



City of Parma Heights
Special Council Meeting
6281 Pearl Road

Monday, July 25, 2022 at 6:45 PM

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. LEGISLATION

Third Reading

1. 2022 – 22 AN ORDINANCE AMENDING CHAPTER 1305 OF THE PARMA HEIGHTS CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE NATIONAL ELECTRICAL CODE, AS MAY BE AMENDED BY THE STATE OF OHIO FROM TIME TO TIME.

Second Reading

2. 2022 – 23 AN ORDINANCE AMENDING SECTION 618.10 ENTITLED “ANIMALS RUNNING AT LARGE; ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC OR PRIVATE PROPERTY” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.
3. 2022 – 24 AN ORDINANCE AMENDING SECTION 618.15 ENTITLED “ANIMALS IN CITY PLAYGROUNDS AND CERTAIN OTHER PARK AREAS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.
4. 2022 – 25 AN ORDINANCE AMENDING SECTION 618.21 ENTITLED “HUNTING, POISONING AND TRAPPING PROHIBITED” OF THE PARMA HEIGHTS CODIFIED ORDINANCES.

First Reading

5. 2022 – 14 A RESOLUTION AUTHORIZING THE ADMINISTRATION TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), AND TO EXECUTE A CONTRACT WITH NOACA, IF SELECTED, FOR FUNDING, AND FURTHER AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PROJECT, AND DECLARING AN EMERGENCY.
6. 2022 – 15 A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH WICHERT INSURANCE TO SECURE INSURANCE COVERAGE FOR THE CITY OF PARMA HEIGHTS FROM SELECTIVE INSURANCE COMPANY, CINCINNATI INSURANCE COMPANY, HANOVER INSURANCE GROUP, LLOYDS, AND QBE SPECIALTY INSURANCE COMPANY, AND DECLARING AN EMERGENCY

7. **2022 – 26 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CUYAHOGA COUNTY TO ACCEPT AMERICAN RESCUE PLAN ACT (ARPA) FUNDING, AND FURTHER AUTHORIZING THE EXPENDITURE OF THOSE FUNDS, AND DECLARING AN EMERGENCY.**
8. **2022 – 27 AN ORDINANCE AMENDING SECTION 672.01 ENTITLED “DEFINITIONS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.**
9. **2022 – 28 AN ORDINANCE AMENDING SECTION 672.02 ENTITLED “CARRYING CONCEALED WEAPONS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.**
10. **2022 – 29 AN ORDINANCE AMENDING SECTION 672.09 ENTITLED “UNLAWFUL TRANSACTIONS IN WEAPONS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.**
11. **2022 – 30 AN ORDINANCE AMENDING SECTION 672.14 ENTITLED “BRASS KNUCKLES, BLACKJACK, SWITCHBLADE KNIVES OR OTHER SIMILAR WEAPON” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.**

ADJOURN TO EXECUTIVE SESSION TO DISCUSS CONFIDENTIAL BUSINESS INFORMATION OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE.

4. ADJOURNMENT

ORDINANCE NO. 2022 - 22

**AN ORDINANCE AMENDING CHAPTER 1305 OF THE PARMA HEIGHTS
CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE NATIONAL
ELECTRICAL CODE, AS MAY BE AMENDED BY THE STATE OF OHIO
FROM TIME TO TIME.**

WHEREAS, the Director of Public Service and Chief Building Official recommend that Chapter 1305 of the City of Parma Heights Codified Ordinances be updated and amended, in part, to refer to, adopt, and incorporate the National Electrical Code (NEC), as may be amended by the State of Ohio, Board of Building Standards, from time to time; and

WHEREAS, Ohio Revised Code Section 731.231 grants the City full authority to adopt, enforce, and incorporate by reference the National Electrical Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 1305 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

CHAPTER 1305 National Electrical Code

- 1305.01 ~~2002 edition~~ National Electric Code adopted; purpose.
- 1305.02 File copies.
- 1305.03 Conflict of laws.
- 1305.04 Amendments.
- 1305.99 Penalty.

CROSS REFERENCES

- Prosecutions for theft of utilities - see GEN. OFF. 642.26
- Electric fences - see GEN. OFF. 660.14
- Building Inspector - see BLDG. Ch. 1323
- Electrical permit fee schedule - see BLDG. 1329.03
- Exterior lampposts - see BLDG. Ch. 1361
- Smoke detectors - see FIRE. PREV. 1505.02 (BOCA F-510.0)
- Signs - see BLDG. Ch. 1383

1305.01 ~~2002-EDITION~~ NATIONAL ELECTRIC CODE ADOPTED; PURPOSE.

Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference, for the purpose of establishing minimum standards for electrical materials and installations in one, two and three-family dwellings, mobile homes, multi-family dwellings and commercial and industrial occupancy, that certain code known as the National Electrical Code, being specifically the 2002 edition thereof, promulgated by the National Fire Protection Association as adopted by the Ohio Board of Building Standards pursuant to Revised Code 3781.10, as may be amended from time to time, and which is codified at Ohio Administrative Code 4101:8-34-01, designated NFPA No.70-2002, save and except such portions as are hereinafter modified or deleted.

(Ord. 1999-31. Passed 11 8 99; Ord. 2002-7. Passed 2 27 02.)

1305.02 FILE COPIES.

A complete copy of the National Electrical Code, as adopted in Section 1305.01, is on file with the Clerk of Council for inspection by the public. One copy shall also be on file

in the Cuyahoga County Law Library Parma Heights Library. The Clerk of Council has copies available for distribution to the public at cost.

(Ord. 1987-44. Passed 10-13-87; Ord. 2002-7. Passed 2-27-02.)

1305.03 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in Section 1305.01, and a provision of any local ordinance or resolution, the local ordinance or resolution shall prevail.

(Ord. 1999-31. Passed 11-8-99; Ord. 2002-7. Passed 2-27-02.)

1305.04 AMENDMENTS.

The National Electrical Code, as adopted in Section 1305.01, is hereby amended as follows:

~~Article 210 — Branch Circuits~~

~~NEC Section 210.19. Conductors — Minimum Ampacity and Size. (Amended)~~

~~—(a) No change~~

~~—(b) No change~~

~~—(c) No change~~

~~—(d) Other Loads. Branch-circuit conductors that supply loads other than those specified in 210.2 and other than cooking appliances as covered in 210.9(C) shall have an ampacity sufficient for the loads served and shall not be smaller than 12 AWG.~~

~~Article 220 — Branch-Circuit, Feeder, and Service Calculations~~

~~NEC Section 220.4. Minimum loads. (Amended)~~

~~—Not more than four duplex receptacle outlets per circuit shall be installed on the required appliance branch circuits and not more than eight duplex outlets per circuit shall be installed on the required general lighting branch circuits. The total load shall not exceed the rating of the branch circuit, and it shall not exceed the maximum loads specified in 220.4(A) through (C) under the conditions specified therein.~~

~~Article 230 — Services~~

~~NEC Section 230.70. General. (Amended)~~

~~(a) Location. The service disconnecting means shall be installed inside a building or structure at a readily-accessible location nearest the point of entrance of the service conductors.~~

~~Article 300 — Wiring Methods~~

~~NEC Section 300.13. Mechanical and Electrical Continuity Conductors. (Amended)~~

~~(a) No Change~~

~~(b) Device Removal. The continuity of grounded and ungrounded conductors in branch circuits shall not be dependent upon device connections.~~

~~Article 310 Conductors For General Wiring~~

~~NEC Section 310.2. Conductors. (Amended)~~

~~(a) No Change~~

~~(b) Conductor Material. All conductors on load side of service equipment shall be copper (200 amp service or less).~~

~~Article 334 Nonmetallic Sheathed Cable~~

~~NEC Section 334.4. Uses permitted. (Amended)~~

~~Type NM and Type NMC cables shall be permitted to be used in one, two and three-family dwellings only. The dwellings are defined by the Regional Dwelling House Code Ch. 17. Sect. 1517.05.~~

~~Article 334 II Installation~~

~~NEC Section 334.10. Uses permitted. (Amended)~~

~~Type NM (nonmetallic sheathed cable) shall not be run exposed in detached garages or sheds.~~

~~NEC Section 334.10. Exposed work General. (Amended)~~

~~A. Unchanged~~

~~B. Unchanged~~

~~C. In Unfinished Basements. Type NM (nonmetallic sheathed cable) shall not be permitted to be secured to the lower edges of the joists. All cable running perpendicular to joists shall be run through bored holes. Cable run exposed in basements shall be limited to wiring serving the load of the immediate area only (i.e. lighting and receptacles). Wiring located below the level of the ceiling joists must be protected by conduit.~~

~~(1) New Construction. Wiring for branch circuits whose load is not found in the basement area shall not be routed through the basement joists. Such wiring shall leave the panel board and pass through the floor in the area immediately above the panel board.~~

~~NEC Section 334.40. Boxes and Fittings. (Amended)~~

~~A. No Change.~~

~~—B. This Section shall be deleted.~~

~~—C. No Change.~~

~~NEC Section 334.104. Conductors. (Amended)~~

~~—Notwithstanding any provision to the contrary in this section, the minimum size conductor shall be No. 12 AWG copper for power conductors. The signaling conductors shall comply with 780.5.~~

~~**NEC Section 514—Gasoline Dispensing and Service Stations**~~

~~NEC Section 514.8. Underground Wiring. (Amended)~~

~~—Underground wiring shall be installed in threaded rigid metal conduit. Exception No. 2 shall be deleted.~~

~~NEC Section 514.16. Grounding. (Amended)~~

~~—Metal portions of dispensing pumps, metal raceways and noncurrent-carrying metal parts of electric equipment, regardless of voltage, shall be grounded as provided in Article 250-100, and as per NFPA Article 30A, Chapter 4.3.1; NFPA Article 30, Chapter 2.5.3.4.~~

~~**Article 600—Electric Signs and Outlined Lighting**~~

~~NEC Section 600.5(c). Wiring Methods. (Amended)~~

~~—Conductors feeding sign structures shall be installed underground by an approved means.~~

~~—References: Section 1303.09 and Chapter 1383 of the Codified Ordinances of the City of Parma Heights.~~

~~NEC Section 600.10. Outdoor Portable Signs. (Added)~~

~~—Temporary signs shall be fed from receptacles which are an approved extension of building wiring or which are an integral part of an existing sign. The use of extension cords across parking lots, driveways or sidewalks is prohibited. Receptacles feeding temporary signs must be ground fault protected.~~

~~**Article 700—Emergency Systems**~~

~~NEC Section 700.1. Emergency System. (Amended)~~

~~—Exit and emergency lighting shall be provided in all commercial establishments.~~

~~(Ord. 1999-31. Passed 11-8-99; Ord. 2002-7. Passed 2-27-02.)~~

1305.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of the National Electrical Code is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 1999-31. Passed 11-8-99; Ord. 2002-7. Passed 2-27-02.)

ORDINANCE NO. 2022 - 23

AN ORDINANCE AMENDING SECTION 618.10 ENTITLED "ANIMALS RUNNING AT LARGE; ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC OR PRIVATE PROPERTY" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Parma Heights Police Department will begin utilizing a police dog in the summer of 2022; and

WHEREAS, the Parma Heights Codified Ordinances regarding animals running at large need to allow police dogs to perform official duties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 618.10 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality and for the further reason that it is necessary to allow the Police Department to utilize police dogs to maintain safety; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

618.10 ANIMALS RUNNING AT LARGE; ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC OR PRIVATE PROPERTY.

(a) No owner/guardian of any animal, including, but not limited to, dogs and cats, shall permit such an animal to run at large within the City at any time. Any animal shall be deemed running at large when such an animal is not inside a resident structure, secure fence or pen; on a leash and held by a person capable of controlling such animal; or tethered in such a manner as to prevent its getting on the public right-of-way or another's property. This provision shall not apply to dogs being obedience trained by a certified trainer.

(b) The owner, keeper or harbinger of a domestic animal who permit it to run at large in violation of this section shall, in addition to the penalty provided in division (g) of this section, the owner of the animal will be liable for all damage or destruction to the owner or occupant of the damaged property for the full value of the damage or destruction.

(c) Any land which is enclosed with invisible fencing must have its boundary no less than six feet from public property. (The public is encouraged, but not required to post signs regarding invisible fencing.)

(d) No person who is the owner or in charge of any dog shall permit such dog to be tethered in a front or side yard.

(e) This section shall not apply to persons operating under the guidelines of a program approved by the Director of Public Safety for providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

(f) This section shall not apply to a police dog that is being used to assist one or more law enforcement officers in the performance or their official duties or during the police dog's normal course of duty.

~~(g)~~ (g) Whoever violates any provision of this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section in a second or subsequent offense shall be guilty of a misdemeanor of the fourth degree.

(Ord. 2019-3. Passed 2-11-19.)

ORDINANCE NO. 2022 - 24

AN ORDINANCE AMENDING SECTION 618.15 ENTITLED "ANIMALS IN CITY PLAYGROUNDS AND CERTAIN OTHER PARK AREAS" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Parma Heights Police Department will begin utilizing a police dog in the summer of 2022; and

WHEREAS, the Parma Heights Codified Ordinances regarding animals in city playgrounds and parks need to allow police dogs to perform official duties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 618.15 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality and for the further reason that it is necessary to allow the Police Department to utilize police dogs to maintain safety; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

618.15 ANIMALS IN CITY PLAYGROUNDS AND CERTAIN OTHER PARK AREAS.

(a) No domestic animal shall enter any play apparatus in any playground. Dogs are permitted on a leash in parks owned or maintained by the City, providing no owner, keeper or harbinger of a dog shall fail to comply with all provisions in this division (a) of this section and all remaining applicable code.

(b) An owner of a domestic animal that violates division (a) of this section is guilty of a minor misdemeanor. If the offender has been previously convicted of violating this section, any subsequent violation is a misdemeanor of the fourth degree.

(c) This section does not apply to guide, leader, hearing, or support dogs in accordance with federal regulations.

(d) This section does not apply to a police dog that is being used to assist one or more law enforcement officers in the performance of their official duties or during the police dog's normal course of duty.

(Ord. 2019-3. Passed 2-11-19.)

ORDINANCE NO. 2022 - 25

AN ORDINANCE AMENDING SECTION 618.21 ENTITLED "HUNTING, POISONING AND TRAPPING PROHIBITED" OF THE PARMA HEIGHTS CODIFIED ORDINANCES

WHEREAS, the overpopulation of white-tailed deer within the City of Parma Heights negatively impacts public health and safety due to an excessive number of deer-related vehicular accidents, destruction of natural habitats and biodiversity, increased risk of disease transmission to humans from deer parasites, and damage to private and public property; and

WHEREAS, the Department of Public Safety considered the options to control the deer population, with the assistance and input from the Ohio Department of Natural Resources, and other municipalities; and

WHEREAS, the City believes that a city-sponsored approach to managing the deer population is the most effective strategy to manage deer; and

WHEREAS, City Council desires to provide the Mayor and the Director of Public Safety with an effective, flexible and feasible tool to address deer overpopulation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 618.21 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR MARIE S. GALLO

EXHIBIT A

618.21 HUNTING, POISONING AND TRAPPING PROHIBITED.

(a) Hunting Prohibited. The hunting of animals or birds within the Municipality is prohibited. No person shall hunt, kill or attempt to kill an animal by the use of firearms, bow hunting, trapping or any other method, except as follows;

(1) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:

- A. The Police Chief or his or her designated representative may, in his or her sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant;
- B. As a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer;
- C. In areas of not less than five contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe;
- D. Hunting shall be conducted from an elevated platform only;
- E. Written permission from the property owner(s) has been obtained;
- F. "Qualified archer" shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, a valid Ohio hunting license, if applicable, and all other state requirements;
- G. Compliance with all laws, rules and regulations of the City and State;
- H. All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts or damages committed by the applicant;
- I. Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police; and
- J. Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulations necessary to insure public health and safety.

~~(2) Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.~~

~~(3) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.~~

(2) The City may utilize firearms-trained personnel to cull white-tailed deer upon property owned or managed by the City or upon private property with permission, provided that:

- A. The Chief of Police or his designee has determined that such culling can be safely conducted on such property; and
- B. Such personnel are employed by or associated with a federal agency, state agency or local law enforcement agency; and
- C. Such culling has been approved by the Ohio Department of Natural Resources, Division of Wildlife.

(b) Trapping. The trapping of animals or birds within the municipality is prohibited by all persons except the animal control officer or wildlife removal and control services that resident's privately contract, providing that the wildlife removal and control service shall only use humane methods/traps, where possible, that are not dangerous to the life or limb of animals to be trapped, or any persons who have any possibility of coming into contact with such traps. Any use of firearms is strictly prohibited. Wildlife removal and control services comply with Section 618.19 and keep current records on animals destroyed and are required to produce said records on demand by any Police Officer, Humane Agent, or animal control officer.

(c) Trapshooting. Live birds or fowl shall not be used as targets in trapshooting.

(d) Poisoning. No poisoned meat or any poisonous substance shall be cast into any of the streets, public places, lots or buildings in the City for the purpose of harming, destroying or killing animals. Nuisance rodent traps are excluded.

~~(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of violating this section, any subsequent violation is a misdemeanor of the third degree.~~

(e) No person shall, for the purpose of hindering or preventing the lawful culling of white-tailed deer pursuant to divisions (a)(1) and (a)(2) hereof, knowingly engage in any of the following conduct:

- (1) Block, obstruct, impede, or attempt to block, obstruct, or impede a person lawfully engaged in such culling;
- (2) Erect a barrier with the intent to deny ingress or egress from the areas where such culling is lawfully being conducted;
- (3) Make or attempt to make unauthorized physical contact with or in any way interfere with a person lawfully engaged in such culling; or
- (4) Make or attempt to make loud noises or gestures, set out or attempt to set out or attempt to set out animal baits, scents, lures, or human scent, use any other natural or artificial visual, aural, olfactory, or physical stimuli, or engage in or attempt to engage in any other similar action or activity in order to interfere with such culling.

(f) The prohibition set forth in subsection (a) hereof shall not apply to deer culling population management programs sponsored by and conducted on land owned or managed by the City of Parma Heights or the Cleveland Metropolitan Park District.

(g) The prohibitions set forth in Section 618.13 "FEEDING ANIMALS AND WILDLIFE" of the Parma Heights Codified Ordinances shall not apply to deer culling population management programs conducted by the City of Parma Heights or the Cleveland Metropolitan Park District.

(h) Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.

(i) Whoever violates division (a)(1) of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02. Whoever violates division (b), (c), (d), or (e) of this section is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of violating this section, any subsequent violation of division (b), (c), (d), or (e) of this section is a misdemeanor of the third degree.

RESOLUTION NO. 2022 - 14

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), AND TO EXECUTE A CONTRACT WITH NOACA, IF SELECTED, FOR FUNDING, AND FURTHER AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Parma Heights is submitting an application to the Northeast Ohio Areawide Coordinating Agency (NOACA) for Cleveland Urbanized Area Federal Transit Administration (FTA) funding from the Enhanced Mobility of Seniors and Individuals with Disabilities (Senior 5310) Program; and

WHEREAS, NOACA is the designated recipient of the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) Program for the Cleveland Urbanized Area authorized to make grants to public bodies, private nonprofit organizations, and other eligible entities; and

WHEREAS, the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) Program provides eighty percent (80%) federal funds for capital projects to support alternatives to public transportation projects that assist seniors and individuals with disabilities, new, or expanded transportation services and alternatives that go beyond the requirements of the Americans with Disabilities Act (ADA) of 1990 for individuals with disabilities; and

WHEREAS, the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) Program is paid on a reimbursement basis, requiring the applicant to first expend funds then request reimbursement from NOACA, which will, in turn, request the funds from FTA; and

WHEREAS, the applicant certifies it will provide at least twenty percent (20%) local matching funds for capital or planning projects and fifty percent (50%) local matching funds for operating projects from sources other than federal Department of Transportation funds; and

WHEREAS, this project is included in the Coordinated Public Transit-Human Services Transportation Plan for Northeast Ohio; and

WHEREAS, the City of Parma Heights agrees to abide by federal requirements as a sub-recipient of FTA funds, including current federal fiscal year Certification and Assurances inclusive of provisions of Title VI of the Civil Rights Act of 1964, and all subsequent annual Certifications and Assurances during the length of the agreement, including federal procurement, maintenance, useful life, disposition standards, and ongoing reporting; and

WHEREAS, the City of Parma Heights is authorized to execute a contract with NOACA if selected for the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) Program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights,

County of Cuyahoga and State of Ohio:

Section 1: That authorization is given to the Administration to submit an application to NOACA, acting as designated recipient of FTA funds, for the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) Program, and to execute a contract with NOACA, if selected, for funding.

Section 2: That Council hereby authorizes the obligation of funds required to satisfactorily complete the proposed project under the terms and conditions of the Federal Transit Administration (FTA), including 20% local matching funds for capital or planning projects, and 50% local matching funds for operating projects from sources other than the federal Department of Transportation funds from the City of Parma Heights.

Section 3: That the Administration, if selected for NOACA funding, is hereby authorized and directed to expend funds required to satisfactorily complete the proposed project as outlined in the agreement.

Section 4: This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 5: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of said City and for the further reason it is necessary to apply for the NOACA-FTA application deadline of August 5, 2022; wherefore, this resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

RESOLUTION NO. 2022 - ____

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH WICHERT INSURANCE TO SECURE INSURANCE COVERAGE FOR THE CITY OF PARMA HEIGHTS FROM SELECTIVE INSURANCE COMPANY, CINCINNATI INSURANCE COMPANY, HANOVER INSURANCE GROUP, LLOYDS, AND QBE SPECIALTY INSURANCE COMPANY, AND DECLARING AN EMERGENCY

WHEREAS, Wichert Insurance (“Wichert”) is currently the insurance agent for the City of Parma Heights; and

WHEREAS, Wichert and the Director of Finance have solicited and secured a combination of package policy proposals made by Selective Insurance Company, Cincinnati Insurance Company, Hanover Insurance Group, Lloyds, and QBE Specialty Insurance Company to provide the appropriate coverage for the best price; and

WHEREAS, Council desires to authorize the Mayor and Director of Finance to enter into an agreement with Wichert Insurance to provide insurance coverage for the City from Selective Insurance Company, Cincinnati Insurance Company, Hanover Insurance Group, Lloyds, and QBE Specialty Insurance Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That the Mayor and Director of Finance are authorized to enter into an agreement with Wichert Insurance for the provision of insurance coverage for the City from Selective Insurance Company, Cincinnati Insurance Company, Hanover Insurance Group, Lloyds, and QBE Specialty Insurance Company for the period of August 1, 2022 through July 31, 2023. Said coverage includes property, inland marine, crime, automobile, general liability, public officials/employment practices, law enforcement, boiler and machinery, umbrella, and cyber liability insurance coverages. The total premium for said coverage is \$212,982.00, as reflected by invoices attached as Exhibit A. Said premium is based upon the City’s current property holdings and vehicle and equipment fleet, but is subject to minor price modifications based upon the addition or deletion of particular coverages, properties, equipment, and vehicles.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of said City and for the further reason it is necessary to renew the City’s coverage before the policies expire; wherefore, this resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A



Customer	City of Parma Heights
Acct #	131
Date	07/15/2022 <i>Maria Norman</i>
Customer Service	
Page	1 of 1

City of Parma Heights
6281 Pearl Road
Parma Heights, OH 44130

Payment Information	
Invoice Summary	\$ 4,218.00
Payment Amount	
Payment for:	Invoice#1454228



Customer: City of Parma Heights

Invoice	Effective	Transaction	Description	Amount
1454228	08/01/2022	Renew policy	Policy # [REDACTED] 08/01/2022-08/01/2023 Cincinnati Insurance Co. Boiler & Machinery - Renew policy Due Date: 8/11/2022	4,218.00
Please allow adequate mailing time for your payment to reach us by the due date. We encourage you to take advantage of our online payment options to avoid cancellation notice. You can remit payment here: https://wichert-cuyahogafalls.epaypolicy.com				Total \$ 4,218.00

Wichert Insurance Services 1200 Graham Road Cuyahoga Falls, OH 44224	(330)929-8686 webinfo@wichert.com	Date
		07/15/2022



Customer	City of Parma Heights
Acct #	131
Date	07/15/2022
Customer Service	Maria Norman
Page	1 of 1

City of Parma Heights
 6281 Pearl Road
 Parma Heights, OH 44130

Payment Information	
Invoice Summary	\$ 2,784.00
Payment Amount	
Payment for:	Invoice#1454227



Customer: City of Parma Heights

Invoice	Effective	Transaction	Description	Amount
1454227	08/01/2022	Renew policy	Policy # [REDACTED] 08/01/2022-08/01/2023 Hanover Insurance Group Crime - Renew policy Due Date: 8/11/2022	2,784.00
Please allow adequate mailing time for your payment to reach us by the due date. We encourage you to take advantage of our online payment options to avoid cancellation notice. You can remit payment here: https://wichert-cuyahogafalls.epaypolicy.com				Total \$ 2,784.00

Wichert Insurance Services 1200 Graham Road Cuyahoga Falls, OH 44224	(330)929-8686 webinfo@wichert.com	Date
		07/15/2022



Customer	City of Parma Heights
Acct #	131
Date	07/15/2022
Customer Service	Maria Norman
Page	1 of 1

City of Parma Heights
 6281 Pearl Road
 Parma Heights, OH 44130

Payment Information	
Invoice Summary	\$ 12,425.00
Payment Amount	
Payment for:	Invoice#1454230



Customer: City of Parma Heights

Invoice	Effective	Transaction	Description	Amount
1454230	08/01/2022	Renew policy	Policy # [REDACTED] 08/01/2022-08/01/2023 Lloyds Cyber - Renew policy Due Date: 8/11/2022	12,425.00
Please allow adequate mailing time for your payment to reach us by the due date. We encourage you to take advantage of our online payment options to avoid cancellation notice. You can remit payment here: https://wichert-cuyahogafalls.epaypolicy.com				Total \$ 12,425.00

Wichert Insurance Services 1200 Graham Road Cuyahoga Falls, OH 44224	(330)929-8686 webinfo@wichert.com	Date
		07/15/2022



Customer	City of Parma Heights
Acct #	131
Date	07/15/2022
Customer Service	Maria Norman
Page	1 of 1

City of Parma Heights
6281 Pearl Road
Parma Heights, OH 44130

Payment Information	
Invoice Summary	\$ 34,656.00
Payment Amount	
Payment for:	Invoice#1454219

✂
Customer: City of Parma Heights

Invoice	Effective	Transaction	Description	Amount
1454219	08/01/2022	Renew policy	Policy # [REDACTED] 08/01/2022-08/01/2023 QBE Specialty Insurance Company Law Enforcement Liab. - Renew policy Brokerage Fee - Renew policy Due Date: 8/11/2022	34,306.00 350.00
Please allow adequate mailing time for your payment to reach us by the due date. We encourage you to take advantage of our online payment options to avoid cancellation notice. You can remit payment here: https://wichert-cuyahogafalls.epaypolicy.com				Total \$ 34,656.00

Wichert Insurance Services 1200 Graham Road Cuyahoga Falls, OH 44224	(330)929-8686 webinfo@wichert.com	Date
		07/15/2022



City of Parma Heights
 6281 Pearl Road
 Parma Heights, OH 44130

Customer	City of Parma Heights
Acct #	131
Date	07/15/2022
Customer Service	Marla Norman
Page	1 of 1

Payment Information	
Invoice Summary	\$ 158,864.00
Payment Amount	
Payment for:	Invoice#1454194



Customer: City of Parma Heights

Invoice	Effective	Transaction	Description	Amount
1454194	08/01/2022	Renew policy	Policy # [REDACTED] 08/01/2022-08/01/2023 SELECTIVE INSURANCE COMPANIES / Selective Ins. Co. of America Business Auto - Renew policy 72,664.00 General Liability - Renew policy 3,836.00 Umbrella - Renew policy 43,979.00 Inland Marine - Renew policy 5,277.00 Public Officials Liab. - Renew policy 18,636.00 Commercial Property - Renew policy 14,774.00 Due Date: 8/11/2022 Credit 2021-22 policy -302.00	
Please allow adequate mailing time for your payment to reach us by the due date. We encourage you to take advantage of our online payment options to avoid cancellation notice. You can remit payment here: https://wichert-cuyahogafalls.epaypolicy.com				Total \$ 158,864.00

Wichert Insurance Services 1200 Graham Road Cuyahoga Falls, OH 44224	(330)929-8686	Date
	webinfo@wichert.com	07/15/2022

RESOLUTION NO. 2022 - 26

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CUYAHOGA COUNTY TO ACCEPT AMERICAN RESCUE PLAN ACT (ARPA) FUNDING, AND FURTHER AUTHORIZING THE EXPENDITURE OF THOSE FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, Cuyahoga County, through the American Rescue Plan Act (ARPA), allocated funds to help bolster the creative economy in Cuyahoga County, by and through the administration of grant funding to the City of Parma Heights.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: That the Mayor is hereby authorized and directed to execute an agreement with Cuyahoga County, in the form attached hereto as "Exhibit A" and made a part hereof by reference, as if fully rewritten, and to provide all information and documentation required to become eligible for funding assistance.

Section 2: That the Administration is hereby authorized and directed to expend funds required to satisfactorily complete the proposed project as outlined in the agreement, including the awarded amount of \$1,145,644.92.

Section 3: This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 4: The Clerk of Council is hereby directed to certify a signed copy of this Resolution and to deliver same to Cuyahoga County.

Section 5: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of said City and for the further reason it is necessary to execute the agreement between the City of Parma Heights and Cuyahoga County to accept the ARPA funding in a timely manner; wherefore, this resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

PROJECT AWARD AGREEMENT BETWEEN THE CITY OF PARMA HEIGHTS AND CUYAHOGA COUNTY

THIS PROJECT AWARD AGREEMENT ("Agreement") is made and entered into as of the date signed by the Cuyahoga County Executive ("Effective Date") by and between the County of Cuyahoga County, Ohio, a body corporate and politic and a political subdivision of the State of Ohio organized and existing under the Charter of Cuyahoga County effective January 1, 2010, as same may have been amended, modified, and supplemented to the effective date hereof (the "County") and the City of Parma Heights, ("Recipient"), a body corporate and politic and a political subdivision of the State of Ohio, having a principal place of business at 6281 Pearl Road, Parma Heights, OH 44130.

RECITALS

WHEREAS, Recipient has requested funding from the County for the Nathan Hale Stormwater Basin Project in Parma Heights, Ohio ("Project"); and

WHEREAS, pursuant to County Council Approval, the County will award an amount not to exceed \$1,145,644.92 (the "Award") to Recipient to support the Project, as more fully described in Exhibit 1;

WHEREAS, the County and Recipient desire to enter into this Agreement to govern their respective obligations with respect to the Award for the Project.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties from the other, and intending to be legally bound, the Parties agree as follows:

AGREEMENT

1. ACCURACY OF RECITALS; DEFINED TERMS

The Parties acknowledge the accuracy of the above Recitals, which are incorporated into and made a part of this Agreement.

2. CONFIRMATION OF AWARD

Recipient has requested, and the County has awarded Recipient, an award in an amount not to exceed \$1,145,644.92 to be disbursed to Recipient in one disbursement. If the Project has more than one funding source, the Award shall be disbursed to Recipient upon the receipt by Recipient of all other funding sources.

3. CONDITIONS

The obligations of the County under this Agreement are subject to the satisfaction of the following condition, which condition may only be waived by the County (in the County's sole discretion and in writing), for whose sole benefit such conditions exist:

- A) Recipient agrees its Award shall not be used to pay for costs outside of those listed on Exhibit 1.

4. REPORTING REQUIREMENTS

Recipient shall provide annual reports to the County of the status of the Project and provide detailed documentation of all expenditures made from the Award as of the date of the submission of the annual report. The report shall be due one year from the date of the disbursement of funds from the County to the Recipient or upon completion of the Project whichever is earlier.

The County reserves the right to request additional reports pertaining to the Project. It is the responsibility of Recipient to furnish the County with reports as requested.

Failure to provide reports, maintain documentation, and/or provide any additional reporting requested by the County may result in the declaration of an Event of Default as outlined in Section 8 of this Agreement.

5. INDEMNIFICATION

The Parties acknowledge that as a political subdivision of the State of Ohio, the County does not indemnify any person or entity. The Parties agree that no provision of this Agreement may be interpreted to obligate the County to indemnify or defend another party.

6. PUBLIC RECORDS; CONFIDENTIALITY

The Parties acknowledge that the County is a political subdivision of the State of Ohio and as such is subject to the Ohio Revised Code and other laws related to the keeping of and access to public records, including any and all applicable Sunshine Laws, open meeting requirements, and retention schedules effecting any and all manner of communication with the County and Recipient and any and all documents in any format or media.

7. REPRESENTATIONS

Recipient represents and warrants:

- A. It has full power and authority to execute, deliver, and perform this Agreement and its obligations; and
- B. The execution, delivery, and performance by Recipient under this Agreement does not, and will not, violate any provision of law or any court order applicable to Recipient, and does not, and will not, conflict with or result in a default, under any agreement or instrument to

which Recipient is a party or by which it or any of its property or assets is or may be bound;
and

- C. This Agreement has by proper action been duly authorized, executed, and delivered and constitutes the legal, valid, and binding obligations of Recipient.

8. DEFAULT

If Recipient breaches any of its representations under this Agreement or fails to perform any of its obligations or is in default under any other condition of this Agreement for a period of thirty (30) days after date of the County's written notice thereof to Recipient ("Event of Default"), the County may, at its sole option, terminate this Agreement and will be under no further obligation to disburse any Award funds remaining under this Agreement. In addition, the County reserves the right, upon an Event of Default, to seek recovery of any Award funds previously disbursed.

9. TERM OF AGREEMENT

This Agreement shall become effective as of the Effective Date and shall remain in full force and effect until the Project is completed, subject to the terms of this Agreement, unless extended by written agreement of the Parties.

If at the end of the term the Recipient has not spent all of the Award on the Project, the Recipient shall return the remaining funds to the County.

10. MISCELLANEOUS

- A. This Agreement, with its exhibits, contains the Parties' entire agreement with respect to the subject matter herein. This Agreement may not be modified except by written instrument signed by both Parties and referring to the specific provisions to be modified.
- B. This Agreement and the rights and obligations of the Parties hereunder shall be construed in accordance with and shall be governed by the laws of the State of Ohio and applicable federal law. Recipient and the County agree that state and federal courts in Cuyahoga County, Ohio will have exclusive jurisdiction over any claim arising out of this Agreement and Recipient and the County consent to the exclusive jurisdiction of such courts. Recipient agrees not to challenge this provision and agrees not to attempt to file, or remove, any legal action related to this Agreement or any alleged breach of this Agreement outside of Cuyahoga County for any reason.
- C. All County contracts, including this Agreement, are subject to all applicable laws adopted in the Cuyahoga County Code, including, but not limited to, Title IV (Ethics) and Title V (Contracts and Purchasing). The Cuyahoga County Code and enacted County ordinances are available at <http://code.cuyahogacounty.us>.
- D. If any part of the Award is used for construction-related labor, Recipient agrees that wages paid to laborers and mechanics employed on the Project under contracts or subcontracts shall be paid at not less than the prevailing rates of wages for laborers and mechanics for the applicable class of work called for by the Project, which wages shall be determined in accordance with the requirements of Chapter 4115, Ohio Revised Code, or the Davis-Bacon Act, and shall cause such wages to be paid in accordance therewith, and Recipient

shall require compliance by all contractors and subcontractors of all applicable requirements of Sections 4115.03 through 4115.16, Ohio Revised Code, or the Davis-Bacon Act, including, without limitation, (i) obtaining from the Ohio Department of Industrial Relations, or its federal equivalent, a determination of the prevailing rates of wages to be paid for all classes of work called for by the Project, (ii) obtaining the designation of a Prevailing Wage Coordinator for the Project pursuant to Section 4115.071, Ohio Revised Code, or the Davis-Bacon Act and (iii) ensuring that all contractors and subcontractors receive notification of changes in prevailing wage rates as required under Section 4115.05, Ohio Revised Code, or the Davis-Bacon Act

- E. Recipient's employees may not acquire any personal interest that conflicts with Recipient's responsibilities under this Agreement. Additionally, Recipient will not knowingly permit any public official or public employee who has any responsibilities related to this Agreement to acquire an interest in anything or any entity under Recipient's control, if such an interest would conflict with that official's or employee's duties. Recipient will disclose to the County knowledge of any such person who acquires an incompatible or conflicting personal interest related to this Agreement. Recipient will take all legal steps to ensure that such a person does not participate in any action affecting the work under this Agreement, unless the County has determined that, in the light of the personal interest disclosed, that person's participation in any such action would not be contrary to the public interest.
- F. All notices, requests, demands, or other communications which are required or may be given pursuant to the terms of this Agreement shall be in writing and shall be deemed to have been duly given (i) on the date of delivery if delivered by hand or by confirmed facsimile; (ii) upon the fifth day after such notice is deposited in the United States mail, if mailed by registered or certified mail, postage prepaid, return receipt requested, or (iii) upon the date of the courier's verification of delivery at the specified address if sent by a nationally recognized overnight express courier.

County's address for notification is:

Cuyahoga County Office of the Council
2079 East 9th Street
Cleveland, Ohio 44115
Attention: Cynthia Mason, Research and Policy Analyst

With a copy to:

Cuyahoga County Department of Law
2079 East 9th Street
Cleveland, Ohio 44115
Attention: Director of Law

Recipient's address for notification is:

City of Parma Heights

6281 Pearl Road
Parma Heights, Ohio 44130
Attention: Joseph E. Sebes, Grant Coordinator

- G. Neither Party shall be in default if its failure to perform any obligation hereunder is caused solely by supervening conditions beyond that Party's reasonable control, including, without limitation, acts of God, civil commotion, strikes, labor disputes, or governmental demands or requirements.
- H. The failure of either Party to require performance by the other party of any provision of this Agreement or any exhibit shall not affect its right to require such performance at any time thereafter; nor shall the waiver by either party of a breach of any provisions of this Agreement be taken or deemed to be a waiver of the provision itself.
- I. If any provision of this Agreement is invalid or unenforceable, that provision will be changed and interpreted to accomplish the Parties' objectives to the greatest extent possible under applicable law and the remaining provisions of this Agreement will continue in full force and effect.
- J. The section headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, or describe the scope or extent of such section.
- K. Recipient may not assign this Agreement without the prior written consent of the County.
- L. Except as expressly provided in this Agreement, no amendment, change, waiver, or discharge of this Agreement is valid unless in writing and signed by both of the Parties.
- M. Each of the Parties will comply with all state and federal laws regarding equal employment opportunity and fair labor and employment practices, including ORC Section 125.111 and all related Executive Orders.
- N. Each of the Parties shall comply with all applicable state and federal laws regarding keeping a drug-free workplace.
- O. Recipient agrees to make all pertinent books and records and other documents pertaining to its obligations under this Agreement available to the County and its designated agents for purpose of audit and examination upon reasonable request during the term of this Agreement and for a period of two (2) years from the completion date of the Project or final payment under this Agreement, whichever is later.
- P. Recipient agrees to cooperate with the Cuyahoga County Agency of Inspector General or the Department of Internal Audit if it is determined there should be an investigation or audit.
- Q. This Agreement may be executed in separate original or facsimile counterparts, each of which shall be deemed an original, and all of which shall be deemed one and the same instrument.

11. NON-DISCRIMINATION

Recipient agrees to provide the services hereunder without discrimination on account of gender, race, sex, color, religion, national origin, age, occupation, physical or mental disability or veteran status, to the extent required by law. The Parties agree that discrimination and affirmative action clauses contained in Executive Order 11246, as amended by Executive Order 11375, relative to Equal Employment Opportunity for all persons without regard to race, color, religion, sex or national origin, and the implementing rules and regulations prescribed by the Secretary of

Labor in Title 41, Part 60 of the Code of Federal Regulations, are incorporated to the extent binding upon Recipient.

12. ELECTRONIC SIGNATURE POLICY

Recipient, its officers, employees, subcontractors, agents, or assigns, agree that this transaction may be conducted by electronic means and agree that all documents requiring the County's signatures and Recipient's signatures, including this Agreement, may be executed by electronic means, and that the electronic signature affixed by either Party to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. Recipient also agrees on behalf of the aforementioned entities and persons, to be bounded by the provisions of Chapter 304 and 1306 of the Ohio Revised Code.

IN WITNESS WHEREOF, this Agreement has been duly signed and delivered by the undersigned as of the day and year first above written.

City of Parma Heights, Ohio

COUNTY OF CUYAHOGA, OHIO

By: _____

By: _____

Its: _____

Armond Budish, County Executive
or designee pursuant to Executive Orders
No. EO2018-0002 dated October 31, 2018
or No. EO2018-0001 dated February 26, 2018

The legal form and correctness
of this Contract is hereby approved:
Law Department
County of Cuyahoga, Ohio

Gregory G. Huth, Director of Law

By: _____
Assistant Director of Law

Electronic Signature:

EXHIBIT 1

(Recipient's application submitted to the County requesting ARPA funding for the Project)

ORDINANCE NO. 2022 - 27

AN ORDINANCE AMENDING SECTION 672.01 ENTITLED "DEFINITIONS" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, in Senate Bill 156, effective September 13, 2022, the State legislature has preempted local laws that restrict possession of knives that are not actively used as a weapon; and

WHEREAS, in order to avoid conflict with changes to with State law, it is necessary to amend Section 672.01.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 672.01 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality and for the further reason that the City remain in compliance with State law; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

672.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Active duty." Has the same meaning as defined in 10 U.S.C. § 101.

(b) "Alien registration number." The number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".

(c) "Automatic firearm." Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(d) "Ballistic knife." A knife with a detachable blade that is propelled by a spring- operated mechanism.

(e) "Concealed handgun license" or "license to carry a concealed handgun."

(1) Means, subject to division (2) of this definition, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or Ohio R.C. 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

(2) A reference in any provision of this Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of this Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of this Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

(f) "Dangerous ordnance."

(1) Any of the following, except as provided in division (2) of this definition:

A. Any automatic or sawed-off firearm, or zip-gun, ~~or ballistic knife.~~

B. Any explosive device or incendiary device.

C. Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions.

D. Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon.

E. Any firearm muffler or silencer.

F. Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(2) "Dangerous ordnance" does not include any of the following:

A. Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder.

B. Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm.

C. Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder.

D. Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (2)C. of this definition during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition.

E. Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.

F. Any device that is expressly excepted from the definition of a destructive device pursuant to the Gun Control Act of 1968, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.

G. Any firearm with an overall length of at least 26 inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. § 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. § 5845(a).

(g) "Deadly weapon." Any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(h) "Explosive." Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosives" does not include "fireworks," as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80 and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.

(i) "Explosive device." Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any

explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(j) "Firearm."

(1) Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(k) "Handgun." Means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (1) of this definition can be assembled.

(l) "Incendiary device." Any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agent and a means to ignite it.

(m) "Misdemeanor punishable by imprisonment for a term exceeding one year." The phrase does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

(n) "Sawed-off firearm." A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least 26 inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. § 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. § 5845(a).

(o) "Semi-automatic firearm." Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(p) "Valid concealed handgun license" or "valid license to carry a concealed handgun." A concealed handgun license that is currently valid, that is not under a suspension under Ohio R.C. 2923.128(A)(1), under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under Ohio R.C. 2923.128(B)(1), under Ohio R.C. 2923.1213, or under a revocation provision of the state other than this state in which the license was issued.

(q) "Zip-gun." Any of the following:

(1) Any firearm of crude and extemporized manufacture.

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but that is specially adapted for use as a firearm.

(3) Any industrial tool, signaling device, or safety device, not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.

(ORC 2923.11)

ORDINANCE NO. 2022 - 28

AN ORDINANCE AMENDING SECTION 672.02 ENTITLED "CARRYING CONCEALED WEAPONS" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, in Senate Bill 156, effective September 13, 2022, the State legislature has preempted local laws that restrict possession of knives that are not actively used as a weapon; and

WHEREAS, in order to avoid conflict with changes to with State law, it is necessary to amend Section 672.02.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 672.02 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality and for the further reason that the City remain in compliance with State law; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

672.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun or knife;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

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

(1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

A. An officer, agent, or employee of this or any other State or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (c)(1)B. does not apply to the person;

C. A person's transportation or storage of a firearm, other than a firearm described in Ohio R.C. 2923.11(G) to (M), in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

D. A person's storage or possession of a firearm, other than a firearm described in Ohio R.C. 2923.11(G) to (M), in the actor's own home for any lawful purpose.

(2) Division (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).

(d) It is an affirmative defense to a charge under division (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(e) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (f)(2), (f)(6), and (f)(7) of this section, carrying concealed weapons in violation of division (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (f)(2), (f)(6), and (f)(7) of this section, if the offender previously has been convicted of a violation of this section or any substantially equivalent State law or municipal ordinance or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (a) of this section is a felony to be prosecuted under appropriate State law. Except as otherwise provided in divisions (f)(2), (f)(6), and (f)(7) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (a) of this section is a felony to be prosecuted under appropriate State law.

(2) Except as provided in division (f)(6) of this section, if a person being arrested for a violation of division (a)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is

not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

A. The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within 10 days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

2. At the time of the arrest, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:

1. The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.

2. Within 45 days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

C. If divisions (f)(2)A. and (f)(2)B. and (f)(6) of this section do not apply, the offender shall be punished under division (f)(1) or (f)(7) of this section.

(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (b)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (b)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(4) Carrying concealed weapons in violation of division (b)(2) or (b)(4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (b)(2) or (b)(4) of this section or any substantially equivalent State law or municipal ordinance, a felony to be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (b)(2) or (b)(4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(5) Carrying concealed weapons in violation of division (b)(3) of this section is a felony to be prosecuted under appropriate State law.

(6) If a person being arrested for a violation of division (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), and if at the time of the violation the person was not knowingly in a place described in Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to

promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) and if the person is not in a place described in Ohio R.C. 2923.126(B), the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than \$500. The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

B. At the time of the citation, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

(7) If a person being arrested for a violation of division (a)(2) of this section is knowingly in a place described in Ohio R.C. 2923.126(B)(5) and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

A. Except as otherwise provided in this division, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of division (a)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a minor misdemeanor;

B. Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to a violation of division (a)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the fourth degree;

C. Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to two violations of division (a)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the third degree;

D. Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to three or more violations of division (a)(2) of this section or any substantially equivalent state law or municipal ordinance, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordinance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, Ohio R.C. 2923.163(B) applies.

(ORC 2923.12)

Statutory reference:

Carrying concealed handguns, licensing through county sheriff, see Ohio R.C. 2923.124 et seq.

Conveyance or possession of deadly weapons or dangerous ordnance on school premises, felony offense, see Ohio R.C. 2923.122

Conveyance, possession, or control of deadly weapon or dangerous ordinance in a courthouse, felony offense, see Ohio R.C. 2923.123

Possession of deadly weapon while under detention, felony offense, see Ohio R.C. 2923.131

Possession of firearm in liquor permit premises, felony offense, see Ohio R.C. 2923.121

ORDINANCE NO. 2022 - 29

AN ORDINANCE AMENDING SECTION 672.09 ENTITLED "UNLAWFUL TRANSACTIONS IN WEAPONS" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, in Senate Bill 156, effective September 13, 2022, the State legislature has preempted local laws that restrict possession of knives that are not actively used as a weapon; and

WHEREAS, in order to avoid conflict with changes to with State law, it is necessary to amend Section 672.09.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 672.09 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality and for the further reason that the City remain in compliance with State law; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

672.09 UNLAWFUL TRANSACTIONS IN WEAPONS.

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

(1) Recklessly sell, lend, give or furnish any firearm to any person prohibited by R.C. § 2923.13 or 2923.15, or a substantially equivalent municipal ordinance, from acquiring or using any firearm, or recklessly sell, lend, give or furnish any dangerous ordnance to any person prohibited by R.C. § 2923.13, 2923.15 or 2923.17, or a substantially equivalent municipal ordinance, from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (a)(1) of this section;

(3) Except as otherwise provided in division (b) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;

(4) Except as otherwise provided in division (b) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;

(5) Except as otherwise provided in division (b) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (a)(3) or (a)(4) of this section;

(6) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, ~~switchblade knife, springblade knife, gravity knife~~ or similar weapon;

(7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit the identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to R.C. § 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of the record to the Sheriff of the county or Safety Director or Police Chief of the municipality where the transaction takes place;

(8) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession and under his or her control.

(b) Divisions (a)(3), (a)(4), and (a)(5) of this section do not apply to any of the following:

(1) A law enforcement officer who is acting within the scope of the officer's duties;

(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (b)(1) of this section.

(c) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a felony to be prosecuted under appropriate state law. A violation of division (a)(6) or (a)(7) of this section is a misdemeanor of the second degree. A violation of division (a)(8) of this section is a misdemeanor of the fourth degree.

(d) As used in this section:

(1) "Ammunition." Has the same meaning as in R.C. § 2305.401.

(2) "Federally licensed firearms dealer." Has the same meaning as in R.C. § 5502.63.

(3) "Materially false information." Means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal.

(4) "Private seller." Means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer.

(ORC 2923.20)

ORDINANCE NO. 2022 - 30

AN ORDINANCE AMENDING SECTION 672.14 ENTITLED "BRASS KNUCKLES, BLACKJACK, SWITCHBLADE KNIVES OR OTHER SIMILAR WEAPON" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, in Senate Bill 156, effective September 13, 2022, the State legislature has preempted local laws that restrict possession of knives that are not actively used as a weapon; and

WHEREAS, in order to avoid conflict with changes to with State law, it is necessary to amend Section 672.14.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 672.14 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit A, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality and for the further reason that the City remain in compliance with State law; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

672.14 BRASS KNUCKLES, BLACKJACK, SWITCHBLADE KNIVES OR OTHER SIMILAR WEAPON.

(a) No person shall manufacture, sell, expose for sale or carry on or about his person any weapon known or designated as brass knuckles, billy, sling shot, sandbag, blackjack or other weapon of similar character. This section does not apply to any such weapons designated for use by officers of the law.

(Ord. 1956-75. Passed 10-22-56.)

~~(b) No person shall sell, exhibit for sale or carry on or about his person any knife fitted with a mechanical device for automatic release of the blade, opening the knife and locking the knife in the open position, commonly known as a switch or automatic spring knife.~~

~~(Ord. 1972-1. Passed 1-24-72.)~~

~~(b) (e)~~ Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.