WWTP – GBT Polymer System

Dear: Mr. Shaw

ProMinent Fluid Controls is pleased to supply the attached proposal for your favorable consideration.

GENERAL NOTES:

A) This proposal is based on information and specifications you provided. Completeness and accuracy of scope of supply, and fulfillment of specification requirements, is ultimately your responsibility.

B) Drawing Submittals:

Allow 65 days ARO for engineering drawings to be created. Our Price includes one set of shop drawings and component cut sheets (available in electronic format from our website). One set of standard equipment manuals will be shipped with equipment. Customer is responsible for binder assembly and special documentation. A full submittal package is additional and price will be based on actual documentation requirements. Material procurement/production will not begin until submittal drawings are returned and marked approved.

Should you have any additional questions, please do not hesitate to contact us immediately.

TERMS & CONDITIONS

Payment: Net 60 days

Price: US Dollars, ExWorks, Pittsburgh, PA

Delivery: 3-4 Weeks ARO and Drawing/Submittal Approvals.

Offer Validity: 90 days

Sincerely,

Andrew M. Ondish
Regional Sales Manager

cc: M. Burdick

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)

Product Details:

#	Material #	Details	Qty	Price
1		Gravity Belt Thickener Polymer Feed System		\$14,378.05
1.1	1048356	ProMix S SG 120X2-2.30DA System	1	\$14,378.05

ProMix S Series polymer activation/feed system which includes three-staged motorized mixing chamber, Delta solenoid driven diaphragm style polymer metering pump, primary and post-dilution rotameters with control valves, dilution solenoid valve, control panel and polypropylene base.

System Connections:

Water Inlet: 3/4" FNPT

Pump Inlet: 1/2" FNPT

Solution Discharge: 3/4" FNPT

Primary Dilution: 120 gph

Post Dilution: 120 gph

Pump Capacity: 2.30 gph

System Voltage: 120/1/60

Attachment: NonContractualAppropriations.0522223 (3590 : Non-Contractual Appropriations)



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Steve Maynard,
Submitting Department: Police

Subject:

CAD/RMS Project

Legislation Title:

Ordinance to authorize the City Manager to enter into a purchasing agreement with CDW to purchase equipment necessary for the transition to our new CAD/RMS program.

Recommendation:

It is recommended that Council authorize the City Manger to enter into a purchasing agreement with CDW to purchase equipment necessary for the transition to our new CAD/RMS system for the price of \$8,000.

Background/Synopsis: We are currently in the process of transitioning to a new CAD/RMS system. This appropriation will allow for the purchase of additional hardware and software that is needed for the project.

Financial Impact: The purchase will be funded through the Capital Improvement Project, Fund 1PD03.

Emergency Provision Explanation: This equipment is necessary for the completion of the CAD/RMS project. That project is necessary for the overall function of our dispatch center and the delivery of public safety services.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Steve Maynard,
 Submitting Department: Police

Subject:

Safety Town Project

Legislation Title:

Ordinance to authorize the City Manager to enter into a purchasing agreement with multiple vendors to purchase equipment for Safety Town and declaring an emergency.

Recommendation:

It is recommended that Council authorize the City Manager to enter into a purchasing agreement with multiple vendors to purchase equipment for the Safety Town Project for the price of \$4300.00

Background/Synopsis: The Police Department will be starting a safety town this summer with participation from the Parks Department and the Fire Department. Various items are needed to get the project underway.

Financial Impact: Financial Impact: \$4300 from the Capital Improvement Fund, project 3PD06.

Emergency Provision Explanation: We would like to get the program up and running this summer, ordering the equipment necessary for the program is essential to ensuring that we receive the equipment prior to our start date.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Steve Maynard,
Submitting Department: Police

Subject:

Police Canine Replacement

Legislation Title:

Ordinance to authorize the City Manager to enter into a purchasing agreement with various vendors to purchase (2) police service dogs, training and necessary accessories to support the replacement of our current police service dogs and declaring an emergency.

Recommendation:

It is recommended that Council authorize the City Manager to enter into a purchasing agreement with various vendors to purchase (2) police service dogs, training and necessary accessories to support the replacement of our current police dogs for the price of \$39,000.

Background/Synopsis: Two of our police service dogs have reached the end of their service and need to be retired. This project will support their replacement with two new service dogs, their necessary training and other equipment needed for the program.

Financial Impact: This project will be funded through Law Enforcement Fund 3PD02.

Emergency Provision Explanation: Their immediate replacement is essential to maintaining our current level of public safety services.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Est_6434_from_Shallow_Creek_Kennels_Inc._7016

Shallow Creek Kennels, Inc.
6572 Seneca Road
Sharpsville, PA 16150

Quote

Date	Estimate #
5/9/2023	6434

Name / Address
Fairfield City Police 5230 Pleasant Ave. Fairfield, OH 45014

Description	Qty	Rate	Total
Finished Narcotic Detection/Patrol Police Service Dog with a 2 week acclimation at Shallow Creek Kennels, Inc. Lodging Included. Dog will be finished to N.A.P.W.D.A. standards and guaranteed to pass certification with a qualified handler.	2	14,500.00	29,000.00
**This Quote reflects a 3.5% cash discount. If payment via CC is preferred please email Shallowcreekk9@gmail.com or phone 724-646-1895 and we will adjust the quote.			
Thank you for your business. Any questions; 1-724-646-1895		Total	\$29,000.00

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Storm Sewer Extensions for Emerald Lakes – Appropriation of Funding

Legislation Title:

Storm Sewer Extensions for Emerald Lakes – Appropriation of Funding

Recommendation:

It is recommended that emergency funding be appropriated from the Capital Improvement Fund as described in the Financial Impact.

Background/Synopsis:

This area has had complaints from a couple major storms while the area still had bare soil. Most of the area is vegetated now which helps with sediment concerns but there is still a concern from the adjoining properties that runoff from large storm events will cause future problems. The City has agreed to help mitigate these problems as much as is practicable while some of the lots are vacant or unoccupied.

The City's drainage crew has routinely made repairs to storm sewers but the need to commit a crew to making the storm sewer additions without being pulled off for emergency work warrants some help from an outside contractor.

We solicited a price from Saar Excavating, LLC. because they are known to do this kind of emergency repair, have been responsive for the City in the recent past, and will likely be available to bring in their equipment in a timely manner.

The project funding for this work is in the Capital Improvements Program for 2023-2027 under 3PW03. This is only part of what is approved by Council for this CIP item.

Financial Impact:

\$30,000.00 through multiple purchase orders from the Capital Improvement Fund for the labor, material, and equipment to extend the storm sewer near Edmorr Way and High Point Court and other Public Works needs.

Emergency Provision Explanation:

This project needs to be completed as soon as practical before additional lots are sold and improvements made.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes



City Council Ordinance
Regular Meeting - May 22, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Appropriation for Parks Facilities Maintenance Items

Legislation Title:

Appropriation for Parks Facilities Maintenance Items

Recommendation:

It is recommended that City Council authorize an appropriation of funding as described in the financial impact for the purchase of Parks Facilities maintenance items.

Background/Synopsis:

This project is for Parks Facilities maintenance items throughout the park system.

This request is for \$12,290.00 to install a new automatic gate at Harbin Park.

This request is for \$12,480.00 to install a new automatic gate at Huffman Park.

This request is for \$14,985.00 to install electric for a new automatic gate at Harbin Park.

This request is for \$16,420.00 to install electric for a new automatic gate at Huffman Park.

This request is for \$15,000.00 for concrete work by Prus through the City's existing contract at Community Arts Center, South Trace, and potentially other parks facilities.

Attached are the detailed pricing and work descriptions for each item.

The project is programmed in the 2023-2027 CIP and is being taken from 3PR21 Facilities Maintenance (\$65,000) and 3RC03 Cart Path Pavement Repairs (\$10,000).

Financial Impact:

\$75,000.00 from the Capital Fund for multiple projects using multiple vendors (\$71,175.00 with \$3,825.00 for contingencies and other Parks Department needs).

Emergency Provision Explanation:

Not applicable

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Harbin Electric
2. Harbin Gate estimate_17466
3. Huffman Electric
4. Huffman Gate estimate_17467

Gesell Electric Inc.

84 Margaret Avenue Hamilton, Ohio 45015
(513) 863-2994

PROPOSAL SUBMITTED TO

COMPANY: City of Fairfield
NAME: Rodney Jones
STREET: 411 Wessel Drive
CITY: Fairfield, Ohio 45014
PHONE: 513-896-8424

WORK TO BE PERFORMED AT

JOB NAME: Harbin Park
STREET: 1300 Hunter Road
CITY: Fairfield, Ohio 45014
PROJECT: Service and Power for Gate
DATE: 4-25-2023

We hereby propose to furnish all materials and perform all labor necessary for the completion of;

To pull a permit and install a new 100 amp service on a pedestal within 20 feet of the pole at the location. I have met with Zach Wysinski of Duke Energy, he approved this service and location at the city for their part because you are adding a new meter. We will use this new service to power the openers, we will bore under the road to feed the far opener and trench over to the near opener to hook up both openers. We will back fill and level off excavated area with native soil. Seed and straw done by others. All permit and inspection fees have been included in this price, there are no printing or engineering fees included should the city require them.

All material is guaranteed to be as specified. All work to be completed in a workman like manner in accordance with the drawings and specifications submitted for work above for the sum of \$ 14,985

Fourteen thousand nine hundred and eighty five dollars

Payment to be made as follows:

Within thirty days of completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon orders, and will become an extra charge over and above the estimate. All agreements contingent upon no accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance above work. Our workers are fully covered by Workman's Compensation Insurance.

Respectfully Submitted By: Kyle Broermann

Of: Gesell Electric Inc.

Note: This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____ Signature _____

Attachment: NonContractualAppropriations.052223 (3590 : Non-Contractual Appropriations)



6315 Wiehe Road | Cincinnati, OH 45237
(513) 631-0333 | www.millsfence.com

RECIPIENT:

City of Fairfield

411 Wessel Drive
Fairfield, Ohio 45014
Phone: 513-304-8835

Estimate #17466

Sent on	04/12/2023
Job	Kyle Reynolds
Estimator:	kyle@millsfence.com (513) 615-9511

Total	\$12,290.00
--------------	--------------------

PRODUCT / SERVICE	DESCRIPTION	TOTAL
Gate @ Harbin Park	Remove and haul away old car gate.	\$12,290.00
	Furnish and install (1) 25'wide x 42"high BLACK POWDER-COATED A-Frame Car Gate w/ two new 4" black powder coated steel posts.	
	Gates equipped w/ LA-500 Commercial Grade Liftmaster Operator w/ dual actuator and w/ (8) remotes, photo-eye sensor, two safety loops and free exit loop. Gates equipped with 24-hour timer. Customer must run electric to operator side and trench conduit to opposite side of driveway.	

Total	\$12,290.00
--------------	--------------------

Terms and Conditions of Sale

Terms of payment are noted on Mills Fence's invoice. Interest will be charged at 1-1/2% per month (18% per year) on all past due accounts. With respect to commercial customers only, all costs of enforcement of these terms and conditions of sale and collection of any balance due, including, but not limited to, reasonable attorney's fees incurred by Mills Fence, shall be paid by customer. Mills Fence reserves the right to cancel this order, delay delivery, repossess materials or demand immediate full or partial payment in advance of delivery if customer's credit standing, or ability or willingness to pay, is called into question by an event or circumstance, including, but not limited to customer's default of any obligation owed to Mills Fence. 50% deposit required upon proposal acceptance for all residential installations. Deposit only refundable within 72 hours of transferring funds to Mills Fence. Installation dates and times are approximate, are not



6315 Wiehe Road | Cincinnati, OH 45237
(513) 631-0333 | www.millsfence.com

Notes Continued...

guaranteed and are subject to change.

Mills Fence will arrange to have public underground utilities marked prior to installation. Mills Fence assumes no responsibility for any unmarked public or private underground obstructions such as underground utilities, sprinkling systems, pipes, cables, drain tiles, tree roots, vegetation, or property lines. Customer understands that the fence line must be clear of all obstructions and that s/he will stake or mark the fence line. All customers are required to obtain their own permit, by contacting their local municipality.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Mills Fence will repair or replace at our option any of our work that may prove to be defective in its workmanship or materials within a period of one year from the date of installation. As a condition precedent to this warranty, Customer grants Mills Fence the right to place a sign on the fence that is no more than 12" wide and no more than 6" high in a location solely determined by Mills Fence. MILLS FENCE HEREBY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AS TO THE QUALITY OF MATERIAL (i.e., WOOD PRODUCTS) SOLD BY MILLS FENCE. ALL WARRANTIES, IF ANY, BY A MANUFACTURER OR SUPPLIER OTHER THAN MILLS FENCE ARE THEIRS, NOT MILLS FENCE'S, AND ONLY SUCH MANUFACTURER OR SUPPLIER SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES.

Wood will warp, twist, and develop small cracks during the drying process. Wood privacy fence will also develop small gaps between boards due to shrinkage. This is natural and expected and is not covered under warranty. Gates should be kept in a locked position when not in use. All agreements contingent upon strikes, accidents, or delays that are beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers' Compensation insurance.

The laws of the State of Ohio shall apply in the construction of these terms of the contract or any dispute arising hereunder without giving effect to such jurisdiction's conflict of laws principles. Customer submits to jurisdiction in the courts of Hamilton County, Ohio.

In the event any one or more of the provisions contained herein should be invalid, illegal, or unenforceable in any respect, the remaining provisions contained herein shall not be affected or impaired in any manner.

This proposal may be withdrawn if not accepted within 30 days

Signature: _____ Date: _____

Attachment: NonContractualAppropriations.0522223 (3590 : Non-Contractual Appropriations)

Gesell Electric Inc.

84 Margaret Avenue Hamilton, Ohio 45015
(513) 863-2994

PROPOSAL SUBMITTED TO

COMPANY: City of Fairfield

NAME: Rodney Jones

STREET: 411 Wessel Drive

CITY: Fairfield, Ohio 45014

PHONE: 513-896-8424

WORK TO BE PERFORMED AT

JOB NAME: Huffman Park

STREET: 2200 John Gray Road

CITY: Fairfield, Ohio 45014

PROJECT: Service and Power for Gate

DATE: 4-25-2023

We hereby propose to furnish all materials and perform all labor necessary for the completion of; To pull a permit and install a new 100 amp service on a pedestal within 20 feet of the pole at the location. I have met with Zach Wysinski of Duke Energy, he approved this service and location at the city for their part because you are adding a new meter. We will use this new service to power the openers, we will bore under the road to feed the far opener and trench over to the near opener to hook up both openers. We will back fill and level off excavated area with native soil. Seed and straw done by others. All permit and inspection fees have been included in this price, there are no print or engineering fees included should the city require them.

All material is guaranteed to be as specified. All work to be completed in a workman like manner in accordance with the drawings and specifications submitted for work above for the sum of \$ 16,420
Sixteen thousand four hundred and twenty dollars

Payment to be made as follows:

Within thirty days of completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon orders, and will become an extra charge over and above the estimate. All agreements contingent upon accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance above work. Our workers are fully covered by Workman's Compensation Insurance.

Respectfully Submitted By: Kyle Broermann

Of: Gesell Electric Inc.

Note: This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

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Date of Acceptance: _____ Signature _____

Attachment: NonContractual Appropriations.052223 (3590 : Non-Contractual Appropriations)



6315 Wiehe Road | Cincinnati, OH 45237
(513) 631-0333 | www.millsfence.com

RECIPIENT:

City of Fairfield

411 Wessel Drive
Fairfield, Ohio 45014
Phone: 513-304-8835

Estimate #17467

Sent on	04/12/2023
Job	Kyle Reynolds
Estimator:	kyle@millsfence.com (513) 615-9511

Total	\$12,480.00
--------------	--------------------

PRODUCT / SERVICE	DESCRIPTION	TOTAL
Gate @ Huffman Park	Remove and haul away old car gate.	\$12,480.00
	Furnish and install (1) 26'wide x 42"high BLACK POWDER-COATED A-Frame Car Gate w/ two new 4" black powder coated steel posts.	
	Gates equipped w/ LA-500 Commercial Grade Liftmaster Operator w/ dual actuator and w/ (8) remotes, photo-eye sensor, two safety loops and free exit loop. Gates equipped with 24-hour timer. Customer must run electric to operator side and trench conduit to opposite side of driveway.	

Total	\$12,480.00
--------------	--------------------

Terms and Conditions of Sale

Terms of payment are noted on Mills Fence's invoice. Interest will be charged at 1-1/2% per month (18% per year) on all past due accounts. With respect to commercial customers only, all costs of enforcement of these terms and conditions of sale and collection of any balance due, including, but not limited to, reasonable attorney's fees incurred by Mills Fence, shall be paid by customer. Mills Fence reserves the right to cancel this order, delay delivery, repossess materials or demand immediate full or partial payment in advance of delivery if customer's credit standing, or ability or willingness to pay, is called into question by an event or circumstance, including, but not limited to customer's default of any obligation owed to Mills Fence. 50% deposit required upon proposal acceptance for all residential installations. Deposit only refundable within 72 hours of transferring funds to Mills Fence. Installation dates and times are approximate, are not



6315 Wiehe Road | Cincinnati, OH 45237
(513) 631-0333 | www.millsfence.com

Notes Continued...

guaranteed and are subject to change.

Mills Fence will arrange to have public underground utilities marked prior to installation. Mills Fence assumes no responsibility for any unmarked public or private underground obstructions such as underground utilities, sprinkling systems, pipes, cables, drain tiles, tree roots, vegetation, or property lines. Customer understands that the fence line must be clear of all obstructions and that s/he will stake or mark the fence line. All customers are required to obtain their own permit, by contacting their local municipality.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Mills Fence will repair or replace at our option any of our work that may prove to be defective in its workmanship or materials within a period of one year from the date of installation. As a condition precedent to this warranty, Customer grants Mills Fence the right to place a sign on the fence that is no more than 12" wide and no more than 6" high in a location solely determined by Mills Fence. MILLS FENCE HEREBY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AS TO THE QUALITY OF MATERIAL (i.e., WOOD PRODUCTS) SOLD BY MILLS FENCE. ALL WARRANTIES, IF ANY, BY A MANUFACTURER OR SUPPLIER OTHER THAN MILLS FENCE ARE THEIRS, NOT MILLS FENCE'S, AND ONLY SUCH MANUFACTURER OR SUPPLIER SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES.

Wood will warp, twist, and develop small cracks during the drying process. Wood privacy fence will also develop small gaps between boards due to shrinkage. This is natural and expected and is not covered under warranty. Gates should be kept in a locked position when not in use. All agreements contingent upon strikes, accidents, or delays that are beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers' Compensation insurance.

The laws of the State of Ohio shall apply in the construction of these terms of the contract or any dispute arising hereunder without giving effect to such jurisdiction's conflict of laws principles. Customer submits to jurisdiction in the courts of Hamilton County, Ohio.

In the event any one or more of the provisions contained herein should be invalid, illegal, or unenforceable in any respect, the remaining provisions contained herein shall not be affected or impaired in any manner.

This proposal may be withdrawn if not accepted within 30 days

Signature: _____ Date: _____

Attachment: NonContractualAppropriations.0522223 (3590 : 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 Street Improvement Fund	\$30,000
To:	40116025-252000 Improvements Other Than Building (South Route 4 Island Extension Lighting 3PW09)	\$30,000
From:	Unappropriated Capital Improvement Fund	\$117,300
To:	40216025-254000 Buildings & Improvements (Facilities Maintenance 3PR21 [\$65,000]) (Cart Path Repairs 3RC03 [\$10,000] - Reallocated to Facilities Maintenance)	\$75,000
To:	40216025-252000 Improvements Other Than Building (Safety Town 3PD06)	\$4,300
To:	40216025-252500 Drainage Improvements (Emerald Lakes Storm Sewer Extensions 3PW03)	\$30,000
To:	40216025-253400 Computer Equipment (CAD/RMS System Upgrade 1PD03)	\$8,000
From:	Unappropriated Law Enforcement Fund	\$39,000
To:	21116025-253200 Capital Equipment (Police Canine Unit Replacements 3PD02)	\$39,000
From:	Unappropriated Sewer Surplus Fund	\$47,300
To:	62416025-253100 Automotive Equipment (Replacement of Tractor for Sewer 3FT46 [\$20,737]) (Replacement of Forklift for Sewer 3FT45 [\$4,828] -	\$32,400

Attachment: NonContractual 5-22-Ord (3590 : Non-Contractual Appropriations)

*Reallocated to Tractor) (Replacement of Dump Truck
3FT21 [\$6,835] - Reallocated to Tractor)*

To: 62416025-253200 Capital Equipment \$14,900
(Gravity Belt Polymer Feed System 3WW16)

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 5-22-Ord

Attachment: NonContractual 5-22-Ord (3590 : Non-Contractual Appropriations)