

**Agenda, Bay Village City Council**  
Regular Meeting, Council Chambers

**October 17, 2016**  
**8:00 p.m.**  
Committee 7:30 p.m. Conference Room  
(Public Welcome)

Paul Koomar, President of Council, Presiding  
Roll Call/Pledge of Allegiance led by David L. Tadych, Councilman, Ward 1  
Reading of Minutes – Special Meeting of Council held October 10, 2016  
Minutes of Cahoon Memorial Park Trustees held October 10, 2016

## **ANNOUNCEMENTS**

Ceremonial Oath of Office administered by Mayor Ebert to:

**Fire Lieutenant Brandon Dimacchia**  
**Firefighter Eric Bartinelli**

## **REPORTS**

|                                   |                                      |
|-----------------------------------|--------------------------------------|
| Mayor Ebert                       | Director of Community Services Selig |
| Director of Law Ebert             | Police Chief Spaetzel                |
| Director of Finance Mahoney       | Fire Chief Lyons                     |
| Director of Recreation Enovitch   | Chief Building Official Jeff Grassi  |
| Director of Public Safety/Service |                                      |

## **COMMUNICATIONS**

### **COMMITTEE OF THE WHOLE**

**Mr. Pat McNamera**  
**Northeast Ohio Public Energy Council**  
**Natural Gas Aggregation**

### **ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent**

**Ordinance** authorizing the Mayor to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District to provide Public Health Services for the City of Bay Village during the Calendar Year 2017, and declaring an emergency.

**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 (First Reading 9-19-16) (Second Reading 10-10-16)

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**Ordinance 16-66** amending Codified Ordinance 513.01 regarding Drug Abuse Control/Definitions, and declaring an emergency. (First Reading 9-19-16) (Second Reading 10-10-16).

**FINANCE AND CLAIMS- Mr. Clark**

**Motion** to acknowledge receipt of the September, 2016 Financial Reports of the City of Bay Village as prepared by Finance Director Renee Mahoney.

**Ordinance** to amend appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2016 as previously appropriation in Annual Appropriation Ordinance No. 16-09 and amended by Ordinance 16-23, 16-46, 16-55, 16-57, and 16-67, and declaring an emergency.

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

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

**RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace**

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych**

**MISCELLANEOUS**

**CAHOON MEMORIAL PARK TRUSTEES**

October 17, 2016  
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Regular Meeting of Council

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.

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. 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, Special Meeting  
Council Chambers 8:20 p.m.  
President of Council Paul A. Koomar, presiding

October 10, 2016

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

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons, Community Services Director Selig, Recreation Director Enovitch.

## AUDIENCE

The following audience members signed in this evening: Jerrie Barnett, Clare Banasiak, Lydia DeGeorge, Jeff Gallatin, Warren Remein.

President of Council Koomar called the meeting to order at 8:20 p.m. with roll call and the Pledge of Allegiance led by Marty Mace, Councilman-at-large.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held October 3, 2016. Mr. Clark **MOVED** to dispense with the reading and accept the minutes of the Regular Meeting of Council held October 3, 2016 as prepared and distributed. Motion passed 7-0.

Mr. Vincent read by title only, **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. (First Reading September 19, 2016)

Mr. Koomar announced that **Ordinance No. 16-65** is placed on second reading.

Mr. Vincent read by title only, **Ordinance No. 16-66** amending Codified Ordinance 513.01 regarding Drug Abuse Control/Definitions, and declaring an emergency. (First Reading September 19, 2016.)

Mr. Koomar announced that Ordinance No. 16-66 is placed on second reading.

**Mr. Tadych** read by title only **Ordinance 16-72** authorizing the Mayor to enter into an agreement with Bailey Communications to install new Cisco Switches, and declaring an emergency, and moved for adoption. (First Reading October 3, 2016.)

Mr. Koomar stated that Jeff Hartman, telephone consultant, presented to the Council at their Committee Session this evening. Mr. Koomar stated that Finance Director Mahoney and company have done a lot of hard work on this and it sounds like a great system. For the residents and employees it will be wonderful, and it is also good to hear about the monthly savings which are much larger than Mr. Koomar would have anticipated.

Special Meeting of Council  
October 10, 2016

There being no further discussion, Mr. Koomar called for a vote on the motion for adoption of Ordinance No. 16-72.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on Suspension of 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:

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

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-72, an emergency measure, by a vote of 7-0.

**Mr. Tadych** introduced and read Ordinance 16-73 authorizing the Mayor to enter into an agreement with TTX, Inc. (Teletronics) to install a new call processing, voicemail system, 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. 16-73.

Roll Call on Suspension of Charter Rules:

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

Nays – None.

Roll Call on Suspension of 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, Clark

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 16-73, an emergency measure, by a vote of 7-0.

Mr. Tadych expressed “Happy Birthday” to the City of Bay Village on the 206<sup>th</sup> anniversary, this date, October 10, 2016.

Special Meeting of Council  
October 10, 2016

In compliance with Section 121.22 of the Ohio Revised Code, **Mr. Clark** moved to convene to Executive Session – Contracts- Health Insurance/Potential Litigation; Personnel: Service Department.

Roll Call Vote: Yeas- Koomar, Lieske, Mace, Tadych, Vincent, Clark, Henderson. Nays – None. Motion passed 7-0.

Also present in Executive Session were Law Director Ebert and Finance Director Mahoney

Council reconvened in an open meeting at 8:58 p.m. Present were: Clark, Henderson, Koomar, Lieske, Mace, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 9:02 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council

## CITY OF BAY VILLAGE

### CAHOON MEMORIAL PARK TRUSTEES

October 10, 2016

President of Council Koomar called the meeting to order at 8:15 p.m. in the Conference Room of Bay Village City Hall.

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

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

### AUDIENCE

The following audience members signed in this evening: Jerrie Barnett, Clare Banasiak, Lydia DeGeorge, Jeff Gallatin, Warren Remein, Jeff Capretto.

**Motion** by Mace to grant approval to the Bay Village Kiwanis Club to use Cahoon Memorial Park for the annual Christmas Tree Sale beginning Saturday, November 19, 2016 and ending Sunday, December 18, 2016.

**Motion carried 8-0.**

There being no further business to discuss, the meeting adjourned at 8:17 p.m.

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Paul A. Koomar, President of Council

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Joan Kemper, Clerk of Council

## Joan Kemper

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**From:** potterohio@aol.com  
**Sent:** Friday, August 26, 2016 6:02 PM  
**To:** Chris Lyons; mhkrebs@aol.com; dlekan1@yahoo.com  
**Cc:** Joan Kemper; Brandon Dimacchia; Eric Bartinelli  
**Subject:** RE: Fire Department Promotion & New Hire

Congratulations to the new hire and the recently promoted firefighter. As have I have told my friends Bay Village is the best place to be if you have a medical emergency or a fire as our people are the best trained fastest responders and most trusted firefighters in Cuyahoga CountyJim

Sent from AOL Mobile Mail  
Get the new AOL app: mail.mobile.aol.com

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On Friday, August 26, 2016 Chris Lyons <[clyons@cityofbayvillage.com](mailto:clyons@cityofbayvillage.com)> wrote:

Distinguished Civil Service Commission Members,

I wanted to take the opportunity to introduce you to our newest department member, Eric Bartinelli. While he is only 22 years old, Eric comes to us with a maturity unusual for the times. He is already fully trained, and has been working as a part-time firefighter/paramedic for the last 3 years for the Brunswick Hills and Valley City Fire Departments. Eric began his service with Bay Village on July 25th.

Please also join me in congratulating our newest Lieutenant, Brandon Dimacchia. Hired in 2001, Brandon brings a wealth of knowledge and experience into his new role as Lieutenant. He was promoted on July 18th, and has spent some of his last 15 years of service fulfilling the following roles for the fire department: Rescue Swim Instructor, Hazardous Materials and Tech Rescue Team Member, local mobile radio expert, and Fire Instructor/Trainer. With his promotion, I have also assigned Lt. Dimacchia to be our Public Safety Education Officer - a role which he began filling almost immediately, as evidenced by his recent appearance on Ideastream's *Sound of Ideas* program entitled, "Great Lakes Water Safety, Carry On" (you can listen to the program by clicking [here](#)).

Once again, thank you for all your hard work in helping us to find the very best and brightest candidates and officers for our Fire Department and our wonderful community!

Stay safe,

Chris

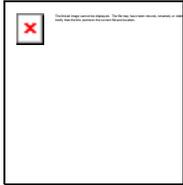
Chief Christopher Lyons, M.S., M.A., OFC

Division of Fire, City of Bay Village

440-899-3471 (direct office)

440-871-1214 (station)

440-871-3787 (fax)



ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH  
THE DISTRICT ADVISORY COUNCIL OF THE CUYAHOGA COUNTY  
GENERAL HEALTH DISTRICT TO PROVIDE PUBLIC HEALTH SERVICES  
FOR THE CITY OF BAY VILLAGE DURING THE CALENDAR YEAR 2017,  
AND DECLARING AN EMERGENCY.**

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

**SECTION 1.** That the Mayor hereby authorized to enter into an agreement with the District Advisory Council of the Cuyahoga County General Health District for providing public health services to the City of Bay Village for and during the calendar year 2017 at a cost to the City of Sixty Four Thousand Four Hundred Eighty Two Dollars (\$64,482.00). This sum the City hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the District Health Fund of Cuyahoga County, and the Fiscal Officer of Cuyahoga County is hereby authorized to deduct said sum of Sixty Four Thousand Four Hundred Eighty Two Dollars (\$64,482.00) in equal semi-annual installments of Thirty Two Thousand Two Hundred Forty One Dollars (\$32,241.00) from the regular tax settlement to be made for said City for the year 2017.

**SECTION 2.** That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Cuyahoga County Fiscal Officer.

**SECTION 3.** 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 4.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide for public health services effective January 1, 2017, in order to continue an uninterrupted public health program for 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. 16-65  
INTRODUCED BY: Mr. Vincent

First Reading 9-19-16  
Revised 10-7-16  
Second Reading 10-10-16

**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:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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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

CITY OF BAY VILLAGE, OHIO  
ORDINANCE NO.  
By: Clark

To amend appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2016, as previously appropriated in annual appropriation 16-09 and amended by ordinances 16-23, 16-46, 16-55, 16-57 and 16-67.

NOW, THEREFORE, be it ordained by the Council of the City of Bay Village, State of Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2016, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedules attached hereto as Exhibit "A" and Exhibit "B" and incorporated herein:

| <b>General Fund - 100</b> |                           |                     |                     |                     |                     |                      |
|---------------------------|---------------------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| Fund #                    | Fund Activity             | Personal Service    | Other               | Capital Improvement | Transfers/Advances  | Total                |
| <b>100</b>                | <b>Total General Fund</b> | <b>\$ 6,815,667</b> | <b>\$ 3,541,762</b> | <b>\$ 40,700</b>    | <b>\$ 1,024,006</b> | <b>\$ 11,422,135</b> |

| <b>Special Revenue Fund Group - 200</b> |                                    |                     |                   |                     |                    |                     |
|---|------------------------------------|---------------------|-------------------|---------------------|--------------------|---------------------|
| Fund #                                  | Fund Activity                      | Personal Service    | Other             | Capital Improvement | Transfers/Advances | Total               |
| 210                                     | Emergency Paramedic                | \$ 1,143,720        | \$ 88,975         | \$ 12,000           | \$ -               | \$ 1,244,695        |
| 230                                     | Parks and Recreation               | 663,770             | 292,700           | 15,500              | -                  | 971,970             |
| 231                                     | Community Gym Capital Improvement  | -                   | -                 | 5,000               | -                  | 5,000               |
| 234                                     | Play in Bay                        | -                   | 500               | -                   | -                  | 500                 |
| 235                                     | Bay Family Services                | -                   | 43,700            | -                   | -                  | 43,700              |
| 236                                     | Community Diversion                | -                   | 9,000             | -                   | -                  | 9,000               |
| 238                                     | Tennis Court Maintenance           | -                   | -                 | 10,000              | -                  | 10,000              |
| 240                                     | Equipment Replacement              | -                   | 5,000             | 888,320             | -                  | 893,320             |
| 245                                     | Private Property Maintenance       | 13,555              | 32,500            | -                   | -                  | 46,055              |
| 250                                     | State Highway                      | -                   | 51,000            | -                   | -                  | 51,000              |
| 270                                     | Street Construction                | 637,250             | 294,100           | 750,000             | 175,000            | 1,856,350           |
| 280                                     | Police Pension                     | 348,500             | -                 | -                   | -                  | 348,500             |
| 281                                     | Fire Pension                       | 471,100             | -                 | -                   | -                  | 471,100             |
| 282                                     | Accrued Benefits                   | 140,000             | -                 | -                   | -                  | 140,000             |
| 284                                     | Endowment Trust                    | -                   | 23,707            | -                   | -                  | 23,707              |
| 290                                     | Senior Programs                    | -                   | 49,500            | -                   | -                  | 49,500              |
| 292                                     | Law Enforcement                    | -                   | 28,000            | -                   | -                  | 28,000              |
| 293                                     | Drug Fine/Bail Forfeiture          | -                   | 500               | -                   | -                  | 500                 |
| 294                                     | Alcohol Intervention               | -                   | 6,500             | -                   | -                  | 6,500               |
| 297                                     | Federal Equitable Sharing          | -                   | 50,000            | -                   | -                  | 50,000              |
| <b>200</b>                              | <b>Total Special Revenue Funds</b> | <b>\$ 3,417,895</b> | <b>\$ 975,682</b> | <b>\$ 1,680,820</b> | <b>\$ 175,000</b>  | <b>\$ 6,249,397</b> |

| <b>Debt Service Fund Group - 300</b> |                                |                  |                     |                     |                    |                     |
|--------------------------------------|--------------------------------|------------------|---------------------|---------------------|--------------------|---------------------|
| Fund #                               | Fund Activity                  | Personal Service | Other               | Capital Improvement | Transfers/Advances | Total               |
| <b>300</b>                           | <b>General Bond Retirement</b> | <b>\$ -</b>      | <b>\$ 4,591,935</b> | <b>\$ -</b>         | <b>\$ -</b>        | <b>\$ 4,591,935</b> |

| <b>Capital Project Fund Group - 400</b> |   |                         |               |                            |                           |                   |
|---|---|-------------------------|---------------|----------------------------|---------------------------|-------------------|
| <b>Fund #</b>                           | <b>Fund Activity</b>                        | <b>Personal Service</b> | <b>Other</b>  | <b>Capital Improvement</b> | <b>Transfers/Advances</b> | <b>Total</b>      |
|   | 480 Walker Road Park                        | -                       | 220           | -                          | -                         | 220               |
|   | 490 Public Improvement                      | -                       | -             | 120,700                    | -                         | 120,700           |
|   | 494 Infrastructure Improvements             | -                       | -             | 130,000                    | -                         | 130,000           |
|   | 495 Municipal Building Improvements         | -                       | -             | 46,000                     | 88,000                    | 134,000           |
|   | <b>400 Total Capital Project Fund Group</b> | <b>\$ -</b>             | <b>\$ 220</b> | <b>\$ 296,700</b>          | <b>\$ 88,000</b>          | <b>\$ 384,920</b> |

| <b>Enterprise Fund Group- 500</b> |  |                         |                     |                            |                           |                     |
|-----------------------------------|--|-------------------------|---------------------|----------------------------|---------------------------|---------------------|
| <b>Fund #</b>                     | <b>Fund Activity</b>                   | <b>Personal Service</b> | <b>Other</b>        | <b>Capital Improvement</b> | <b>Transfers/Advances</b> | <b>Total</b>        |
|                                   | <b>520 Pool</b>                        | <b>\$ 222,000</b>       | <b>\$ 111,500</b>   | <b>\$ 18,000</b>           | <b>\$ -</b>               | <b>\$ 351,500</b>   |
|                                   | 580 Sewer                              | 815,475                 | 1,481,612           | 94,000                     | -                         | 2,391,087           |
|                                   | <b>500 Total Enterprise Fund Group</b> | <b>\$ 1,037,475</b>     | <b>\$ 1,593,112</b> | <b>\$ 112,000</b>          | <b>\$ -</b>               | <b>\$ 2,742,587</b> |

| <b>Internal Service Fund Group - 600</b> |  |                         |                     |                            |                           |                     |
|--|--|-------------------------|---------------------|----------------------------|---------------------------|---------------------|
| <b>Fund #</b>                            | <b>Fund Activity</b>                         | <b>Personal Service</b> | <b>Other</b>        | <b>Capital Improvement</b> | <b>Transfers/Advances</b> | <b>Total</b>        |
|  | 600 Health Insurance                         | \$ -                    | \$ 1,697,250        | \$ -                       | \$ -                      | \$ 1,697,250        |
|  | 601 General Insurance                        | -                       | 166,118             | -                          | -                         | 166,118             |
|  | 602 Workers Compensation                     | 140,000                 | -                   | -                          | -                         | 140,000             |
|  | <b>600 Total Internal Service Fund Group</b> | <b>\$ 140,000</b>       | <b>\$ 1,863,368</b> | <b>\$ -</b>                | <b>\$ -</b>               | <b>\$ 2,003,368</b> |

| <b>Trust Fund Group - 800</b> |                                   |                         |                  |                            |                           |                  |
|-------------------------------|-----------------------------------|-------------------------|------------------|----------------------------|---------------------------|------------------|
| <b>Fund #</b>                 | <b>Fund Activity</b>              | <b>Personal Service</b> | <b>Other</b>     | <b>Capital Improvement</b> | <b>Transfers/Advances</b> | <b>Total</b>     |
|                               | 810 Cahoon Park                   | \$ -                    | \$ 66,900        | \$ -                       | \$ -                      | \$ 66,900        |
|                               | 820 Cahoon Memorial               | -                       | 3,300            | -                          | -                         | 3,300            |
|                               | 830 Cahoon Library                | -                       | 8,000            | -                          | -                         | 8,000            |
|                               | 840 Waldeck                       | -                       | 6,200            | -                          | -                         | 6,200            |
|                               | 860 Dwyer                         | -                       | 5,000            | -                          | -                         | 5,000            |
|                               | <b>800 Total Trust Fund Group</b> | <b>\$ -</b>             | <b>\$ 89,400</b> | <b>\$ -</b>                | <b>\$ -</b>               | <b>\$ 89,400</b> |

| <b>Deposit Fund Group - 900</b> |                                     |                         |                  |                            |                           |                  |
|---------------------------------|-------------------------------------|-------------------------|------------------|----------------------------|---------------------------|------------------|
| <b>Fund #</b>                   | <b>Fund Activity</b>                | <b>Personal Service</b> | <b>Other</b>     | <b>Capital Improvement</b> | <b>Transfers/Advances</b> | <b>Total</b>     |
|                                 | 930 Building Deposits               | \$ -                    | \$ 30,000        | \$ -                       | \$ -                      | \$ 30,000        |
|                                 | 931 Security Deposits               | -                       | 22,000           | -                          | -                         | 22,000           |
|                                 | <b>900 Total Deposit Fund Group</b> | <b>\$ -</b>             | <b>\$ 52,000</b> | <b>\$ -</b>                | <b>\$ -</b>               | <b>\$ 52,000</b> |

|                              |                      |                      |                     |                     |                      |
|------------------------------|----------------------|----------------------|---------------------|---------------------|----------------------|
| <b>Grand Total All Funds</b> | <b>\$ 11,411,037</b> | <b>\$ 12,707,479</b> | <b>\$ 2,130,220</b> | <b>\$ 1,287,006</b> | <b>\$ 27,535,742</b> |
|------------------------------|----------------------|----------------------|---------------------|---------------------|----------------------|

| <b>Itemized list of Transfers and Advances by Fund</b>  |               |
|---|---------------|
| <b>Description</b>                                      | <b>Amount</b> |
| General Fund to Parks and Recreation                    | \$ 430,000    |
| General Fund to Community Gym                           | 8,306         |
| General Fund to Street Construction                     | 425,000       |
| General Fund to Cahoon Income                           | 25,000        |
| General Fund to Cahoon Trust                            | 2,000         |
| General Fund to Cahoon Library                          | 10,000        |
| General Fund to Bay Family Services                     | 43,700        |
| General Fund to Accrued Benefits                        | 30,000        |
| General Fund to Fire Pension                            | 50,000        |
| Municipal Building Improvement to Equipment Replacement | 88,000        |
| Total Transfers   | \$ 1,112,006  |
| Street Construction to Infrastructure Improvements      | 175,000       |
| Total Advances and Advance Repayments                   | \$ 175,000    |
| Total Transfers and Advances                            | \$ 1,287,006  |

Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.

Section 4: That all expenditures within the fiscal year ending December 31, 2016. shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund).

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

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MAYOR

**EXHIBIT "A"**  
**SCHEDULE OF BUDGETS BY DEPARTMENT FOR GENERAL FUND**

| Department                   | Personal<br>Service    | Other                  | Equipment<br>Replacement | Transfers              | Total                   |
|------------------------------|------------------------|------------------------|--------------------------|------------------------|-------------------------|
| Council                      | \$ 60,400.00           | \$ 9,150.00            | \$ -                     | \$ -                   | \$ 69,550.00            |
| Clerk of Council             | 52,610.00              | 900.00                 | -                        | -                      | 53,510.00               |
| Mayor                        | 132,600.00             | 7,400.00               | 1,000.00                 | -                      | 141,000.00              |
| Law                          | 111,340.00             | 112,000.00             | -                        | -                      | 223,340.00              |
| Finance                      | 275,791.00             | 35,500.00              | 1,200.00                 | -                      | 312,491.00              |
| Taxation                     | -                      | 194,300.00             | -                        | -                      | 194,300.00              |
| General Administration       | 190,900.00             | 463,672.00             | -                        | 1,024,006.00           | 1,678,578.00            |
| Civil Service                | -                      | 24,150.00              | -                        | -                      | 24,150.00               |
| Planning Commission          | 1,700.00               | 800.00                 | -                        | -                      | 2,500.00                |
| Zoning Board of Appeals      | 800.00                 | 700.00                 | -                        | -                      | 1,500.00                |
| Service                      | 1,812,620.00           | 1,880,600.00           | 10,500.00                | -                      | 3,703,720.00            |
| Fire                         | 1,274,600.00           | 96,650.00              | 14,000.00                | -                      | 1,385,250.00            |
| Police                       | 2,677,516.00           | 307,465.00             | 14,000.00                | -                      | 2,998,981.00            |
| Central Dispatch             | -                      | 131,325.00             | -                        | -                      | 131,325.00              |
| Building                     | -                      | 261,275.00             | -                        | -                      | 261,275.00              |
| Architecture Board of Review | -                      | 25.00                  | -                        | -                      | 25.00                   |
| Community Services           | 224,790.00             | 15,850.00              | -                        | -                      | 240,640.00              |
| <b>GRAND TOTAL</b>           | <b>\$ 6,815,667.00</b> | <b>\$ 3,541,762.00</b> | <b>\$ 40,700.00</b>      | <b>\$ 1,024,006.00</b> | <b>\$ 11,422,135.00</b> |

**EXHIBIT "B"**  
**SCHEDULE OF CAPITAL PROJECTS AND EQUIPMENT APPROPRIATIONS BY FUND**

| Fund                                     | Description                                     | Amount                        |
|--|---|-------------------------------|
| Equipment Replacement (240)              | Computer Replacements                           | 33,800.00                     |
|  | Phone System (From 2012)                        | 133,000.00                    |
|  | Fire - Equipment                                | 15,000.00                     |
|  | Police - Cars 1125 and 1151                     | 90,420.00                     |
|  | Police - CAD/RMS System                         | 14,575.00                     |
|  | Police Equipment                                | 24,200.00                     |
|  | Service - Construction Trailer                  | 4,000.00                      |
|  | Service - Truck 19 - GMC 4wd                    | 30,000.00                     |
|  | Service - Truck 18 - Ford Explorer              | 30,000.00                     |
|  | Service - Truck 71 - Pick up Truck 2wd          | 35,000.00                     |
|  | Service - Truck 503 - Ford Tractor/Loader       | 35,000.00                     |
|  | Service - Truck 66 F250 with Plow               | 35,000.00                     |
|  | Service - Truck 21 Super Duty Dump              | 60,000.00                     |
|  | Service - Truck 35 Five Ton Dump                | 170,000.00                    |
|  | Service -Scareb - with Westlake                 | 178,325.00                    |
| <b>Total Equipment Replacement (240)</b> |   | <u><u>888,320.00</u></u>      |
| Street Construction (270)                | Street Improvements                             | 750,000.00                    |
| <b>Total Street Construction (270)</b>   |   | <u><u>750,000.00</u></u>      |
| Public Improvement (490)                 | Play in Bay Improvement                         | 10,000.00                     |
|  | Service - School Flashers Normandy              | 6,000.00                      |
|  | Dwyer Window Replacement                        | 10,000.00                     |
|  | Dwyer - Kitchen Engineering                     | 20,500.00                     |
|  | Kiddie Kollege Floor                            | 13,000.00                     |
|  | Bay Lodge Floor                                 | 13,000.00                     |
|  | SWIF Parking Lot Grant Completion               | 25,000.00                     |
|  | PD Garage Light Replacement                     | 7,200.00                      |
|  | Rose Hill/Osborn House                          | 16,000.00                     |
| <b>Total Public Improvements (490)</b>   |   | <u><u>120,700.00</u></u>      |
| Infrastructure Improvement (494)         | Queenswood Bridge                               | 130,000.00                    |
| Municipal Building Improvements (495)    | Service Painting Projects                       | 46,000.00                     |
| Sewer (580)                              | Computer Model Lake/Bradley Sanitary            | 20,000.00                     |
|  | Porter Creek Sewer                              | 15,000.00                     |
|  | Huntington Pump Station CPU Design              | 30,000.00                     |
|  | Huntington Pump Station Radiator/Heat Exchanger | 15,000.00                     |
| <b>Total Sewer (580)</b>                 |   | <u><u>80,000.00</u></u>       |
| <b>GRAND TOTAL</b>                       |   | <u><u>\$ 2,015,020.00</u></u> |