

October 7, 2016

A Special Meeting of the Bay Village City Council will be held on **Monday, October 10, 2016 at 8:00 p.m., following the Committee Meeting of Council at 7:30 p.m.** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call; Pledge of Allegiance led by Marty Mace, Councilman-at-large.

2. Announcements/Audience/Miscellaneous

3. Motion to approve minutes of Regular Meeting of Council held October 3, 2016. ***Clark***

4. Ordinance 16-65 amending Chapter 513 of the Codified Ordinances by enacting Sections 513.15 and 513.16 prohibiting the establishment and operation of Medical Marijuana dispensaries, the indoor and outdoor cultivation of Medical Marijuana, and the delivery of Marijuana, and declaring an emergency. ***Vincent*** (Second Reading) (First Reading 9-19-16).

5. Ordinance 16-66 amending Codified Ordinance 513.01 regarding Drug Abuse Control/Definitions, and declaring an emergency. ***Vincent*** (Second Reading) (First Reading 9-19-16).

6. Ordinance 16-72 Authorizing the Mayor to enter into an agreement with Bailey Communications to install new Cisco Switches, and declaring an emergency. ***Tadych*** (First Reading 10-3-16)

7. Ordinance authorizing the Mayor to enter into an agreement with TTX, Inc. (Teletronics) to install a new call processing, voicemail system, and declaring an emergency. ***Tadych***

8. Motion to convene to Executive Session: Contracts – Health Insurance/Potential Litigation; Personnel: Service Department

9. Adjournment

Charter Reference 2.11

Paul A. Koomar
President of Council

Agenda
Special Meeting of Council
October 10, 2016

Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for

Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.

CITY OF BAY VILLAGE

Council Minutes, Regular Meeting
Council Chambers 8:00 p.m.

October 3, 2016

Paul A. Koomar, President of Council, presiding

Present: Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent, Mayor Ebert

Also Present: Finance Director Mahoney, Recreation Director Enovitch, Community Services Director Selig, Police Chief Spaetzel, Fire Chief Lyons, Chief Building Official Jeff Grassi, SAFEbuilt, Inc.

AUDIENCE

The following audience members signed in this evening: Warren Remein, Claire Banasiak, Jeff Gallatin, Lydia DeGeorge, Tara Wendell, Dick Majewski, Jerrie Barnett

Mr. Koomar called the Regular Meeting of Council to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with roll call and the Pledge of Allegiance led by Councilman-at-large Dwight Clark.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Special Meeting of Council held September 26, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Special Meeting of Council held September 26, 2016 as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mayor Ebert performed the Ceremonial Oath of Office for the following newest members of the Bay Village Police Department:

Police Officer Scott Chase

Officer Chase is a 2016 graduate of Mt. Union College, majoring in Criminal Justice, played baseball, and is also a 2004 graduate of St. Ignatius High School. His father is a firefighter for the City of North Ridgeville, and his mother is a nurse at the Cleveland Clinic. On August 29, 2016, Officer Chase started at the Lorain Community College Police Academy and will graduate in late January or early February of 2017.

Police Officer Nicholas Yodice

Officer Yodice is thirty-five years old and was a police officer for nine years with the Reminderville, Ohio Police Department. Officer Yodice has a Bachelor's Degree in Criminal Justice from Ohio Northern University. His wife, Allison, is a pharmacist at the CVS Drug Store in Avon. Officer Yodice and his wife, Allison have two children. Officer Yodice is currently in the Bay Village Police Department Field Training Program and should be completed with the program by December of 2016.

Police Dispatcher Courtney Hengartner

Mrs. Hengartner is twenty-nine years old, and was a Police Dispatcher for the Lorain Police Department for 4 ½ years. Mrs. Hengartner is working towards a degree in Criminal Justice and Corrections at Lorain Community College. Courtney is married to Josh, a laborer, and they have one child.

Police Dispatcher Kelly Uber

Kelly Uber is twenty-three years old and has a one-year old son. Kelly is a 2011 graduate of Olmsted Falls High School, where she played softball and was an Athletic Trainer for the football team. Kelly has an Associate's Degree in Criminal Justice and a strong passion for her chosen career.

Refreshments were served to family members and friends present for this evening's ceremony.

Mayor Ebert reported that he was sworn in to the office of Mayor this morning by Rocky River Municipal Court Judge Donna Congeni Fitzsimmons. He put together some topics that the Council and administration will work on together going forward.

Mayor Ebert stated that it is his intention to be interim Mayor. He stated that he is not running for Mayor. President of Council Koomar said that he was not sure that he wanted the office, and until such time as a successor is appointed, Mr. Ebert agreed to serve. He did this once before when former Mayor Jelepis resigned to take a position with the Board of Elections. The whole purpose is to keep a smooth transition for the administration and City Council.

Ready-Notify – Mayor Ebert wants to make sure the program is utilized fully. It was used recently during a power outage, a water main break, and the closing of Columbia Road for repair of the railroad tracks. It is a way of communicating to the public when something is going to affect their way of life. It is hoped to use it more in the future.

Library – There has been a lot of discussion concerning the library and whether they are going to renovate or move to the Lake Erie Science Center area. Mr. Ebert stated that he would like to resurrect those talks because he is not aware there has been a discussion among Council concerning that, or public input. Mr. Ebert would like to see a library built in some location, either by the Metroparks, or some other location, rather than spend money on renovation for a building on a postage-stamp lot which will limit the use of the library. The Bay Village Board of Education is a great location if they could take over that building and move from the current location. This will need to be pursued in Council in the very near future.

Sunset Area Improvement – Mr. Ebert has arranged to have another meeting with the engineer, and has consulted with the former Service Director to get some ideas. He was here during the period of time when other alternatives were presented to Council. Mr. Ebert would like the residents to know the plan to move forward.

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Bruce/Russell/Douglas Improvements – Mr. Ebert stated that the City may have been a little bit premature in some of the initial communication and he would like to re-direct attention to that project.

Cleveland Water Department – Mr. Ebert would like to look at and consider hiring a consulting engineer for the City of Bay Village situation with the City of Westlake and the Cleveland Water Department. There is a big issue going on as to whether to sign the agreement. Now that the City of Westlake has won the litigation, we at least ought to look at it and see the long range plans and long range savings and costs before making a decision.

Council of Governments – Mr. Ebert stated that the Council of Governments is a means to do some sharing of equipment and training of some of our safety forces moving forward. Mr. Ebert stated that he attended a meeting a few weeks ago where the FAA was present to conduct a new way of routing airplanes. Cleveland/Detroit is the next one up as far as looking at a model. Right now they use a map as a model. They will use satellites for a more direct route which is supposed to save millions of dollars in gasoline and save time on the flights. However, it is important that before any of these changes are made to be cognizant of historical data. Bay Village, Rocky River and Fairview Park had a SAFE committee in the early 1980's concerning decommissioning of the north-south runway at Cleveland Hopkins Airport. The reason that was successful is that it eliminated the amount of air traffic over Fairview Park, Rocky River, and Bay Village and the resulting noise factor of low flying planes. The agreement is still in force today and must be maintained. The new proposal will not take effect until 2018. This is something that will be watched closely so as not to disrupt the agreement that is in force.

Part Time Animal Control Officer – Mr. Ebert has discussed with Council a proposal to hire a part time Animal Control Officer, for approximately twenty hours per week. Mr. Ebert has talked to various people and will start the interview process. He will turn this over to Chief Spaetzel for the interviews. Mr. Ebert thinks this will help moving forward. Not only would it have prevented what had happened, but the officer will be familiar with people who have dogs that have issues. Mr. Ebert stated that he attended a conference this past week, and distributed information from the “Best Friends” organization. It is important to look at the sample legislation by the committee for ideas.

Cahoon Memorial Park- The issue concerning the Community House restoration was discussed at today's staff meeting with the hope for members of the administration to apply for grants again to resurrect the issue of restoring the Community House, including where the front door used to be and ADA accessibility. Mr. Ebert stated that the only reason he distributed the Cahoon Memorial Park historical maps is because he received a call about the skate park and its use on Sunday. He had the maps in a file that were redesigned several years ago when the skate park was going in. There was a lot of discussion with the Bay Village Historical Society and the historical area was redesignated. The maps will serve as a footprint going forward. This is the only purpose; Mr. Ebert stated he is not proposing the library be located in Cahoon Memorial Park.

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Cuyahoga County Executive – Mr. Ebert stated that he has had a discussion with the Cuyahoga County Executive and would like to have a joint meeting with the President of Council and County Executive Budish to talk about issues we can share as far as the county's assistance with various types of situations. There were discussions jointly at one point in time about the library issue.

Bay Village Board of Education – Mr. Ebert would like to see if there is any inter-action with some of the activities of both the City and the Board that could be consolidated. That used to be done years ago and he would like to resurrect some sort of monthly meetings and encourage people on Council to research some cost-sharing ideas such as supplies and things of that nature.

Law Department – Mr. Ebert stated they he will avoid a conflict and has on two occasions so far where there is an issue with a conflict with the administration he asked another Law Director for assistance. Mr. Ebert has another Law Director writing an opinion now on Board of Zoning Appeals matters. As far as litigation, the Law Department has only two currently. One with the Board of Zoning Appeals which is in appeal with the Court of Appeals, and one concerning a Workers Compensation matter.

Service Department – Mr. Thomas has resigned effective October 3, 2016. Mayor Ebert has discussed with Council, and will meet with the Service Department to have the department run by committee for a period of time. They are a very competent group of people in the Service Department. It is not fair to appoint a Service Director when a year-and-a-half from now there will be a new Mayor elected, and that person should have the option to appoint who they like. It would be unfair for the person taking the position, knowing that in a year-and-a-half they may be gone.

Mayor Ebert stated that he would like to reunite the cohesion of the administration and Council moving forward. He would like to also, as he discussed with Mr. Koomar, try to have only three Council meetings per month. The two required by City Charter and the third would be based on the committees of Council meetings. Mr. Koomar stated that this is something he and the Clerk have worked on with a tickler list and he shared the thought with Mr. Ebert from the standpoint of scheduling out three months of what is coming up, e.g., the annual insurance contract in the spring, or the medical contract. These things can be discussed ahead of time with open dialogue to get a sense of items that need three readings and those that do not that are housekeeping in nature. The hope is to eliminate meeting every single Monday. Special projects like the Sunset neighborhood planning and assessments may require meeting every Monday, but if we can consolidate some of those other items this will keep us all fresher and move productive.

Mr. Ebert stated that it is his goal with his historical knowledge on some of the projects to try to move these projects going forward which is the reason he is willing to do this position. He has spoken with members of Council and it will be open communication and looking for a team approach going forward.

REPORTS

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch reported that this Saturday, October 8, 2016, and Saturday, October 15, 2016 tackle football games will be played at the Bay High School Stadium. This week the games start at 11:30 a.m. and play until 4:00 p.m. On October 15, games will begin at 10:00 a.m. Mr. Enovitch encouraged all to support the “Little Rockets.”

Community Services Director Selig had no report this evening.

Fire Chief Lyons reported that the entire Fire Department just finished their recertifications in Advanced Cardiac Life Support, a nationally recognized program sponsored by the American Heart Association putting the paramedics on the cutting edge of cardiac heart support. Bay Village has always been in the forefront of communities favored for heart attack response. The tradition of saving lives will be maintained as much as possible.

Two officers are attending Fire Officer Training at the present time, and two of the firefighters are going through Rope Rescue Training. At the end of this training, all of the members will have received their training in the operations of Rope Rescue.

Emergency Vehicles Operations Training is a safety training that all members of the department go through annually. In November, the fire department members will attend May Day training, which is training if a member finds himself in an emergency situation and needs assistance.

The Annual Fire Prevention and Safety Week will be held this month, sponsored by the National Fire Protection Association, the week of October 9 through October 15.

Mr. Koomar stated he appreciates the Chief’s willingness to extend the Ready-Notify notifications for the benefit of Bay Village residents. In some instances it has not been used and there has been misinformation spread which leads to more questions and confusion. In this day and age of increased awareness by consumers, increasing the output of the Ready-Notify notifications will be very much appreciated.

Chief Building Official Jeff Grassi had no report this evening. Mr. Koomar stated that he did receive a comment from a resident that he passed over to Mr. Grassi. The comment went back to the Humiston Road situation when the home was demolished. Mr. Grassi was asked to research the state code regarding asbestos to see if it is adequate to enforce the process of environmental protection during demolitions. Mr. Grassi was asked to report back to Council if the code is adequate, and, if not, to inform Council if legislation is needed. In that case, the matter would be

sent to the proper committee for review and recommendation to the Council of the Whole for adoption.

COMMUNICATIONS

The following communications were received and are on file in the Clerk of Council office for public inspection:

Oath of Office – Administered today, October 3, 2016 to Mayor Gary A. Ebert, by Judge Donna Congeni Fitzsimmons, Rocky River Municipal Court.

A letter from The Cin-Day Lucky Dawgs, a Cleveland Browns Fan Club located in Mason, Ohio, just north of Cincinnati, and issuing an official Proclamation naming Bay Village as their Suburb of the Week.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

Mr. Vincent advised that a meeting of the Environment, Safety and Community Services Committee will be held on Monday, October 10, 2016 at the Bay Village City Hall, beginning at 5:30 p.m. to discuss two important topics: animal control legislation and the Medical Marijuana pending legislation.

Mr. Jeff Capretto of the Westshore Enforcement Bureau (WEB) will be asked to participate in the portion of the meeting regarding Medical Marijuana.

FINANCE AND CLAIMS- Mr. Clark

Mr. Clark introduced and read **Ordinance 16-69** authorizing the Mayor to enter into an agreement with Julian and Grube and the Auditor of the State as to auditing services for the City of Bay Village for the period January 1, 2016 through December 31, 2017, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-69.

Roll Call on Suspension of the Charter Rules:

Yeas- Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent

Nays -None

Roll Call on Adoption:

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Yeas– Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-69, an emergency measure, by a vote of 7-0.

Mr. Clark introduced and read **Ordinance 16-70** authorizing the Mayor to enter into depository contracts with Fifth Third Bank, Huntington National Bank and Key Corporation, for Active and Interim Funds, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-70.

Roll Call on Suspension of the Charter Rules:

Yeas- Henderson, Koomar, Lieske, Mace, Tadych, Vincent, Clark
Nays -None

Roll Call on Suspension of the Council Rules:

Yeas – Henderson, Koomar, Lieske, Mace, Tadych, Vincent, Clark
Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Henderson, Koomar, Lieske, Mace, Tadych, Vincent, Clark
Nays -None

Roll Call on Adoption:

Yeas– Henderson, Koomar, Lieske, Mace, Tadych, Vincent
Nays–None.
Abstention – Mr. Clark

Mr. Koomar announced adoption of Ordinance No. 16-70, an emergency measure, by a vote of 6-0-1 abstention by Mr. Clark.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske

Mrs. Lieske referred to her report in the Committee Meeting of Council this evening summarizing the Planning, Zoning, Public Grounds and Buildings Committee meeting held this evening at 6:30 p.m.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Henderson

Mr. Henderson introduced and read **Ordinance 16-71** authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation to conduct bridge inspections, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-71.

Roll Call on Suspension of the Charter Rules:

Yeas- Koomar, Lieske, Mace, Tadych, Vincent, Clark, Henderson

Nays -None

Roll Call on Suspension of the Council Rules:

Yeas –Koomar, Lieske, Mace, Tadych, Vincent, Clark, Henderson

Nays – None.

Roll Call on Use of the Emergency Clause:

Yeas- Koomar, Lieske, Mace, Tadych, Vincent, Clark, Henderson

Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lieske, Mace, Tadych, Vincent, Clark, Henderson

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-71, an emergency measure, by a vote of 7-0.

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

Mr. Mace had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Mr. Tadych introduced and read **Ordinance 16-72** authorizing the Mayor to enter into an agreement with Bailey Communications to install new Cisco Switches, and declaring an emergency.

Mr. Tadych noted that this has been an effort that has been going on for a few years. Renee Mahoney, Director of Finance has informed Mr. Tadych that this project will be completed by the end of the year, and Mr. Tadych requested that the ordinance be placed on first reading this evening.

Mr. Koomar announced that Ordinance 16-72 is placed on first reading.

MISCELLANEOUS

Mayor Ebert advised that the SAFE agreement regulating air traffic was entered into in 1983 by the cities of Bay Village, Fairview Park, Rocky River, and Westlake. He quoted from the agreement stating that it was entered into for environmental protection standards relative to the operation of Cleveland Hopkins International Airport, including, but not limited to reduction of over flights and noise pollution over the member cities. Mr. Dave Mattingly was the attorney for the Council of Governments at that time. Mr. Ebert met with Mr. Mattingly met last week

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regarding this topic, and noted that this agreement is to be kept in mind to protect the citizens if there is a move to change the direction of flights from and to Cleveland Hopkins Airport.

CAHOON MEMORIAL PARK TRUSTEES

There being no further business to discuss, the meeting adjourned at 8:55 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO. 16-65
INTRODUCED BY: Mr. Vincent

First Reading 9-19-16
revised 10-6-16

AN ORDINANCE
**AMENDING CHAPTER 513 OF THE CODIFIED ORDINANCES BY
ENACTING SECTIONS 513.15 AND 513.16 PROHIBITING THE ESTABLISHMENT
AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES, THE INDOOR AND
OUTDOOR CULTIVATION OF MEDICAL MARIJUANA,
AND THE DELIVERY OF MARIJUANA, AND
DECLARING AN EMERGENCY**

WHEREAS, on June 8, 2016 Ohio Governor John Kasich signed House Bill 523 into law after it passed the Ohio General Assembly; and

WHEREAS, House Bill 523 will become effective on September 8, 2016; and

WHEREAS, House Bill 523 provides for the regulation and legalization of medical marijuana within the State of Ohio; and

WHEREAS, House Bill 523 allows for the Department of Commerce to award licenses to medical marijuana cultivators, processors, and testing laboratories; and

WHEREAS, House Bill 523 allows for the State Board of Pharmacy to award licenses to medical marijuana dispensaries; and

WHEREAS, the act included the adoption of Ohio Revised Code Section 3796.29 which authorized the legislation of a municipal corporation to adopt by Ordinance restrictions including the prohibition of cultivators, processors or retail dispensaries within said municipal corporation; and

WHEREAS, the Bay Village City Council takes legislative notice that the use, possession, cultivation, distribution, and sale of marijuana, whether for medical or recreational use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841, and that federal courts have recognized that the federal government may enforce the Controlled Substances Act notwithstanding contrary laws of any State; and

WHEREAS, in light of the continuing conflict between state and federal law, the City of Bay Village must resolve for itself whether, as a land use matter, medical marijuana cultivators, dispensaries, and processors, as defined by House Bill 523, should be permitted, regulated, or prohibited; and

WHEREAS, the Bay Village City Council finds and declares that it is necessary to retain local control over the regulation of commercial medical marijuana activities in order to protect the public health, safety, and welfare while it further considers whether future regulations may allow for the safe and responsible operation of medical marijuana cultivators, processors, and dispensaries within the City of Bay Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Chapter 513 of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Sections 513.15 and 513.16 which shall read as follows:

513.15 PROHIBITED ACTIVITIES RELATING TO MEDICAL MARIJUANA

The following prohibitions apply to all property within the boundaries of the City of Bay Village, regardless of the zone, adopted specific plan, overlay zone, or any other development or use classification or other designation of property:

- a) It is unlawful for any person to engage in the indoor or outdoor cultivation of medical marijuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical marijuana cultivation facility.
- b) It is unlawful for any person to engage in the processing of medical marijuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical marijuana processing facility.
- c) It is unlawful for any person to establish or operate, or to allow, cause create, suffer, or permit the establishment or operation of a medical marijuana dispensary.
- d) It is unlawful for any person to deliver medical marijuana, or to allow, cause, create, suffer, or permit the delivery of medical marijuana, except that a patient or caregiver as registered by the State Board of Pharmacy under Section 3796.08 of the Ohio Revised Code may engage in all activities allowed pursuant to Sections 3796.22 and 3796.23 of the Ohio Revised Code.
- e) No zoning permit, building permit, certificate of occupancy or any other permit shall be granted to a business for opening, using any land or devoting any floor area of the business for the purposes of operating a medical marijuana cultivation facility, processing facility, or dispensary.

513.16 PUBLIC NUISANCE; VIOLATION; REMEDIES NOT EXCLUSIVE; PENALTY

- a) Engaging in any activity or using property to engage in any activity, prohibited under this chapter constitutes a public nuisance subject to abatement.
- b) Notwithstanding any other provision of the zoning ordinances of the City of Bay Village, any person who violates this chapter shall be guilty of a misdemeanor of the first degree. Each day or any portion thereof that a person violates any provision of this chapter shall constitute a separate offense.
- c) Any enforcement action taken pursuant to this chapter shall not prejudice or adversely affect any other action, whether administrative, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. An administrative, civil, or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9-2-16 ll

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 513.01 REGARDING
DRUG ABUSE CONTROL/DEFINITIONS,
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 1373.01 which presently reads as follows:

513.01 DEFINITIONS.

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

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
 - (1) "Marijuana" means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
 - (2) "Marijuana" does not include hashish. (ORC 2925.01)
- (h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

(k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.

(l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.

(m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

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

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

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

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

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

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

(s) "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 controlled substance analogs, marijuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, 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, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, 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 and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding one hundred twenty 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.

(t) "Unit dose" means an amount or unit of 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.

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

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

(1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

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

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

(x) "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.

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

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

(aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a 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.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

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

(dd) "School" means 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.

(ee) "School premises" means 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, any 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.

(ff) "School building" means 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.

(gg) "Counterfeit controlled substance" means:

(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 that trademark, trade name or identifying mark; or

(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; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(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 marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) 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 one thousand 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 one thousand feet of the boundaries of any school premises.

(ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred 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 one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(jj) "Hashish" means the resin or a preparation of the resin contained in marijuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ll) "Methamphetamine" means 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.

(mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

be and the same is amended to read:

513.01 DEFINITIONS.

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

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
 - (1) "Marijuana" means all parts of a plant of the genus *cannabis*, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
 - (2) "Marijuana" does not include hashish. (ORC 2925.01)
- (h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
- (k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.
- (l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.
- (m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.
- (o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

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

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

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

(s) "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 controlled substance analogs, marijuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, 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, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, 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 and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding one hundred twenty 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.

(t) "Unit dose" means an amount or unit of 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.

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

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

(1) A violation of Ohio R.C.. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

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

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

(x) "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.

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

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

(aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a 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.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

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

(dd) "School" means 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.

(ee) "School premises" means 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, any 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.

(ff) "School building" means 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.

(gg) "Counterfeit controlled substance" means:

(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 that trademark, trade name or identifying mark; or

(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; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(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 marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) 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 one thousand 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 one thousand feet of the boundaries of any school premises.

(ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred 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 one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(jj) "Hashish" means the resin or a preparation of the resin contained in marijuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ll) "Methamphetamine" means 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.

(mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

(oo) "Medical marijuana" has the same meaning as "medical marijuana" in Section 3796.01(A)(2) of the Ohio Revised Code.

(pp) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, storing, or trimming of medical marijuana.

(qq) "Cultivation facility" means a person that engages in the cultivation of medical marijuana and that is licensed by the Department of Commerce pursuant to Section 3796.09 of the Ohio Revised Code.

(rr) "Processing" means any activity involving the extraction of medical marijuana into a form described in Section 3796.06 of the Ohio Revised Code, including without limitation the creation of medical marijuana extracts, oils, tinctures, edibles, patches, or any other product containing tetrahydrocannabinol or cannabidiol;

(ss) “Processing facility” means a person that engages in the processing of medical marijuana and that is licensed by the Department of Commerce pursuant to Section 3796.09 of the Ohio Revised Code.

(tt) “Dispensary” means a person that dispenses, transfers, or sells medical marijuana and that is licensed by the Ohio State Board of Pharmacy pursuant to Section 3796.10 of the Ohio Revised Code.

and present Section 513.01 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9-1-16 LL

ORDINANCE NO. 16-72
INTRODUCED BY: Mr. Tadych

First Reading – Oct. 3, 2016

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH BAILEY COMMUNICATIONS TO INSTALL NEW CISCO SWITCHES,
AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Bailey Communications, 33360 Liberty Parkway, North Ridgeville, Ohio, 44039, to install Cisco Switches at a price not to exceed Forty-Eight Thousand Two Hundred and Fifty-Five Dollars (\$48,255.00). Payment shall be made from the Equipment Replacement Fund (240.111.55230).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and for the further reason that it is immediately necessary for the efficient operation of the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH TTX, INC. (TELETRONICS) TO INSTALL A NEW
CALL PROCESSING/VOICEMAIL SYSTEM,
AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with TTX, Inc. (Teletronics), 22550 Ascoa Ct., Strongsville, Ohio, 44136, for a new call processing/voicemail system, including 5 years maintenance costs, at a price not to exceed Fifty Seven Thousand One Hundred Fifty-Six Dollars (\$57,156.00). Payment shall be made from the Equipment Replacement Fund (240.111.55230).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and for the further reason that it is immediately necessary for the efficient operation of the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

10-5-16 LL