



City of Parma Heights Council Meeting

6281 Pearl Road

Monday, January 27, 2025

7 :00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

**ACTION ON MINUTES: JANUARY 13, 2025 – CITY COUNCIL MEETING
JANUARY 23, 2025 – SPECIAL CITY COUNCIL MEETING
CITY COUNCIL COMMITTEE MEETING(S):**

- POLICE, FIRE & SAFETY COMMITTEE MINUTES FROM 8/15/22
- FINANCE COMMITTEE MINUTES FROM 2/26/24

APPOINTMENTS AND CONFIRMATIONS:

- APPOINTMENT OF THE NEW COUNCIL MEMBER FOR WARD 4
- APPOINTMENT OF NEW COUNCIL REPRESENTATIVE FOR THE PLANNING COMMISSION

REPORTS FROM MAYOR AND DIRECTORS

PUBLIC SESSION

LEGISLATION:

Third Reading

- 1) **ORDINANCE NO. 2024 – 92**
AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE ADMINISTRATIVE CODE WITHIN THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY
- 2) **RESOLUTION NO. 2024 - 93**
A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF OBSOLETE CITY VEHICLES AND EQUIPMENT AT A PUBLIC SALE THROUGH GOVPLANET/IRONPLANET

Second Reading

- 3) **RESOLUTION NO. 2025 - 2**
A RESOLUTION AUTHORIZING AND DIRECTING THE ADMINISTRATION TO PURCHASE ONE (1) VERMEER CHIPPER FROM VERMEER MANUFACTURING COMPANY DBA VERMEER CORPORATION THROUGH SOURCEWELL AT A PURCHASE PRICE OF \$70,518.00, AND DECLARING AN EMERGENCY

- 4) **RESOLUTION NO. 2025 - 4**
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY
- 5) **RESOLUTION NO. 2025 – 5**
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS AYR OHIO LLC TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY
- First Reading
- 6) **RESOLUTION NO. 2025 – 7**
A RESOLUTION AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2025 ENERGIZED COMMUNITY GRANT
- 7) **RESOLUTION NO. 2025 - 8**
A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ACCEPT AND EXPEND A GRANT FROM THE 2024-2025 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) THROUGH THE U. S. DEPARTMENT OF JUSTICE (DOJ) TO SUPPLEMENT THE COST OF BULLETPROOF VESTS WORN BY OFFICERS OF THE PARMA HEIGHTS POLICE DEPARTMENT
- 8) **RESOLUTION NO. 2025 - 9**
A RESOLUTION AUTHORIZING AND DIRECTING THE ADMINISTRATION TO PURCHASE ONE (1) FREIGHTLINER 108SD PLUS THROUGH SOURCEWELL AT A PURCHASE PRICE OF \$273,337.00, AND DECLARING AN EMERGENCY

MISCELLANEOUS:

- **ADJOURN TO EXECUTIVE SESSION TO DISCUSS PENDING OR IMMINENT COURT ACTION**

ADJOURNMENT

ORDINANCE NO. 2024 - 92

AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE ADMINISTRATIVE CODE WITHIN THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Administration conducted a review of the Administrative Code within the Parma Heights Codified Ordinances. Upon review, the Administration is recommending amendments to various chapters of the Administrative Code; and

WHEREAS, it is the desire of this Council to adopt the recommendations of the Administration.

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

Section 1: That this Council does hereby amend various chapters of the Administrative Code within the Parma Heights Codified Ordinances, which read in their entirety as set forth in Exhibit “A”, attached hereto and incorporated by reference as if fully rewritten.

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 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: This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary for the Administrative Code to reflect modern policies regarding personnel, finances, and other matters on an immediate basis; wherefore, it shall be in full force and effect 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

CHAPTER 101 Codified Ordinances

- 101.01 Designation; citation; headings.
- 101.02 General definitions.
- 101.03 Rules of construction.
- 101.04 Revivor; effect of re-enactment, amendment or repeal.
- 101.05 Construction of section references.
- 101.06 Conflicting provisions.
- 101.07 Separability.
- 101.99 General penalty.

CROSS REFERENCES

See section histories for similar State law

Codification in book form - see Ohio R.C. 731.23

Imprisonment until fine paid - see Ohio R.C. 1905.30, 2947.14

Ordinances and resolutions - see ADM. Ch. 123

Statute of limitations on prosecutions - see GEN. OFF. 606.06

101.01 DESIGNATION; CITATION; HEADINGS.

This volume consists of all ordinances and resolutions of a permanent and general nature of the Municipality, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and may be designated as the Codified Ordinances of Parma Heights, Ohio, 1972, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances. (ORC 1.01)

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless otherwise expressly provided or the context otherwise requires:

- (a) "And" may be read "or", and "or" may be read "and", if the sense requires it.

- (b) "Another," when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.
- (c) "Bond" includes an undertaking.
- (d) "Child" includes child by adoption.
- (e) "Council" means the legislative authority of the Municipality.
- (f) "County" means Cuyahoga County, Ohio.
- (g) "Fire Chief" shall mean the Chief of the Fire Department.
- (h) "Imprisoned" shall have the same meaning as in Ohio R.C. 1.05.
- (i) "Internet" means the international computer network of both federal and non- federal interoperable packet switched data networks, including the graphical subnetwork known as the world wide web.
- (j) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent, or employee.
- (k) "Land" or "real estate" includes rights and easements of incorporeal nature.
- (l) "Legislative authority" means the legislative authority of the Municipality.
- (m) "May" is permissive.
- (n) "Municipality" or "City," means the City of Parma Heights, Ohio.
- (o) "OAC" refers to the Ohio Administrative Code.
- (p) "Oath" includes affirmation; and "swear" includes affirm.
- (q) "Of unsound mind." The person lacks the relevant mental capacity.
- (r) "Ohio R.C.," "ORC" or "Revised Code" refers to the Ohio Revised Code.
- (s) "Owner," when applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.
- (t) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association.
- (u) "Personal property" includes all property except real property.
- (v) "Plan of sewerage," "system of sewerage," "sewer," and "sewers" includes sewers, sewage disposal works and treatment plants, and sewage pumping stations, together with facilities and appurtenances necessary and proper therefor.
- (w) "Premises," as applied to property, includes land and buildings.
- (x) "Property" includes real, personal, mixed estates, and interests.

(y) "Public authority" includes boards of education; the Municipal, County, State, or Federal government, its officers, or an agency thereof; or any duly authorized public official.

(z) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

(aa) "Real property" includes lands, tenements, and hereditaments.

(bb) "Registered mail" includes certified mail; and "certified mail" includes registered mail.

(cc) "Shall" is mandatory.

(dd) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(ee) "State" means the State of Ohio.

(ff) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the Municipality.

(gg) "Tenant" or "occupant," as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(hh) "Undertaking" includes a bond.

(ii) "Week" means seven consecutive days.

(jj) "Whoever" includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

(kk) "Writing" includes printing.

(ll) "Written" or "in writing" include any representation of words, letters, symbols, or figures; this provision does not affect any law relating to signatures.

(mm) "Year" means twelve consecutive months.

(ORC 1.02, 1.05, 1.44, 1.59, 701.01)

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Use. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(ORC 1.42)

(b) Singular and Plural; Gender; Tense. As used in these Codified Ordinances, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future tense.

(c) Council, in consultation with the Director of Law, may, by Ordinance, do any of the following:

(1) Delete any language that has become obsolete as a result of either the passage of time, an amendment to the Parma Heights Codified Ordinances, or the preemption of State or Federal law; and

(2) Prior to reprinting the Codified Ordinances upon any adoption or amendment hereto, make such changes to the numbers, titles, and arrangement of chapters and section as may be necessary to maintain the logical and consistent ordering of the Parma Heights Codified Ordinances; and

(3) Correct typographical errors appearing in the Codified Ordinances.

No such deletion of obsolete language, or rearrangement and correction of typographical errors may be made which affects the substance or meaning of these Codified Ordinances or any part thereof or amendment thereto.

(ORC 1.43)

~~(e)~~ (d) Computation of Time.

(1) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.

(2) When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.

(3) "Legal holiday," as used in divisions ~~(e)~~(d)(1) and ~~(e)~~(d)(2) of this section, means the following days:

- A. The first day of January, known as New Year's ~~d~~Day;
- B. The third Monday in January, known as Martin Luther King ~~d~~Day;
- C. The third Monday in February, known as ~~Washington-Lincoln~~ Presidents' ~~d~~Day;

D. ~~The day designated in the “Act of June 28, 1968,” 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of The last Monday of May, known as Memorial dDay;~~

E. The nineteenth day of June, known as Juneteenth dDay;

F. The fourth day of July, known as Independence dDay;

G. The first Monday in September, known as Labor dDay;

H. The second Monday in October, known as Columbus/Indigenous Peoples’ dDay;

I. The eleventh day of November, known as Veteran’s dDay;

J. The fourth Thursday in November, known as Thanksgiving dDay;

K. The twenty-fifth day of December, known as Christmas dDay;

L. Any day appointed and recommended by the Governor of this State or the President of the United States as a holiday.

(4) If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.

(ORC 1.14)

(5) When an act is to take effect or become operative from and after a day named, no part of that day shall be included. If priority of legal rights depends upon the order of events on the same day, such priority shall be determined by the times in the day at which they respectively occurred.

(ORC 1.15)

(6) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

(ORC 1.45)

101.04 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of these Codified Ordinances does not revive the provision originally repealed nor impair the effect of any saving clause therein.

(ORC 1.57)

(b) The re-enactment, amendment, or repeal of these Codified Ordinances does not, except as provided in division (c) of this section:

(1) Affect the prior operation of the provision or any prior action taken thereunder.

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal.

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture, or punishment for any offense is reduced by a re-enactment or amendment of these Codified Ordinances, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to these Codified Ordinances as amended.

(ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, or of divisions or subdivisions of a section, such reference shall be construed to mean a violation of any provision of the section, sections, divisions or subdivisions included in the reference.

(b) References in these Codified Ordinances to action taken or authorized under designated sections of these Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by these Codified Ordinances.

(ORC 1.23)

(c) A reference to any portion of a provision of these Codified Ordinances applies to all re-enactments or amendments thereof.

(ORC 1.55)

(d) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

101.06 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters or sections of the Codified Ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be

construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

101.07 SEPARABILITY.

If any provisions of a section of these Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

(ORC 1.50)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be 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 thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 105

Payments to Contractors

105.01 Schedules of payments to supersede Ohio Revised Code.

~~105.02 Procedure for payment.~~

~~105.03~~ 105.02 Estimates not binding on City; no waiver of City rights.

~~105.04~~ 105.03 Provisions for attested accounts.

~~105.05~~ 105.04 Prior estimates subject to correction.

~~105.06~~ 105.05 Final estimate; regulations.

~~105.07~~ 105.06 Noncompliance of contractor.

~~105.08~~ 105.07 Bid evaluation factors.

CROSS REFERENCES

Contracts and purchasing generally - see CHTR. Art. V, § 6

Public contracts - see Ohio R.C. 735.071 et seq.

Purchases outside of contracts with the State; exemption from competitive bidding requirements - see ADM. 145.09

105.01 SCHEDULES OF PAYMENTS TO SUPERSEDE OHIO REVISED CODE.

The scheduled time, rate, amount and manner of payments on all construction or improvement contracts or contracts contemplating performance in installments entered into by the City shall be in accordance with the provisions of this chapter, notwithstanding the provisions of Ohio R.C. 735.071 to 735.074, inclusive. It is the intention of Council that the provisions of this chapter shall supersede and shall be in lieu of and exclusive of the provisions of such sections of the Ohio Revised Code. (Ord. 1960-53. Passed 6-13-60.)

~~105.02 PROCEDURE FOR PAYMENT.~~

~~—The payment by the Municipality under its contracts shall be made in accordance with the procedure established in this section for the several improvements herein included and, as to any improvements not included in this section, shall be made in the manner agreed upon between the City and the contractor in the contract for the improvement or construction to be made. The method and schedule of payment are hereinafter set forth according to the type of improvement or construction to which they relate:~~

~~—(a) Sewers: Storm, Sanitary or Combination. On or before the first week of each month, the contractor shall furnish the Municipal Engineer with a statement of the approximate~~

estimate of the work which has been done in conformity with the contract. When the Engineer has checked this estimate and determined the total amount of work performed, the sum payable for such amount of work under the contract, less ten percent, shall be due to the contractor after deducting all previous estimates. Such material or partly completed work as the Engineer may find upon the site on the day set for estimating the work will be paid for at a price which, in the judgment of the Engineer, represents the cost to the contractor for such work or material. Ten days after the final measurements have been made, the Engineer shall submit the final estimate in full for all work performed, from which estimate, however, there shall be deducted five percent of the entire amount which shall be retained for a period of four months from the date of the final estimate.

—(b) ~~Water Mains and Appurtenances.~~ On or before the first week of each month, the contractor shall furnish the Municipal Engineer with a statement of the approximate estimate of the work which has been done in conformity with these specifications. When the Engineer has checked this estimate and determined the total amount of the work performed, the sum payable for such amount of work under the contract, less ten percent, shall be due to the contractor after deducting all previous estimates. Payment for partly completed work and for material delivered to the site and not installed in the work will be paid for at a price which, in the judgment of the Engineer, represents the cost to the contractor for such work or material.

—Ten days after the final measurements have been made and after acceptance by the Municipal Engineer and the City of Cleveland, Division of Water and Heat, the Engineer shall submit the final estimate in full for all work performed. From such estimate, however, there shall be deducted five percent of the entire amount which shall be retained for a period of four months following the date of submission of the final estimate. At the expiration of the four-month period, the contractor shall refill any depressions or remove any surplus from the street and clean and repair any part of the work under this contract. Upon the completion of such work to the satisfaction of the Engineer, three percent of the total contract amount shall be paid to the contractor. The remaining two percent due to the contractor shall be retained for an additional period of twenty months following the payment of such three percent as a guarantee upon the part of the contractor that the work will remain in good, sound condition.

—If any of the work done under the contract, in the opinion of the Engineer, requires repairs, replacements or backfillings, the contractor shall agree to furnish all materials and do all such work at his own expense. Should the contractor fail to do so within a reasonable time after notification, the contract shall provide that the Engineer shall have such work done, and the cost shall be paid out of the above mentioned two percent guarantee fund. Should the cost exceed this percent, the contract shall provide that the contractor agrees to pay the amount of the excess.

—(c) ~~Sidewalks.~~ On or before the first week of each month, the contractor shall furnish the Municipal Engineer with a statement of the approximate estimate of the work which has been done in conformity with these specifications. When the Engineer has checked this estimate and determined the total amount of work performed, the sum payable for such amount of work under the contract, less ten percent, shall be due to the contractor after

deducting all previous estimates. Such partly completed work as the Engineer may find upon the day set for estimating work will be paid for at a price which, in the judgment of the Engineer, represents the cost of the contractor's services. Ten days after the final measurements have been made, the Engineer shall submit the final estimate in full for all work performed.

~~—(d) Surface Treatment of Streets and Repairs. The contractor will be paid monthly for the work which, in the opinion of the Municipal Engineer, has been completed. On or before the first week of each month, the contractor shall furnish the Engineer with a statement of the approximate estimate of the work which has been done in conformity with these specifications. When the Engineer has checked this estimate and determined the total amount of work performed, the sum payable for such amount of work under the contract, less eight percent, shall be due to the contractor after deducting all previous estimates.~~

~~—Ten days after the contractor has completed all work under this contract, the Engineer shall prepare an estimate based on all work completed, less four percent and less all previous estimates. Such four percent shall be retained for a period of thirty days. At the expiration of this period, the contractor shall go over the work and shall refill any depression, remove the surplus from the street and clean and repair any part of work in this contract as may be ordered by the Engineer. Upon completion of this work, as required by the contract and to the satisfaction of the Engineer, the total sum for the amount of work done under this contract, less estimates previously paid, shall be due and payable,~~

~~—(e) Pavement and Appurtenances. On or before the first week of each month, the contractor shall furnish the Municipal Engineer with a statement of the approximate estimate of the work which has been done in conformity with these specifications. When the Engineer has checked this estimate and determined the total amount of work performed, then this amount, less ten percent, shall be due to the contractor after deducting all previous estimates. Such material, or partly completed work, which conforms to specifications as the Engineer may find when checking the finished work, will be paid for at a price which, in the judgment of the Engineer, represents the cost to the contractor for such work.~~

~~—Ten days after the contractor has completed all the work stipulated in this contract, the Engineer shall prepare an estimate based on all the work completed, less five percent and less all previous estimates. Such five percent shall be retained for a period of four months or, if inclement weather, snow or ice interfere, until such time as a final inspection of the work can be made. At the expiration of this period, the contractor shall go over the work and shall refill any depression, remove the surplus from the street and clean and repair any part of the work to have been completed under this contract as may be ordered by the Engineer.~~

~~—There will be retained by the Municipality for a three-year period, from the amount due upon the final estimate, a sum of money equal in amount to fifteen cents (15¢) per square yard for all pavement. Should the contractor make all necessary repairs, as directed at the expiration of such guarantee, then such amount, less any expense that the Municipality may have incurred, shall be returned to the contractor as full payment for any balance due on~~

~~the contract and improvement as herein provided. Should snow, ice or mud prevent the contractor from making such repairs at the expiration of the time specified, then the guarantee sum shall remain in the custody of the Municipality until such time as it becomes possible to make such inspection and repair.~~

~~(Ord. 1960-53. Passed 6-13-60.)~~

~~105.03~~ 105.02 ESTIMATES NOT BINDING ON CITY; NO WAIVER OF CITY RIGHTS.

~~The making of or payment of moneys based on the estimates mentioned in Section 105.02 shall not be taken or construed as an acceptance by the City of any such work so estimated.~~ The acceptance of or payment for any work performed or materials furnished under any such contract, or any possession by the City, shall not in any way be construed as a waiver by the City of any rights under the contract or of any right or power therein reserved to the City, nor shall any waiver or any breach of any part, or of the whole, of any such contract be construed as a waiver of any part thereof or of a subsequent breach thereof.

~~(Ord. 1960-53. Passed 6-13-60.)~~

~~105.04~~ 105.03 PROVISIONS FOR ATTESTED ACCOUNTS.

Any and all payments due or to become due to the contractor and all rights of the contractor to demand and receive such payments shall be subject to all provisions of law relating to attested accounts of subcontractors, equipment men, material men, laborers or mechanics. The contractor shall pay or satisfy the just and equitable claims of all persons or corporations who have performed labor or furnished materials or equipment for the contractor in the execution of each such contract, the just and equitable claims of all persons or corporations who shall previously have filed an attested account of any such claims with the proper official of the City, and all bills, costs or claims of any kind which might become a liability, lien or charge against the City. In the event attested accounts are filed with the City, the City may retain out of the moneys due or to become due to the contractor a sum sufficient to pay all such attested account claimants. In case such accounts are not paid or adjusted to the satisfaction of the City, the City may retain all payments pursuant to this chapter and pursuant to the law of attested accounts provided for by Ohio R. C. 1311.26 to 1331.37, inclusive.

~~{'}Ord. 1960-53. Passed 6-13-60.)~~

~~105.05~~ 105.04 PRIOR ESTIMATES SUBJECT TO CORRECTION.

All estimates made prior to the final estimate shall be subject to correction at the time of the final estimate and the final payment.

(Ord. 1960-53. Passed 6-13-60.)

~~105.06~~ 105.05 FINAL ESTIMATE; REGULATIONS.

The final estimate shall include all work of every description completed and all materials furnished by the contractor stipulated in the contract. All questions as to estimates, measurements or the determination of the quantity or quality of work shall be left to the discretion of the Municipal Engineer. Labor or material furnished outside the provisions of the contract will not be paid for unless it has been ordered by the Engineer and approved by Council.

(Ord. 1960-53. Passed 6-13-60.)

~~105.07~~ 105.06 NONCOMPLIANCE OF CONTRACTOR.

In case the contractor fails to comply with the terms of the specifications or contract or fails to comply with such orders or directions of the Municipal Engineer as are provided for in or pursuant to the contract, the City reserves the right to withhold any estimates that may be due until the terms, specifications, orders or directions are complied with to the satisfaction of the Engineer.

(Ord. 1960-53. Passed 6-13-60.)

~~105.08~~ 105.07 BID EVALUATION FACTORS.

(a) The following factors are significant in determining whether a bid is the lowest and best bid and may be considered and applied by city officials, in their discretion, when determining the lowest and best bid for supplies, commodities, materials, equipment, furnishings or construction, renovation, maintenance, repair, businesses or general services.

- (1) The bidder's familiarity with the project.
- (2) Adequacy of the equipment for the project.
- (3) The bidder's record on similar projects.
- (4) The bidder's experience in the relevant field in the preceding twelve months, including the original contract price for each job undertaken and the cost of any change order and overruns.
- (5) The bidder's compliance with deadlines.
- (6) The bidder's prior performance on any project taken for the City of Parma Heights.
- (7) The bidder's financial solvency.

(8) Whether the bidder has ever sued or been sued by a public entity over a public project.

(9) The bidder's bonding record.

(10) The bidder's compliance record with, and maintenance of, unemployment and workers' compensation laws for all employees.

(11) The bidder's compliance record with, and maintenance of, federal and state wage laws for all employees.

(12) The bidder's compliance record with, and maintenance of, the Fair Labor Standards Act for all employees.

(13) The bidder's compliance record with, and maintenance of, Occupational Safety and Health Administration regulations for all employees.

(14) The experience, training, and skill of the bidder's workforce in writing.

(15) The number of years the bidder has been in the relevant businesses.

(16) The continuity of the bidder's workforce.

(17) The bidder's past compliance with employee drug testing.

(18) Past compliance with local and state income tax laws.

(19) The bidder's participation in a state accredited apprenticeship program when it is required by Ohio prevailing wage law.

(20) Any other factor determined to be relevant.

(b) Bid specifications may contain provisions conforming to subsection (a) of this section. Evidence of the factors a bidder wishes to be considered is the responsibility of the bidder.

(c) City Officials may reject any or all bids, or parts of bids, for any reason if acceptance is not in the best interest of the City.

(Ord. 2023-53. Passed 10-10-23.)

CHAPTER 107
Public Meetings

107.01 Purposes.

107.02 Definitions.

107.03 Notice of regular and organizational meetings.

107.04 Notice of special meetings.

107.05 Notice to news media of special meetings.

107.06 Notification of discussion of specific types of public business.

107.07 General.

CROSS REFERENCES

Public meetings - see Ohio R.C. 121. 22

Council meetings - see CHTR. Art. Ill, § 8; ADM. 121.01

107.01 PURPOSES.

Council has adopted this chapter for the purposes of:

(a) Establishing a reasonable method whereby a person may determine ~~the time and place of all regularly scheduled meetings and~~ the time, place and purpose of all special meetings;

(b) Making provision for giving advance notice of special meetings to the news media that have requested notification; and

(c) Making provision for persons to request and obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

This chapter applies to each Municipal body, as defined in Section 107. 02, and is in addition to any applicable legal requirements relative to notices to members of a Municipal body or to others in connection with specific meetings or specific subject matters.

(Ord. 1975-84. Passed 12-22-75.)

107.02 DEFINITIONS.

As used in this chapter:

(a) "Clerk" means the Clerk of Council.

(b) "Day" means a calendar day.

(c) "Meeting" means any prearranged discussion of the public business of a Municipal body by a majority of the members of such Municipal body.

(d) "Municipal body" means each of the following:

- (1) The Council;
- (2) The Planning Commission;
- (3) The Board of Zoning Appeals;
- (4) The Board of Tax Appeals;
- (5) ~~Assessment Equalization Boards~~ Charter Review Commission;
- (6) The Civil Service Commission;
- (7) ~~The Building Commission~~ Records Commission;
- (8) The Recreation Commission;
- (9) ~~The Public Properties Commission~~; and

(10) A committee of any of the above Municipal bodies comprised of members of such bodies if such committee is:

- A. Comprised of a majority of the members of the main Municipal body, or
- B. A decision-making committee.

(e) "Oral notification" means notification given orally, either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone at the telephone number, of such person as shown on the records kept by the Clerk as provided in this chapter.

(f) "Post" means to post a notice in an area accessible to the public during the usual business hours at the office of the Clerk and at the following locations:

- (1) Parma Heights City Hall, 6281 Pearl Road; and
- (2) City of Parma Heights website.

A notice identifying the locations at which notifications will be posted pursuant to this chapter shall be published by the Clerk within ten calendar days after the adoption of this chapter.

(g) "Published" means published once in a newspaper having a general circulation in the City, as defined in Ohio R.C. 7.12, except that no portion of such newspaper need be printed in the City. If, at the time of any such publication, there is no such newspaper of general circulation, then such publication shall be in a newspaper then determined by the Clerk to have the largest circulation in the City.

(h) "Special meeting" means a meeting which is neither a regular meeting nor an adjournment of a regular or special meeting to another time or day to consider items specifically stated on the original agenda of such regular or special meeting.

(i) "Written notification" means notification in writing mailed, ~~telegraphed~~ emailed, or delivered to the address of the person for whom such notification is intended, as shown on the records kept by the Clerk under this chapter, or in any way delivered to such person. If mailed, such notification shall be mailed by first-class mail, deposited in a U.S. Postal Service mailbox not later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.

(Ord. 1975-84. Passed 12-22-75; Ord. 2014-22. Passed 8-11-14.)

107.03 NOTICE OF REGULAR AND ORGANIZATIONAL MEETINGS.

(a) The Clerk shall post a statement of the time(s) and place(s) of the regular meetings of each Municipal body for each calendar year not later than the second day preceding the day of the first regular meeting, other than the organizational meeting, of the calendar year of such Municipal body. The Clerk shall check at reasonable intervals to ensure that such statement remains so posted during such calendar year. If, at any time during the calendar year, the time or place of regular meetings, or of any regular meeting, is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings shall be so posted by the Clerk at least twenty-four hours before the time of the first changed regular meeting.

(b) The Clerk shall post a statement of the time and place of any organizational meeting of a Municipal body at least twenty-four hours before the time of such organizational meeting.

(c) Upon the adjournment of a regular or special meeting to another day, the Clerk shall promptly post notice of the time and place of such adjourned meeting.

(Ord. 1975-84. Passed 12-22-75.)

107.04 NOTICE OF SPECIAL MEETINGS.

(a) Except in the case of a special meeting referred to in Section 107.05(d), the Clerk shall, not later than twelve hours before the time of a special meeting of a Municipal body, post a statement of the time, place and purposes of such special meeting.

(b) The statement provided for herein and the notifications provided for in Section 107.05 shall state such specific or general purpose or purposes then known to the Clerk to be intended to be considered at such special meeting and may state, as an additional general purpose, that any other business that may properly come before such Municipal body at such meeting may be considered and acted upon.

(Ord. 1975-84. Passed 12-22-75.)

107.05 NOTICE TO NEWS MEDIA OF SPECIAL MEETINGS.

(a) A news medium organization that desires to be given advance notification of special meetings of a Municipal body shall file with the Clerk a written request therefor.

Except in the event of an emergency requiring immediate official action, as referred to in subsection (d) hereof, a special meeting shall not be held unless at least ~~twenty-four~~ twelve hours advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with subsection (b) hereof.

(b) News media requests for such advance notification of special meetings shall specify the following:

- (1) The Municipal body that is the subject of such request;
- (2) The name of the medium;
- (3) The name and address of the person to whom written notifications to the medium may be mailed, ~~telegraphed~~ emailed, or delivered;
- (4) The names, addresses and telephone numbers, including addresses and telephone numbers at which notifications may be given either during or outside of business hours, of at least two persons to either one of whom oral notifications to the medium may be given; and
- (5) At least one telephone number which the request identifies as being manned and that can be called at any hour for the purpose of giving oral notification to such medium.

Any such request shall be effective ~~for six months from the date of filing with the Clerk or~~ until the Clerk receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a completely new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the City, the Municipal body that is the subject of such request, and the Clerk.

(c) The Clerk shall give such oral notification or written notification or both, as the Clerk determines, to the news media that have requested such advance notification in accordance with subsection (b) hereof, of the time, place and purposes of each special meeting, at least ~~twenty-four~~ twelve hours prior to the time of such special meeting.

(d) In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four hours advance notification thereof to the requesting news media. The persons calling such meeting, or any one or more of such

persons, or the Clerk on their behalf, shall immediately give oral notification or written notification, or both, as the person or persons giving such notification determine, of the time, place and purposes of such special meeting to such news media that have requested such advance notification in accordance with subsection (b) hereof. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action.

(Ord. 1975-84. Passed 12-22-75.)

107.06 NOTIFICATION OF DISCUSSION OF SPECIFIC TYPES OF PUBLIC BUSINESS,

(a) A person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed. Such person may file a written request with the Clerk specifying the following:

- (1) The person's name;
- (2) The address(es) and telephone number(s) at or through which the person can be reached during and outside of business hours;
- (3) The specific type of public business the discussion of which the person is requesting advance notification of; and
- (4) The Municipal body that is the subject of such request; ~~and~~
- (5) ~~The number of calendar months (not to exceed three) that the request covers.~~

Such requests may be canceled by a subsequent request therefor from such person to the Clerk.

~~Each such written request must be accompanied by cash, or a check or money order payable to the City, in the amount of three dollars (\$3.00) for each month covered by the request, which amount has been determined by Council to represent a reasonable fee to cover the costs of providing such advance notification.~~

~~Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the City, the Municipal body that is the subject of such request, and the Clerk.~~

(b) The Clerk shall give such advance notification by written notification, oral notification, or both, as the Clerk determines. The contents of written notification may be a copy of the agenda of the meeting. Written notification may be accomplished by giving advance copies of the agendas of all meetings of the Municipal body that is the subject of such request.

(Ord. 1975-84. Passed 12-22-75.)

107.07 GENERAL.

(a) Any person may visit or telephone the office of the Clerk during that office's regular office hours to determine, based on information available at that office: the time and place of regular meetings; the time, place and purposes of any then known special meetings; and whether the available agenda of any such future meeting states that any specific type of public business, identified by such person, is to be discussed at such meeting.

(b) Any notification provided herein to be given by the Clerk may be given by any person acting on behalf of or under the authority of the Clerk.

(c) A reasonable attempt at notification shall constitute notification in compliance with this chapter.

(d) A certificate by the Clerk as to compliance with this chapter shall be conclusive upon the City and the Municipal body involved.

(Ord. 1975-84. Passed 12-22-75.)

CHAPTER 121

Council

121.01 Time of meetings.

121.02 Holidays.

~~121.03 Day before elections.~~

121.03 ~~121.04~~ Establishment of Clerk and Assistant Clerks.

121.04 ~~121.05~~ Duties of Clerk and Assistant Clerks of Council.

121.05 ~~121.06~~ Powers vested in Council.

121.06 ~~121.07~~ Rules of Order.

CROSS REFERENCES

Number, term, qualifications - see CHTR. Art. III, § 1, 2

Removal and vacancies - see CHTR. Art. III, § 4, 5

Meetings, quorum, rules - see CHTR. Art. III, § 8 et seq.

121.01 TIME OF MEETINGS.

The regular meetings of Council shall be held on the second and fourth Monday of each calendar month from September through June at 7:00 p.m. in the Parma Heights Municipal Building.

(Ord. 1956-5. Passed 1-16-56; Ord. 2019-38. Passed 12-9-19.)

121.02 HOLIDAYS.

When a regular meeting time of Council falls upon a holiday as defined herein, Council shall meet on the day following the holiday at the same hour and place at which regular meetings are ordinarily held.

A holiday for the purposes of this chapter shall be any of the following:

- (a) A national holiday;
- (b) A State holiday; or
- (c) A holiday celebrated by and within the City.

It shall be the duty of the Mayor to define a certain day as being a holiday and to declare it as such. Notice of the holidays shall be given by the Mayor at the regular meeting next preceding the meeting which would fall upon a holiday, or, in the event of a failure to so

notify Council, the Mayor shall cause notice to be sent to each member of Council in the same manner in which notice of special meetings is given.

In the event the Mayor is absent from the City or unable for any reason to perform this duty, the President of Council shall declare the holiday and give notice to Council in the same manner as is required of the Mayor herein.

(Ord. 1955-89. Passed 11-14-55.)

121.03 ~~DAY BEFORE ELECTIONS.~~

~~When a regular meeting time of Council falls upon the day before a primary, general or special election is to be held in the Municipality, Council shall meet on the following Monday at the same hour and place at which regular meetings are held.~~

(Ord. 1955-89. Passed 11-14-65.)

121.03 ~~121.04~~ ESTABLISHMENT OF CLERK AND ASSISTANT CLERKS.

(a) There is hereby established the position of Clerk of Council.

(b) There are hereby established the positions of two Assistant Clerks of Council. (Ord. 1973-65. Passed 9-10-73.)

121.04 ~~121.05~~ DUTIES OF CLERK AND ASSISTANT CLERKS OF COUNCIL.

(a) The Clerk of Council and Assistant Clerks of Council shall perform such duties as are provided for in the City Charter, as may be assigned from time to time by Council and as are outlined in subsection (b) hereof.

(b) The duties of the Clerk of Council and the Assistant Clerks of Council shall include, but are not limited to, the following:

(1) Attendance at all meetings of Council, recording the minutes, keeping a journal of Council's proceedings, recording in full all ordinances and resolutions of Council in books kept for that purpose and authenticating the same by ~~her~~ their signature;

(2) Attendance at all meetings of the Planning Commission, recording the minutes of the meetings, keeping a journal of the Commission's proceedings, recording in full all recommendations of the Commission in books kept for that purpose and authenticating the same by ~~her~~ their signature;

(3) Attendance at all public hearings of the Board of Zoning Appeals, reporting the proceedings, and maintaining an appropriate file for them; ~~and~~

(4) Attendance at meetings of any other boards and commissions as directed by the Mayor or President of Council, reporting the proceedings, and maintaining an appropriate file for them; and

(5) Such other duties as may be required by the ~~Director of Law~~ Mayor or the President of Council.

(Ord. 1973-65. Passed 9-10-73.)

121.05 ~~121.06~~ POWERS VESTED IN COUNCIL.

All powers which are now or may hereafter be vested in the City under Article I of the City Charter and which under State statutes are to be exercised by any board, commission or by the body provided by statute but not created by Charter or ordinance of the City, are to be vested in Council, except as otherwise provided by the City Charter.

(Ord. 1958-14. Passed 4-14-58.)

121.06 ~~121.07~~ RULES OF ORDER.

There is hereby adopted the Rules of Order attached to original Ordinance 1991-46, passed December 30, 1991, as Exhibit A and that have been amended from time-to-time by Ordinance 2002-24, passed June 10, 2002, and Ordinance 2011-1, passed January 10, 2011, Ordinance 2022-40, passed November 28, 2022, and Ordinance 2024-1, passed January 8, 2024. The Clerk of Council shall maintain the current Rules of Order as well as a record of all amendment dates and accompanying Ordinances. Such Rules are hereby made a part of this section by reference as if fully rewritten herein for the purpose of establishing Rules of Order governing Council.

(Ord. 1991-46. Passed 12-30-91; Ord. 2002-24. Passed 6-10-02; Ord. 2011-1. Passed 1-10-11; Ord. 2011-1. Passed 1-10-11.)

CHAPTER 141

Mayor

141.01 Compensation for use of private automobile.

141.02 Special Assistants to the Mayor. ~~Secretary.~~

141.03 Expenditures ~~Termination of employees who attain seventy years of age.~~
(Repealed)

CROSS REFERENCES

Term, qualifications, vacancy or absence - see CHTR. Art. II, § 1

Powers of Mayor - see CHTR. Art. II, § 2 et seq.

Run-off election for Mayor - see CHTR. Art. VI, § 4

141.01 COMPENSATION FOR USE OF PRIVATE AUTOMOBILE.

(a) Council authorizes and approves payment from the proper fund to the Mayor for the use of ~~his~~ their private automobile in the performance of official business of the Municipality.

(b) The compensation for the use of the private automobile in the performance of official business shall be at the rate of six hundred dollars (\$600.00) per year, payable monthly. Beginning January 1, 2026, compensation for the use of the private automobile in the performance of official business shall be at the rate of seven thousand two hundred dollars (\$7,200.00) per year, payable monthly.

(c) When the Municipality has provided an automobile for the use of the Mayor on official business, payment to the Mayor for the use of ~~his~~ their private automobile on the public business of the Municipality shall be terminated.

(Ord. 1954-18. Passed 1-25-54.)

141.02 SPECIAL ASSISTANTS TO THE MAYOR. ~~SECRETARY.~~

(a) There is hereby established the positions of Special Assistants ~~Secretary~~ to the Mayor.

(b) ~~The~~ Special Assistants ~~Secretary~~ to the Mayor shall be appointed by the Mayor, ~~shall serve at his pleasure and shall perform such duties on behalf of the Municipality as may be assigned to them her~~ by the Mayor from time to time, subject to the budget approved by Council.

(Ord. 1959-12. Passed 3-23-59.)

141.03 EXPENDITURES ~~TERMINATION OF EMPLOYEES WHO ATTAIN SEVENTY YEARS OF AGE. (REPEALED)~~

The Mayor is authorized to expend budgeted funds to advance economic development, civic, charitable, and other interests of the City so long as they are reasonable in nature and scope. These expenditures may include, but are not limited to, meals, transportation, media, and expenses for the attendance at meetings, conferences, and the like.

~~—(EDITOR'S NOTE: Section 141.03 was repealed by Ordinance 2023-17, passed April 10, 2023.)~~

CHAPTER 142

Director of Administration, Personnel and Intergovernmental Relations (REPEALED)

~~142.01 Establishment.~~

~~142.02 Duties.~~

~~142.03 Compensation.~~

~~142.04 Appointment and term.~~

~~—CROSS REFERENCES~~

~~—Executive powers of Mayor—see CHTR. Art. II, § 2~~

~~—Administrative departments, boards and commissions generally—see CHTR. Art. IV, § 1~~

~~—Civil Service Commission—see ADM. Ch. 165~~

~~—Employees generally—see ADM. Ch. 179~~

~~142.01 ESTABLISHMENT.~~

~~—The position of Director of Administration, Personnel and Intergovernmental Relations is hereby established.~~

~~(Ord. 1974-62. Passed 7-29-74.)~~

~~142.02 DUTIES.~~

~~—The Director of Administration, Personnel and Intergovernmental Relations shall manage, supervise and be responsible for the administrative procedures in all departments of the City and shall serve as Administrative Assistant to the Mayor. He shall also manage and supervise all labor relations with City employees and shall set the standards of employment. They He shall manage and supervise intergovernmental relations with the United States, the State and all political subdivisions thereof, including, but not limited to, the County, regional authorities and other municipalities. (Ord. 1974-62. Passed 7-29-74.)~~

~~142.03 COMPENSATION.~~

~~—The compensation of the Director of Administration, Personnel and Intergovernmental Relations shall be determined from time to time by Council.~~

~~142.04 APPOINTMENT AND TERM.~~

~~—The Director of Administration, Personnel and Intergovernmental Relations shall be appointed by the Mayor and serve at the pleasure of the Mayor.~~

~~{Ord. 1974-62. Passed 7-29-74.}~~

CHAPTER 143
Department of Law

143.01 Director of Law; appointment.

143.02 Special counsel.

143.03 Residency requirement.

143.04 Paralegal/Law Clerk.

~~143.05 Assistant to Director of Law.~~

~~143.06~~ 143.05 Director of Law; duties; compensation.

~~143.07~~ 143.06 Assistant Director of Law/Prosecutor.

CROSS REFERENCES

Director of Law - see CHTR. Art. IV, § 3

Solicitors - see Ohio R.C. 733.49 et seq.

143.01 DIRECTOR OF LAW; APPOINTMENT.

The advice and consent of Council required by Article IV, Section 3 of the City Charter in the appointment of the Director of Law shall be evidenced by motion duly adopted approving the Mayor's appointment.

(Ord. 1961-5. Passed 1-9-61.)

143.02 SPECIAL COUNSEL.

In order to assist the Director of Law in the performance of the duties provided for in the City Charter or in order to provide legal services for the City when the position of Director of Law is vacant or when the Director is absent from the City, inaccessible or has declined to perform such services, the Mayor is authorized to employ for and on behalf of the City ~~the firm of Squire, Sanders and Dempsey, Cleveland, Ohio, or~~ other special counsel, ~~under the title of special counsel~~ and to agree on behalf of the City to pay such reasonable compensation for services ~~as may be approved by Council.~~

143.03 RESIDENCY REQUIREMENT.

Neither the Director of Law, any assistants herein provided for nor any other attorney or firm of attorneys designated or employed hereunder shall ever be required to be residents or electors of the City. (Ord. 1961-5. Passed 1-9-61.)

143.04 PARALEGAL/LAW CLERK.

There is hereby created the position of Paralegal/Law Clerk who shall be appointed by the Mayor, ~~shall serve at his pleasure~~ and shall perform such clerical duties on behalf of the Municipality as may be assigned ~~by the Mayor~~ from time to time.

(Ord. 1956-80. Passed 11-12-56.)

~~143.05 ASSISTANT TO DIRECTOR OF LAW.~~

~~—(a) Effective June 3, 1974, the position of Assistant to the Director of Law is created.~~

~~(Ord. 1974-45. Passed 6-4-74.)~~

~~—(b) The compensation of the Assistant to the Director of Law shall be determined from time to time by Council. (Adopting Ordinance)~~

~~—(c) The Assistant to the Director of Law shall be appointed by the Mayor with the advice and consent of Council.~~

(Ord. 1974-45. Passed 6-4-74.)

~~143.06~~ 143.05 DIRECTOR OF LAW; DUTIES; COMPENSATION.

(a) The salary of the Director of Law shall compensate the Director for all ordinary services. Ordinary services include the preparation of contracts, bonds and other instruments in writing concerning the City; acting as legal adviser and attorney for the City, the Mayor, Council and administrative officials in matters relating to their official duties; acting as Prosecutor in the Mayor's Court or Municipal Court in any case to which the City is a party; drafting of ordinances and resolutions; attendance at Council meetings and Cabinet meetings; and administering and supervising the Department of Law.

(b) The Director of Law is hereby authorized ~~and directed~~ to act as chief trial counsel and attorney and/or chief prosecuting attorney in all civil and/or criminal litigation brought by or against the City in the courts of record, or before any arbitration board, or, with the approval of the Mayor, to arrange for special counsel, as provided in Section 143.02, to represent the City in such matters. The Director of Law is authorized and directed to represent the City as trial counsel and attorney in the Mayor's Court, Municipal Court, Court of Common Pleas, Court of Appeals, and the Supreme Court of Ohio in all criminal prosecutions to which the City is a party, and, with the approval of the Mayor, to arrange for special counsel, as provided in Section 143.02, to represent the City in such matters.

(c) The Director of Law, when representing the City in matters referred to in sub-section (b) hereof, shall receive additional compensation at a reasonable rate for such services as

shall be approved by Council. In no event shall such additional compensation to the Director exceed those fees charged by special counsel for like services.

(Ord. 1976-65. Passed 9-13-76.)

~~143.07~~ 143.06 ASSISTANT DIRECTOR OF LAW/PROSECUTOR.

(a) The position of Assistant Director of Law/Prosecutor is hereby established.

(b) The Assistant Director of Law/Prosecutor shall represent the City in all criminal matters and court proceedings, as authorized by the Mayor. He or she shall perform all other duties now or hereafter imposed upon municipal prosecutors by the laws of the State of Ohio. He or she shall perform such other duties consistent with the office of Assistant Law Director.

(c) The compensation of the Assistant Director of Law/Prosecutor shall be that sum as provided for the Assistant Director of Law in payroll ordinances.

(d) The Assistant Director of Law/Prosecutor shall be appointed by the Mayor and serve at the pleasure of the Mayor.

(Ord. 2004-34. Passed 12-13-04.)

CHAPTER 145

Department of Finance

145.01 Duties of Director.

145.02 Finance Clerk; duties.

145.03 ~~Income Tax Clerks.~~ Utilization charges for emergency medical services.

145.04 Fees and charges for Municipal documents and services.

145.05 Petty cash accounts.

145.06 Change funds.

145.07 Assistant Director of Finance ~~Tax Administrator.~~

145.08 Cooperative purchasing.

145.09 Purchases outside of contracts with the State; exemption from competitive bidding requirements.

145.10 Collection of Municipal Income Tax.

145.11 Blanket purchase orders.

CROSS REFERENCES

Director of Finance - see CHTR. Art. IV, § 4

Contracts and purchasing generally - see CHTR. Art. V, § 6

Admissions tax, Director's duties - see ADM. Ch. 191

Earned income tax, Director's duties - see ADM. Ch. 193

Drug Law Enforcement Fund - see GEN. OFF. 606.251

Law Enforcement Trust Fund - see GEN. OFF. 606.251

145.01 DUTIES OF DIRECTOR.

The Director of Finance shall perform such duties as the City Charter ~~commands~~ provides and such other duties as the Mayor or Council may from time-to-time request.

(Ord. 1955-93. Passed 12-28-55.)

145.02 FINANCE CLERK; DUTIES.

(a) There is hereby created the position of Finance Clerk. They He shall be appointed by the Mayor, shall serve at Ms pleasure and shall perform such clerical duties on behalf of the Municipality as may be assigned by the Mayor from time to time.

(b) Additional positions may be created and filled if deemed necessary by the Director of Finance and approved by the Mayor.

(Ord. 1956-40. Passed 5-21-56.)

145.03 INCOME TAX CLERKS. UTILIZATION CHARGES FOR EMERGENCY MEDICAL SERVICES.

~~—There are hereby created the positions of Income Tax Clerk I and Income Tax Clerk II. They shall be appointed by the Mayor, shall serve at his pleasure and shall perform such clerical duties on behalf of the Municipality as may be assigned by the Mayor and Director of Finance from time to time.~~

~~(Ord. 1968-6. Passed 1-22-68.)~~

(a) The Council hereby adopts as utilization charges the following rates:

(1) Basic Life Support ~~\$550.00~~ \$650.00

(2) Advanced Life Support 1 ~~\$750.00~~

(3) Advanced Life Support 2 ~~\$950.00~~ \$1,050.00

(4) With a mileage fee of ~~\$15.00~~ \$16.00 per mile when transporting.

(b) The Mayor and the Director of Finance are hereby authorized and directed to establish a billing procedure consistent with the rates identified in division (a) of this section for the services provided, and to perform collection of such billings or to engage an agency to perform such collection services for a reasonable fee which shall be negotiated from time to time by the Mayor.

(c) It is the policy of this Council that the procedures for billing shall include the waiver of such billings where it is determined that the person receiving the emergency services is indigent or is otherwise unable to pay for such services, and there is no other source for the payment thereof.

(d) The funds collected pursuant to the provisions hereof shall be deposited into one or more funds established by Council for the purposes of the acquisition of medical services vehicles, equipment, Fire Department equipment, the upgrading and/or replacement of the current Fire and Police Department building and facilities, the payment of the cost of financing thereof, and any cost incurred in the collection of such fees. All interest earned on the monies to the credit of such funds shall be credited to the same fund.

(Ord. 2002-14. Passed 4-22-02; Ord. 2022-3. Passed 3-14-22.)

145.04 FEES AND CHARGES FOR MUNICIPAL DOCUMENTS AND SERVICES.

(a) The following fees or charges shall be made by the City for the following documents or services:

Document	Fee
Document	
	Fee
(1) Codified Ordinances	
per copy	
	\$130.00
(2) Charter	
per copy	
	5.00
(3) Planning and Zoning Code	
per copy	
	\$5.00
(4) Building Code	
per copy	
	5.00
(5) Fire Prevention Code	
per copy	
	3.00
(6) Income Tax Code	
per copy	
	5.00
(7) Maps of the City	

A. 13 inches by 17 inches

per copy

2.00

B. 34 inches by 44 inches

per copy

6.00

(8) Copies of Police Accident Reports

per page

0.05

(9) Photographs -

Black/white 8 X 10 inches

per print

10.00

each additional print of same negative

5.00

(10) Photographs -

per print

15.00

Color 8 X 10 inches

each additional print of same negative

7.50

(11) Copies of Ordinances or Resolutions

per page

0.05

both sides

0.10

(12) Minutes of Council, Boards, or Commissions

per page

0.05

both sides

0.10

(13) Copies of any plans or documents

per page

1.00

both sides

2.00

oversized paper

3.00

(14) Copies of any item furnished by applicant

per page

1.00

both sides

2.00

(15) All documents mailed will be subject to the postage rate

(16) Municipal Income Tax Forms:

0-50 forms (any combination of forms)

3.50

For orders in excess of 50 forms, a per form charge will be assessed based on printing costs in effect at the time the order is placed. Orders in excess of 50 forms must be picked up in person at City Hall.

(17) Special assessment requests (title agencies)

~~\$20.00~~ 10.00 per parcel

(b) All proceeds received from the sale of any of these items shall be paid into the General Fund of the City.

(Ord. 1997-17. Passed 5-27-97; Ord. 2000-27. Passed 6-12-00; Ord. 2019-36. Passed 12-9-19.)

145.05 PETTY CASH ACCOUNTS.

There is hereby established a petty cash account for the following offices and departments of the City in the following amounts:

Finance Department	\$ 50.00
Police Department	\$ 500.00
Senior Center	\$ 500.00
Fire Department	\$ 25.00
Concession Stand	\$ 100.00

(Ord. 2002-36. Passed 9-23-02; Ord. 2019-36. Passed 12-9-19.)

145.06 CHANGE FUNDS.

There is hereby established a Change Fund account for the following offices and departments of the City in the following amounts:

Building and Service \$ 150.00 ~~100.00~~

Concession Stand	\$ 100.00
Court Clerk	\$ 50.00
Pool	\$ 50.00
Recreation	\$ 50.00

(Ord. 1997-3. Passed 2-10-97; Ord. 2019-36. Passed 12-9-19.)

145.07 ASSISTANT DIRECTORS OF FINANCE-TAX ADMINISTRATOR.

(a) The positions of Assistant Directors of Finance-Tax Administrator ~~is~~ are hereby established.

(b) ~~The Tax Administrator shall manage, supervise and be responsible for the administrative procedures in the Income Tax Department and shall serve as Assistant to the Director of Finance. The~~ Assistant Directors of Finance Tax Administrator shall also manage and supervise all income tax collections and be appointed by the Mayor, and shall perform any and all other such duties delegated by the Director of Finance, subject to the budget approved by Council.

(c) ~~The compensation of the Assistant Directors of Finance-Tax Administrator shall be as established from time to time by Council, per annum, payable in twenty six substantially equal installments.~~

(Ord. 1984-15. Passed 4-23-84.)

145.08 COOPERATIVE PURCHASING.

(a) The Director of ~~Finance~~ Public Service (known as the Purchasing Agent) hereby requests authority, in the name of the City, to participate in State contracts which the Department of Administrative Services, Office of State Purchasing, has entered into for the purchase of supplies, services, equipment and certain materials pursuant to Ohio R.C. 125.04.

(b) The Mayor is hereby authorized to agree, in the name of the City, to be bound by all contract terms and conditions as the Department of Administrative Services, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department of Administrative Services incurs as a result of the City's participation in a contract. Further, the Mayor does hereby agree to be bound by all such terms and conditions.

(c) The Mayor is hereby authorized to agree, in the name of the City, to directly pay the vendor, under each such State contract in which it participates, for items it receives pursuant to the contract, and the Mayor does hereby agree to directly pay the vendor.

(Res. 1988-10. Passed 4-11-88).

145.09 PURCHASES OUTSIDE OF CONTRACTS WITH THE STATE; EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS.

(a) The Director of ~~Finance~~ ~~Public Service~~ may, if authorized and directed by ordinance of Council, purchase equipment, supplies or services from another party, including another political subdivision, instead of by participating in contracts into which the Department of Administrative Services, Office of State Purchasing, has entered for the purchase of equipment, supplies or services, as provided in Section 145.08, if the Director of Public Service can purchase such supplies, equipment or services from such other party upon equivalent terms, conditions and specifications, but at a lower price than through such State contracts. Purchases that the Director of Public Service makes under this section are exempt from any competitive selection procedures otherwise required by law.

(b) If the Director of ~~Finance~~ ~~Public Service~~ makes any purchase under this section, he or she shall maintain sufficient information regarding the purchase to verify that the conditions for making a purchase under this section have been satisfied.

(Ord. 1998-4. Passed 3-9-98.)

145.10 COLLECTION OF MUNICIPAL INCOME TAX.

The collection of municipal income taxes may be outsourced to a separate public or private entity with the approval of the Mayor and City Council.

145.11 BLANKET PURCHASE ORDERS.

The Director of Finance is hereby authorized to certify blanket purchase orders for expenditures, orders for payment, and contracts or obligations calling for or requiring payment, not to exceed fifty thousand dollars (\$50,000.00) per cost code. The term of any blanket purchase order shall not exceed the end of the fiscal year in which the blanket purchase order was certified. An itemized statement of obligations incurred and expenditures made under a blanket purchase order shall be rendered to the Finance Director before another such blanket purchase order may be issued. Not more than one blanket purchase order per cost code shall be outstanding at a time.

CHAPTER 147

Department of Public Service

EDITOR'S NOTE: The City enters into collective bargaining agreements with Local ~~1099~~ 860, Municipal, County and State Employee's Union, with respect to terms and conditions of employment of certain employees in the Department of Public Service. Copies of the latest agreement may be obtained, at cost, from the Clerk of Council.

147.01 Duties of Director.

147.02 Public Works Coordinator. ~~Assistants.~~

147.03 ~~Commissioner of Licenses.~~

147.04 147.03 Building and Service Department Clerks.

147.05 147.04 Department employees.

147.06 147.05 Emergency personnel and equipment.

147.07 ~~Insurance, vacations, holidays, longevity and jury duty.~~

147.08 ~~Sick leave.~~

147.09 ~~Secretary to the Director.~~

147.10 147.06 Inspection of bridges.

147.11 ~~Minimum call-in pay. (Repealed)~~

147.12 ~~Overtime.~~

147.13 147.07 Approval of contracting and purchasing, purchase orders.

147.14 ~~Compensation for volunteer firemen.~~

147.15 ~~Uniform allowances. (Repealed)~~

147.16 ~~Tool allowances.~~

147.17 ~~Arborist/Tree Consultant.~~

147.18 ~~Commercial Driver's License pay.~~

147.19 147.08 Building inspection services.

CROSS REFERENCES

Director of Public Service - see CHTR. Art. IV, § 5

Assisting Recreation Department -see ADM. 155.03

Enforcement of Ohio Building Code - see BLDG. 1303.04

Director as property maintenance officer - see BLDG. 1363.01

Director as Purchasing Agent - see ADM. 145.08, 145.09

147.01 DUTIES OF DIRECTOR.

The Director of Public Service shall perform such duties as the City Charter commands and such other duties as the Mayor and Council may from time-to-time request.

(Ord. 1956-8. Passed 2-13-56.)

147.02 PUBLIC WORKS COORDINATOR. ASSISTANTS.

Within the Department of Public Service, there ~~is~~ ^{are} hereby established the positions of Public Works Coordinator ~~assistants to the Director of Public Service~~. They shall perform such duties as shall be provided by ordinance and as shall be commanded by the Mayor or the Director.

~~—(a) One of the assistants to the Director shall be the Supervisor of the Service Department. He shall be responsible for the assignment of all personnel within the Department performing garbage and rubbish collection duties, street maintenance and repair, and park maintenance. He shall perform such other duties as may be commanded by the Mayor or the Director.~~

~~—(b) One of the assistants to the Director shall be the Supervisor of Buildings and Equipment. He shall be responsible for the maintenance of all public buildings and equipment and shall perform such other duties as may be commanded by the Mayor or the Director.~~

~~—(c) Other assistants to the Director shall be established as are required to aid and assist the Director in carrying on the functions of inspection and reinspection of buildings and in performing such other duties as may be commanded by the Mayor or the Director. The assistants serving in this capacity shall be known as Inspectors of Buildings.~~

~~{Ord. 1962-55. Passed 7-30-62.}~~

~~—(d) One of the assistants shall be a construction consultant. He shall assist the Director, the Building Commission and the Inspectors of Buildings by furnishing technical advice with respect to multi-family and commercial construction.~~

~~{Ord. 1962-99. Passed 12-27-62.}~~

~~—(e) One of the assistants shall be a general assistant. He shall assist the Director in performing all of the duties and obligations imposed upon the Director. He shall perform such other duties as may be commanded by the Mayor or the Director.~~

~~{Ord. 1963-52. Passed 7-8-63.}~~

~~—(f) One of the assistants shall have the position of Assistant to the Director of Public Service—Property Maintenance Officer.~~

(Ord. 1978-12. Passed 4-17-78.)

~~147.03 COMMISSIONER OF LICENSES.~~

~~—There is hereby created the position of Commissioner of Licenses. He shall be appointed by the Mayor upon recommendation of the Director of Public Service and shall serve at the pleasure of the Mayor. He shall perform such duties as shall be commanded by the Mayor or the Director.~~

(Ord. 1962-6. Passed 1-29-62.)

~~147.04~~ 147.03 BUILDING AND SERVICE DEPARTMENT CLERKS.

There ~~are is~~ hereby created the positions of Building and Service Department Clerks who. He shall be appointed by the Mayor, ~~shall serve at his pleasure~~ and shall perform such clerical duties on behalf of the City as may be assigned ~~by the Mayor~~ from time to time.

(Ord. 1956-40. Passed 5-21-56.)

~~147.05~~ 147.04 DEPARTMENT EMPLOYEES.

In the Department of Public Service, there shall be the following members, who will receive compensation on an hourly rate basis:

Classification of Members by Job Description.

(a) Supervisors. The supervisors shall be responsible for the assignment of all personnel within the Department performing garbage and rubbish collection duties, street maintenance and repair, park maintenance, public building maintenance, equipment and vehicle maintenance and such other duties as may be directed by the Mayor or the Director of Public Service.

(b) Foreman. The foreman shall assign the labor personnel of the Department and direct their activities. They shall keep accurate records of the hours worked by such employees and of the motor vehicle fuels and lubricants consumed. They shall perform such other duties as may be required of them from time to time by their superior.

(c) Additional classifications may be contained in the Laborers' International Union of North America, Local 860 collective bargaining agreement.

~~—(c) Mechanics Supervisor. The mechanics supervisor shall be responsible for the assignment of all personnel within the Mechanical Garage performing service, overhaul and maintenance on vehicles and equipment owned by the City and such other duties as may be~~

directed by the Mayor or the Director of Public Service, including, but not limited to, service, overhaul and maintenance on vehicles and equipment owned by the City.

~~—(d) Mechanic I. Employees in this classification are normally required to diagnose and perform all major and minor repairs on all types of vehicles, including automotive, light truck, heavy truck, heavy equipment and fire equipment. Must be knowledgeable of and able to repair gasoline and diesel engines, drivetrains, brake systems, steering systems, heating and air conditioning systems, cooling systems, electrical systems, hydraulic systems and on-board computers of all types of vehicles. Must be able to install needed special equipment required on City owned vehicles and equipment. Employee must be experienced in all types of welding, including oxygen-acetylene (cutting and brazing), arc (vertical and overhead), mig, aluminum and stainless steel. Will be required from time to time to fabricate certain needed parts for various assignments and operate a sandblaster in a safe manner. Employee must be skilled in vehicle refinishing, including panel repair, body work and vehicle painting. Employee may be required to perform other work of a similar nature as directed by supervision. Employee in this classification may be assigned to perform work normally performed by employees in other classifications in the Public Service Department, but without a reduction in their rate of pay unless they bump into a lower paying classification in order to avoid a layoff. The City shall not be required to have any number of employees in this classification at any time.~~

~~—(e) Mechanic II. Employees in this classification are normally required to diagnose and perform all major and minor repairs on all automobiles, light trucks and heavy trucks owned by the City. Employee must also be able to assist the Mechanic I on all major and minor repairs on heavy equipment and fire equipment. Employee must be knowledgeable of and able to repair gasoline and basic diesel engines, drivetrains, brake systems, steering systems, heating and air conditioning systems, cooling systems, electrical systems and on-board computers of all types of vehicles. Employee must be experienced in basic types of welding, including oxygen-acetylene (cutting and brazing), arc and mig. Employee may be required to perform other work of a similar nature as directed by supervision. Employee in this classification may be assigned to perform work normally performed by employees in other classifications in the Public Service Department, but without a reduction in their rate of pay unless they bump into a lower paying classification in order to avoid a layoff. The City shall not be required to have any number of employees in this classification at any time.~~

~~—(f) Mechanic's Helper. Employees in this classification are normally required to assist a Mechanic I and/or Mechanic II in the service, overhaul and maintenance of all equipment owned by the City. Employee will perform routine inspections, service and preventive maintenance on all vehicles and equipment. Employee will be knowledgeable in all aspects of basic automotive system functions and must be experienced in small engine repairs, including two-cycle engines. Employee will be skilled in mounting, balancing and repairs of all sizes of tires. Employee will also pick-up needed parts from various suppliers. Employee must assist in vehicle refinishing, including, but not limited to, sanding, preparation, panel repair, body work and vehicle painting. Employee may be required to perform other work of a similar nature as directed by supervision. Employee in this classification may be assigned to perform work normally performed by employees in other classifications in the~~

Public Service Department, but without a reduction in their rate of pay unless they bump into a lower paying classification in order to avoid a layoff. Whenever an employee in this classification of Mechanic's Helper is assigned by supervision to work involving vehicle refinishing, such employee shall be paid the rate established for the classification of Mechanic II for the hours engaged in such assignment. The City shall not be required to have any number of employees in this classification at any time.

~~—(g) Mechanic's Helper (Probationary). Employees in this classification are at entry level in the Mechanical Garage of the Public Service Department, perform the same duties as employees in the classification of Mechanic's Helper, are not members of the bargaining unit, are paid at a rate that is one dollar (\$1.00) per hour below that paid employees in the classification of Mechanic's Helper and, upon satisfactorily completing six months of probationary service, are transferred to the classification of Mechanic's Helper.~~

~~—(h) Serviceman Grade I. Employees in this classification are assigned to perform the duties of Serviceman Grade II and Serviceman Grade III and, in addition, operate multiple types of heavy equipment used by the City, such as vac alls, back hoes, asphalt rollers, graders, street sweepers, front-end loaders, salt spreader trucks and bombardier sidewalk plows, and perform skilled maintenance work such as masonry repairs and maintenance, cement refinishing and repairs, plumbing maintenance, carpentry maintenance, electrical maintenance and sign-making work as required by supervision. Employees in this classification are assigned to perform work also performed by employees in other classifications in the Service Department, but without a reduction in their rate of pay unless they bump into a lower paying classification in order to avoid a layoff.~~

~~—(i) Serviceman Grade II. Employees in this classification are assigned to perform the duties of a Serviceman Grade III and, in addition, may be assigned to operate a refuse collection truck. An employee assigned to operate a refuse collection truck leads the activities of the employees assigned to the truck and is responsible for their activities. Employees in this classification are assigned to perform work also performed by employees in other classifications in the Service Department, but without a reduction in their rate of pay unless they bump into a lower paying classification in order to avoid a layoff.~~

~~—(j) Serviceman Grade III. Employees in this classification perform manual labor such as refuse collection, ditch and sewer construction and maintenance, road repair work and other types of physical labor if required, under the supervision of a Foreman or other supervisor or of an employee of higher classification, and may operate one or more types of light equipment under five tons capacity.~~

~~—(k) Serviceman Grade III (Probationary). Employees in this classification are at entry level in the Department of Public Service, perform the same duties as employees in the classification of Serviceman Grade III, are not members of the bargaining unit, are paid at a rate that is one dollar (\$1.00) below that paid employees in the classification of Serviceman Grade III and, upon satisfactorily completing six months of probationary service, are transferred to the classification of Serviceman Grade III.~~

~~—(l) Serviceman Grade IV. Employees in this classification shall be those employees who work on a part-time, seasonal or temporary basis in the Service Department of the City.~~

(Ord. 1983-40. Passed 10-17-83; Ord. 1991-28. Passed 8-12-91; Ord. 2015-5. Passed 2-9-15.)

~~147.06~~ 147.05 EMERGENCY PERSONNEL AND EQUIPMENT.

In addition to the provisions of Section ~~147.05~~ 147.04, the following rules shall govern the Director of Public Service in the event of emergency. When the Director deems an emergency situation to have occurred with respect to the clearing of streets and ways of snow, ice, rain or other debris, or when ~~he~~ they deems an emergency situation to have accrued with respect to the collection and disposal of rubbish or garbage, ~~he is~~ they are authorized, subject to the approval of the Mayor, to hire emergency personnel and rent emergency equipment to cope with the situation. The rate of compensation shall be the usual rate then and there existing under the same or similar circumstances for communities of the same or similar size as that of the Municipality.

(Ord. 1956-8. Passed 2-13-56.)

~~147.07~~ INSURANCE, VACATIONS, HOLIDAYS, LONGEVITY AND JURY DUTY.

~~—(a) Medical Insurance. Each non-aligned regular full-time employee of the Department of Public Service shall, after one month of such full-time service, be entitled to health insurance provided by the City. The plan design, coverage options, and employee cost of participation of such health insurance will be determined annually; and such health plan information are to be described in a health benefit summary document to be provided to employees at the inception of each health benefit year.~~

~~—(b) Insurance Group Life. Each regular full-time employee of the Service Department shall, after one year of such full-time employment, be entitled to fully paid group life insurance in the amount of twenty-five thousand dollars (\$25,000).~~

~~—(c) Vacation. Each non-aligned regular full-time member of the Department of Public Service shall be entitled to the following annual benefits, based on the length of continuous employment: two weeks of vacation with pay at the end of one year of full-time active duty; three weeks of vacation with pay at the end of five years of full-time active duty; four weeks of vacation with pay at the end of ten years of full-time active duty; five weeks of vacation with pay at the end of seventeen years of full-time active duty and six weeks of vacation with pay after twenty-four years full-time active duty. Vacation shall be earned as of January 1 of each year and shall be taken by the employee in the calendar year in which it is earned, provided, however, that when an employee has an anniversary of employment in a calendar year which would entitle the employee to receive an additional increment of vacation, the employee shall be entitled to observe the additional increment of vacation in the twelve-month period measured from the anniversary.~~

~~—Vacation shall not be accrued from year to year or payment made in lieu thereof, except by special arrangement with the Director of Public Service, provided, however, that any full-time member of the Department of Public Service who has concluded twenty-one continuous years of service, may, at his or her option, bank not more than three weeks per year, up to a maximum of nine weeks. Such employee may receive cash payment for such banked vacation one time, either at retirement or before, but may not thereafter bank additional hours after the nine weeks have been utilized. In lieu of banking vacation time, an employee may turn-in for annual payment not more than three weeks per year, up to a maximum amount of nine weeks. The Finance Department must be notified of this intent not later than November 1 of the calendar year in which payment is requested. Said payment shall be made on the last pay of the calendar year in which payment is requested.~~

~~—Vacation or payment in lieu of accrued vacation shall be granted to an employee after his or her retirement or termination of employment, unless such termination of employment is made for cause, in which event no such vacation or payment in lieu thereof shall be allowed.~~

~~—Payment in lieu of vacation shall be calculated at the employee's normal rate of pay.~~

~~—(d) Holidays. Each nonaligned regular full-time employee of the Department of Public Service who has served at least thirty days of service with the City prior to any holiday hereinafter set forth, and who has also worked or been on vacation during his regularly scheduled workdays immediately preceding and succeeding such holiday, shall be entitled to the following twelve paid holidays with pay at eight times the employee's normal hourly rate of pay for each of such holidays:~~

~~—(1) The first day of January, known as New Year's Day;~~

~~—(2) The third Monday in January, known as Martin Luther King Day;~~

~~—(3) The third Monday in February, known as Washington-Lincoln or Presidents' Day;~~

~~—(4) Decoration or Memorial Day (date of observance as established by State Legislature);~~

~~—(5) The fourth day of July, known as Independence Day;~~

~~—(6) The first Monday in September, known as Labor Day;~~

~~—(7) The second Monday in October, known as Columbus Day;~~

~~—(8) The eleventh day of November, known as Veterans' Day;~~

~~—(9) The fourth Thursday in November, known as Thanksgiving Day;~~

~~—(10) The twenty-fifth day of December, known as Christmas Day;~~

~~—(11) A floating holiday to be taken on a day of the employee's choice, subject to the approval of the departmental supervision; and~~

~~—(12) The employee's birthday.~~

~~—The City, in response to certain reductions in the workweek hours for the City firefighters, does hereby agree to grant each full-time non-aligned employee the following additional three holidays:~~

~~—(1) The fourth Friday of November, known as the day after Thanksgiving.~~

~~—(2) The twenty-fourth day of December, known as Christmas Eve Day.~~

~~—(3) Effective January 1, 2001, a floating holiday to be taken on a day of the employee's choice, subject to approval of departmental supervision.~~

~~—All part-time employees and full-time employees in the Department of Public Service with less than thirty days service with the City shall be entitled to the aforesaid holidays without pay.~~

~~—In cases where an employee is required to work on a day which he or she would otherwise be entitled under this section to observe as a holiday, he or she will be paid for the holiday at the rate of eight times his or her normal hourly rate of pay and will be paid, in addition, at the rate of time and one-half for the hours he or she works on such holiday.~~

~~—(c) Longevity Pay. Additional compensation for continuous full-time employment, which shall be entitled "longevity pay", shall be paid for each calendar year on the first pay period in December of each calendar year. The rate of longevity pay to which an employee shall be entitled in any calendar year shall be computed in accordance with the following schedule:~~

Years of Continuous, Full-Time Employment Completed as of the Anniversary Date of Employment	Rate of Longevity Pay Per Month
0-4	0
5	\$20.83
10	41.66
15	62.50
20	83.33
25	104.16
30	125.00

~~—The amount of longevity pay to which an employee is entitled in a calendar year shall be computed by multiplying the number of months in the calendar year preceding and subsequent to his or her anniversary date of employment in that year by the applicable rate or rates of monthly longevity pay based upon the number of years of continuous full-time employment completed in that year, as determined in accordance with the above schedule.~~

~~—In each calendar year, the anniversary date of employment shall be the first day of the month in which the employee commenced his continuous, full-time employment with the~~

City. In calculating the length of an employee's continuous employment, full-time service in all departments of the City shall be included.

~~—(f) Jury Duty Compensation. Each nonaligned regular full-time employee of the Department of Public Service shall, if called for jury duty, receive their regular compensation during the time spent in the capacity as jurors less the amount paid to them by the Court for such duty as jurors.~~

~~(Ord. 1994-20. Passed 4-25-94; Ord. 2000-16. Passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2001-28. Passed 9-10-01; Ord. 2006-10. Passed 3-30-06; Ord. 2013-4. Passed 2-25-13.)~~

~~147.08 SICK LEAVE.~~

~~—Each regular full-time non-aligned employee in the Department of Public Service shall be entitled to 4.6 hours of sick leave for every eighty hours of regularly scheduled employment. Unused sick leave shall be cumulative up to a total of 1,750 hours for employees working an eight-hour day, and up to 1,531 hours for employees working seven-hour days. Sick leave accrued under prior ordinances of the City shall remain in effect. Payment of sick leave shall be made only when approved by the Director of Public Service, who may require the employee to furnish a satisfactory, written, signed statement to justify the use of sick leave, and in the case of sick leave absence in excess of one day, shall require certification of the nature of the illness or injury from the employee's physician or the Police Surgeon. Absences due to service-connected injury will not be charged against an employee's accumulated sick leave so long as it does not exceed the employee's attending physician's and/or the Police Surgeon's prognosis as to the employee's ability to return to employment. Once an employee has returned to assume normal duties, following an absence due to a service-connected injury, subsequent absences, alleged as being due to a service-connected injury, will be charged against an employee's accumulated sick leave, unless excused by the employee's attending physician's and/or the Police Surgeon's certificate. In the case of disagreement between physicians, the certification of a third physician will be required.~~

~~—An employee may use a portion of his or her accumulated sick leave for funeral arrangements and services for his or her spouse, child, parents, mother-in-law, father-in-law, grandparents, grandparents-in-law, sister, brother, sister-in-law, brother-in-law, grandchildren, step-parent, step-sister, step-brother, aunt, uncle, cousin, niece and nephew. Funeral leave so utilized shall not be so charged as to reduce an employee's sick leave incentive.~~

~~—Department of Public Service employees shall be paid an incentive for conservation of annual sick leave allowances as follows:~~

Unused Sick Leave Hours	Incentive Payment Hours
120	30
112	28

104	26
96	24
88	22
80	20
72	18
64	16
56	14
48	12
10	10
Less than 40	-0-

-

~~In the case of employees working seven-hour days:~~

Unused Sick Leave Hours	Incentive Payment Hours
105	30
98	28
91	26
84	24
77	22
70	20
63	18
56	16
49	14
42	12
35	10
Less than 35	-0-

-

~~The equivalent hourly rate to be paid will be that in effect as of December 31 in the year in which the sick leave days are accumulated. Payment is to be made concurrent with the second payroll of February following the year in which sick leave days were accumulated. Such incentive payment will in no way diminish an employee's sick leave accumulation.~~

~~At the time of retirement from active duty with the City or death of the employee, the employee, or the employee's estate, will be paid in cash for sixty percent of the value of his~~

~~or her accrued, but unused, sick leave credit. Such payment shall be based on the employee's rate of pay at time of retirement or death. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The maximum payment which may be made shall be sixty percent of 1,200 hours for employees working eight hour days and sixty percent of 1,050 hours for employees working seven hour days. The formula for computation shall be:~~

~~—(a) In the case of employees working eight-hour days:~~

~~—annual rate x (accumulated hours x.60)~~

~~—2,080~~

~~—(b) In the case of employees working seven-hour days:~~

~~—annual rate x (accumulated hours x.60)~~

~~—1,820~~

~~—NOTE: Annual rate of pay used in above unused sick time payment calculations is based on the total of the base salary and longevity pay only.~~

~~(Ord. 1997-20. Passed 6-23-97; Ord. 2000-16. Passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2006-10. Passed 3-30-06; Ord. 2013-4. Passed 2-25-13.)~~

~~147.09 SECRETARY TO THE DIRECTOR.~~

~~—There is hereby created the position of Secretary to the Director of Public Service. He shall be appointed by the Mayor, shall serve at his pleasure and shall perform such clerical duties on behalf of the Municipality as may be assigned by the Mayor and the Director from time to time.~~

~~(Ord. 1967-35. Passed 6-12-67.)~~

~~147.10~~ 147.06 INSPECTION OF BRIDGES.

The Director of Public Service is hereby designated as the municipal official of the City having responsibility for the inspection of all bridges or portions thereof within the City except for bridges on State and/or County highways.

(Ord. 1968-73. Passed 11-25-68.)

~~147.11 MINIMUM CALL IN PAY. (REPEALED)~~

~~—(EDITOR'S NOTE: Section 147.11 was repealed by Ordinance 2015-6, passed February 9, 2015.)~~

~~147.12 OVERTIME.~~

~~—Full time non-exempt employees in the Department of Public Service shall be paid in addition to their regular compensation, for the performance of overtime duties, as provided for in Section 147.12.~~

~~(Ord. 1983-40. Passed 10-17-83; Ord. 2013-4. Passed 2-25-13; Ord. 2015-7. Passed 2-9-15.)~~

~~147.13~~ 147.07 APPROVAL OF CONTRACTING AND PURCHASING, PURCHASE ORDERS.

(a) The Director of Public Service shall recommend a purchase of all materials, supplies, tools, machinery and equipment and shall supervise all construction, alterations and repairs in each of the various departments of the Municipality subject to the approval of City Council. Such purchases, construction, alterations or repairs shall be administered and controlled by means of a numbered purchase order system.

(b) The issuance of a purchase order authorizing such purchases, construction, alterations or repairs shall be made by the Finance Director only upon the prior issuance of a purchase requisition by such Director or by the officer at the head of the department for which it is to be made or done, or upon order of Council.

(c) An open purchase order for frequent purchases from the same vendor, supported by a requisition for each individual purchase, approved by the Director of Finance, may be issued ~~by the Director of Public Service~~ for a period not to exceed one year or to expire by December 31, whichever occurs sooner. Each such open purchase order shall be assigned to only one vendor.

(Ord. 1985-4. Passed 2-11-85.)

~~147.14~~ COMPENSATION FOR VOLUNTEER FIREMEN.

~~—The compensation of any member of the Department of Public Service who is also a Volunteer Fireman shall be, when called from his or her regular Department work to serve as a Volunteer Fireman, the compensation of a Volunteer Fireman as provided by Council or his or her regular compensation as an employee of the Department, whichever is greater.~~

(Ord. 1997-20. Passed 6-23-97; Ord. 2000-53. Passed 11-27-00.)

~~147.15 UNIFORM ALLOWANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Section 147.15 was repealed by Ordinance 2015-8, passed February 9, 2015.)~~

~~147.16 TOOL ALLOWANCES.~~

~~—The City agrees to provide a mechanic's tool allowance, not to exceed three hundred dollars (\$300.00) per employee, per year, for those employees classified as Mechanic's Supervisor in the City's Service Garage. Tools included in this allowance are those normal hand tools (nonpowered) utilized by mechanical personnel in the performance of their mechanical duties. Replacement of such tools when worn out or broken will be at City expense. Replacement of such tools in other circumstances will be at the employee's expense. Tools that are worn out or broken are to be given to the City upon replacement.~~

~~(Ord. 1991-28. Passed 8-12-91; Ord. 2013-4. Passed 2-25-13.)~~

~~147.17 ARBORIST/TREE CONSULTANT.~~

~~—The position of part-time Arborist/Tree Consultant is hereby established. Compensation shall be as provided from time to time by Council.~~

~~(Ord. 1996-3. Passed 2-12-96.)~~

~~147.18 COMMERCIAL DRIVER'S LICENSE PAY.~~

~~—Each full-time member of the Department of Public Service in the classification of Supervisor, Foreman and Mechanic Supervisor who are is required to keep and maintain a commercial driver's license shall be entitled to an additional allowance for the maintenance of such commercial driver's license; which shall equal fifty cents (\$0.50) per hour for all hours worked, effective December 1, 2003. This allowance shall be paid with each bi-weekly pay, in an amount to be derived by multiplying all hours worked in a current pay period by thirty cents (\$0.30) per hour.~~

~~(Ord. 2000-16, passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2006-10. Passed 3-30-06; Ord. 2013-4. Passed 2-25-13.)~~

~~147.19~~ 147.08 BUILDING INSPECTION SERVICES.

The Mayor and Director of Public Services are empowered to order that building inspection services be provided to the City of Middleburg Heights Ohio and to any other political subdivision without a mutual aid agreement.

(Ord. 2015-24. Passed 6-22-15.)

CHAPTER 149

Department of Public Safety

149.01 Duties of Director.

~~149.02 Assistant Director.~~

~~149.03~~ 149.02 School guard employment.

~~149.04 Collective negotiating procedure. (Repealed)~~

CROSS REFERENCES

Appointment of Director of Public Safety - see CHTR. Art. IV, § 7

Duties of Director - see Ohio R.C. 737.02 et seq.

149.01 DUTIES OF DIRECTOR.

The Director of Public Safety shall have all of the powers and perform all of the duties connected with and incident to the authority of such Director set forth and provided in Ohio R. C. Chapter 737 or any other general law pertaining to such position now or hereafter in effect.

(Ord. 1957-33. Passed 6-24-57.)

~~149.02 ASSISTANT DIRECTOR.~~

~~—There is hereby created the position of Assistant Director of Public Safety. He shall perform such duties and functions as may be assigned to him by the Director of Public Safety or the Mayor. Such duties and functions shall consist of assisting the Director in performing those functions assigned to him by Section 149.01. The Assistant Director shall be appointed by the Mayor pursuant to Article II, Section 2, of the City Charter. The Assistant Director may be removed by the Mayor at his pleasure unless he is removed as otherwise provided by the City Charter.~~

~~(Ord. 1958-17. Passed 4-28-58.)~~

~~149.03~~ 149.02 SCHOOL GUARD EMPLOYMENT.

The Mayor is hereby authorized to employ school guards for the purpose of guarding, watching and supervising the crossing of streets in the vicinity of schools located in the Municipality or of schools located across the street from Municipal boundary lines when such schools are attended by the children of residents of the Municipality. The Mayor is further authorized to determine the locations at which such guards are to be employed and also to determine the hours during which such guards shall be employed.

(Ord. 1957-9. Passed 4-15-57.)

~~149.04 COLLECTIVE NEGOTIATING PROCEDURE. (REPEALED)~~

~~—(EDITOR'S NOTE: Section 149.04 was repealed by Ordinance 1984-1, passed January 9, 1984.)~~

CHAPTER 151
Department of Police

EDITOR'S NOTE: The City enters into collective bargaining agreements with the ~~Northern~~ Ohio Patrolman's Benevolent Association and the Fraternal Order of Police with respect to terms and conditions of employment of certain employees in the Department of Police. Copies of the latest agreement may be obtained, at cost, from the Clerk of Council.

151.01 Personnel.

151.02 Detective Bureau.

~~151.03 Juvenile Bureau.~~

~~151.04~~ 151.03 Chief of Police; Assistant Chief/Captain.

~~151.05~~ 151.04 Power of officers.

~~151.06 Uniform allowances.~~

~~151.07 Overtime.~~

~~151.08 Insurance, vacations, holidays, longevity and jury duty.~~

~~151.09 Sick leave.~~

~~151.10~~ 151.05 Rules and regulations.

~~151.11~~ 151.06 Appointment, promotion and dismissal.

~~151.12 Police civilian clerical employees; appointment; duties.~~

~~151.13~~ 151.07 Police civilian clerical employees; appointment; duties; overtime.

~~151.14 Additional Police Clerks.~~

~~151.15 Police Surgeon.~~

~~151.16 Fee for use of BAC Verifier.~~

~~151.17 Residency requirements.~~

~~151.18 Fee for investigative hypnosis.~~

~~151.19 Fee for use of City Jail. (Amended and recodified)~~

~~151.20~~ 151.08 Police Department Investigation Fund.

~~151.21~~ 151.09 Auxiliary Police Unit.

~~151.22~~ 151.10 Safety Forces Chaplain.

~~151.23 Emergency responder allowance.~~

~~151.24 Police Chief Secretary/Matron.~~

~~151.25~~ 151.11 Law Enforcement Training Grant Fund.

~~151.26~~ 151.12 Administrative tow fee.

CROSS REFERENCES

Mayor to appoint Chief - see CHTR. Art. IV, § 1

Civil Service application - see CHTR. Art. IV, § 8

Suspension of Chief - see Ohio R.C. 124.34, 124.40

General duties - see Ohio R.C. 737.11

Collective negotiating procedure - see ADM. 149.04

Failure to aid a law enforcement officer - see GEN. OFF. 606.13

Disposition of property held by police - see GEN. OFF. 606.25

Law Enforcement Trust Fund - see GEN. OFF. 606.251

Drug Law Enforcement Fund - see GEN. OFF. 606.253

Assaulting a law enforcement officer - see GEN. OFF. 606.29

Impersonating police officer - see GEN. OFF. 606.30, 642.20

Police dogs - see GEN. OFF. 618.26, 618.27

151.01 PERSONNEL.

(a) The Department of Police shall be composed of a one Chief of Police, and a command structure that may include Captains, Assistant Chiefs, Sergeants, and so many Patrolmen as are deemed necessary by the Chief of Police and approved by the Mayor, any such special police officers as the Mayor shall from time to time designate, and any interim or temporary appointments acting in the positions described above.

(b) In case of an emergency, the Mayor may appoint additional police officers for temporary service in the Department who need not be in the classified list of such Department. Such additional persons shall be employed for the time during which the emergency exists, but not in excess of 120 days.

(c) When a circumstance of unavailability or vacancy occurs in the office of Chief, Captain or Sergeant, the Mayor may appoint, from the regular members, an Acting Chief, Acting Captain or Acting Sergeant, pending promotional exams, and may also appoint a police officer in accordance with the provisions of the City Charter, and the rules and regulations of the Civil Service Commission.

(Ord. 2019-5. Passed 2-11-19; Ord. 2019-26. Passed 6-24-19; Ord. 2023-60. Passed 9-25-23.)

151.02 DETECTIVE BUREAU.

There shall be a Detective Bureau within the Department of Police, to be administered and controlled by the Chief of Police, subject to the laws of the State, these Codified Ordinances and the direction of the Director of Public Safety. The Detective Bureau shall comprise the plainclothes force of the City and shall consist of such number of plainclothes officers as shall be assigned by the Chief of Police. Such members of the Detective Bureau shall be subject to call for regular police work whenever the Chief of Police determines that their services are necessary in that capacity.

(Ord. 2019-5. Passed 2-11-19.)

~~151.03 JUVENILE BUREAU.~~

~~—(a) There shall be a Juvenile Bureau within the Department of Police, to be administered and controlled by the Chief of Police, subject to the laws of the State, these Codified Ordinances and the direction of the Director of Public Safety. The Chief may assign other members of the Department or employees to assist the Juvenile Bureau whenever he or she deems it necessary.~~

~~—(b) Any police officer assigned to duty in the Juvenile Bureau shall be a high school graduate and shall have at least two years of general police experience. Any police officer serving in the Juvenile Bureau shall be paid the prevailing rate for a similar rank and comparable position in the Department.~~

~~—(c) The Juvenile Bureau shall maintain activity and statistical records. All juvenile records shall be kept separate from those of adults. All records shall be available to the Ohio Youth Commission and to other authorized personnel.~~

~~—(d) The Juvenile Bureau is established and shall be administered to attain at least, but not limited to, the following objectives:~~

~~—(1) The apprehension of offenders;~~

~~—(2) The interview of juveniles taken into custody and of the parents or guardians of these juveniles;~~

~~—(3) The investigation of offenses or alleged offenses involving juveniles;~~

~~—(4) The police disposition through clearance and/or referral of juveniles to agencies or to the Juvenile Court;~~

~~—(5) The preventive surveillance of juvenile gathering places;~~

~~—(6) The development of working relationships and programs with schools and community agencies; and~~

~~—(7) Department of Police representation in community planning and public relations in regard to children and youth.~~

~~{Ord. 2019-5. Passed 2-11-19.}~~

~~151.04~~ 151.03 CHIEF OF POLICE; ASSISTANT CHIEF/CAPTAIN.

(a) The Chief of Police shall, under the direction of the Mayor, be the executive head of the Department of Police. In ~~his~~ their absence from duty or incapacity the Chief, or in ~~his~~ their absence the Mayor, shall have the authority to designate any full-time officer from the rank of Sergeant and above in the Police Department to serve as the acting Chief.

~~{Ord. 1955-67. Passed 8-1-55; Ord. 2012-36. Passed 8-6-12.}~~

~~(b) (1) The Chief of Police shall be entitled to the following employee benefits: uniform allowances, medical and life insurance coverage, vacations, holidays, longevity compensation, sick leave, emergency responder pay and college education pay, as described in the employment contract entered into by the City with the Ohio Patrolmen's Benevolent Association for the Police Sergeants and Captains.~~

~~—(2) The Assistant Chief of Police shall receive the same fringe benefits, effective upon the same dates and in the same amounts, as provided to the rank of Captain by the employment contract entered into by the City with the Ohio Patrolman's Benevolent Association for Police Sergeants and Captains.~~

~~(b) (c)~~ Effective January 1, 1985, when any vacancy in the office of Chief of Police occurs due to retirement, death, termination, or any other circumstances provided in the Civil Service Rules, and a member of the Department is assigned the duty of "Acting Chief" on a temporary or interim basis, such member may be paid at the Chiefs normal rate of pay for such duty during the interim time period until a new Chief is appointed.

~~(d) Each nonaligned regular, full-time member of the Police Department holding the position of Chief of Police or Assistant Chief of Police shall be entitled to emergency responder allowance in addition to his or her regular compensation. Such allowance shall be paid as follows: six percent of the base annual salary, payable in two equal installments, on the pay days closest to May 1 and November 1 of each calendar year. When an employee leaves the Department through retirement, resignation or termination, the emergency responder allowance shall be pro-rated and the amount paid but unearned shall be deducted from the employee's final paycheck.~~

~~{Ord. 2019-5. Passed 2-11-19; Ord. 2023-61. Passed 9-25-23.}~~

~~151.05~~ 151.04 POWER OF OFFICERS.

Members of the Department of Police shall have all the powers conferred by law upon police officers under the Ohio Revised Code and such other powers, not inconsistent with the nature of their offices, as are conferred by City ordinances from time to time.

(Ord. 2019-5. Passed 2-11-19.)

~~151.06 UNIFORM ALLOWANCES.~~

~~—(a) Each non-aligned, regular full-time sworn officer of the Police Department shall be entitled to a uniform allowance of seven hundred and fifty dollars (\$750.00) yearly; and in addition, shall be entitled to a safety equipment/leather gear maintenance allowance of seven hundred and fifty dollars (\$750.00) yearly. Said uniform and safety equipment/leather gear maintenance allowances, shall for payment purposes, be combined into one payment totaling one thousand five hundred dollars (\$1,500) per year; payable in equal amounts of seven hundred and fifty dollars (\$750.00) on the closest pay to February 1 and August 1 of each year.~~

~~—(b) Each person employed as a non-aligned full-time Chiefs Secretary/Matron shall receive an annual uniform allowance of nine hundred and seventy-five dollars (\$975.00) per year; payable in equal amounts of four hundred and eighty-seven dollars and fifty cents (\$487.50) on the pay closest to February 1 and August 1 of each year.~~

~~—(c) Every school guard shall be entitled to a uniform allowance of one hundred twenty dollars (\$120.00) yearly, payable in equal amounts of sixty dollars (\$60.00) on April 1 and on October 1 of each calendar year.~~

(Ord. 2019-5. Passed 2-11-19.)

~~151.07 OVERTIME.~~

~~—All non-aligned regular full-time members of the Police Department, excluding the Police Chief, shall be paid, in addition to their regular compensation, for the performance of overtime duties as provided for in Section 179.07.~~

(Ord. 2019-5. Passed 2-11-19.)

~~151.08 INSURANCE, VACATIONS, HOLIDAYS, LONGEVITY AND JURY DUTY.~~

~~—(a) Medical Insurance. Each non-aligned regular full-time employee of the Police Department shall, after one month of such full-time service, be entitled to health insurance provided by the City. Health benefit plan design, coverage options and employee cost of participation shall be determined annually; and such conditions to be outlined in a Health Benefit Summary document to be provided to employee at the inception of each benefit year.~~

~~—(b) Insurance Group Life. Effective January 1, 2013, each non-aligned full-time employee of the Police Department shall, after one year of such full-time service, be entitled to fully paid group life insurance in the amount of twenty-five thousand dollars (\$25,000).~~

~~—(c) Vacations:~~

~~—(1) Each nonaligned regular and civilian full-time member of the Police Department shall be entitled to the following annual vacation benefits, based on the length of continuous employment: two weeks of vacation with pay at the end of one year of full-time active duty; three weeks of vacation with pay at the end of five years of full-time active duty; four weeks of vacation with pay at the end of ten years of full-time active duty; five weeks of vacation with pay at the end of seventeen years of full-time active duty and six weeks of vacation with pay after twenty-four years full-time active duty.~~

~~—(2) Vacation shall be earned as of January 1 of each year and shall be taken by the employee in the calendar year in which it is earned, provided, however, that when an employee has an anniversary of employment in a calendar year which would entitle the employee to receive an additional increment of vacation, the employee shall be entitled to observe the additional increment of vacation in the twelve-month period measured from the anniversary. Vacation shall not be accrued from year to year or payment made in lieu thereof, except by special arrangement with the Director of Public Service, provided, however, that any full-time member of the Department of Public Service who has concluded twenty-one continuous years of service, may, at his or her option, bank not more than three weeks per year, up to a maximum of nine weeks. Such employee may receive cash payment for such banked vacation one time, either at retirement or before, but may not thereafter bank additional hours after the nine weeks have been utilized. In lieu of banking vacation time, an employee may turn in for annual payment not more than three weeks per year, up to a maximum amount of nine weeks. The Finance Department must be notified of this intent not later than November 1 of the calendar year in which payment is requested. Said payment shall be made on the last pay of the calendar year in which payment is requested.~~

~~—(3) Vacation or payment in lieu of accrued vacation shall be granted to an employee after his or her retirement or termination of employment, unless such termination of employment is made for cause, in which event no such vacation or payment in lieu thereof shall be allowed. Payment in lieu of vacation shall be calculated at the employee's normal rate of pay.~~

~~—(d) Holidays:~~

~~—(1) Each nonaligned regular and civilian full-time employee of the Police Department shall be entitled to the following twelve paid holidays:~~

~~—A. The first day in January, known as New Year's Day;~~

~~—B. The third Monday in January, known as Martin Luther King Day;~~

~~—C. The third Monday in February, known as Washington-Lincoln or Presidents' Day;~~

- ~~— D. Decoration or Memorial Day (date of observance as established by State Legislature);~~
- ~~— E. The fourth day in July, known as Independence Day;~~
- ~~— F. The first Monday in September, known as Labor Day;~~
- ~~— G. The second Monday in October, known as Columbus Day;~~
- ~~— H. The eleventh day in November, known as Veterans' Day;~~
- ~~— I. The fourth Thursday in November, known as Thanksgiving Day;~~
- ~~— J. The twenty-fifth day of December, known as Christmas Day;~~
- ~~— K. A floating holiday to be taken on a day of the employee's choice, subject to approval of departmental supervision; and~~
- ~~— L. The employee's birthday.~~

~~(2) The City, in response to certain reductions in the workweek hours for the City firefighters, does hereby agree to grant each full-time non-aligned employee the following additional three holidays.~~

- ~~— A. The fourth Friday of November, known as the day after Thanksgiving.~~
- ~~— B. The twenty-fourth day of December, known as Christmas Eve Day.~~
- ~~— C. Effective January 1, 2001, a floating holiday to be taken on a day of the employee's choice, subject to approval of departmental supervision.~~

~~— (e) Longevity Pay.~~

~~(1) Additional compensation for continuous, full-time employment, which shall be entitled "longevity pay", shall be paid for each calendar year at the first pay period in December of that calendar year. The rate of longevity pay to which an employee shall be entitled in any calendar year shall be computed in accordance with the following schedule:~~

Years of Continuous, Full-Time Employment Completed as of the Anniversary Date of Employment	Rate of Longevity Pay Per Month
0-4	0
5	\$20.83
10	41.66
15	62.50
20	83.33

25
30

104.16
125.00

~~—(2) The amount of longevity pay to which an employee is entitled in a calendar year shall be computed by multiplying the number of months in such calendar year preceding and subsequent to his or her anniversary date of employment in that year by the applicable rate or rates of monthly longevity pay based upon the number of full years of continuous, full-time employment completed in that year as determined in accordance with the above schedule.~~

~~—(3) In each calendar year, the anniversary date of employment shall be the first day of the month in which the employee commenced his or her continuous, full-time employment with the City. In calculating the length of an employee's continuous employment, full-time service in all departments of the City shall be included.~~

~~—(f) Jury Duty Compensation. Each non-aligned regular and civilian full-time employee of the Police Department shall, if called for jury duty, receive their regular compensation during the time spent in the capacity as jurors, less the amount paid them by the Court for such duty as jurors.~~

~~(Ord. 2019-5. Passed 2-11-19.)~~

~~151.09 SICK LEAVE.~~

~~—(a) Each non-aligned full-time employee of the Police Department shall be entitled to 4.6 hours of sick leave for every eighty hours of regularly scheduled employment. Unused sick leave shall be cumulative up to a total of not more than 1,750 hours for employees working forty hours per week.~~

~~—(b) Sick leave accrued under prior ordinances shall remain in effect, and sick leave days accrued as of December 31, 1981, shall be converted to hours at the rate of eight hours per each day accrued. Payment for sick leave, at the rate of one hour for every hour of sick leave absence, shall be made only when approved by the Director of Public Safety, who may require the employee to furnish a satisfactory, written, signed statement to justify the use of sick leave and, in the case of a sick leave absence in excess of two days, shall require certification as to the nature of the illness or injury from the employee's physician or the Police Surgeon.~~

~~—(c) Absences due to service-connected injury will not be charged against an employee's accumulated sick leave so long as it does not exceed the employee's attending physician's and/or the Police Surgeon's prognosis as to the employee's ability to return to employment. Once an employee has returned to assume normal duties, following an absence due to a service-connected injury, subsequent absences will be charged against an~~

~~employee's accumulated sick leave unless excused by an employee's attending physician's and/or the Police Surgeon's certificate. In case of a disagreement between physicians, the certification of a third physician will be required.~~

~~—(d) (1) An employee may use a portion of his or her accumulated sick leave for funeral arrangements and services for his or her spouse, child, parents, mother in law, father in law, grandparents, grandparents in law, sister, brother, sister in law, brother in law, grandchildren, step parent, step sister, step brother, aunt, uncle, cousin, niece and nephew. Funeral leave so utilized shall not be charged so as to reduce an employee's sick leave incentive.~~

~~—(2) Police Department employees shall be paid an incentive for conservation of annual sick leave allowances as follows:~~

~~—A. In the case of employees working forty hours per week:~~

Unused Sick Leave Days	Incentive Payment Hours
120	30
112	28
104	26
96	24
88	22
80	20
72	18
64	16
56	14
48	12
40	10
Less than 40	0

~~-~~

~~—B. In the case of employees working 37.5 hours per week:~~

Unused Sick Leave Days	Incentive Payment Hours
113	30

105	28
98	26
90	24
83	22
75	20
68	18
60	16
53	14
45	12
38	10
Less than 38	-0-

-

~~— (3) The hourly rate to be paid will be that in effect as of December 31 in the year in which the sick leave days are accumulated. Payment is to be made concurrent with the second payroll of February following the year in which sick leave days were accumulated. Such incentive payment will in no way diminish an employee's sick leave accumulation. The incentive for conservation of annual sick leave shall be prorated and paid for the portion of the year in which separation, by death or retirement, of an employee of the Police Department shall occur.~~

~~— (e) (1) Police Department employees shall be paid an incentive for conservation of annual sick leave allowances as follows:~~

Unused Sick Leave Days	Incentive Payment Hours
120	30
112	28
104	26
96	24
88	22
80	20
72	18
64	16
56	14
48	12
40	10
Less than 40	-0-

~~(2) At the time of retirement from active duty with the City or death of the employee, the employee, or the employee's estate, will be paid in cash for sixty percent of the value of his or her accrued, but unused, sick leave credit. Such payment shall be based on the employee's rate of pay at time of retirement or death. Retirement shall be as defined in Police and Fireman's Pension Fund or Ohio Public Employees Retirement Fund Regulations. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The maximum which may be paid shall be sixty percent of 1,200 hours, the formula for computation shall be:~~

~~A. In the case of employees working forty hours per week:~~

~~annual rate x (accumulated hours x.60)~~

~~2,080~~

~~B. NOTE: Annual rate of pay used in above unused sick time payment calculations is based on the total of the base salary and longevity pay only.~~

~~(f) Jury Duty Compensation. Each non-aligned regular and civilian full-time employee of the Police Department shall, if called for jury duty, receive their regular compensation during the time spent in the capacity as jurors, less the amount paid them by the Court for such duty as jurors.~~

~~(Ord. 2019-5. Passed 2-11-19.)~~

~~151.10~~ 151.05 RULES AND REGULATIONS.

The Mayor shall promulgate such rules and regulations from time to time as are necessary to maintain a high degree of efficiency and discipline within the Department of Police. Existing rules and regulations in force at the present time shall remain in existence until amended or revoked by the Mayor.

(Ord. 1955-67. Passed 8-1-55; Ord. 2019-5. Passed 2-11-19.)

~~151.11~~ 151.06 APPOINTMENT, PROMOTION AND DISMISSAL.

The appointment, promotion, suspension or dismissal of members to or from the Department of Police shall be in accordance with the provisions of the City Charter, the rules and regulations of the Parma Heights Civil Service Commission, and other applicable laws the Ohio Revised Code.

(Ord. 2019-5. Passed 2-11-19.)

~~151.12 POLICE CIVILIAN CLERICAL EMPLOYEES; APPOINTMENT; DUTIES.~~

~~—There are hereby created the non-aligned positions of Police Chief's Secretary, Civilian Clerk/Case Manager, and Civilian Clerk/Receptionist. They shall be appointed by the Mayor, shall serve at his pleasure and shall perform such clerical duties on behalf of the Municipality as may be assigned by the Mayor and the Chief of Police from time to time.~~

~~(Ord. 2019-5. Passed 2-11-19.)~~

~~151.13~~ 151.07 POLICE CIVILIAN CLERICAL EMPLOYEES; APPOINTMENT; DUTIES;
OVERTIME.

(a) Police Civilian Clerks shall serve on a regular duty as directed by the Mayor for an average of forty hours per week, provided, however, that they shall not be required to remain on regular duty for more than twelve consecutive hours, unless and except they are called upon by the Mayor to respond to an emergency.

(b) The Mayor shall have the power to appoint Police Civilian Clerks from time to time as they deem necessary for the proper functioning of the Municipality. These Police Clerks shall serve at the pleasure of the Mayor, and shall perform such clerical duties on behalf of the Municipality as may be assigned by the Mayor and the Chief of Police. ~~When any Police Civilian Clerk is called upon by the Mayor to serve for more than forty hours per week, such additional time in excess of forty hours is to be compensated for in the manner provided for in Section 151.07(b).~~

~~(c) The normal hourly rate of pay of a Police Civilian Clerk shall be calculated by dividing the annual salary of the Police Civilian Clerk by 2080.~~

~~(Ord. 2019-5. Passed 2-11-19.)~~

~~151.14 ADDITIONAL POLICE CLERKS.~~

~~—The Mayor shall have the power to appoint such additional part-time Police Clerks from time to time as he deems necessary for the proper functioning of the Municipality. These part-time Police Clerks shall serve at the pleasure of the Mayor.~~

~~(Ord. 2019-5. Passed 2-11-19.)~~

~~151.15 POLICE SURGEON.~~

~~—(a) The office of Police Surgeon is hereby established. It shall be the duty of such Surgeon to answer calls from the Department of Police regarding the physical condition of persons arrested and being held by the Department. It shall also be the duty of the Surgeon to~~

conduct physical examinations of such persons and to advise the Chief of Police, the Mayor or the senior officer on duty as to what actions should be taken in the matter of the health of any such persons.

~~—(b) The office of Police Surgeon shall be filled by a medical doctor admitted to the practice of medicine and surgery in the State. Such medical doctor shall serve at the pleasure of the Mayor.~~

(Ord. 2019-5. Passed 2-11-19.)

~~151.16 FEE FOR USE OF BAC VERIFIER.~~

~~—(a) A charge of fifteen dollars (\$15.00) shall be made to each municipality, firm, person or corporation on whose behalf a test is made on the BAC Verifier machine owned by the City. The charge shall accrue once the test is ordered and the machine prepared, whether or not the person being tested permits the test to be completed.~~

~~—(b) In addition, such municipality, firm, person or corporation shall reimburse the City for the compensation paid to an employee while testifying, advising or conferring in regard to a given test.~~

(Ord. 2019-5. Passed 2-11-19.)

~~151.17 RESIDENCY REQUIREMENTS.~~

~~—(a) Each person appointed as a full-time member of the Department of Police shall, within eighteen months of appointment, reside within twenty miles from the closest boundary of the City. He or she shall be required to maintain his or her residence within such twenty-mile area at all times while serving as a member of the Department.~~

~~—(b) Each person who is serving as a full-time member of the Department on the effective date of this section shall be required to reside within twenty miles from the closest boundary of the City limits and shall maintain his or her residence within such area at all times when serving in such capacity.~~

~~—(c) The failure of any person to comply with divisions (a) or (b) of this section shall constitute good cause for dismissal.~~

~~—(d) If at any time the State Legislature or a court of appropriate jurisdiction either eliminates residency as a requirement of employment, or if the limitation is extended beyond the current twenty-mile limitations, this City shall abide by the expansion or elimination of such residency requirement.~~

(Ord. 2019-5. Passed 2-11-19.)

~~151.18 FEE FOR INVESTIGATIVE HYPNOSIS.~~

~~—(a) A charge of twenty-five dollars (\$25.00) per hour shall be made to each municipality or person on whose behalf the service of investigative hypnosis is conducted by the City.~~

~~—(b) In addition, such municipality or person shall reimburse the City at the rate of twenty-five dollars (\$25.00) per hour for services rendered while testifying, advising or conferring in regard to the investigative hypnosis.~~

(Ord. 1983-9. Passed 2-28-83; Ord. 2019-5. Passed 2-11-19.)

~~151.19 FEE FOR USE OF CITY JAIL. (AMENDED AND RECODIFIED)~~

~~—(EDITOR'S NOTE: Section 151.19 was amended by Ordinance 1991-17, passed May 27, 1991, and recodified as part of the 1992 updating and revision of these Codified Ordinances. See Section 971.01 of the Streets, Utilities and Public Services Code.)~~

151.20 151.08 POLICE DEPARTMENT INVESTIGATION FUND.

(a) There is hereby established a Police Department Investigation Fund, as approved by the Auditor of State, Bureau of Inspection and Supervision of Public Offices, in accordance with R.C. § 5705.12.

(b) Such Fund shall be established in the amount of three thousand dollars (\$3,000) by transfer from the General Fund and may be reimbursed by the Director of Finance upon receipt of proof of expenditures charged to the Fund.

(c) All expenses incurred in the undercover investigation of violations shall be charged to such Fund.

(Ord. 2019-5. Passed 2-11-19.)

151.21 151.09 COMPENSATION OF AUXILIARY POLICE.

(a) There is created in the Division of Police a body to be known as the Auxiliary Police Unit, which shall have as its head the Chief of Police. The Chief shall prescribe rules and regulations for the organization, training, administration, control and conduct of the Auxiliary Police Unit. Auxiliary Police, when performing services for the City, ~~the Kids in the Commons, the Memorial Day Parade, Movie Nights and such other events as may deemed necessary by the Mayor or Police Chief shall may be compensated on an hourly basis at a rate of fifteen dollars (\$15.00) per hour, said at a rate to be determined from time to time by Council the Mayor.~~

(b) Members of the Auxiliary Police Unit are not eligible for membership in the police relief and pension fund under R.C. Chapter 742, nor shall they be in the classified service of the Municipality.

(c) Uniforms shall be prescribed and replaced as deemed necessary by the Chief of Police.

(Ord. 2019-5. Passed 2-11-19.)

~~151.22~~ 151.10 SAFETY FORCES CHAPLAIN.

(a) The Office of Safety Forces Chaplain is hereby established and it shall be the requirement of such person to perform the duties of Law Enforcement Chaplains generally. Said duties shall include but are not limited to the following:

(1) Assist in making notification to families of Department members who have been injured or killed;

(2) After family notification, will respond to the hospital when an officer has been injured or killed;

(3) Visit sick and injured personnel;

(4) Attend and participate, when requested, in the funerals of active or retired members of the Department;

(5) Be on call and, if at all possible, be on the streets during any major demonstration or any public function requiring the presence of a large number of Department personnel;

(6) Counsel with officers and other personnel having personal problems, at their request;

(7) Participate with in-service training classes for personnel;

(8) Be willing to enter into training courses to enhance his/her effectiveness;

(9) Attend Department graduation, promotion activities, award ceremonies, dinners, social events, etc. and offer invocations and benedictions;

(10) Represent the Department before official bodies and at public functions upon the request of the Chief;

(11) Be responsible for the organization and development of the spiritual organization in the Department;

(12) Respond to all major disasters such as bombings, collapse of buildings, explosions, multiple fire alarms, unusual industrial accidents, and similar situations;

(13) Be involved in public relations efforts;

(14) Provide liaison with other religious leaders in the community;

(15) When responding to the scene of death or injury, whether Departmental person or private citizens, the chaplain will notify the person's personal clergyperson as soon as possible;

(16) Will make referrals in cases where specialized attention is needed, or in those cases beyond the chaplain's ability to assist.

(b) The Office of Safety Forces Chaplain shall be filled by a licensed member of the clergy and such chaplain shall serve at the pleasure of the Mayor.

(Ord. 2019-5. Passed 2-11-19.)

~~151.23 EMERGENCY RESPONDER ALLOWANCE.~~

~~—Each non-aligned regular full-time member of the Police Department holding the position of Chief of Police and Assistant Chief of Police shall be entitled to emergency responder allowance in addition to their regular compensation. This compensation shall be paid as follows: six percent of the base annual salary; payable in two equal installments on the pay days closest to May 1 and November 1 of each calendar year. When an employee leaves the Department through retirement, resignation or termination, the emergency responder allowance shall be prorated and the amount paid but unearned shall be deducted from the employee's final paycheck.~~

(Ord. 2019-5. Passed 2-11-19.)

~~151.24 POLICE CHIEF SECRETARY/MATRON.~~

~~—Full-time position of Police Chief Secretary/Matron with prior part-time service as a dispatcher with the City shall be credited with one additional year of service for each three years of continuous service as a part-time dispatcher (continuous part-time service shall be prorated for partial years of service) for purposes of calculating longevity and vacation benefits.~~

(Ord. 2019-5. Passed 2-11-19.)

~~151.25~~ 151.11 LAW ENFORCEMENT TRAINING GRANT FUND.

(a) The Law Enforcement Training Grant Fund is hereby created to account for the Law Enforcement Training Grant funding received during 2015, and for any such funding received in subsequent years.

(b) The proceeds received from the Law Enforcement Training Grants program are designated by Ohio Administrative Code 109:2-18-04 to be used only to defray the cost of continuing professional training programs for law enforcement officers.

(c) The creation of the fund is mandated by Ohio Administrative Code 109:2-18-04, which requires that funds received through the Law Enforcement Training Grant program be accounted for separate and apart from other City funds.

(Ord. 2019-5. Passed 2-11-19.)

~~151.26~~ 151.12 ADMINISTRATIVE TOW FEE.

An administrative towing fee is established and the Department of Police is authorized to charge an administrative towing fee in the amount of twenty-five dollars (\$25.00) to the owner of any vehicle seeking release of the vehicle from impound. The administrative towing fee shall not be applicable in the event that the vehicle is not returned to or claimed by the owner and shall be in addition to any fee that is charged by any agency for a police ordered tow of a vehicle. The fee may be increased from time to time by the Director of Public Safety to reflect the actual increase in costs associated with processing the police ordered tow of a vehicle. The Director of Public Safety shall notify Council of such increases not less than thirty days prior to the effective date of the increase.

(Ord. 2019-15. Passed 4-22-19.)

CHAPTER 153
Department of Fire

EDITOR'S NOTE: The City enters into collective bargaining agreements with Local 1690, International Association of Firefighters, with respect to terms and conditions of employment of certain employees in the Department of Fire. Copies of the latest agreement may be obtained, at cost, from the Clerk of Council.

153.01 Personnel.

153.02 Fire Chief; Assistant Chief.

~~153.03 Overtime.~~

~~153.04 Volunteer firefighters.~~

~~153.05 Uniform allowances.~~

~~153.06 Hours required.~~

~~153.07 Insurance, vacations, holidays, longevity and jury duty.~~

~~153.08 Sick leave.~~

~~153.09~~ 153.03 Rules and regulations.

~~153.10~~ 153.04 Appointment, promotion and dismissal.

~~153.11~~ 153.05 Additional Clerks. ~~Firefighter residency requirements.~~

~~153.12 Utilization charges for emergency medical services.~~

~~153.13 Emergency responder allowance.~~

CROSS REFERENCES

Appointment of Chief - see CHTR. Art. IV, § 1

Civil service application - see CHTR. Art. IV, § 8

Suspension of Chief - see Ohio R.C. 124.34, 124.40

Department of Public Service employees as volunteer firemen - see ADM. 147.14

Collective negotiating procedure - see ADM. 149.04

Obstructing firemen - see GEN. OFF. 606.14

Assaulting a firefighter - see GEN. OFF. 606.29

Clean indoor air; enforcement by Fire Department - see GEN. OFF. 619.09

Personating an officer - see GEN. OFF. 642.20

False fire alarm - see GEN. OFF. 648.09

153.01 PERSONNEL.

(a) The Fire Department shall be composed of ~~the following regular members: one a Fire Chief, and a command structure that may include an one Assistant Chief, up to seven Lieutenants, and so many twenty-one~~ Firefighters as are deemed necessary by the Fire Chief and approved by the Mayor, and any interim or temporary appointments acting in the positions described above. There may also be volunteer firefighters ~~in a number not to exceed twenty-five as may be~~ from time to time duly designated and appointed by the Mayor.

(b) When a circumstance of unavailability or vacancy occurs in the office of Chief, Assistant Chief or Lieutenant, the Mayor may appoint from the regular members an Acting Chief, Assistant Chief or Lieutenant, pending promotional exams, and may also appoint a Firefighter in accordance with the provisions of the City Charter, and the rules and regulations of the Civil Service Commission.

(Ord. 1999-6. Passed 2-22-99; Ord. 2001-17. Passed 6-11-01; Ord. 2005-35. Passed 11-28-05; Ord. 2013-7. Passed 2-25-13; Ord. 2023-62. Passed 10-23-23.)

153.02 FIRE CHIEF; ASSISTANT CHIEF.

(a) The Fire Chief shall, under the direction of the Mayor, be the executive head of the Department of Fire. In ~~his~~ their absence from duty or incapacity the chief, or in ~~his~~ their absence the Mayor, shall have the authority to designate any full-time officer from the rank of Lieutenant or above in the Fire Department to serve as the acting Chief.

(Ord. 2012-35. Passed 8-6-12.)

(b) The Fire Chief shall be responsible for the prevention and control of the hazards of fire and the care and maintenance of all fire equipment and the buildings in which such equipment is housed. ~~He~~ They shall also supervise and direct the hours of work and the duties of all firemen. Members of the Department of Fire shall have all the powers and duties conferred by law upon firemen in a city under the Ohio Revised Code and such other powers, not inconsistent with the nature of their offices, as are conferred by ordinance of this Municipality from time to time.

(Ord. 1956-70. Passed 9-24-56.)

~~(c) The Fire Chief shall be entitled to the following employee benefits: uniform allowances, medical and life insurance coverage, vacations, holidays, longevity compensation, sick leave, emergency responder pay and college education pay as described in the employment contract entered into by the City and Local 1690 of the International Firefighters Association.~~

~~The Assistant Fire Chief shall receive the same fringe benefits, effective upon the same dates and in the same amounts, as provided to the position of Assistant Chief of Police (See Section 151.04(b)).~~

(Ord. 1994-48. Passed 10-11-94; Ord. 2000-16. Passed 4-10-00.)

~~(c)(d)~~ Effective January 1, 1985, when any vacancy in the office of Fire Chief occurs due to retirement, death termination, or any other circumstances provided in the Civil Service Rules, and a member of the Department is assigned the duty of "Acting Chief" on a temporary or interim basis, such member may be paid at the Chief's normal rate of pay for such duty during the interim time period until a new Chief is appointed.

(Ord. 1985-12. Passed 5-13-85; Ord. 2023-63. Passed 10-23-23.)

~~—(e)— Each non-aligned regular member of the Fire Department holding the position of Fire Chief or Assistant Fire Chief shall be entitled to emergency responder allowance in addition to his or her regular compensation. Such allowance shall be paid as follows: 6% of the base annual salary, payable in two equal installments, on the pay days closest to May 1 and November 1 of each calendar year. When an employee leaves the Department through retirement, resignation or termination, the emergency responder allowance shall be prorated and the amount paid but unearned shall be deducted from the employee's final paycheck.~~

(Ord. 2000-16. Passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2006-10. Passed 3-30-06.)

~~153.03 OVERTIME.~~

~~—All non-aligned regular members of the Fire Department, excluding the Fire Chief, shall be paid, in addition to their regular compensation, for the performance of overtime duties, as provided for in Section 179.07.~~

~~—(a)— When any member is assigned to the Fire Prevention Bureau and working 40 hours per week, compensation for overtime shall be calculated by multiplying his or her normal hourly rate of pay by 1.5 for the number of hours worked in the performance of such duties in excess of 40 hours for each calendar week.~~

~~—(b)— When a non-aligned regular fireman not on duty is called in for duty at a fire, he or she shall be compensated at his or her overtime rate for all hours worked on such call, but he or she shall not receive overtime pay for fewer than two hours for the call in.~~

(Ord. 1997-20. Passed 6-23-97; Ord. 2000-16. Passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2006-10. Passed 3-30-06.)

~~153.04 VOLUNTEER FIREFIGHTERS.~~

~~—(a) Volunteer firemen shall be obligated to respond to all emergency alarms whenever physically possible and perform such duties as directed by their superior officers not inconsistent with the responsibilities of the Department of Fire. Volunteer firemen shall attend such scheduled drills and meetings as established by the Fire Chief. Failure to attend eighty percent of such drills during any fiscal year shall be grounds for removal and dismissal from the rolls of volunteer firemen.~~

~~(Ord. 1956-70. Passed 9-24-56.)~~

~~—(b) (EDITOR'S NOTE: Division (b) of this section was repealed by Ordinance 1994-20, passed April 25, 1994.)~~

~~153.05 UNIFORM ALLOWANCES.~~

~~—(a) Each non-aligned regular full-time member of the Fire Department shall be entitled to a uniform allowance of one thousand five hundred dollars (\$1,500) yearly, payable in equal amounts of seven hundred and fifty dollars (\$750.00) on the pay closest to February 1 and August 1 of each year.~~

~~(Ord. 1997-20. Passed 6-23-97; Ord. 2000-16. Passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2006-10. Passed 3-30-06; Ord. 2013-7. Passed 2-25-13.)~~

~~—(b) (EDITOR'S NOTE: Division (b) of this section was repealed by Ordinance 1994-20, passed April 25, 1994.)~~

~~153.06~~ 153.03 HOURS REQUIRED.

The Fire Chief and Assistant Fire Chief and members assigned to the Fire Prevention Bureau shall serve forty hours per week as directed by the Mayor. The other regular members of the Fire Department shall serve on regular duty as directed by the Mayor for an average of forty-eight hours per week.

(Ord. 1991-28. Passed 8-12-91; Ord. 2013-7. Passed 2-25-13.)

~~153.07 INSURANCE, VACATIONS, HOLIDAYS, LONGEVITY AND JURY DUTY.~~

~~—(a) Insurance-Medical. Each non-aligned regular and civilian employee of the Fire Department shall, after one month of such full-time service, be entitled to health insurance provided by the City. Health benefit plan design, coverage options and employee cost of participation shall be determined annually and such conditions to be outlined in a Health Benefit Summary document to be provided to employee at the inception of each benefit year.~~

~~—(b) Insurance Group Life. Each non-aligned full-time regular and civilian employee shall, after one year of such full-time service, be entitled to fully paid group life insurance in the amount of twenty-five thousand dollars (\$25,000).~~

~~—(c) Vacations. Each nonaligned regular and civilian full-time member of the Fire Department shall be entitled to the following annual vacation benefits, based on the length of continuous employment: two weeks of vacation with pay at the end of one year of full-time active duty; three weeks of vacation with pay at the end of five years of full-time active duty; four weeks of vacation with pay at the end of ten years of full-time active duty; five weeks of vacation with pay at the end of seventeen years of full-time active and six weeks of vacation with pay after twenty-four years full-time active duty. Vacation shall be earned as of January 1 of each year and shall be taken by the employee in the calendar year in which it is earned, provided, however, that when an employee has an anniversary of employment in a calendar year which would entitle the employee to receive an additional increment of vacation, the employee shall be entitled to observe the additional increment of vacation in the twelve-month period measured from the anniversary. Vacation shall not be accrued from year to year or payment made in lieu thereof, except by special arrangement with the Director of Public Service, provided, however, that any full-time member of the Fire Department who has concluded twenty-one continuous years of service, may, at his or her option, bank not more than three weeks per year, up to a maximum of nine weeks. Such employee may receive cash payment for such banked vacation one time, either at retirement or before, but may not thereafter bank additional hours after the nine weeks have been utilized. In lieu of banking vacation time, an employee may turn-in for annual payment not more than three weeks per year, up to a maximum amount of nine weeks. The Finance Department must be notified of this intent not later than November 1 of the calendar year in which payment is requested. Said payment shall be made on the last pay of the calendar year in which payment is requested.~~

~~—Vacation or payment in lieu of accrued vacation shall be granted to an employee after his or her retirement or termination of employment, unless such termination of employment is made for cause, in which event no such vacation or payment in lieu thereof shall be allowed.~~

~~—Payment in lieu of vacation shall be calculated at the employee's normal rate of pay.~~

~~—(d) Holidays. Each nonaligned regular and civilian full-time employee of the Fire Department shall be entitled to twelve paid holidays. The City, in response to certain reductions in the workweek hours for the City firefighters, does hereby agree to grant each non-aligned regular and civilian employee of the Fire Department one additional holiday for the year 2000. Commencing January 1, 2001, each non-aligned regular and civilian full-time employee of the Fire Department shall be entitled to fifteen paid holidays.~~

~~—(e) Longevity Pay. Additional compensation for continuous, full-time employment, which shall be entitled "longevity pay", shall be paid for each calendar year at the first pay period in December of that calendar year. The rate of longevity pay to which an employee shall be entitled in any calendar year shall be computed in accordance with the following schedule:~~

Years of Continuous, Full-Time Employment Completed as of the Anniversary Date of Employment	Rate of Longevity Pay Per Month
0-4	\$-0-
5	20.83
10	41.66
15	62.50
20	83.33
25	104.16
30	125.00

~~The amount of longevity pay to which an employee is entitled in a calendar year shall be computed by multiplying the number of months in such calendar year preceding and subsequent to his or her anniversary date of employment in that year by the applicable rate or rates of monthly longevity pay based upon the number of full years of continuous, full-time employment completed in that year as determined in accordance with the above schedule.~~

~~In each calendar year, the anniversary date of employment shall be the first day of the month in which the employee commenced his or her continuous, full-time employment with the City. In calculating the length of an employee's continuous employment, full-time service in all departments of the City shall be included.~~

~~(f) Jury Duty Compensation. Each non-aligned regular and civilian full-time employee of the Fire Department shall, if called for jury duty, receive their regular compensation during the time spent in the capacity as jurors less the amount paid them by the court for such duty as jurors.~~

~~(Ord. 1997-20. Passed 6-23-97; Ord. 2000-16. Passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2001-28. Passed 9-10-01; Ord. 2006-10. Passed 3-30-06; Ord. 2013-7. Passed 2-25-13.)~~

~~153.08 SICK LEAVE.~~

~~(a) Each non-aligned regular and civilian full-time employee of the Fire Department shall be entitled to 4.6 hours of sick leave for every eighty hours of regularly scheduled employment. Fire Department personnel normally employed on a forty-hour per week schedule shall be entitled to accrue sick leave not to exceed 1,750 hours. Employees working thirty-five hours per week shall be entitled to accrue sick leave not to exceed 1,531 hours.~~

~~—(b) Absences due to service connected injury will not be charged against an employee's accumulated sick leave so long as it does not exceed the employee's attending physician's and/or the Police Surgeon's prognosis as to the employee's ability to return to employment. Once an employee has returned to assume normal duties, following an absence due to a service connected injury, subsequent absences, alleged as being due to a service connected injury, will be charged against the employee's accumulated sick leave, unless excused by the certification of the employee's attending physician's and/or the Police Surgeon. In the case of disagreement between physicians, the certification of a third physician will be required.~~

~~—(c) An employee may use a portion of his or her accumulated sick leave for funeral arrangements and services for his or her spouse, child, parents, mother-in-law, father-in-law, grandparents, grandparents-in-law, sister, brother, sister-in-law, brother-in-law, grandchildren, step-parent, step-sister, step-brother, aunt, uncle, cousin, niece and nephew. Funeral leave so utilized shall not be charged so as to reduce the employee's sick leave incentive.~~

~~—(d) At the time of retirement from active duty with the City or death of the employee, the employee, or the employee's estate, will be paid in cash for sixty percent of the value of his or her accrued, but unused, sick leave credit. Such payment shall be based on the employee's rate of pay at time of retirement or death. Retirement shall be as defined in Police and Fire Pension Fund or Ohio Public Employee Retirement System regulations. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The maximum payment which may be made shall be sixty percent of 1,200 hours for a forty hour per work week employee and sixty percent of 1,050 hours for a thirty-five hour work week employee. The formula for computation shall be:~~

~~—(1) In the case of employees working 40 hours per week:~~

~~— annual rate x (accumulated hours x 60%)~~

~~— 2,080~~

~~—(2) In the case of employees working 35 hours per week:~~

~~— annual rate x (accumulated hours x 60%)~~

~~— 1,820~~

~~NOTE: Annual rate of pay used in above unused sick time payment calculations is based on the total of the base salary and longevity pay only.~~

~~—(e) For Fire Department personnel, the following sick leave conservation incentive table shall prevail:~~

~~—(1) In the case of employees working forty hours per week:~~

~~Unused Sick Leave Days Incentive Payment Hours~~

120	30
112	28
104	26
96	24
88	22
80	20
72	18
64	16
56	14
48	12
40	10
Less than 40	-0-

-

~~— (2) In the case of employees working 35 hours per week:~~

Unused Sick Leave Days	Incentive Payment Hours
105	30
98	28
91	26
84	24
77	22
70	20
63	18
56	16
49	14
42	12
35	10
Less than 35	-0-

-

~~— (f) For payment purposes, the equivalent hourly rate to be paid will be that hourly rate in effect as of December 31, in the year in which the sick leave days are accumulated. Payment is to be concurrent with the second payroll in February following the year in which sick leave days were accumulated. Such incentive payment will in no way diminish an employee's sick leave accumulation.~~

~~—(g) The incentive for conservation of annual sick leave shall be prorated and paid for the year in which separation, by death or retirement, of an employee of the Fire Department shall occur.~~

~~(Ord. 1997-20. Passed 6-23-97; Ord. 2000-16. Passed 4-10-00; Ord. 2000-53. Passed 11-27-00; Ord. 2006-10. Passed 3-30-06; Ord. 2013-7. Passed 2-25-13.)~~

~~153.09~~ 153.04 RULES AND REGULATIONS.

The Mayor shall promulgate such rules and regulations from time to time as are necessary to maintain a high degree of efficiency and discipline within the Department of Fire. Existing rules and regulations in force at the present time shall remain in existence until amended or revoked by the Mayor.

~~(Ord. 1955-83. Passed 10-17-55.)~~

~~153.10~~ 153.05 APPOINTMENT, PROMOTION AND DISMISSAL.

The appointment, promotion, suspension or dismissal of members to or from the Department of Fire shall be in accordance with the provisions of the City Charter, the rules and regulations of the Parma Heights Civil Service Commission and other applicable laws ~~the Ohio Revised Code.~~

~~(Ord. 1962-52. Passed 7-30-62.)~~

~~153.11~~ 153.06 ADDITIONAL CLERKS. FIREFIGHTER RESIDENCY REQUIREMENTS.

The Mayor shall have the power to appoint civilian clerical employees from time to time as they deem necessary for the proper functioning of the Municipality. These civilian clerical employees shall serve at the pleasure of the Mayor.

~~—(a) Each person appointed as a full-time member of the Department of Fire shall, within eighteen months of appointment, reside within twenty miles from the closest boundary of the City. He or she shall be required to maintain his or her residence within such twenty-mile area at all times while serving as a member of the Department.~~

~~—(b) If at any time the State Legislature or a court of appropriate jurisdiction either eliminates residency as a requirement of employment, or if the limitation is extended beyond the current twenty-mile limitations, this City shall abide by the expansion or elimination of such residency requirement.~~

~~—(c) The failure of any person to comply with divisions (a) or (b) of this section shall constitute good cause for dismissal.~~

~~(Ord. 1988-39. Passed 11-28-88; Ord. 2000-29. Passed 6-12-01; Ord. 2001-30. Passed 9-10-01; Ord. 2013-7. Passed 2-25-13.)~~

~~153.12 UTILIZATION CHARGES FOR EMERGENCY MEDICAL SERVICES.~~

~~—(a) The Council hereby adopts as utilization charges the following rates:~~

~~—(1) Basic Life Support \$550.00 \$650.00~~

~~—(2) Advanced Life Support 1 \$750.00~~

~~—(3) Advanced Life Support 2 \$950.00 \$1,050.00~~

~~—(4) With a mileage fee of \$15.00 \$16.00 per mile when transporting.~~

~~—(b) The Mayor and the Director of Finance are hereby authorized and directed to establish a billing procedure consistent with the rates identified in division (a) of this section for the services provided, and to perform collection of such billings or to engage an agency to perform such collection services for a reasonable fee which shall be negotiated from time to time by the Mayor.~~

~~—(c) It is the policy of this Council that the procedures for billing shall include the waiver of such billings where it is determined that the person receiving the emergency services is indigent or is otherwise unable to pay for such services, and there is no other source for the payment thereof.~~

~~—(d) The funds collected pursuant to the provisions hereof shall be deposited into one or more funds established by Council for the purposes of the acquisition of medical services vehicles, equipment, Fire Department equipment, the upgrading and/or replacement of the current Fire and Police Department building and facilities, the payment of the cost of financing thereof, and any cost incurred in the collection of such fees. All interest earned on the monies to the credit of such funds shall be credited to the same fund.~~

~~(Ord. 2002-14. Passed 4-22-02; Ord. 2022-3. Passed 3-14-22.)~~

~~153.13 EMERGENCY RESPONDER ALLOWANCE.~~

~~—Each non-aligned regular member of the Fire Department holding the position of Fire Chief or Assistant Fire Chief shall be entitled to emergency responder allowance in addition to their regular compensation. This compensation shall be paid as follows: 6% of the base annual salary, payable in two equal installments on the pay days closest to May 1 and November 1 each calendar year. When an employee leaves the department through retirement, resignation, or termination, the emergency responder allowance shall be prorated and the amount paid but unearned shall be deducted from the employee's final paycheck.~~

~~(Ord. 2006-10. Passed 3-30-06.)~~

CHAPTER 155

Department of Recreation

155.01 Duties of Department.

155.02 Personnel.

155.03 Duties of Service Department.

155.04 Leaving public properties when so ordered.

155.05 Rules, regulations and charges.

155.06 Criminal background checks of coaches, assistants and supervisors; disqualification.

155.99 Penalty.

CROSS REFERENCES

Appointment of Director - see CHTR. Art. IV, § 6

Parks and playgrounds - see S. & P.S. Ch. 961

Municipal swimming pool - see S. & P.S. Ch. 969

155.01 DUTIES OF DEPARTMENT.

The Department of Recreation shall have the duty and obligation of operating the recreational activities, functions and programs which are now or may hereafter be performed or carried on by the Municipality. Council may, from time to time, designate additional activities, functions or programs for operation by the Department, but the Department shall immediately take charge of operating and carrying on all recreational activities, functions or programs in connection with the swimming pool, baseball, including both hardball and softball, tennis, ~~ice skating~~ soccer, pickleball, competitive swim, and any other activities, functions or programs which are scheduled within the parks or recreation areas owned or controlled by the Municipality.

(Ord. 1958-36. Passed 5-26-58.)

155.02 PERSONNEL.

The Department of Recreation shall be composed of the following employees:

(a) Director of Recreation. The Director shall be appointed by and serve at the pleasure of the Mayor. The Director shall have control, supervision and direction of the Department of Recreation and all of its employees. Any order issued by the Director shall be binding upon the employees of the Department.

(b) Pool Manager. Deputy Director of Recreation for Swimming and Ice Skating. The Pool Manager Deputy Director shall assist the Director of Recreation in the performance of their duties and shall, subject to the control and supervision of the Director, be in charge of and operate any swimming pools and ice skating rinks owned or controlled by the City. They He shall, in addition, have control and be in charge of all personnel employed at such facilities.

(c) ~~(1)~~ Assistant Director of Recreation. Manager. The Assistant Director of Recreation Manager shall assist the ~~Deputy~~ Director of Recreation for Swimming and Ice Skating in operating any recreational programming swimming pools and ice skating rinks owned or controlled by the City. Additionally, the Assistant Director of Recreation shall perform such duties as are assigned by the Director of Recreation. He shall, in addition, have control and be in charge of guards employed at such facilities.

(d) ~~(2)~~ Athletics Coordinator. The Athletics Coordinator shall assist the Director of Recreation in the performance of their duties and shall be in charge of all upkeep and maintenance of all recreation facilities. The Athletics Coordinator shall also organize and run all athletic programs, subject to the supervision of the Director of Recreation. ~~Cashier.~~ The cashier shall be employed at the swimming pools or ice skating rinks of the City and shall perform the duties and functions designated by the Deputy Director of Recreation for Swimming and Ice Skating.

(e) ~~(3)~~ Part-Time Employees. In addition to those positions listed in this section, the Director of Recreation may hire part-time or seasonal employees when deemed necessary for the efficient and effective operation of the Recreation Department. ~~Guard.~~ The guard shall be employed at the swimming pools or ice skating rinks of the City and shall perform the duties and functions designated by the Deputy Director of Recreation for Swimming and Ice Skating.

~~(4)~~ Checker. The checker shall be employed at the swimming pools or ice skating rinks of the City and shall perform the duties and functions designated by the Deputy Director of Recreation for Swimming and Ice Skating.

~~(5)~~ Professional ice skating instructor. The instructor shall perform the duties of ice skating instructor as designated by the Deputy Director of Recreation for Swimming and Ice Skating.

~~(c)~~ Deputy Director of Recreation for Hockey. The Deputy Director shall assist the Director of Recreation and shall, subject to the control and direction of the Director of Recreation, be in charge of all hockey programs operated by the City.

~~(f)(d)~~ Senior Center Administrator. Deputy Director of Recreation for Senior Citizens Activities. The Senior Center Administrator Deputy Director shall assist the Director of Recreation and shall, subject to the control and supervision of the Mayor Director of Recreation, have the duty and responsibility of developing, planning, coordinating, supervising, and operating recreational activities, functions, and programs for the senior citizens of the City and such other duties and responsibilities in relation to the senior citizens of the City as the Mayor ~~or the Director of Recreation~~ may from time to time direct.

~~(e) Deputy Director of Recreation for the Cultural Center. The Deputy Director shall assist the Director of Recreation in the performance of his duties and shall, subject to the control and supervision of the Director, be in charge of and operate the Cultural Center. He shall, in addition, have control and be in charge of all scheduling, productions and other activities to be held at the Cultural Center. The Deputy Director of Recreation for the Cultural Center shall also be in charge of all personnel employed at the Cultural Center.~~

~~—(1) Secretary. The secretary shall assist the Deputy Director of Recreation for the Cultural Center in the operation of all phases of the Cultural Center.~~

~~(2) Instructor. The instructor shall assist the Deputy Director of Recreation for the Cultural Center in the instruction of arts and crafts.~~

~~—(3) Technician. The technician shall assist the Deputy Director of Recreation for the Cultural Center in the operation of all stage equipment owned by the City.~~

~~—(4) Stage helper. The stage helper shall assist the Deputy Director for the Cultural Center in the operation of any equipment necessary for theater operation.~~

~~—(f) Recreation Maintenance Supervisor. The Recreation Maintenance Supervisor shall assist the Deputy Director of Recreation for Swimming and Ice Skating and the Deputy Director of Recreation for the Cultural Center in the performance of their duties and shall be in charge of all upkeep and maintenance of all recreation facilities.~~

~~(g) (1) Recreation Maintenance Foreman. The Recreation Maintenance Foreman shall assist the Recreation Maintenance Supervisor in carrying out his their duties, and any duties assigned by the Director of Recreation.~~

~~—(g) Deputy Director of Recreation for Baseball. The Deputy Director shall assist the Director of Recreation in the performance of their his duties and shall, subject to the control and direction of the Director, establish the schedule for the organized baseball diamonds which are established on property owned or controlled by the City.~~

~~—(1) Supervisor of Umpires. The Supervisor shall assist the Deputy Director of Recreation for Baseball in obtaining, training and assigning umpires for all baseball games scheduled by the Director of Recreation of the City.~~

~~—(2) Assistant Supervisor of Umpires. The Assistant Supervisor shall assist the Deputy Director of Recreation for Baseball in obtaining, training and assigning umpires for all baseball games scheduled by the Director of Recreation of the City.~~

~~—(3) League Supervisor. The League Supervisor shall assist the Deputy Director of Recreation for Baseball and shall, subject to the control and direction of the Director of Recreation, establish, control and direct the operations of the organized baseball league of the City.~~

~~—(4) Statistician. The statistician shall assist the Deputy Director of Recreation for Baseball in keeping accurate detailed records of all the games played, team records and any other records required in the baseball program and the publication of all information relating to the baseball program.~~

~~—(5) Umpire. The Umpire shall perform duties in umpiring and controlling scheduled baseball games subject to the control and direction of the Deputy Director of Recreation for Baseball.~~

~~(h) Deputy Director of Recreation for Tennis. The Deputy Director shall assist the Director of Recreation in the performance of his duties and shall, subject to the control and under the direction of the Director of Recreation, be in charge of and operate any tennis courts owned by and controlled by the City, and any programs of instruction, competition or tournaments conducted at, or in connection with, the tennis courts.~~

~~(1) Instructor. The instructor shall perform the duties as designated by the Deputy Director of Recreation for Tennis.~~

~~(2) Attendant. The attendant shall perform the duties as designated by the Deputy Director of Recreation for Tennis.~~

~~(i) Deputy Director of Recreation for Golf. The Deputy Director shall assist the Director of Recreation in the performance of his duties and shall, subject to the control and direction of the Director, establish the schedule, rules and regulations, and supervise the operation of golf courses owned and operated by the City.~~

~~—(1) Instructor. The instructor shall perform the duties as designated by the Deputy Director of Recreation for Golf.~~

~~—(2) Attendant. The attendant shall perform the duties as designated by the Deputy Director of Recreation for Golf.~~

~~—(j) Deputy Director of Recreation for Basketball. The Deputy Director shall assist the Director of Recreation in the performance of his duties and shall, subject to the control and direction of the Director, be in charge of and operate any and all basketball courts and basketball programs owned and controlled by the City.~~

~~—(1) Instructor. The instructor shall perform the duties as designated by the Deputy Director of Recreation for Basketball.~~

~~—(k) Deputy Director of Recreation for Flag Football. The Deputy Director shall assist the Director of Recreation in the performance of his duties and shall, subject to the control and direction of the Director, be in charge of and operate any and all football fields and football programs owned and controlled by the City.~~

~~—(l) Deputy Director of Recreation for Playgrounds. The Deputy Director shall assist the Director of Recreation in the performance of his duties and shall, subject to the control and direction of the Director, be in charge of and operate any and all playgrounds and playground activities owned and controlled by the City.~~

~~(1) Playground supervisor. The playground supervisor shall perform the duties as designated by the Deputy Director of Recreation for Playgrounds.~~

~~—(2) Instructor. The instructor shall perform the duties as designated by the Deputy Director of Recreation for Playgrounds.~~

(Ord. 1974-103. Passed 11-25-74.)

155.03 DUTIES OF SERVICE DEPARTMENT.

The Director of Public Service and the Department of Public Service shall be responsible for extraordinary maintenance, repair, construction or rebuilding of any facilities controlled or operated by the Department of Recreation. It shall be the duty of the Director of Recreation to advise the Director of Public Service, in writing, of any repairs, extraordinary maintenance, construction or rebuilding which the Director of Recreation desires the Department of Public Service to perform.

On receipt of such written advice, the Director of Public Service shall investigate to determine that such extraordinary maintenance, repair, construction or rebuilding is within the scope of the duties placed upon his Department by this chapter and that ~~their~~ ~~his~~ Department is capable of performing the requested service. If ~~their~~ ~~his~~ determination is affirmative, ~~they~~ ~~he~~ shall cause the requested extraordinary maintenance, repair, construction or rebuilding to be performed. If ~~their~~ ~~his~~ determination is negative, ~~they~~ ~~he~~ shall advise the Director of Recreation in writing of ~~their~~ ~~his~~ determination and the reasons therefor.

(Ord. 1958-36. Passed 5-26-58.)

155.04 LEAVING PUBLIC PROPERTIES WHEN SO ORDERED.

No person shall refuse to leave lands which are owned or controlled by the Municipality and designated for use for recreational purposes, parking areas, or driveways incident thereto, when ordered to leave such lands by an employee of the Department of Recreation, the Department of Police, or the Department of Fire.

(Ord. 1962-49. Passed 7-30-62.)

155.05 RULES, REGULATIONS AND CHARGES.

The Director of Recreation, with the approval of the Mayor, is hereby authorized to establish, amend, revise, and rescind rules, regulations and charges for the use of the recreational facilities of the City. Such rules and regulations shall be such as will promote the orderly and equitable use of the facilities, protect the health and safety of persons using the facilities and spectators thereat and provide for the protection, preservation and prevention of the misuse or damage of City property. The charges shall be such as will defray a reasonable part of the expense of operation and maintenance of the recreational facilities without imposing such a burden as would forestall the full and equitable use of the facilities, and they shall be restricted to the use of those facilities with respect to which it is feasible to collect charges.

Such rules, regulations and charges shall not conflict with the ordinances and laws relating thereto and shall be superseded in pertinent respect by any ordinance or resolution hereafter adopted by Council with which they may conflict. Such rules and regulations shall be posted in a sufficient number of locations to apprise the ordinarily observant person of their existence. When so posted, they shall have the effect of law.

(Ord. 1960-59. Passed 6-27-60.)

155.06 CRIMINAL BACKGROUND CHECKS OF COACHES, ASSISTANTS AND SUPERVISORS; DISQUALIFICATION.

(a) The Director of Recreation or Director of Human Resources is hereby directed to perform or cause to be performed criminal background checks as lawfully permitted upon all individuals who are to be ~~coaches, assistants, or other supervisors~~ volunteers or paid personnel for all recreational programs which involve minor children. ~~This requirement shall apply regardless of whether the individuals involved are volunteers or paid personnel.~~

(b) The Director of Recreation or Director of Human Resources shall ~~utilize~~ provide an the Application Form ~~as set forth in this section~~ in the selection of any coach, assistant, or other supervisor for any recreational programming which involves minor children, regardless of whether these individuals are volunteers or otherwise. Release of any information contained in the application form and information contained in any background check shall be governed by the provisions contained in Ohio R.C. 149.43, as the same may be amended from time to time.

(c) The Director of Recreation or Director of Human Resources shall utilize the following guidelines to determine whether an individual is qualified to participate as a coach, assistant, or supervisor for the activities described in this section:

Ohio R.C. Chapter 2903: Homicide and Assault:

Ohio R.C. 2903.01 Aggravated Murder

Ohio R.C. 2903.02 Murder

Ohio R.C. 2903.03 Voluntary Manslaughter

Ohio R.C. 2903.04 Involuntary Manslaughter

Ohio R.C. 2903.041 Reckless Homicide

Ohio R.C. 2903 05 Negligent Assault

Ohio R.C. 2903.06 Aggravated Vehicular Homicide

Ohio R.C. 2903.08 Aggravated Vehicular Assault

Ohio R.C. 2903.09 Unlawful Termination of Another's Pregnancy

- Ohio R.C. 2903.11 Felonious Assault
- Ohio R.C. 2903.12 Aggravated Assault
- Ohio R.C. 2903.13 Assault
- Ohio R.C. 2903.14 Negligent Assault
- Ohio R.C. 2903.15 Permitting Child Abuse
- Ohio R.C. 2903.16 Failing to Provide for functionally Impaired Person
- Ohio R.C. 2903.21 Aggravated Menacing
- Ohio R.C. 2903.211 Menacing by Stalking
- Ohio R.C. 2903.214 Protection Orders
- Ohio R.C. 2903.22 Menacing
- Ohio R.C. 2903.31 Hazing; Recklessly Participating or Permitting
- Ohio R.C. 2903.34 Patient Abuse Neglect; Spiritual Treatment
- Ohio R.C. 2903.35 False Statements
- Ohio R.C. 2903.36 Retaliation Against Person Reporting Patient Abuse or Neglect

Ohio R.C. Chapter 2905: Kidnapping and Extortion

- Ohio R.C. 2905.01 Kidnapping
- Ohio R.C. 2905.02 Abduction
- Ohio R.C. 2905.03 Unlawful Restraint
- Ohio R.C. 2905.05 Criminal child enticement

Ohio R.C. Chapter 2907: Sex Offenses:

- Ohio R.C. 2907.02 Rape
- Ohio R.C. 2907.03 Sexual Battery
- Ohio R.C. 2907.04 Unlawful Sexual Conduct with a Minor
- Ohio R.C. 2907.05 Gross Sexual Imposition
- Ohio R.C. 2907.06 Sexual Imposition
- Ohio R.C. 2907.07 Importuning
- Ohio R.C. 2907.08 Voyeurism
- Ohio R.C. 2907.09 Public Indecency

- Ohio R.C. 2907.21 Compelling Prostitution
- Ohio R.C. 2907.22 Promoting Prostitution
- Ohio R.C. 2907.23 Procuring Prostitution
- Ohio R.C. 2907.24 Soliciting; Solicitation After Positive HIV Test
- Ohio R.C. 2907.241 Loitering to Engage in Solicitation; Loitering to Engage in Solicitation After Positive HIV Test
- Ohio R.C. 2907.25 Prostitution; Prostitution after Positive HIV Test
- Ohio R.C. 2907.31 Disseminating Matter Harmful to Juveniles
- Ohio R.C. 2907.311 Displaying Matter Harmful to Juveniles
- Ohio R.C. 2907.32 Pandering Obscenity
- Ohio R.C. 2907.321 Pandering Obscenity Involving a Minor
- Ohio R.C. 2907.322 Pandering Sexual Oriented Matter Involving a Minor
- Ohio R.C. 2907.323 Illegal Use of a Minor in Nudity-Oriented Material or Performance
- Ohio R.C. 2907.33 Deception to Obtain Matter Harmful to Juveniles
- Ohio R.C. 2907.34 Compelling Acceptance of Objectionable Materials

(1) An individual is automatically disqualified from coaching, assisting, or supervising if he or she has been convicted of or found guilty of any felony level sex offense contained within Ohio R.C. Chapter 2907 if that conviction occurred within the past ten years.

(2) An individual is automatically disqualified from coaching, assisting, or supervising if he or she has been convicted of or found guilty of any felony contained within Ohio R.C. Chapter 2903 if that conviction occurred within the past ten years.

(3) An individual is automatically disqualified from coaching, assisting, or supervising if he or she has been convicted of or found guilty of domestic violence as defined in Ohio R.C. 2919.25(A) and (B) within the past ten years.

(d) Any crimes not listed above will be evaluated at the discretion of the Director of Recreation.

(e) The applicant will have the right to appeal the decision of the Director of Recreation ~~Director~~. All appeals will be decided upon by the Mayor. The Mayor's decision shall be final.

(Ord. 2005-36. Passed 11-28-05.)

155.99 PENALTY.

Whoever violates Section 155.04 or any of the rules and regulations established pursuant to Section 155.05 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 thirty days, or both. Each refusal to leave such lands in response to an order shall be deemed a separate violation.

CHAPTER 157

Department of Public Information and Public Relations (~~REPEALED~~)

~~157.01 Director; appointment.~~

~~157.02 Duties of Director.~~

~~157.03 Compensation of Director.~~

~~—CROSS REFERENCE~~

~~—Power to create— see CHTR. Art. IV, § 1~~

~~157.01 DIRECTOR; APPOINTMENT.~~

~~—There is hereby established the position of Director of Public Information and Public Relations, who shall be appointed by the Mayor with the concurrence of a majority of Council.~~

~~{Ord. 1971-19. Passed 3-22-71.}~~

~~157.02 DUTIES OF DIRECTOR.~~

~~—The Director of Public Information and Public Relations shall assist the Mayor, Council and department heads in keeping the citizens of the City informed on the operations of the City's government and on the issues and problems facing the City. It shall also be the function of the Director to design and coordinate efforts to promote the good reputation of the City and such other functions and responsibilities as the Mayor and the President of Council shall from time to time request.~~

~~{Ord. 1971-19. Passed 3-22-71.}~~

~~157.03 COMPENSATION OF DIRECTOR.~~

~~—The Director of Public Information and Public Relations shall serve without compensation.~~

~~{Ord. 1971-19. Passed 3-22-71.}~~

CHAPTER 158

Director of Human ~~Services~~ Resources

158.01 Position of Director of Human ~~Services~~ Resources established; powers and duties.

158.01 POSITION OF DIRECTOR OF HUMAN ~~SERVICES~~ RESOURCES ESTABLISHED;
POWERS AND DUTIES.

(a) The position of Director of Human ~~Services~~ Resources is hereby established, and shall be appointed by the Mayor. The compensation of the Director of Human Resources shall be determined from time to time by Council.

(b) The Director of Human ~~Services~~ Resources shall develop and implement Safety and Risk Management Programs. The Director of Human Resources shall manage, supervise, and be responsible for the policies and procedures throughout all departments of the City. They shall also manage and supervise all labor relations with City employees and shall set the standards of employment. He or she shall be the City's Mayor's Court Probation Officer. He or she shall secure and manage grants for the City and interact with various political subdivisions, including but not limited to the County of Cuyahoga and Regional and Federal authorities in order to effectuate a grant program.

~~—(c) The compensation of the Director of Human Services shall be determined from time to time by Council.~~

~~—(d) The Director of Human Resources shall be appointed by the Mayor and serve at the pleasure of the Mayor.~~

(Ord. 2001-3. Passed 2-12-01; Ord. 2001-16. Passed 6-11-01.)

CHAPTER 159
Municipal Engineer

159.01 Creation; duties; compensation.

CROSS REFERENCES

Civil engineer - see Ohio R. C. 733.80

General duties - see Ohio R.C. 735.32

159.01 CREATION; DUTIES; COMPENSATION.

There is hereby created within the Municipality the position of Municipal Engineer, who shall perform such duties and receive such compensation as are specified by ordinance of Council.

The City may utilize the services of another public or private entity to perform the duties of the Municipal Engineer at the direction of the Mayor.

(Ord. 1958-10. Passed 3-24-58.)

CHAPTER 163

Boards and Commissions Generally

163.01 Election of chairmen.

163.02 Annual elections.

163.03 Eligibility.

163.04 Presiding officer; ~~sergeant-at-arms~~.

CROSS REFERENCES

General provisions - see CHTR. Art. IV, § 1

Civil Service Commission - see CHTR. Art. IV, § 8

Planning Commission - see CHTR. Art. IV, § 9; P. & Z. 1101.01 et seq.

Board of Zoning Appeals - see CHTR. Art. IV, § 10; P. & Z. 1139.01 et seq.

Building Commission - see CHTR. Art. IV, § 11; BLDG. 1321.01 et seq.

Recreation Commission - see CHTR. Art. IV, § 12; ADM. 169.01

Board of Tax Appeals - see CHTR. Art. IV, § 13; ADM. 193.05 et seq.

163.01 ELECTION OF CHAIRMEN.

All boards and commissions created by the City Charter and acting within and for the Municipality by virtue of the City Charter shall elect a chairman. ~~He~~ They shall be directly responsible to the Mayor and Council during the period of ~~his~~ their chairmanship for the proper conduct of the committee, the prompt consideration and disposition of its business and for periodic reports of the same to the Mayor and Council if and when they request reports.

(Ord. 1955-13. Passed 3-21-55.)

163.02 ANNUAL ELECTIONS.

All of the boards and commissions shall conduct elections to choose a chairman annually at the first meeting of the board or commission which is held in every calendar year.

(Ord. 1955-13. Passed 3-21-55.)

163.03 ELIGIBILITY.

Any member of the board or commission is eligible to be elected chairman. Nothing in this chapter shall be construed as being prohibitive of a member being elected to succeed himself as chairman, and all chairmen shall remain chairmen until a successor is elected to succeed them.

(Ord. 1955-13. Passed 3-21-55.)

163.04 PRESIDING OFFICER; ~~SERGEANT-AT-ARMS.~~

(a) The President of Council, the chairman of any board or commission or the Mayor, at any regular meeting of the body which ~~he~~ they heads or at any special meeting called by any such persons concerning matters pertaining to the City and its duties and obligations, shall be the presiding officer of such meeting.

(b) The presiding officer shall call such meeting to order at the hour appointed and shall proceed with the order of business. ~~He~~ They shall preserve order and decorum, prevent personalities from entering into the discussions and confine the discussion to the questions and problems under consideration.

~~—(c) The presiding officer shall appoint a Sergeant-at-Arms who, under his their direction, shall preserve order and decorum and shall, at the request of the presiding officer, eject from such meeting any person interfering with the orderly conduct thereof. The Sergeant-at-Arms shall be a police officer assigned by the officer in charge of the shift during which such meeting is being conducted.~~

(Ord. 1963-31. Passed 4-15-63.)

CHAPTER 165
Civil Service Commission

~~165.01 Secretary.~~

CROSS REFERENCE

Civil Service Commission - see CHTR. Art. IV, § 8

~~165.01 SECRETARY.~~

~~—There is hereby established the position of Secretary to the Civil Service Commission, who shall be appointed by the Commission, serve at its pleasure and perform such duties on behalf of the Commission as may be assigned to him or her from time to time.~~

<Ord. 1967-10. Passed 3-27-67.)

CHAPTER 172

Public Properties Commission (~~REPEALED~~)

~~172.01 Creation; membership.~~

~~172.02 Duties.~~

~~CROSS REFERENCES~~

~~Power to create—see CHTR. Art. IV, § 1~~

~~Parks and playgrounds—see S. & P. S. Ch. 961~~

~~Municipal Cemetery—see S. & P.S. Ch. 963~~

~~Municipal Swimming Pool—see S. & P. S. Ch. 969~~

~~172.01 CREATION; MEMBERSHIP.~~

~~There is hereby created a Public Properties Commission composed of four members. They shall serve without compensation and be residents of the City. The Mayor, with the advice and consent of Council, shall appoint three residents of the City who shall serve for a term of six years or until their successors are appointed, except that of the three appointed for the term beginning January 1, 1975, one shall be appointed for a term of two years, one shall be appointed for a term of four years, and one shall be appointed for a term of six years. The fourth member shall be a Councilman appointed by the Mayor, with the advice and consent of Council, and shall serve until the date of the next organizational meeting of Council following his appointment or until his successor is appointed. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment.~~

~~{Ord. 1975-14. Passed 2-10-75.}~~

~~172.02 DUTIES.~~

~~The Public Properties Commission shall be solely an advisory body, submitting to Council its recommendations on the use, operation and maintenance of all public properties owned by the City.~~

~~{Ord. 1975-14. Passed 2-10-75.}~~

CHAPTER 179
Employees Generally

EDITOR'S NOTE: Ordinance 1996-19, passed July 8, 1996, adopted a Drug Testing Policy for all non-aligned, non-union, part-time and full-time personnel in the City. Ordinance 1996-22, passed September 9, 1996, adopted a Drug Testing Policy for all full-time City personnel who are, at the time of adoption of the ordinance, members of Service Workers Laborers' International Union of North America, Local ~~1099~~ 860. Copies of such ordinances and of such Policies may be obtained, at cost, from the Clerk of Council.

Because of the frequency of change, provisions relating to regular compensation are not codified. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk of Council.

~~179.01 Bonds.~~

~~179.02 Assistant Clerks.~~

~~179.03~~ 179.01 Employee benefits.

~~179.04~~ 179.02 Equal opportunity employment; ~~Affirmative Action Plan.~~

~~179.05~~ 179.03 Additional sick leave.

~~179.06~~ 179.04 Travel allowances.

~~179.07~~ 179.05 Overtime for ~~FLSA non-exempt~~ employees.

~~179.08~~ 179.06 Payment of OP-E-R-S contributions.

~~179.09~~ 179.07 Payment of Police and Firemen's Disability and Pension Fund contributions.

~~179.10~~ 179.08 Military leave.

~~179.11~~ 179.09 Compensation of Acting Directors and Acting Assistant Directors.

~~179.12 Commercial driver's licenses required.~~

CROSS REFERENCES

Welfare of employees - see Ohio Const. Art. II, § 34

Sick leave - see Ohio R.C. 124.38 et seq.

Definitions - see Ohio R.C. 145.01

Oath of office - see Ohio R.C. 705.28

Department of Finance - see ADM. 145.01 et seq.

Department of Public Service - see ADM. 147.01 et seq.

Collective negotiating procedure for safety forces - see ADM. 149.04

~~179.01 BONDS.~~

~~—(a) The following officers and employees of the City shall furnish fidelity bonds in form approved by the Director of Law in the amounts given:~~

Officer or Employee	Amount of Bond
Mayor	\$5,000
Mayor's Secretary	5,000
Finance Director	25,000
Service Director	5,000
Assistant Service Director	5,000
Mayor's Court Clerk and substitutes	5,000
Secretary to Service Director – Building Clerk	5,000
Income Tax Clerk	5,000
License Commissioner	5,000
Assistant Income Tax Clerk	5,000
Clerk of Council	5,000
Clerk of Planning Commission	5,000

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~~—(b) All other officers and employees of the City shall be covered by a Public Employees Blanket Bond in form approved by the Director of Law in the amount of two thousand, five hundred dollars (\$2,500).~~

~~—(c) The cost of the bond provided for in divisions (a) and (b) of this section shall be paid by the City.~~

~~{Ord. 1971-79. Passed 12-27-71.}~~

~~179.02 ASSISTANT CLERKS.~~

~~—There shall be the following Assistant Clerks who shall receive compensation on an hourly rate basis~~

~~—(a) Class A. This classification includes those employees who, through experience, natural aptitude and initiative, capably perform the operations required of them without supervision and who are able to supervise the work of other employees.~~

~~—(b) Class B. This classification includes those employees who, while qualified as skilled equipment operators or experienced office clerks, lack the aptitude or initiative to direct other employees.~~

~~—(c) Class C. This classification includes those employees who lack specialized skills and value to the Municipality but who, through initiative and willingness, are able to perform their duties without supervision.~~

~~—(d) Class D. This classification includes those employees who lack specialized skills of value to the Municipality and who are unable to perform their duties without constant supervision.~~

~~(Ord. 1961-59. Passed 8-14-61.)~~

179.03 179.01 EMPLOYEE BENEFITS.

(a) Medical Insurance. Each non-aligned full-time employee, after ~~one month~~ thirty days of such full-time service, and the Mayor, during the entirety of their term, shall be entitled to health insurance provided by the City. Health benefit plan design, coverage options and employee cost of participation shall be determined annually and such conditions to be outlined in a Health Benefit Summary document to be provided to employees at the inception of each benefit year. The Mayor may permit part-time directors and non-aligned part-time employees of the City to participate in the City's medical and/or group life insurance programs, and the City will pay the cost of the respective premium as part of the Director's and/or non-aligned part-time employees' compensation package.

(Ord.2001-7. Passed 2-26-01; Ord. 2001-28. Passed 9-10-01; Ord. 2012-37. Passed 8-6-12; Ord.2013-5. Passed 2-25-13.)

(b) Group Life Insurance. Each regular full-time employee ~~shall~~, after one year of such full-time service, and the Mayor, during the entirety of their term, shall be entitled to fully paid group life insurance in the amount of twenty-five thousand dollars (\$25,000).

(Ord. 1991-28. Passed 8-12-91; Ord. 2012-37. Passed 8-6-12; Ord. 2013-5. Passed 2-25-13.)

~~—(c) Part-Time Employees. Elected officials, part-time directors and other part-time employees of the City may, at their option, elect to participate in the City's medical and/or group life insurance programs. In the event of such election and after six months of such part time services, as it affects the medical insurance program, and one year of such services, as it affects the group life insurance program, the elected official, part-time director or other part-time employee will have his monthly or biweekly pay reduced by the amount of the applicable premium necessary for proper coverage in the elected insurance program. Where such monthly or biweekly payroll payment is insufficient to cover the cost of such insurance premium, the part-time employee will be required to make the required monthly premium payment, in cash, to keep the insurance in effect.~~

~~(Ord. 1983-29. Passed 10-11-83; Ord. 2013-5. Passed 2-25-13.)~~

~~(c)(d)~~ Sick Leave.

(1) Each regular full-time employee, including civilian employees in the Departments of Police and Fire, shall be entitled to 10 hours of sick leave per month for 40 hour per week employees and 8.75 hours of sick leave per month for 35 hour per week employees ~~4.6 hours of sick leave for every pay period for 80 hours~~ of regularly scheduled employment. Unused sick leave shall be cumulative up to a total of 1,750 hours for employees working eight-hour days, and up to 1,531.25 for employees working seven-hour days. Sick leave accrued under prior ordinances shall remain in effect and sick leave days accrued as of December 31, 1981, shall be converted to hours by taking the sick leave days accrued and multiplying such figure by the number of hours in such employee's regularly scheduled work day. Payment for sick leave, at the rate of one hour per every hour of sick leave absence, shall be made only when approved by the Director of Personnel, who may require the employee to furnish a satisfactory, written, signed statement to justify the use of sick leave, and, in the case of sick leave absence in excess of one day, who shall require certification as to the nature of the illness or injury from the employee's physician ~~or the Police Surgeon~~.

(2) An absence due to a service-connected injury will not be charged against an employee's accumulated sick leave so long as it does not exceed the employee's attending physician's ~~and/or Police Surgeon's~~ prognosis as to the employee's ability to return to employment. Once an employee has returned to assume normal duties, following absence due to a service-connected injury, subsequent absences, alleged as being due to the service-connected injury, will be charged against the employee's accumulated sick leave, unless excused by the employee's attending physician's ~~and/or Police Surgeon's~~ certificate. ~~In case of a disagreement between physicians, the certification of a third physician will be required.~~

(3) At the ~~time~~ time of retirement from active duty with the City or death of the employee, the employee, or the employee's estate, will be paid in cash for sixty percent of the value of his or her accrued, but unused, sick leave credit. Such payment shall be based on the employee's rate of pay at time of retirement or death. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The maximum payment which may be made shall be sixty percent of 1,200 hours for employees working eight-hour days and sixty percent of 1,050 hours for employees working seven-hour days. The formula for computation shall be:

~~A.(a)~~ In the case of employees working eight-hour days:

$$\frac{\text{annual salary rate} + \text{annual longevity (if applicable)} \text{ divided by annual regular hours} \times .60 \text{ (up to 1,200 hours)} \text{ (accumulated hours} \times .60)}{2,080}$$

~~B.(b)~~ In the case of employees working seven-hour days:

$$\frac{\text{annual salary rate} + \text{annual longevity (if applicable)} \text{ divided by annual regular hours} \times .60 \text{ (up to 1,050 hours) (accumulated hours} \times .60)}{1,820}$$

NOTE: Annual rate of pay used in above unused sick time payment calculations is based on the total of the base salary and longevity pay only.

~~— (4) City employees shall be paid an incentive for conservation of annual sick leave allowances as follows:~~

~~— (a) In the case of employees working eight hour days:~~

Unused Sick Leave Hours	Incentive Payment (hrs.)
120	30
112	28
104	26
96	24
88	22
80	20
72	18
64	16
56	14
48	12
40	10
Less than 40	0

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~~— (b) In the case of employees working seven and one-half hour days:~~

Unused Sick Leave Hours	Incentive Payment (hrs.)
113	30
105	28
98	26
90	24
83	22
75	20
68	18

60	16
53	14
45	12
38	10
Less than 38	-0-

~~— (c) In the case of employees working seven-hour days:~~

Unused Sick Leave Hours	Incentive Payment (hrs.)
105	30
98	28
91	26
84	24
77	22
70	20
63	18
56	16
49	14
42	12
35	10
Less than 35	-0-

~~— (5) The equivalent hourly rate to be paid will be that in effect as of December 31 in the year in which the sick leave days are accumulated. Payment shall be made concurrently with the second payroll of February following the year in which sick leave days were accumulated. Such incentive payment will in no way diminish an employee's sick leave accumulation.~~

~~— (6) Effective January 1, 2024, all paid incentive for conservation of annual sick leave allowances shall be discontinued for all non-aligned employees, and divisions (d)(4) and (d)(5) shall be repealed.~~

(Ord. 1994-47. Passed 10-1 1-94; Ord. 1997-20. Passed 6-23-97; Old. 2013-5. Passed 2-25-13; Ord. 2023-16. Passed 4-10-23.)

~~(d)(e)~~ Funeral Attendance. A full-time employee shall be granted a five (5) day leave of absence with pay, in the event of the death of an immediate family member. Immediate family shall include: spouse or domestic partner, children, father, mother, brother, sister, aunt, uncle, cousin, niece, nephew, brother-in-law, sister-in-law, mother-in-law, father-in-law, step-parents, step-children, step parents of spouse, son-in-law, daughter-in-law, grandparents, grandparents of spouse, and grandchildren. ~~An employee may use a portion of his or her accumulated sick leave for funeral arrangements and services for his or her spouse, child, parents, mother-in-law, father-in-law, grandparents, grandparents-in-law, sister, brother, sister-in-law or brother-in-law, grandchildren, step-parent, step-sister, step-brother, aunt, uncle, cousin, niece and nephew.~~

(Ord 1991-28. Passed 8-12-91; Ord. 2013-5. Passed 2-25-13.)

~~(e)(f)~~ Vacations.

(1) All full-time employees will be credited with their unused earned vacation balances beginning on January 1, 2020.

(2) Effective January 1, 2020, vacation leave for all full-time employees shall be computed on the full-time months actually employed. The rate that vacation leave accrues shall depend upon the number of years of total service for the City as a full-time employee. The employee's vacation leave shall accrue at the rate indicated in the following schedule:

Total Years of Service	Months of Service	Accrual Rate per Month	Vacation Days per Year	Maximum Accrual
0 1 up to 4	48	6.666 hours (80-hr base)	10 working days	160 hours (80-hr base)
		5.833 hours (70-hr base)		140 hours (70-hr base)
5	49 to 11	10.000 hours (80-hr base)	15 working days	200 hours (80-hr base)
	108	8.750 hours (70-hr base)		185 hours (70-hr base)
12 109 up to 20 192		13.333 hours (80-hr base)	20 working days	240 hours (80-hr base)
		11.666 hours (70-hr base)		220 hours (70-hr base)
21 193 up to 23 276		16.666 hours (80-hr base)	25 working days	280 hours (80-hr base)
		14.583 hours (70-hr base)		255 hours (70-hr base)
24	277 or more	20.000 hours (80-hr base)	30 working days	320 hours (80-hr base)

17.500 hours (70-hr
base)

290 hours (70-hr
base)

NOTE: Hour base is the amount of hours that the employee works in a pay period.

(3) Vacation time earned during the first calendar month of full-time employment shall be prorated based on the amount of vacation contained in the schedule above to reflect service time from the date of full-time employment to end of the first calendar month. Vacation time earned during the final calendar month year of full-time employment shall be prorated based on the amount of vacation contained in the schedule above to reflect service time from the first day of the calendar month to the final date of full-time employment.

(4) Full-time employees may accumulate a maximum amount of their annual vacation accrued plus eighty hours (seventy hours for employees working thirty-five hours per week), effective January 1, 2020. All vacation hours that exceed the allowable maximum accrual, per total months of service, at the end of each pay period will expire without compensation.

(5) A full-time employee who is reemployed or rehired by the City upon retirement will not be paid for any earned and unused accumulated vacation. The employee will continue to accrue vacation and retain his or her unused accumulated vacation time and continue to earn vacation based on the schedule in subsection (a) above, not to exceed four weeks (twenty work days) per year.

(6) Full-time employees terminating employment due to voluntary resignation or retirement shall be paid all earned and unused vacation time.

(7) In the case of death of any full-time employee, the earned and unused vacation time shall be paid to the employee's estate.

(8) Full-time employees who have concluded twenty-one continuous years of service may, at his or her option, bank not more than two weeks per year, up to a maximum amount of nine weeks. Full-time employees may receive cash payment for such banked vacation one time, either at retirement or before, but may not thereafter bank additional hours after the nine weeks have been utilized.

(9) In lieu of banking vacation time, an employee who has concluded twenty-one continuous years of service may turn in for annual payment not more than two weeks per year, up to a maximum amount of nine weeks. The Mayor and Finance Director must approve this intent no later than November 1 of the calendar year in which payment is requested. Such payment shall be made on the last pay of the calendar year in which payment is requested.

~~(f)~~~~(g)~~ Holidays. Each regular full-time employee of the City who has served at least thirty days of service prior to any holiday hereinafter set forth and who has worked or been on vacation during ~~his~~ their regularly scheduled work days immediately preceding and succeeding such holiday, shall be entitled to the following thirteen legal holidays with pay at the employee's normal hourly rate of pay for each of such holidays:

- (1) The first day of January, known as New Year's Day;
- (2) The third Monday in January, known as Martin Luther King Day;
- (3) The third Monday in February, known as ~~Washington-Lincoln~~ or Presidents' Day;
- (4) ~~Decoration or~~ The last Monday of May, known as Memorial Day (date of observance as established by State Legislature);
- (5) The nineteenth day of June, known as Juneteenth Day;
- (6) The fourth day of July, known as Independence Day;
- (7) The first Monday in September, known as Labor Day;
- (8) The second Monday in October, known as Columbus/Indigenous Peoples' Day;
- (9) The eleventh day of November, known as Veterans' Day;
- (10) The fourth Thursday in November, known as Thanksgiving Day;
- (11) The fourth Friday of November, known as the day after Thanksgiving;
- (12) The twenty-fourth day of December, known as Christmas Eve Day;
- (13) (11) The twenty fifth day of December, known as Christmas Day; and
- (14) (12) Three A floating holidays to be taken on a day of the employee's choice subject to approval of departmental supervision; and Floating holidays shall be prorated in the employee's initial and final year of employment.

~~(13) The employee's birthday.~~

All part-time employees and full-time employees of the City with less than thirty days of service with the City shall be entitled to the aforesaid holidays without pay.

Employees are not eligible for compensation payouts for any remaining floating holidays after separation from the City.

The City, in response to certain reductions in the workweek hours for the City firefighters, does hereby agree to grant each full-time non-aligned employee the following additional three holidays:

~~The fourth Friday of November, known as the day after Thanksgiving;~~

~~The twenty-fourth day of December, known as Christmas Eve Day; and~~

~~Effective January 1, 2001, a floating holiday to be taken on a day of the employee's choice, subject to approval of departmental supervision.~~

(Ord. 1991-28. Passed 8-12-91; Ord. 2000-52. Passed 11-27-00; Ord. 2013-5. Passed 2-25-13; Ord. 2023-16. Passed 4-10-23.)

~~(g) (h)~~ Longevity Pay. Directors and non-aligned employees listed within this Chapter hired after November 1, 2021 shall not be entitled to receive longevity pay under this section. Additional compensation for continuous full-time employment, which shall be entitled longevity pay, shall be paid for each calendar year on the first pay period in December of each year. The rate of longevity pay to which an employee shall be entitled in any calendar year shall be computed in accordance with the following schedule:

Years of Continuous, Full-Time Employment Completed as of the Anniversary Date of Employment	Rate of Longevity Pay Per Month
Years of Continuous, Full-Time Employment Completed as of the Anniversary Date of Employment	Rate of Longevity Pay Per Month
0-4	\$-0-
5	20.83
10	41.66
15	62.50
20	83.33
25	104.16
30	125.00

The amount of longevity pay to which an employee is entitled in a calendar year shall be computed by multiplying the number of months in the calendar year preceding and subsequent to his or her anniversary date of employment in that year by the applicable rate or rates of monthly longevity pay based upon the number of years of continuous full-time employment completed in that year, as determined in accordance with the above schedule.

In each calendar year, the anniversary date of employment shall be the first day of the month in which the employee commenced his continuous, full-time employment with the City. In calculating the length of an employee's continuous employment, full-time service in all departments of the City shall be included.

~~— (1) Non-aligned employees listed within this Chapter hired after November 1, 2021 shall not be entitled to receive longevity pay under division (h).~~

~~— (2) No Director is eligible for longevity pay under division (h).~~

(Ord. 2013-5. Passed 2-25-13; Ord. 2023-16. Passed 4-10-23.)

~~(h) (i)~~ Jury Duty Compensation. Each regular full-time employee shall, if called for jury duty, receive his ~~their~~ regular compensation during the time spent in the capacity as a juror less the amount paid to ~~him~~ them by the court for such duty as a juror.

(i) The Chief of Police shall be entitled to the following employee benefits: uniform allowances, medical and life insurance coverage, vacations, holidays, longevity

compensation, sick leave, emergency responder pay and college education pay, as described in the collective bargaining agreement entered into by the City with the Ohio Patrolmen's Benevolent Association for the Police Sergeants and Captains. Effective January 1, 2025, upon the appointment of the next Chief of Police and regarding all such future appointments to Chief of Police, the Chief of Police shall not be entitled to the following employee benefits: longevity compensation, non-use of sick leave incentive payment, and emergency responder pay.

(j) The Assistant Chief of Police shall receive the same fringe benefits, effective upon the same dates and in the same amounts, as provided to the rank of Captain by the collective bargaining agreement entered into by the City with the Ohio Patrolmen's Benevolent Association for Police Sergeants and Captains. Effective January 1, 2025, upon the appointment of the next Assistant Chief of Police and regarding all such future appointments to Assistant Chief of Police, the Assistant Chief of Police shall not be entitled to the following employee benefits: longevity compensation, non-use of sick leave incentive payment, and emergency responder pay.

(k) The Fire Chief shall be entitled to the following employee benefits: uniform allowances, medical and life insurance coverage, vacations, holidays, longevity compensation, emergency responder pay, sick leave, and college education pay as described in the collective bargaining agreement entered into by the City and Local 1690 of the International Firefighters Association. Effective January 1, 2025, upon the appointment of the next Fire Chief and regarding all such future appointments to Fire Chief, the Fire Chief shall not be entitled to the following employee benefits: longevity compensation, non-use of sick leave incentive payment, and emergency responder pay.

(l) The Assistant Fire Chief shall receive the same fringe benefits, effective upon the same dates and in the same amounts, as provided to the position of Assistant Chief of Police, reflecting the same fringe benefits provided to the rank of Captain by the Ohio Patrolmen's Benevolent Association for Police Sergeants and Captains. Effective January 1, 2025, upon the appointment of the next Assistant Fire Chief and regarding all such future appointments to Assistant Fire Chief, the Assistant Fire Chief shall not be entitled to the following employee benefits: longevity compensation, non-use of sick leave incentive payment, and emergency responder pay.

(Ord. 1983-29. Passed 10-11-83; Ord. 2013-5. Passed 2-25-13; Ord. 2020-6. Passed 3-9-20.)

179.04 EQUAL OPPORTUNITY EMPLOYMENT, ~~;~~ AFFIRMATIVE ACTION PLAN.

(a) Equal Employment Opportunity (EEO) has been and will continue to be a fundamental principle of the City of Parma Heights. The City's policy is to hire and promote individuals who best meet the requirements of open positions. Council formally declares that the City will hire and promote its employees without regard to race, color, religion, sex,

national origin, age or handicap, except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance, and furthermore will continue to recruit, hire and develop the best qualified persons available for the jobs involved, basing its judgments on job-related qualifications, because artificial barriers of personal attitudes and customs cannot be permitted to affect matters of employment practices.

(b) It is the City's policy to provide equal employment opportunity in full compliance with all applicable laws including, but not limited to, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age of Discrimination in Employment Act, the Equal Pay Act, and State of Ohio fair employment practices laws. The City pledges itself to ensure that all activities relative to recruitment, hiring and promoting are undertaken to effect the principle of equal opportunity and that only valid requirements are imposed when promotional opportunities exist. Further, all matters related to compensation, benefits, transfers, layoffs, recall from layoffs and training will be free from any and all discriminatory practices. In addition, all facilities of the City will be available to all employees on a nondiscriminatory basis.

(c) Decisions regarding applications for employment, recruitment, hiring, training, transfer, promotion, pay, benefits, lay-off, demotion, or discharge will be made without respect to race, color, ethnicity, religion, gender, sexual orientation, gender identity, national origin, age, disability, veteran status, genetic information, or any other characteristic protected by law. The Director of Personnel, by direction of the Mayor, shall have overall responsibility for the implementation of the City's Affirmative Action Plan. With the cooperation of appropriate personnel, the Director of Personnel shall conduct periodic reviews to determine whether or not Affirmative Action goals are being achieved. Reports of these reviews shall be the basis for appropriate action to correct deficiencies.

(d) Scope. This measure applies to all employees, prospective employees, contractors, suppliers, volunteers, and guests. Although we do not promise to employ or promote people in any particular groups, we do pledge to treat qualified job applicants and employees eligible for promotion fairly. Outside sources of recruitment, when utilized, shall be informed that the City is an equal opportunity employer and that legal advertisements for bids shall include the wording "AN EQUAL OPPORTUNITY EMPLOYER" and that equal opportunity clauses shall be included in all major single purchase orders, leases and contracts for two thousand five hundred dollars (\$2,500) or more.

(e) As an EEO employer, the City complies with all applicable laws, rules, and regulations preventing discrimination against job applicants based upon their race, color, ethnicity, religion, gender, sexual orientation, gender identity, national origin, age, disability, veteran status, genetic information, or any other characteristic protected by law. Additionally, the following will apply:

- (1) The directors, managers, and supervisors are responsible for ensuring that this policy is fully implemented and compliance is achieved.
- (2) Allegations that anyone subject to this policy has engaged in prohibited conduct will be thoroughly investigated.

- (3) If the investigation determines that a City employee has engaged in discriminatory practices or behavior, said employee will be disciplined up to and including termination of employment.
- (4) Anyone in a management/supervision capacity that is aware of an employee engaging in prohibited conduct, and fails to take immediate and appropriate corrective action, will also be disciplined accordingly.
- (5) Any victim of discrimination should not hesitate to come forward.
- (6) Any individual who feels that coming forward would be or has been futile, unsatisfactory, or counterproductive should contact the Law Department.
- (7) Any type of retaliatory behavior, or threats of retaliation made against a victim of discrimination who has reported it, or against someone who was aware of the discrimination and reported, will result in immediate disciplinary action.

~~The Clerk of Council shall post, or have posted, a copy of this section on all departmental bulletin boards and provide a copy to all employees of the City, as well.~~

(Res. 1976-8. Passed 6-14-76.)

~~179.05~~ 179.03 ADDITIONAL SICK LEAVE.

(a) The Mayor, upon the favorable recommendation of a panel consisting of the Personnel Director, the President of Council and the department head of the affected employee, may authorize the advancement of additional sick leave days in cases where an employee's accrued sick leave has been fully absorbed by a prolonged temporary illness or injury.

(b) Factors to be considered by the panel in making its recommendation shall include the following:

- (1) The employee's length of service;
- (2) The employee's sick leave record;
- (3) The employee's record of employment; and

(4) The likelihood that the advanced days will be repaid by way of future accumulated days and/or secured.

(c) In cases when additional sick days are authorized, the Mayor ~~shall~~ may notify the Director of Law to secure the repayment of the days advanced by obtaining from the employee any and all documents, notes and securities deemed necessary by the Director of Law to secure the repayment, including, but not limited to, the following:

- (1) A note and mortgage;
- (2) Co-signatures on the note, where the employee lacks adequate security; and

(3) Assignment of future O.P.-E.-R.-S. benefits. (Ord. 1976-70. Passed 10-12-76.)

~~179.06~~ 179.04 TRAVEL ALLOWANCES.

(a) The payment or reimbursement of expenses incurred by any official, employee or member of any department, board or commission of the Municipality, for travel or expenses incidental thereto incurred in the furtherance of the interests of the Municipality, is hereby authorized; subject to approval by the Mayor.

(b) Such payment or reimbursement shall be as follows:

(1) Business miles will be computed and paid each month at the applicable IRS Mileage Rate in effect at that time. Mileage figures must be submitted to the Finance Department before payment can be made.

~~(2) Officials or employees who use their own vehicles on a regular basis, upon the approval of their respective department heads, shall be compensated at the rate of up to fifty dollars (\$50.00) per month. Mileage figures must be submitted to the Finance Department before payment can be made.~~

~~(3) City officials, employees or members of any department, board or commission, shall be permitted reimbursement for meal costs of not more than forty dollars (\$40.00) per day for each full day while traveling in furtherance of the interests of the City. Verified receipts for all meal costs must be submitted to the Finance Director.~~

~~(3)~~(4) Payment or reimbursement for all other related expenses, including other forms of transportation, meal costs, and housing accommodations, must be verified by submission of receipts to the Finance Director.

(Ord. 1997-18. Passed 5-27-97; Ord. 2012-43. Passed 10-9-12; Ord. 2013-5. Passed 2-25-13.)

~~179.07~~ 179.05 OVERTIME FOR ~~FLSA NON-EXEMPT~~ EMPLOYEES.

Effective with the pay period commencing on February 7, 2015, the overtime policy for FLSA non-exempt employees shall be as follows:

(a) The rate of compensation for overtime hours worked by full-time employees shall be determined by dividing the annual salary by 1,820 hours for those working a thirty-five hour week and by 2,080 hours for those working a forty-hour week; and by multiplying the quotient by the number of hours worked in the performance of overtime duties.

(b) The method of compensation shall be determined as follows:

(1) Employees normally working a thirty-five work week, having overtime worked extra hours that increase their weekly total hours worked to over thirty-five but not more than forty.

A. The employee may take an equal number of hours off during a subsequent work day to compensate for the ~~overtime~~ extra hours worked, subject to supervisor approval.

B. The employee may request to be paid for such ~~overtime~~ extra hours worked not to exceed ~~ing~~ forty hours per week; such payment to be made at the employees regular rate of pay.

(2) When employees, normally working a thirty-five or thirty-seven and one-half hour work week have ~~overtime~~ extra hours worked that increase their weekly total of hours worked in excess of forty hours, or when an employee normally working a forty-hour work week has overtime hours in excess of forty hours per work week the following may occur:

A. The employee may, at a rate of one and one-half hours for each overtime hour worked and subject to supervisor approval, take an equal number of hours off during a subsequent work day, if the day chosen falls within the same work week.

B. If the compensatory time-off cannot reasonably be scheduled within the same ~~work week~~ pay period with supervisor approval, then for overtime hours in excess of forty hours:

1. ~~May at the employee's request be paid~~ The City will pay overtime compensation to the employee at one and one-half times the employee's ~~non-overtime~~ regular rate of pay.

2. The employee may convert such overtime hours to an equal amount of compensatory time-off at a rate of one and one-half hours for each overtime hour worked; to be used at a later time mutually convenient to the City and the employee, subject to the approval of departmental supervision. (Such bank of accumulated unused compensatory time shall not exceed 96 hours).

Exempt employees are not entitled to overtime pay as guaranteed by the Fair Labor Standards Act ("FLSA"). In general, to be considered an "exempt" employee, the employee must be paid a salary (not hourly) and must perform executive, administrative, or professional duties.

(c) Exempt Employees.

(1) The following salaried positions are exempt and shall receive no overtime or compensatory time compensation:

A. Mayor

B. Director of Finance and Human Resources

C. Director of Law

D. Director of Recreation

E. Director of Public Service

F. Director of Public Safety

G. Chief of Police

H. Fire Chief

I. Other positions as determined by the Mayor and approved by City Council

(Ord. 1985-23. Passed 9-23-85; Ord. 2013-5. Passed 2-25-13; Ord. 2015-9. Passed 2-9-15.)

~~179.08~~ 179.06 PAYMENT OF QP-E-R-S CONTRIBUTIONS.

(a) Effective 12:01 a.m. on January 1, 1983, ~~and subject to the provisions of subsection (c) hereof,~~ the full amount of the statutorily required contribution to the Ohio Public Employees Retirement System ~~of Ohio (QP-E-R-S)~~ shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof, ~~and shall be "picked up" (assumed and paid to P. E. R. S.) by the City. This "pick up" by the City, commencing January 1, 1983, is and shall be designated as public employee contributions and shall be in lieu of contributions to P. E. R. S. by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to P. E. R. S. directly instead of having it "picked up" by the City or of being excluded from the "pick up."~~

~~The City shall, in reporting and making remittance to P. E. R. S., report that the public employee's contribution for each person subject to this "pick up" has been made as provided by statute.~~

(b) ~~The "pick up" by the City as provided by this section shall apply to all persons in the following classes:~~

(1) All full-time employees of the City who are contributing members of QP-E-R-S. For purposes of this section, a "full-time employee" is a person who performs work for the City in accordance with an established scheduled working time, such schedule to be based upon not less than thirty-five hours per five consecutive calendar days for fifty-two consecutive five-day periods per year.

A "full-time employee" shall not include:

- A. A student whose employment will not exceed 1,500 hours in any calendar year; or
- B. Any new employee who is not a member of QP-E-R-S at the time of his or her employment, whose employment will not exceed twenty hours per week; or
- C. A temporary or emergency employee whose employment will not exceed three calendar months.

(2) The Mayor.

(3) Councilpersons.

(4) The Law Director and the Assistant Law Director.

(5) The Finance Director and the Assistant Finance Director.

(6) The Recreation Director,

(7) The Director of Public Service.

(8) The Director of Public Safety.

~~—(9) The Director of Personnel and Intergovernmental Relations.~~

~~—(c) If any person within any of the classes established in subsection (b) hereof is subject to a 'pick up' by the City of his or her statutorily required contribution to P.E.R.S., other than as provided by this section, the "pick up" provided in subsection (a) hereof shall apply only to an amount equal to the difference between the full amount of that person's statutorily required contribution to P. E. R. S. and the amount which is "picked up" by the City, other than as provided by this section.~~

~~—(d) The gross wage or salary of any person subject to the "pick up" provided by this section shall not change as a result of this "pick up."~~

~~—(e) The Director of Finance is hereby directed to implement the provisions of this section to effect the "pick up" of the statutorily required contributions to P. E. R. S. for those persons within the classes established in subsection (b) hereof so as to enable them to obtain the resulting Federal and State tax deferments and other benefits.~~

(Ord. 1983-55. Passed 12-12-83.)

~~179.09~~ 179.07 PAYMENT OF POLICE AND FIREMEN'S DISABILITY AND PENSION FUND CONTRIBUTIONS.

(a) Effective 12:01 a.m., January 1, 1984, and ~~subject to the provisions of subsection (c) hereof,~~ the full amount of the statutorily required contribution to the Police and Firemen's Disability and Pension Fund (the "Fund") of Ohio shall be withheld from the gross pay of each person within the class established in subsection (b) hereof, ~~and shall be "picked up" (assumed and paid to the Fund) by the City. This "pick up" by the City, commencing January 1, 1984, is and shall be designated as public employee contributions and shall be in lieu of contributions to the Fund by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Fund directly instead of having it 'picked up" by the City or of being excluded from the "pick up."~~

~~—The City shall, in reporting and making remittance to the Fund, report that the public employee's contribution for each person subject to this "pick up" has been made as provided by statute.~~

(b) The "pick up" by the City, as provided by this section, shall apply to all persons in the following class: All full-time employees of the Police Department of the City who are contributing members of the Fund. For purposes of this section, a "full-time employee" is a

person who performs work for the City Police Department in accordance with an established scheduled working time, such schedule to be based upon not less than forty hours per seven consecutive calendar days for fifty-two consecutive seven-day periods per year for a total of 2,080 hours per year.

~~—(c) If any person within any of the classes established in subsection (b) hereof is subject to a “pick up” by the City of his or her statutorily required contribution to the Fund, other than as provided by this section, the “pick up” provided in subsection (a) hereof shall apply only to an amount equal to the difference between the full amount of that person's statutorily required contribution to the Fund and the amount which is “picked up” by the City, other than as provided by this section.~~

~~—(d) The gross wage or salary of any person subject to the “pick up” provided by this section shall not change as a result of this “pick up.”~~

~~—(e) The Director of Finance is hereby directed to implement the provisions of this section to effect the “pick up” of the statutorily required contributions to the Fund for those persons within the class established in subsection (b) hereof so as to enable them to obtain the resulting Federal and State tax deferments and other benefits.~~

(Ord. 1984-14. Passed 4-9-84.)

~~179.10~~ 179.08 MILITARY LEAVE.

(a) All city employees who are members of the Ohio National Guard, the Ohio Naval Militia, the Ohio Military Reserve or other reserve components of the Armed Forces of the United States shall be entitled to leaves of absence from their respective scheduled duties for such time as they are in such military service on field training or active duty, for periods not exceeding thirty-one days in any calendar year.

(b) If a City employee's military pay or compensation during such period of leave of absence from scheduled duties is less than his or her City pay would have been for such period, he or she shall be paid by the City the difference in money between the City pay and his or her military pay for such period. In determining such employee's military pay for the purposes of this section, allowances for travel, food or housing shall not be considered, but any other pay or allowance of whatever nature, including longevity pay, shall be considered.

(c) Such leave of absence from scheduled duties shall not affect the person's rights to vacation leave, sick leave, bonuses or other normal benefits of his or her employment.

(Ord. 1987-42. Passed 9-14-87.)

~~179.11~~ 179.09 COMPENSATION OF ACTING DIRECTORS AND ACTING ASSISTANT DIRECTORS.

Effective January 1, 1986, when a vacancy in the office of director or assistant director of any of the departments in the City occurs by reason of retirement, death, termination or extended leave, and an employee is assigned, by the Mayor, the duty of acting director or acting assistant director, during the interim time period until a new director or assistant director is appointed, such employee shall be paid at the director's or assistant director's normal rate of pay for such duty.

(Ord. 1986-21. Passed 4-28-86.)

~~179.12 COMMERCIAL DRIVER'S LICENSES REQUIRED.~~

~~—(a) Effective April 1, 1992, any employee whose regularly scheduled duties require him or her to operate at least one of the following vehicles shall have and maintain a valid State of Ohio commercial driver's license (CDL):~~

~~—(1) A single vehicle with a gross vehicle weight rating of more than 26,000 pounds.~~

~~—(2) A trailer with a gross vehicle weight rating of more than 10,000 pounds if the gross combination weight rating is more than 26,000 pounds.~~

~~—(3) A vehicle designed to transport more than fifteen persons (including the driver).~~

~~—(4) Any size vehicle transporting hazardous materials which requires placarding.~~

~~—(b) These various employees are required to pass the General Knowledge Test and Road Skills Test (unless grandfathered). In addition, some employees will be required to pass the Tanker Test Endorsement, the Air Brake Endorsement, the Passenger Transport Test Endorsement and the Hazardous Material Test Endorsement. For all employees hired on or before March 31, 1991, the City agrees to reimburse each employee for the initial cost of securing a CDL with the various endorsements. This refers only to the cost of the actual license and not to any outside training the employee may require. In addition, the City agrees to pay for one and only one Road Skills Test, through March 31, 1992, for any employee who is ineligible for grandfather status, whose regularly scheduled duties require him or her to possess a CDL.~~

~~—(c) It is the sole responsibility of the employee to notify his or her supervisor if the employee's CDL is suspended, revoked or canceled or if he or she is disqualified from driving, before the employee's next regularly scheduled work shift after he or she becomes aware of said suspension, revocation, cancellation or disqualification. Failure on the part of the employee to notify his or her supervisor of any of the above mentioned conditions shall result in immediate dismissal from employment. The employee must also notify his or her supervisor of any traffic violations (except parking) before the employee's next regularly scheduled work shift after a conviction. Failure to notify a supervisor of a conviction of a traffic violation will result in a one-day suspension from employment, without pay, for the first offense; a three-day suspension from employment, without pay, for the second offense; and dismissal from employment upon the third offense.~~

(Ord. 1991-28. Passed 8-12-91.)

CHAPTER 181

Mayor's Court

181.01 Report of Court receipts by Mayor. (Repealed)

181.02 Payment to General Fund. (Repealed)

181.03 Court Clerk.

181.04 Defense of indigents.

181.05 Court costs.

181.06 Computer Fund.

181.07 Mayor's Court Magistrate.

CROSS REFERENCES

Judicial powers of Mayor - see CHTR. Art. II, § 3

Mayor's Court, jurisdiction and authority - see Ohio R.C. 1905.01 et seq.

Suspension of driver's license - see TRAF. 303.99(c); GEN. OFF. 698.07

Failure to pay fine - see GEN. OFF. 606.32

Disobedience of court orders, processes, etc. - see GEN. OFF. 606.34

Using sham legal process - see GEN. OFF. 606.35

181.01 REPORT OF COURT RECEIPTS BY MAYOR. (REPEALED)

(EDITOR'S NOTE: Section 181.01 was repealed as part of the 1979 updating and revision of these Codified Ordinances. The subject of Court receipts is covered by Ohio R.C. 733.40.)

181.02 PAYMENT TO GENERAL FUND. (REPEALED)

(EDITOR'S NOTE: Section 181.02 was repealed as part of the 1979 updating and revision of these Codified Ordinances. The subject of Court receipts is covered by Ohio R.C. 733.40.)

181.03 COURT CLERK.

There is hereby created the position of Court Clerk of the Municipality who shall be appointed by the Mayor, shall serve at ~~his~~ their pleasure and shall perform such clerical duties on behalf of the Municipality as may be assigned by the Mayor from time to time.

(Ord. 1956-40. Passed 5-21-56.)

181.04 DEFENSE OF INDIGENTS.

(a) The Mayor is hereby authorized and directed to assign a lawyer or lawyers to defend indigents charged with violations of ordinances of the City.

(b) The Mayor is hereby authorized to agree on behalf of the City to pay such reasonable compensation for defense of indigents charged with violation of City ordinances as may be approved by Council.

(c) The Director of Finance is hereby authorized and directed to pay such compensation for the defense of indigents from Account No. 141, entitled Account for Extra Legal Counsel.

(Ord. 1974-27. Passed 4-8-74.)

181.05 COURT COSTS.

(a) The Mayor is hereby authorized to set court costs in an amount as recommended by the Director of Finance. Such costs shall be determined on the basis of actual costs necessary to operate the Mayor's Court.

(Ord. 1980-43. Passed 10-14-80.)

(b) Court costs assessed against defendants in actions pending in the Mayor's Court shall be retained by the Municipality such pending actions are dismissed upon the payment of costs.

This division shall be effective as of the earliest date that costs were assessed against defendants.

(Ord. 1990-2. Passed 1-22-90.)

181.06 COMPUTER FUND.

(a) There is hereby established a Mayor's Court Computer Fund in and for the City.

(b) A portion of the court costs, in an amount not to exceed the maximum set by Ohio R.C. 1901.261(A), shall be designated as the Mayor's Court computer fee, and the same shall be paid into the Mayor's Court Computer Fund.

(c) Proceeds received hereunder shall be used only as payment for Court computer hardware and software, the acquisition thereof, and for updates, ongoing maintenance and other technological expenses of the Mayor's Court.

(d) The Director of Finance and the Law Director shall obtain written approval from the State Auditor for the Mayor's Court Computer Fund.

(Ord. 1996-6. Passed 2-26-96.)

181.07 MAYOR'S COURT MAGISTRATE.

(a) There is hereby created the position of Mayor's Court Magistrate. Such Magistrate shall be appointed by the Mayor.

(b) The Magistrate shall perform those duties of a Mayor's Court Magistrate as defined by the Ohio Revised Code, and shall be qualified as required by State law.

(c) ~~The compensation for the Magistrate shall be fixed by Council.~~ In the event that the Magistrate is unavailable for a Court session, the Mayor on an as-needed basis, may engage the services of a qualified Magistrate to preside over such session.

(d) The compensation for the Magistrate and any substitute Magistrate shall be budgeted by Council.

(Ord. 2000-41. Passed 9-11-00.)

RESOLUTION 2024 - 93

**A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF
OBSOLETE CITY VEHICLES AND EQUIPMENT AT A PUBLIC
SALE THROUGH GOVPLANET/IRONPLANET**

WHEREAS, the Council authorized membership in the National Joint Power Alliance [now known as Sourcewell], a purchasing cooperative in Ordinance No. 2017-3; and

WHEREAS, GovPlanet/IronPlanet is a vendor of the National Joint Power Alliance [now known as Sourcewell]; and

WHEREAS, GovPlanet/IronPlanet will provide the City of Parma Heights with auction services for the disposal of obsolete city vehicles and equipment; and

WHEREAS, the Administration recommends that the vehicles and equipment listed on Exhibit “A” be removed from service as a result of their age and mechanical condition.

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

Section 1: The Administration is authorized and directed to dispose of obsolete city vehicles at a public sale through GovPlanet/IronPlanet, a list of which is described in Exhibit “A”, 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 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: That this Resolution 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

2004	PACE AMERICAN	TRAILER	40LWB24234P099609
2008	LEEBOY L8515T	ASPHALT PAVER	SERIAL NUMBER 44089

RESOLUTION NO. 2025 - 2

A RESOLUTION AUTHORIZING AND DIRECTING THE ADMINISTRATION TO PURCHASE ONE (1) VERMEER CHIPPER FROM VERMEER MANUFACTURING COMPANY DBA VERMEER CORPORATION THROUGH SOURCEWELL AT A PURCHASE PRICE OF \$70,518.00, AND DECLARING AN EMERGENCY

WHEREAS, the Council authorized membership in the National Joint Power Alliance [now known as Sourcewell], a purchasing cooperative in Ordinance No. 2017-3; and

WHEREAS, the Director of Public Service has determined the need for and recommends that this Council authorize the purchase of a new wood and brush chipper for the efficient operation of the Department of Public Service; and

WHEREAS, the Vermeer Manufacturing Company dba Vermeer Corporation through Sourcewell has one (1) Vermeer chipper at a price of Seventy Thousand, Five Hundred and Eighteen Dollars (\$70,518.00) as identified in Exhibit "A" attached hereto; and

WHEREAS, Council may authorize the purchase through the City's membership in the National Joint Power Alliance [now known as Sourcewell], a purchasing cooperative, pursuant to Article V Sections 1 and 6 of the Charter, and Ohio Revised Code Section 9.48 without a competitive bidding process.

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 Administration is hereby authorized and directed to purchase from the Vermeer Manufacturing Company dba Vermeer Corporation through Sourcewell one (1) wood and brush chipper for the sum of Seventy Thousand, Five Hundred and Eighteen Dollars (\$70,518.00) as identified in Exhibit "A", 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 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 public peace, health, and safety of the Municipality, and for the further reason it is immediately necessary to authorize this purchase in order to secure the chipper at the current contract price; wherefore, this Resolution shall be in full force and effect immediately upon 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



EQUIPPED TO
DO MORE.®

Quotation

Quote: Q-08575
Date: 12/12/2024
Expiration Date: 12/31/2024
Purchase Order:

Bill To: City of Parma Heights
6281 Pearl rd
Parma Heights, OH 44130

Ship To: City of Parma Heights
6281 Pearl rd
Parma Heights, OH 44130

Mobile:

Email:



Contract # 031721-VRM

Please review the below quote for your consideration.

Qty	Product Name	Product Details	Net Total
1	VERMEER BC150044VP		\$70,518.00

BC1500 WITH PSI 5.7L GASOLINE CAPACITY DRUM STYLE BRUSH CHIPPER INCLUDES A 165HP PSI 5.7L GASOLINE ENGINE, HIGH COOLANT TEMPERATURE AND LOW OIL PRESSURE AUTOMATIC SHUTDOWN; ISOLATED ENGINE AND CUTTER HOUSING; SPRING LOADED CLUTCH; LIVE HYDRAULICS; LOCKABLE CONTROL PANEL COVER; VARIABLE SPEED DUAL VERTICAL FEED ROLLERS; SELECTABLE SMARTFEED; ECOIDLE; TELESCOPING TONGUE; PINTLE HITCH; LOCKABLE TOOLBOX; LOCKABLE ENGINE SHIELD; INFEED CURTAIN; DUAL-EDGED KNIVES AND INFEED TABLE WITH LOWER FEED STOP BAR, TRAILER PSI 5.7L GASOLINE, 6-WAY ROUND TRAILER PLUG, WINCH T4I & T4F, ELECTRIC BRAKE 9.2K, MANUAL CHUTE ROTATION RIGHT SIDE, STANDARD TIRES - 235/75R17.5H/J, RT. SIDE CONTROLS PSI 5.7L GASOLINE

Machine	\$70,518.00
Subtotal	\$70,518.00
Grand Total	\$70,518.00
Total Due	\$70,518.00

Ben Crawford

Accepted by: _____

Date: _____

RESOLUTION NO. 2025 – 4

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY

WHEREAS, at its meeting on January 6, 2025, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the business known as Daily Releaf LLC dba AYR Cannabis Dispensary to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions; and

WHEREAS, at its meeting on January 6, 2025, the Planning Commission recommended to the City Council that the Conditional Use Permit for the business known as Daily Releaf LLC dba AYR Cannabis Dispensary to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions; and

WHEREAS, pursuant to Section 1135.06 (c) of the Codified Ordinances of the City of Parma Heights, a Conditional Use Permit shall be subject to the approval of the Council of the City of Parma Heights; and

WHEREAS, the Conditional Use Permit is approved, subject to the conditions that are set forth in “Council Resolution Exhibit A”, attached hereto and incorporated as if fully rewritten.

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

Section 1: The Council adopts the recommendation of the Planning Commission and grants a Conditional Use Permit to Daily Releaf LLC dba AYR Cannabis Dispensary to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use at 6555 Pearl Road, Parma Heights, Ohio in the Neighborhood Mixed-Use District.

Section 2: The Conditional Use recommended by the Planning Commission is approved subject to the General Criteria set forth in Sections 1135.07 of the Codified Ordinances of the City of Parma Heights, conditions recommended by the Planning Commission, and further conditions set forth by Council.

Section 3: The Conditional Use recommended by the Planning Commission, and further conditions set forth by Council, are set forth in “Council Resolution Exhibit A” which is attached hereto and incorporated as if fully rewritten.

Section 4: The approval of this Conditional Use Permit shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard, or requirement shall constitute a violation of the Planning and Zoning Code, and the conditional use permit may be revoked if the established conditions for approval are violated.

Section 5: 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 6: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of this Municipality, and for the further reason it is necessary to facilitate Daily Releaf LLC dba AYR Cannabis Dispensary's investment in the community expeditiously; 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

COUNCIL RESOLUTION EXHIBIT A



6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

IN THE MATTER OF:

APPLICATION OF DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY A CONDITIONAL USE PERMIT TO ALLOW FOR A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008, PARMA HEIGHTS, OHIO IN **NEIGHBORHOOD MIXED USE DISTRICT**

ACKNOWLEDGEMENT AND UNCONDITIONAL ACCEPTANCE AND AGREEMENT TO CONDITIONS AS SET FORTH IN EXHIBITS 1 AND 2

On _____, 2025, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of Daily Releaf LLC dba AYR Cannabis Dispensary. [EX. 1]. The Council imposed additional condition(s) of its own. [EX. 2].

Pursuant to Section 1135.07 of the Codified Ordinances of the City of Parma Heights when a permit for a conditional use is granted by the Council subject to conditions, **the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.**

I understand that pursuant to Section 1135.08 of the Codified Ordinances of the City of Parma Heights that;

- (a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.
- (b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.
- (c) The conditional use approval shall expire six months from the date of enactment, unless:

- (1) In the case of new construction, work upon the structure shall have begun above the foundation walls;
- (2) In the case of occupancy of land, the use has commenced;
- (3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or
- (4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

Further, we understand that pursuant to Section 1135.09 of the Codified Ordinances of the City of Parma Heights that a conditional use permit may be revoked if the established conditions for approval are violated. The Chief Building Official is responsible for advising the Planning Commission of any violations, and the Planning Commission may then recommend to City Council that it revoke the conditional use permit.

Among the several conditions imposed with the CUP, the Applicant understands and agrees that it must be licensed for operation by the State of Ohio, Medical Marijuana Control Program, and the Division of Cannabis Control, pursuant to Ohio Revised Chapters 3796 and 3780 and administrative regulations, as well as licensed pursuant to Parma Heights Codified Chapters 752 and 1190, and that Applicant's licensure, including all fees and taxes, must remain in good standing.

Based on the foregoing we acknowledge the approval of the conditional use permit and unconditionally accept and agree to such conditions.

Signature: _____

Printed Name: _____

Title of Authority on Behalf of Daily Releaf LLC dba AYR Cannabis Dispensary:

Date: _____

EXHIBIT 1

RECOMMENDATIONS FOR COUNCIL CONSIDERATION

IN THE MATTER OF:

APPLICATION FROM DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008 PARMA HEIGHTS, OHIO IN THE NEIGHBORHOOD MIXED USE DISTRICT.

1. Daily Releaf LLC dba AYR Cannabis Dispensary is authorized to conduct business in the State of Ohio with its principal place of business located at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio.
2. The City of Parma Heights Planning Commission (the "Planning Commission") is the duly organized Planning Commission for the City of Parma Heights (the "City") operating pursuant to its Charter and the laws of the State of Ohio.
3. The aforementioned property is located within the Neighborhood Mixed Use District.
4. On November 12, 2024, Daily Releaf LLC dba AYR Cannabis Dispensary submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio in the Neighborhood Mixed Use District.
5. At its January 6, 2025 Regular Meeting, the Planning Commission heard a presentation from the Applicant regarding the application for a Conditional Use Permit from Daily Releaf LLC dba AYR Cannabis Dispensary to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008.
6. Notice of the Public Hearing was published in the Plain Dealer on December 19, 2024 and December 26, 2024 and also posted on the City's website and at City Hall.
7. A public hearing was held on January 6, 2025, and the Planning Commission heard from the Applicant and City representatives regarding the application for a Conditional Use Permit by Daily Releaf LLC dba AYR Cannabis Dispensary to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.
8. Based upon the presentations of both parties at the public hearing the Planning Commission recommends approval of the Conditional Use Permit for the business known as Daily Releaf LLC dba AYR

Cannabis Dispensary to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.

9. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights. [Ex. A].

10. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.08 of the Codified Ordinance of the City of Parma Heights. [Ex. B].

11. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1195.05 of the Codified Ordinances of the City of Parma Heights. [Ex. C].

12. The Conditional Use requested is recommended subject to compliance with all recommendations listed in the December 30, 2024 Memorandum to the Planning Commission from the Director of Public Service and the Chief Building Official, [Ex. D], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.

13. The Conditional Use requested is recommended subject to compliance with all comments listed in the City Engineer Plan Review Report dated 11/19/24, [Ex. E], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.

14. The Conditional Use requested is recommended subject to compliance with Chapter 752 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Operations", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.

15. The Conditional Use requested is recommended subject to strict compliance with Section 752.08 of the Codified Ordinances of the City of Parma Heights, titled "Fees", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.

16. The Conditional Use requested is recommended subject to compliance with Chapter 1190 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Dispensaries", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 50 [Ex. G], and formalized in its subsequent codification, when available.

17. The Conditional Use requested is recommended subject to the condition that the Applicant shall not modify the exterior character or appearance of the structure without the prior approval of the Department of Public Service in order to ensure harmonious compatibility with other buildings and structures within the immediate area, at the City's discretion.

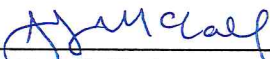
18. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all branding and verbiage present on the exterior of the structure, premises, and signage.

19. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all landscape screening on the premises.

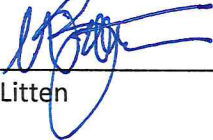
20. This recommended approval shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval are violated.

21. This recommended approval is not final and is subject to the confirmation of the City Council, and if approved all conditions shall be set forth expressly in a resolution of the Council granting the Conditional Use Permit.

22. In the event that a permit for a conditional use is granted by the Council subject to conditions, the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.



Jim McCall, Chairman



Bill Litten

Joe Sepich

_____, Council Representative



Zachary Humphrey

EXHIBIT A

1135.07 GENERAL CRITERIA FOR CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following criteria. Furthermore, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

(a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located;

(b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

(d) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance;

(e) The hours of operation of the proposed use are similar to a use permitted in the district;

(f) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

(g) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(h) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(i) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(j) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(k) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;

(l) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Chapter 1191.

EXHIBIT B

1135.08 TERMS AND DURATION OF APPROVAL.

(a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.

(b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.

(c) The conditional use approval shall expire six months from the date of enactment, unless:

(1) In the case of new construction, work upon the structure shall have begun above the foundation walls;

(2) In the case of occupancy of land, the use has commenced;

(3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or

(4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

EXHIBIT C

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

(b) Drive-Thru and Drive-In Facilities, in Association with a Permitted Principal or Conditional Use.

(1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

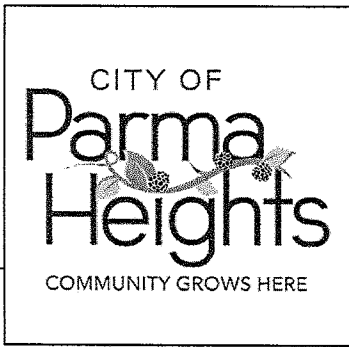
(2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(3) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per street frontage.

(4) Interconnecting circulation aisles between parcels shall be provided when practicable.

(5) The Planning Commission may impose restrictions on the hours of operation.

EXHIBIT D



INTEROFFICE MEMORANDUM

DATE: December 30, 2024

TO: Planning Commission

FROM: Robert P. Sepik, Director of Public Service
Martin Surella, Chief Building Official

RE: Service Department Recommendations for the Conditional Use Permit Application for Daily Releaf LLC dba AYR Cannabis Dispensary 6555 Pearl Rd PPN# 473-34-008

We have reviewed the twelve requirements as set forth in Chapter 1135.07 of the Codified Ordinances of the City of Parma Heights. It is our opinion that all of these requirements have been successfully met.

In addition to the requirements of Chapter 1135.07, we are also providing a list of additional recommendations that the Planning Commission suggest the City require of the Applicant. The goal of these requirements is to prevent any misunderstanding regarding the City's intent to ensure that the high standards required of all Parma Heights businesses continues to be maintained.

These recommendations are as follows:

1. In accordance with PHCO 1391.02, the dumpster enclosure can only be a maximum of 6 feet in height. Chain-link with slatting would not be approved as an enclosure, but we would approve lumber with steel posts due to the visibility from Parma Park; and
2. The submission of a landscape plan showing tree locations that do not obstruct the view of drivers.

Please do not hesitate to contact us if there are any questions regarding any of the above recommendations.

EXHIBIT E

CITY OF PARMA HEIGHTS PLAN REVIEW

Date	Review No.	Address
11/19/24	2, City Engineer	6555 Pearl Rd
To	Email/Phone	PPN
Robert Sepik Marty Surella Mark Schneider	rsepik@parmaheights.us msurella@parmaheights.us mschneider@parmaheights.us	473-34-008
From	Email/Phone	Subject
Pietro DiFranco	pdifranco@rlba.com	CUP-Marijuana Dispensary
Applicant	Email/Phone	Plans Received
Daily Releaf dba Ayr Cannabis Dispensary	julie.winter@ayrwellness.com legal@ayrwellness.com greg.gorospe@icemiller.com	11/13/24
Owner	Email/Phone	
Net Gain Properties LLC	achristofferson1973@gmail.com	
Designer	Email/Phone	
Shremshock	Email Unknown	

Notes/Description
Proposal consists of reurposing a former bank into a marijuana dispensary.
Recommendation
Approval is recommended contingent upon addressing remaining comments prior to a construction permit being issued..

No.	Comment Items in red added 11/19/24 Items in green added DATE Items in blue added DATE Items in magenta added DATE	Ref	Comment				Addressed
			10/18/24	11/19/24	DATE	DATE	
Submittal Requirements							
1.01	Drawings shall be accurate, clear, complete and drawn to scale	1133.08	X				X
1.02	Plot plan shall show property boundary lines, adjacent street & setbacks * 11/19/24 - Update or remove Sheet G1.3-Site Plan from architectural set. * 11/19/24 - Add civil engineering plans to architectural set and sheet index	1133.09	X	X			
1.03	Provide floor plan(s) and exterior elevations specifying materials & colors * 11/19/24 - Sheet A8.1 includes color for exterior walls, but not shown on elevations. Confirm whether building will be painted.	1133.09	X	X			
1.04	Property owners name, address, and PPN shall appear on each drawing * 11/19/24 - Civil engineering plans list AYR Wellness as developer & store name but architectural plans show owner & store name as Daily Releaf LLC. Please coordinate & clarify.	1133.09	X	X			
1.05	Documents affixed with professional seal represent certification by registrant to be accurate and complete	OAC 4733-23-01 4733-35-07	X				X
PHCO 1135 Conditional Use Permits							
2.01	Development plan and associated documentation required.	1135.04(a)	X				
2.02	CU will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located.	1135.07(a)					X
2.03	The establishment, maintenance of operation of the CU will not be detrimental to or endanger the public health, safety or general welfare.	1135.07(b)					X

**CITY OF PARMA HEIGHTS
PLAN REVIEW**

2.04	CU will be designed, constructed, operated & maintained to be harmonious & appropriate in appearance with the existing or intended character of the general vicinity, & such use will not essentially change. * Conform with screening, buffer, lighting, access, etc. requirements.	1135.07(c)	X					X
2.05	The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance.	1135.07(d)						X
2.06	The hours of operation of the proposed use are similar to a use permitted in the district.	1135.07(e)						X
2.07	CU will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood.	1135.07(f)						X
2.08	Establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district	1135.07(g)						X
2.09	Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. * Parma Park Blvd access to be removed. Drainage to be inspected.	1135.07(h)	X					X
2.10	Adequate measures have been or will be taken to provide ingress & egress designed to minimize traffic congestion on the surrounding streets.	1135.07(i)						X
2.11	Establishment of the CU should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools.	1135.07(j)						X
2.12	Minimal potential for future hardship on CU that could result from prop. use being surrounded by uses permitted by right that may be incompatible.	1135.07(k)						X
2.13	Design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Ch. 1191. * Parma Park Blvd access to be removed. Parking layout to be addressed.	1135.07(l)	X					X
PHCO 1185 Mixed Use Districts								
		Required	Proposed					
3.01	Zoning: R1-2, SCR, M, M1, B1-3, E, I	P, C, A, N	N-MUD	1185				X
3.02	Use - Marijuana Dispensary	P, C, A, N	C	1185.02	X	X		
3.03	Use - Drive-Through Facility	P, C, A, N	C	1185.02	X	X		
3.04	Side Yard Abutting Non-Residential, Bldg & Pkg, Min.	5	>5	1185.04(3)	X			X
3.05	Side Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(3)	X			X
3.06	Rear Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(4)	X			X
3.07	Parking Setback from Street ROW, Min.	10	>10	1185.04(6)	X			X
3.08	Side Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.09	Rear Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.10	Building Height, Max.	30	<30	1185.05	X			X
3.11	Rooftop Mechanical Units, Max. Height & Screened * 11/19/24 - Rooftop HVAC unit locations are existing.			1185.05	X			X
3.12	Support alternative transportation by including items such as bike racks, bus stops, benches, and walkways. * 11/19/24 - New bike racks shown on Sheet C5.0. Ex. walkway from ROW.			1185.06 1185.09	X			X
3.13	Parking Lot Landscaping * 11/19/24 - Site Landscape Plans L1.0, L2.0 & L3.0 added.			1185.07	X			X
3.14	Screening Abutting Residential. * 11/19/24 - Evergreen screening added. See Sheet L2.0.			1185.08 1190.04 1193	X			X

CITY OF PARMA HEIGHTS
PLAN REVIEW

3.15	Service areas shall be screened and located away from street & pedestrian areas. * 11/19/24 - Dumpster enclosure not shown. How will trash be stored and collected?	1185.09(g)	X	X				
3.16	Provide signage plan conforming to PHCO 1383	1185.09(h) 1383	X	X				
3.17	Provide lighting & photometric plan showing no spillover. * 11/19/24 - Provide detail of light pole w/foundation extending 30" above grade. * 11/19/24 - Exterior light fixtures shall be full-cutoff type. Provide method of directing light downward (i.e. - shield).	1185.09(i) 752.16(a)(4) 1187.14	X	X				
PHCO 1187 Off-Street parking								
			Required	Proposed				
4.01	Minimum parking spaces; (5 x (7,024 sf/1,000 sf))		35	63	1187.06	X		X
4.02	Provide aisle widths on site plan	1187.10				X		X
4.03	Existing aprons and parking lot pavement shall be repaired or replaced. * 11/19/24 - Parking lot to be seal coated & restriped; See Sheet C5.0.	1187.15				X		X
4.04	Off-street loading facilities shall be provided. * 11/19/24 - Wheel Stops tend to get damaged easily by snow plows thereby becoming a maintenance issue. Consider eliminating or replacing with curb (i.e. - asphalt or concrete).	1187.15				X		X
PHCO 1190 Marijuana Dispensaries								
5.01	Shall not be within 500 feet of a school, church, public library, playground or park	1190.03(b)						X
5.02	Shall not be within 1000 feet of another marijuaan dispensary	1190.03(c)						X
5.03	Not more than one marijuana dispensarie shall be located in the same building	1190.03(d)						X
5.04	Vehicular access shall be limited to main arterial roadways. No curb cut or driveway shall access any residential street. Any existing curb sut or driveway shall be eliminarted as a prerequisite to conditional use approval. * 11/19/24 - Revised Key Note 10 on Sheet C5.0 to specify 'Integral Concrete Curb Replacement Method "B", See Detail 2 on Sheet C7.1'.	1190.03(f)				X	X	
5.05	Marijuana dispensaries shall not be located on parcels less than 25,000 SF	1190.03(g)						X
5.06	No more than one dispensary shall be located within any single mixed-use district	1190.03(h)						X
5.07	Screening for adjacent residential properties to be provided. Existing fence along south property line to be repaired or replaced. * 11/19/24 - Add pressure washing and sealing to repair recommendation of existing fence.	1190.04(a) 1190.04(e) 1193				X	X	
5.08	Exterior lighting to be approved by Planning Commission	1190.04(d) 1185.09(i) 752.16(a)(4)				X	X	
5.09	Off-street parking shall be provided in conformance wth PHCO 1187	1190.05 1187				X		X
5.10	Signage shall be limited to awning signs, wall signs or window signs. Existing free standing signs shall be removed. * 11/19/24 - No signage currently proposed.	1190.06(a) 1383				X	X	
5.11	Window areas shall not be covered or opaque in any way. * 11/19/24 - Sheet A8.1. shows film being applied to all exterior windows. Please clarify whether opaque.	1190.06(d)				X	X	
5.12	A one-square-foot sign shall be placed on the doorto state hours of operation. Additional signage to conform with PHCO 752.16.	1190.06(d) 752.16				X	X	
5.13	Provide copy of marijuana dispensary license.	1190.07 752.05				X	X	

CITY OF PARMA HEIGHTS
PLAN REVIEW

PHCO 1195 Use-Specific Regulations						
6.01	Load speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties * 11/19/24 - No loud speaker currently proposed. Please confirm.	1195.05(b)	X	X		
PHCO 1363 Exterior Property Maintenance Code						
7.01	Video inspect underground sanitary & storm sewer systems to assess condition and confirm they are operating as intended. Provide report and copy of video to city engineer. Provide maintenance, repair, replacement as needed. * 11/19/24 - Storm & sanitary sewer inspection note added to Sheet C3.0.	1363.08 931 935 1106	X			X

Attachments:

- | | |
|---|-------|
| 1 Civil Engineering Plans (13 sheets) | 2 N/A |
| 3 Architectural Plans (Sheet G1.1, G1.3, & A8.1 only) | 4 N/A |
| 5 N/A | 6 N/A |

This review shall not be misconstrued as relieving the applicant from any other applicable codes, requirements, or regulations. It's the applicant's responsibility to assure conformance to all applicable local, state, and federal requirements.

SITE IMPROVEMENT PLANS FOR AYR WELLNESS

IN
CITY OF PARMA HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

UTILITY COMPANIES IN PROJECT AREA

TELEPHONE (AREA)
 4411
 4411
 4411
 4411

TELEPHONE (330) 694-2488
 694-2488
 694-2488
 694-2488

CONTACT: JIM GRASSBUER

GAS (LOWVOLTAGE GAS (CH2))
 4411
 4411
 4411

CONTACT: JIM GRASSBUER

WATER (CITY OF CLEVELAND WATER DEPT)
 4411
 4411
 4411

CONTACT: WILSON

ELECTRIC (THE ALUMINUMING CORP/ST)
 4411
 4411
 4411

CONTACT: TROY ROBERTS

SEWER (CITY OF CLEVELAND WATER DEPT)
 4411
 4411
 4411

CONTACT: WILSON

TELEPHONE (440) 885-1717
 885-1717
 885-1717

CONTACT: MARY MADEJONSKI

NORTHEAST OHIO REGIONAL SEWER DISTRICT
 4411
 4411
 4411

CONTACT: MARY MADEJONSKI

CITY OF PARMA HEIGHTS

PLANNING DEPARTMENT
 4411
 4411
 4411

CONTACT: TANYA CZAK

PARMA HEIGHTS POLICE DEPARTMENT
 4411
 4411
 4411

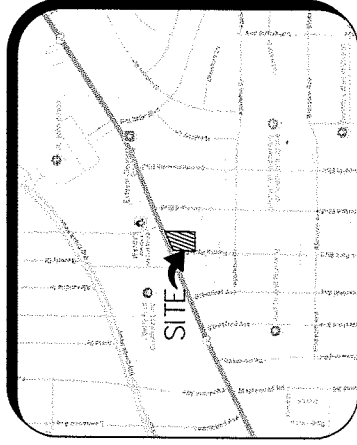
CONTACT: TROY ROBERTS

PARMA HEIGHTS FIRE DEPT.
 4411
 4411
 4411

CONTACT: TROY ROBERTS

DEVELOPER:
 AYR WELLNESS
 1000 WOODLAND ROAD
 PARMA HEIGHTS, OHIO 44130
 PHONE: (440) 884-3100
 EMAIL: INFO@AYRWELLNESS.COM
 ATTN: FREDERICK ARBOLD

CIVIL ENGINEER & SURVEYOR:
 METZ & ASSOCIATES
 1000 WOODLAND ROAD
 PARMA HEIGHTS, OHIO 44130
 PHONE: (440) 884-3100
 EMAIL: INFO@METZANDASSOCIATES.COM
 ATTN: JEFFREY M. FLAUZ, P.E.



VICINITY MAP
NOT TO SCALE

SUBMITTED BY:
 JEFFREY M. FLAUZ - REG. ENGINEER No. 70381
 DATE: 11/15/2024

SCALE:
 DATE: 11/15/2024

The underground utilities shown have been located from field survey information and utility drawings. The surveyor makes no guarantee that the underground utilities shown completely represent the actual location of the utilities. It is the responsibility of the utility owner to verify the location of their utilities. Although the surveyor does not warrant that the underground utilities shown are in the exact location indicated, although the surveyor does warrant that they are located on occasion by the surveyor has not physically located the underground utilities.

Plan to excavation and/or demolition work:
 C.U.P.S. (One Utility Protection Service)

BENCH MARKS:
 554.81 (M) - 10' LIGHT POLE ON THE SOUTH SIDE OF EAST PARK ROAD
 554.81 (M) - 10' LIGHT POLE ON THE NORTH SIDE OF EAST PARK ROAD
 554.81 (M) - 10' LIGHT POLE ON THE SOUTH SIDE OF EAST PARK ROAD
 554.81 (M) - 10' LIGHT POLE ON THE NORTH SIDE OF EAST PARK ROAD

ALL VERTICAL BENCH MARK INFORMATION SHOWN PER C.P.S. HAS FIELD OBSERVATIONS DATED OCTOBER 29, 2024.

INDEX TO DRAWINGS:	REVISION #
SURVEY	C10
SITE EXISTING CONDITIONS PLAN	C11
SITE DEMOLITION PLAN	C12
APPROVED SIGNAGE PLAN	C13
APPROVED SIGNAGE SHEET	C14
APPROVED SIGNAGE SHEET	C15
APPROVED SIGNAGE SHEET	C16
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APPROVED SIGNAGE SHEET	C99
APPROVED SIGNAGE SHEET	C100

Ohio Utilities Protection Service
 Call Before You Dig
 1-800-362-2764
 A429803359-00A
 Also call: OUPDS@1-800-362-2764
 (Ohio Oil & Gas Underground Protection Service)
 -# 66411-



NEFF & ASSOCIATES
 6405 York Road | Parma Heights, Ohio 44130
 Tel: 440.884.3100 | Fax: 440.884.3104
 WWW.NEFF-ASSOCIATES.COM

REVNO	DATE	DESCRIPTION
11-15-24	PC SUBMITAL	

SHEET NO. C0.0



SCALE = 1" = 40'
DATE = 11/15/24
DRAWN BY = J. W. BROWN

SITE EXISTING CONDITIONS PLAN

AVR WELLNESS - 6555 PEARL ROAD
CITY OF PARMA HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

SHEET NO. **C1.0**

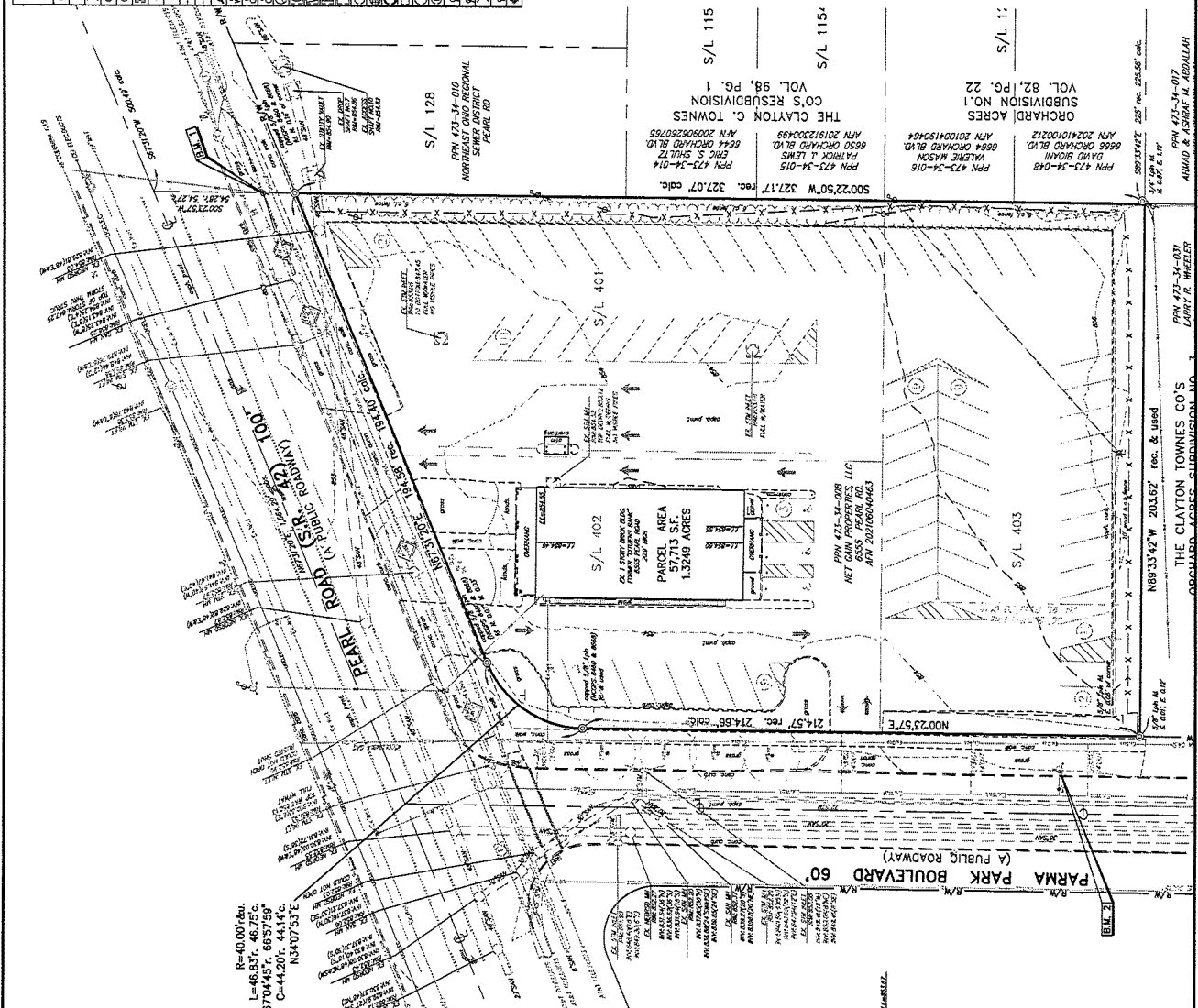


SYMBOL LEGEND (EXISTING)

1	EXISTING TRANSFORMER
2	EXISTING UTILITY BOX (ELEC. RZL)
3	EXISTING BOLLARD
4	EXISTING TRAFFIC SIGN
5	EXISTING MANHOLE
6	EXISTING HANDICAP PARKING
7	EXISTING SANITARY SEWER
8	EXISTING WATER MAIN
9	EXISTING GAS MAIN
10	EXISTING UNDERGROUND ELECTRIC
11	EXISTING UNDERGROUND TELEPHONE
12	EXISTING OVERHEAD UTILITY LINE
13	EXISTING WATER CORP STOP
14	EXISTING GAS METER
15	EXISTING WATER METER
16	EXISTING SQUARE INLET BASIN
17	EXISTING ROUND INLET BASIN
18	EXISTING CURB INLET BASIN
19	EXISTING ELECTRIC MANHOLE
20	EXISTING FLAG POLE
21	EXISTING POWER POLE
22	EXISTING OUT CANNON
23	EXISTING LIGHT POLE
24	EXISTING GRASS LIGHT

ABBREVIATIONS

APR	AUTOMATED PUMP NO.
CL	CL. CALC.
CONC	CONCRETE
COB	COUNTY BOOK RECORD
DOB	DEED BOOK RECORD
FD	FOUND
HS	HIGH SCHOOL ELEVATION
LA	LOCAL ACCESS
MA	MANHOLE
PA	PLUMBING
PL	PLUMBING PERMIT
PLN	PLUMBING PERMANENT PARCEL NO.
R/W	ROOT OF WAY
REC	RECORD
VA	VOLUME
STN	STATION
STN	STORM
INVERT	INVERT
REN	REINFORCED CONCRETE
PPE	PPE



R=40.00' rad.
L=46.83', 46.75'
370°45', 69°37'59"
C=44.20', 44.14'
N34°07'53"E

PARMA PARK BOULEVARD 60 (A PUBLIC ROADWAY)
PEARL ROAD (A PUBLIC ROADWAY)
ORCHARD ACRES (A PUBLIC ROADWAY)

THE CLAYTON C. TOWNES CO'S RESUBDIVISION NO. 1
VOL. 98, PG. 1
REC. 327.07' COIC.
PPN 423-34-014
ERIC S. SHULTZ
6555 PEARL RD.
PARMA, OHIO 44130

ORCHARD ACRES
SUBDIVISION NO. 1
VOL. 82, PG. 22
REC. 327.07' COIC.
PPN 423-34-016
WALTER MASON
6555 PEARL RD.
PARMA, OHIO 44130

THE CLAYTON TOWNES CO'S
ORCHARD ACRES SUBDIVISION NO. 1
REC. & USED
188°33'42" W 203.62'
S 0°23'57" E 214.57'
REC. 214.68' COIC.
PPN 423-34-009
JAMES W. WILSON, LLC
6555 PEARL RD.
PARMA, OHIO 44130

DATE	11-15-24
BY	JWB
CHECKED BY	JWB
APPROVED BY	JWB
PROJECT NO.	AVR WELLNESS - 6555 PEARL ROAD
DESCRIPTION	EXISTING CONDITIONS PLAN
SCALE	1" = 40'
SHEET NO.	C1.0



ABBREVIATED SWP3 PLAN

AVR WELLNESS - 6555 PEARL ROAD
CITY OF PLYMOUTH HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

NEFF ASSOCIATES
SHEET NO. C2.0

Additional Construction Site Pollution Control

1. All areas of construction shall be stabilized with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

Soil Erosion Control

1. All areas of construction shall be stabilized with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

Stormwater Pollution Prevention

1. All areas of construction shall be stabilized with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

STORM WATER MANAGEMENT AND SEDIMENT POLLUTION RATIONAL

1. THE SITE DISTURBANCE IS LESS THAN ONE ACRE.
2. STANDARD BEST MANAGEMENT PRACTICES ARE NOT REQUIRED FOR THIS SITE. THE DRP OR EDP GENERAL PERMIT OR OTHER REGULATORY INSTRUMENTS SHALL BE OBTAINED AND FOLLOWED.
3. A DRAINAGE PLAN AND EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE CITY OF PLYMOUTH HEIGHTS FOR REVIEW AND APPROVAL. THE PLAN SHALL SHOW THE LOCATION AND DESIGN OF ALL STORMWATER MANAGEMENT STRUCTURES AND EROSION CONTROL MEASURES. THE PLAN SHALL ALSO SHOW THE LOCATION AND DESIGN OF ALL SEDIMENT TRAP STRUCTURES AND OTHER POLLUTION CONTROL MEASURES. THE PLAN SHALL BE DATED AND SIGNED BY A REGISTERED PROFESSIONAL ENGINEER.

Soil Stabilization

1. All areas of construction shall be stabilized with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

Inspection Notes

1. All areas of construction shall be stabilized with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

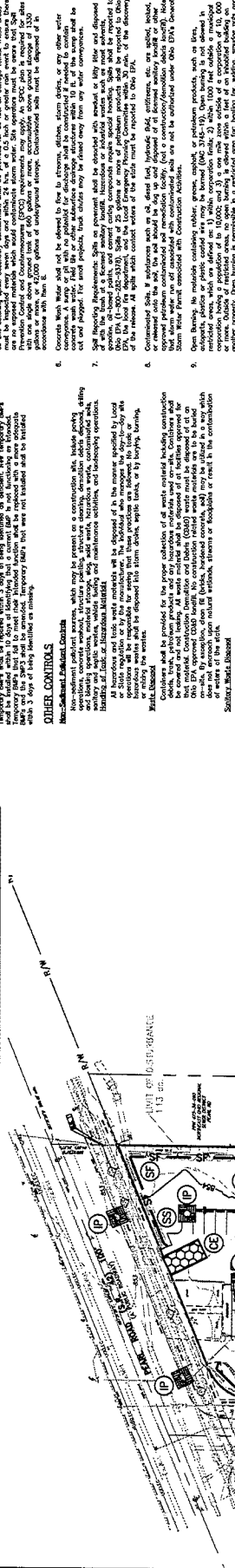
Other Controls

1. All areas of construction shall be stabilized with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

Soils Legend

1. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

Symbol	Description
IP	STORM DRAIN INLET
SP	SILT FENCE
CP	CONSTRUCTION ENTRANCE
PP	PERMANENT SEEDING



1. All areas of construction shall be stabilized with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction. Areas of bare earth shall be protected with straw mulch or other approved erosion control measures within 14 days of the start of construction.

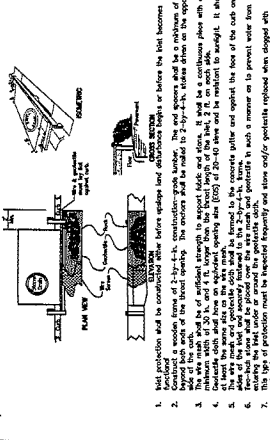
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NEFF ASSOCIATES
11/15/24
11/15/24
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NEFF ASSOCIATES
11/15/24
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11/15/24

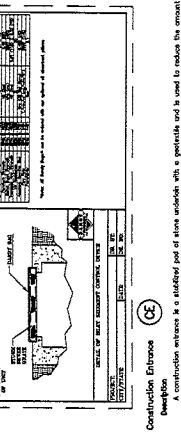
Storm Drain Inlet Protection

Storm drain inlet protection devices are required to be installed on all storm drain inlets and on all roof drains. The purpose of inlet protection is to prevent sediment and debris from entering the storm drain system. Inlet protection devices shall be installed in accordance with the manufacturer's instructions and shall be maintained at all times. Inlet protection devices shall be installed on all storm drain inlets and on all roof drains. The purpose of inlet protection is to prevent sediment and debris from entering the storm drain system. Inlet protection devices shall be installed in accordance with the manufacturer's instructions and shall be maintained at all times.



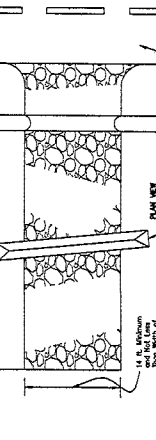
Construction Entrance

Construction entrances are a stabilized job of earth surface with a protective mat and is used to reduce the amount of mud tracked off of a construction site. Construction entrances shall be installed at all access points to a construction site. Construction entrances shall be installed at all access points to a construction site.



Dust Control

Construction sites shall implement dust control measures to minimize dust emissions. Dust control measures include water spraying, windbreaks, and other methods to reduce dust. Dust control measures shall be implemented at all construction sites.



Temporary Seeding

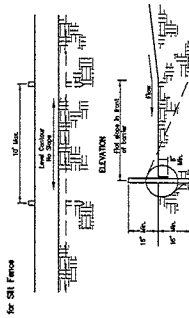
Temporary seeding is used to stabilize exposed soil surfaces. Temporary seeding shall be applied to all exposed soil surfaces. Temporary seeding shall be applied to all exposed soil surfaces.

Seeding Dates	Seeding Rate	Seeding Method
From 1 to August 15	1 lb./1,000 sq. ft.	Hand Broadcast
From August 16 to November 15	1 lb./1,000 sq. ft.	Hand Broadcast
From November 16 to February 15	1 lb./1,000 sq. ft.	Hand Broadcast
From February 16 to May 15	1 lb./1,000 sq. ft.	Hand Broadcast

- 1. Structural materials and equipment shall be stored on a prepared area. Structural materials and equipment shall be stored on a prepared area.
- 2. Temporary seeding shall be applied to all exposed soil surfaces. Temporary seeding shall be applied to all exposed soil surfaces.
- 3. Windbreaks shall be installed to reduce dust emissions. Windbreaks shall be installed to reduce dust emissions.
- 4. Water spraying shall be used to control dust. Water spraying shall be used to control dust.
- 5. Other dust control measures shall be implemented. Other dust control measures shall be implemented.

Silt Fence

Silt fences are sediment-trapping devices that are used to prevent sediment from leaving a construction site. Silt fences shall be installed at all access points to a construction site. Silt fences shall be installed at all access points to a construction site.



Permanent Seeding

Permanent seeding is used to stabilize soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces.

- 1. Permanent seeding shall be applied to all exposed soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces.
- 2. Permanent seeding shall be applied to all exposed soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces.
- 3. Permanent seeding shall be applied to all exposed soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces.
- 4. Permanent seeding shall be applied to all exposed soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces.
- 5. Permanent seeding shall be applied to all exposed soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces.

Soil Stabilization

Soil stabilization is used to improve soil strength and stability. Soil stabilization shall be applied to all exposed soil surfaces. Soil stabilization shall be applied to all exposed soil surfaces.

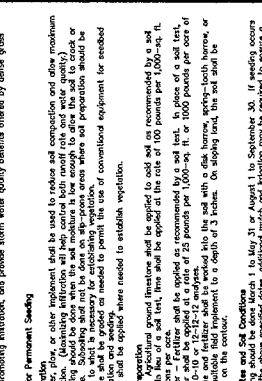
- 1. Soil stabilization shall be applied to all exposed soil surfaces. Soil stabilization shall be applied to all exposed soil surfaces.
- 2. Soil stabilization shall be applied to all exposed soil surfaces. Soil stabilization shall be applied to all exposed soil surfaces.
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- 5. Soil stabilization shall be applied to all exposed soil surfaces. Soil stabilization shall be applied to all exposed soil surfaces.

Soil Stabilization	Soil Stabilization	Soil Stabilization
Soil Stabilization	Soil Stabilization	Soil Stabilization
Soil Stabilization	Soil Stabilization	Soil Stabilization
Soil Stabilization	Soil Stabilization	Soil Stabilization

- 1. Storm drain inlet protection devices shall be installed on all storm drain inlets. Storm drain inlet protection devices shall be installed on all storm drain inlets.
- 2. Construction entrances shall be installed at all access points to a construction site. Construction entrances shall be installed at all access points to a construction site.
- 3. Dust control measures shall be implemented at all construction sites. Dust control measures shall be implemented at all construction sites.
- 4. Temporary seeding shall be applied to all exposed soil surfaces. Temporary seeding shall be applied to all exposed soil surfaces.
- 5. Permanent seeding shall be applied to all exposed soil surfaces. Permanent seeding shall be applied to all exposed soil surfaces.

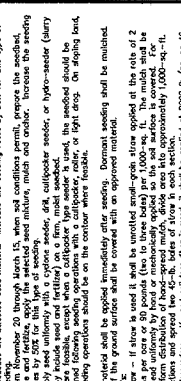
Storm Drain Inlet Protection

Storm drain inlet protection devices are required to be installed on all storm drain inlets and on all roof drains. The purpose of inlet protection is to prevent sediment and debris from entering the storm drain system. Inlet protection devices shall be installed in accordance with the manufacturer's instructions and shall be maintained at all times.



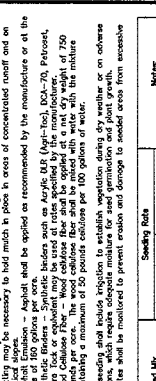
Construction Entrance

Construction entrances are a stabilized job of earth surface with a protective mat and is used to reduce the amount of mud tracked off of a construction site. Construction entrances shall be installed at all access points to a construction site.



Dust Control

Construction sites shall implement dust control measures to minimize dust emissions. Dust control measures include water spraying, windbreaks, and other methods to reduce dust. Dust control measures shall be implemented at all construction sites.



Temporary Seeding

Temporary seeding is used to stabilize exposed soil surfaces. Temporary seeding shall be applied to all exposed soil surfaces. Temporary seeding shall be applied to all exposed soil surfaces.

Seeding Dates	Seeding Rate	Seeding Method
From 1 to August 15	1 lb./1,000 sq. ft.	Hand Broadcast
From August 16 to November 15	1 lb./1,000 sq. ft.	Hand Broadcast
From November 16 to February 15	1 lb./1,000 sq. ft.	Hand Broadcast
From February 16 to May 15	1 lb./1,000 sq. ft.	Hand Broadcast

- 1. Structural materials and equipment shall be stored on a prepared area. Structural materials and equipment shall be stored on a prepared area.
- 2. Temporary seeding shall be applied to all exposed soil surfaces. Temporary seeding shall be applied to all exposed soil surfaces.
- 3. Windbreaks shall be installed to reduce dust emissions. Windbreaks shall be installed to reduce dust emissions.
- 4. Water spraying shall be used to control dust. Water spraying shall be used to control dust.
- 5. Other dust control measures shall be implemented. Other dust control measures shall be implemented.

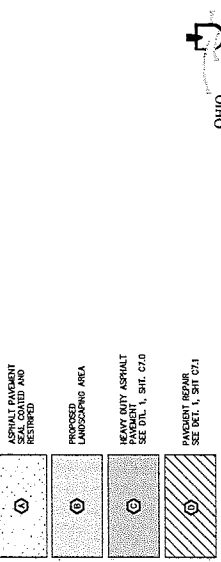


ZONING INFORMATION			
CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROVIDED
1185.05	MAX. HT. OF BLDG.	30 ft.	20.9 ft.
1185.05(D)	MIN. LOT SIZE	25,000 sq. ft.	57,713 sq. ft.
1185.04(G)(1)(B)(3)	FRONT YARD SETBACK - BLDG.	5 ft./20 ft.	26.8 ft./20 ft.
1185.04(G)	FRONT YARD SETBACK - PARKING	10 ft.	10.7 ft.
1185.04(H)	SIDE SETBACK - BLDG.	20 ft.	11.4 ft.
1185.04(I)	SIDE SETBACK - PARKING	20 ft.	51.1 ft.
1185.04(J)	REAR SETBACK - BLDG.	20 ft.	53.6 ft.
1185.04(K)	REAR SETBACK - PARKING	20 ft.	20 ft.
1185.04(L)	MIN. CLEAR HEIGHT (E. LAID)	20 ft.	20 ft.
1185.04(M)	MIN. CLEAR HEIGHT (S. LAID)	20 ft.	20 ft.
1185.06(B)	MINIMUM # OF SPACES	9 ft. x 20 ft. 5 SPACES PER 1,000 sq. ft. = 35 SPACES	63 spaces

PARKING INFORMATION	
PROPOSED PARKING SPACES	63 PARKING SPACES (1-20A SPACES)
PROPOSED BUILDING RETAIL STORE	= 7,094 SF
RETAIL STORES PARKING REQUIREMENTS:	= 35 SPACES
5 SPACE PER 1,000 SF	= 63 SPACES(3 AM)

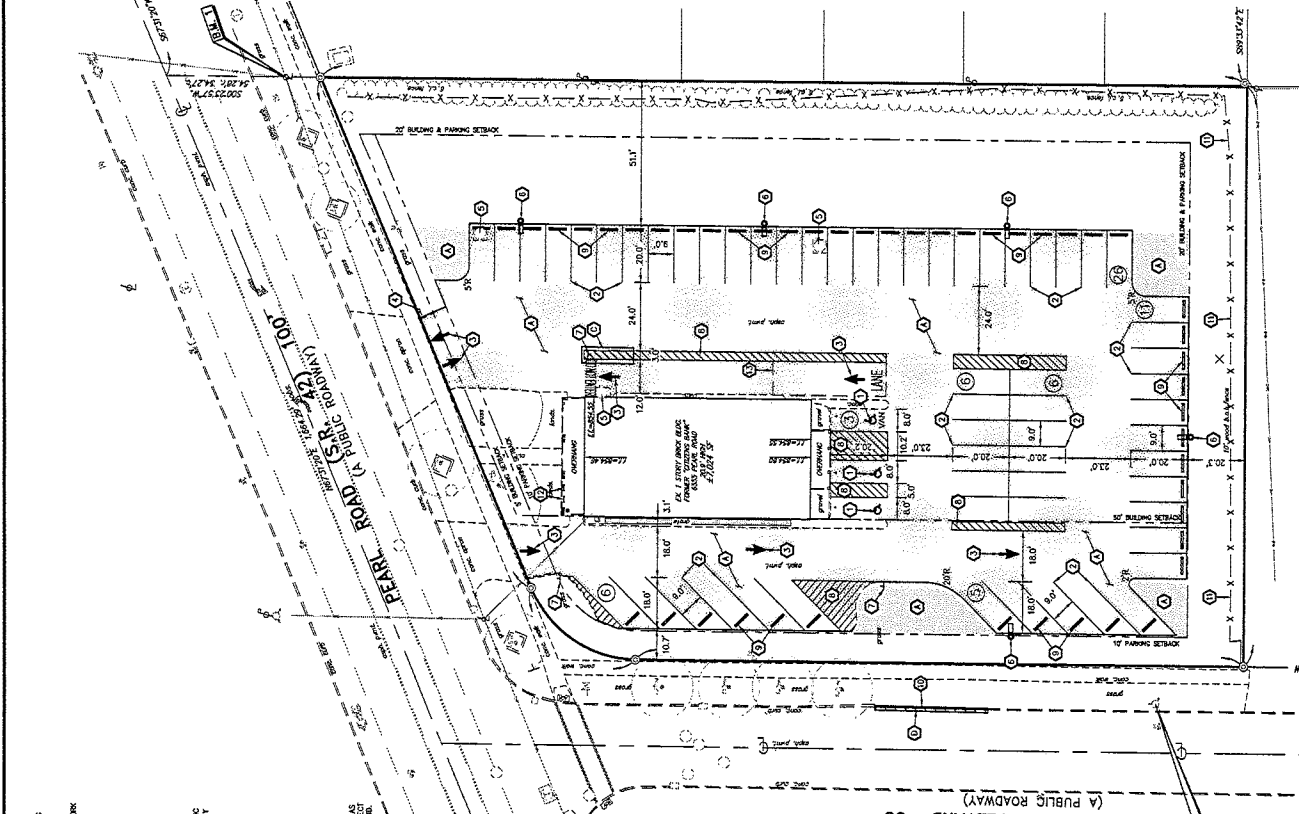
LANDSCAPING INFORMATION	
PROPOSED LANDSCAPING AREA	1,274 SF
PROPOSED PARKING AREA	= 28,940 SF
LANDSCAPING AREA REQUIREMENTS:	= 1,447 SF
28,940 SF x 5%	= 1,274 SF

- KEY NOTES**
- MIN. ACCESSIBLE PARKING SYMBOL SEE DET. 4, SHT. C7.0
 - PARKING STRIPES 4" MIN. SOLID WHITE, SEE DET. 1, SHT. C7.0
 - PROPOSED 18" x 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C7.0
 - PROPOSED 18" x 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C7.0
 - COASTING STRIP STRUCTURE, SEE SHEETS C1.0 AND C3.0
 - ASPHALT PAVEMENT, SEE SHEETS C1.0 AND C3.0
 - TRANSVERSE STRIPING - 4" MIN. SOLID WHITE STRIPES @ 45 DEG. DET. 3, SHT. C7.0
 - WHEEL STOP, SEE DET. 2, SHT. C7.0
 - VERTICAL CONCRETE CURB, SEE DET. 6, SHT. C7.0
 - PROPOSED 18" x 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C7.0
 - PROP. BIKE RAC, SEE DET. 3, SHT. C7.0
 - PROP. LOADING ZONE



OHIO
 Utilities Protection
 SERVICE
 California Ave. Bldg.
 1-800-3-62-2764
 AA29803359-00A
 Also call: (614) 521-1999
 (614) 521-1998
 (614) 521-1997
 Fax: (614) 521-1996

REVISION	DATE	DESCRIPTION
11-15-24		PC SUBMITTAL



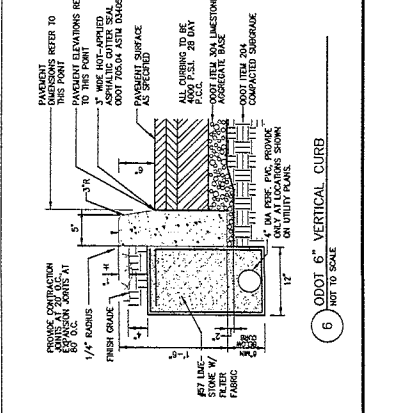
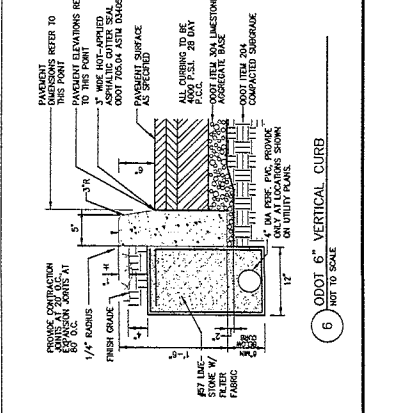
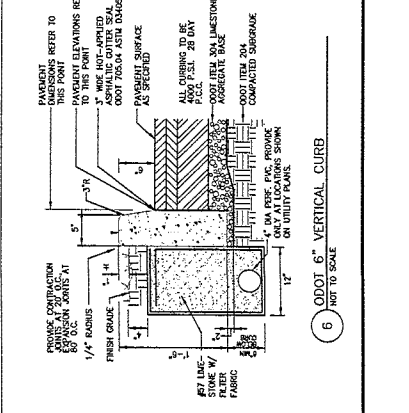
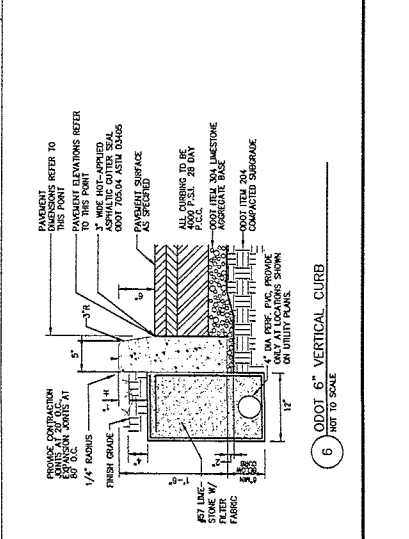
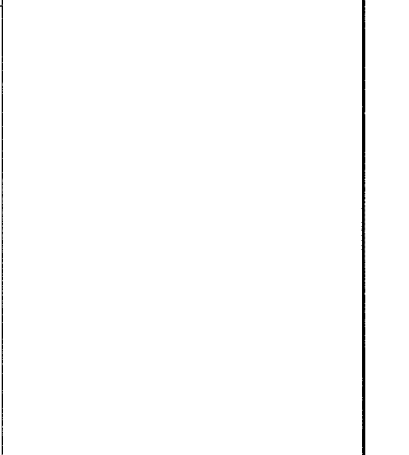
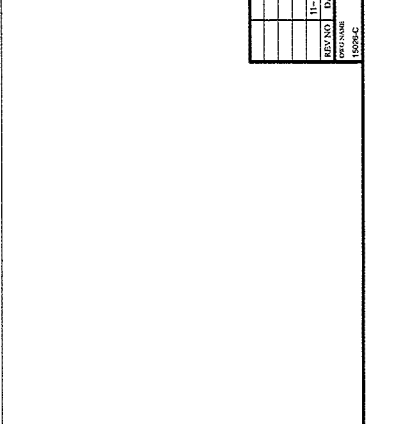
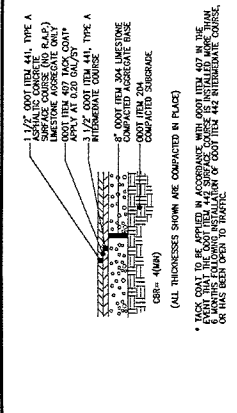
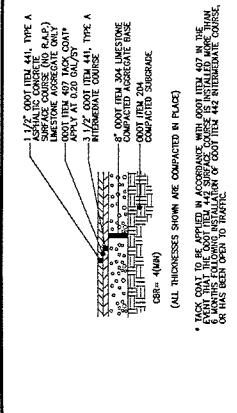
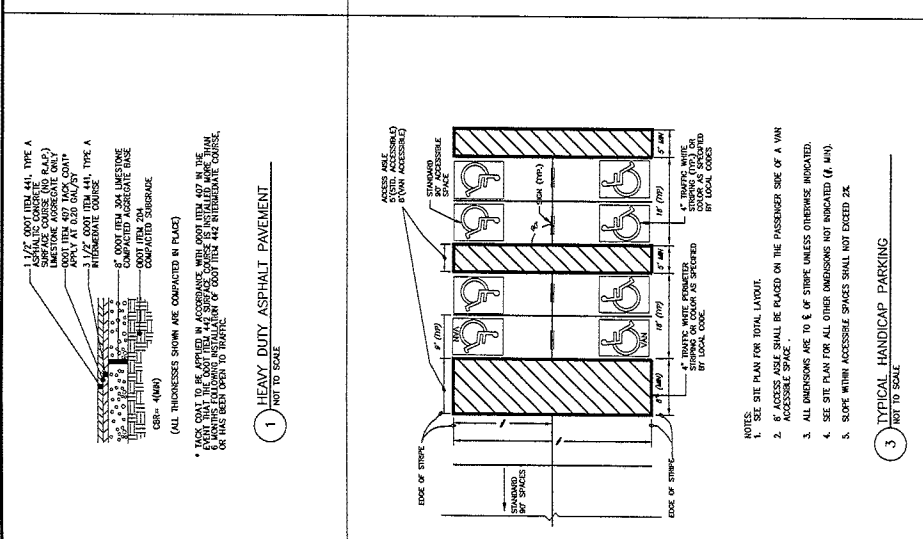
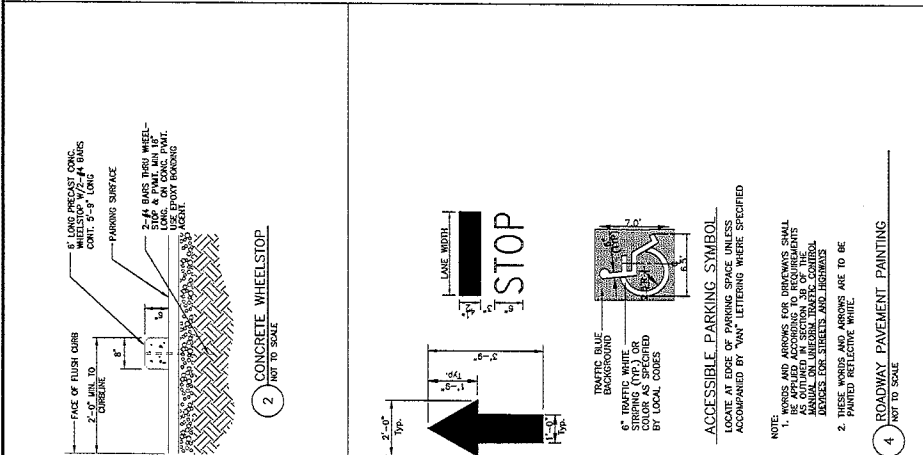
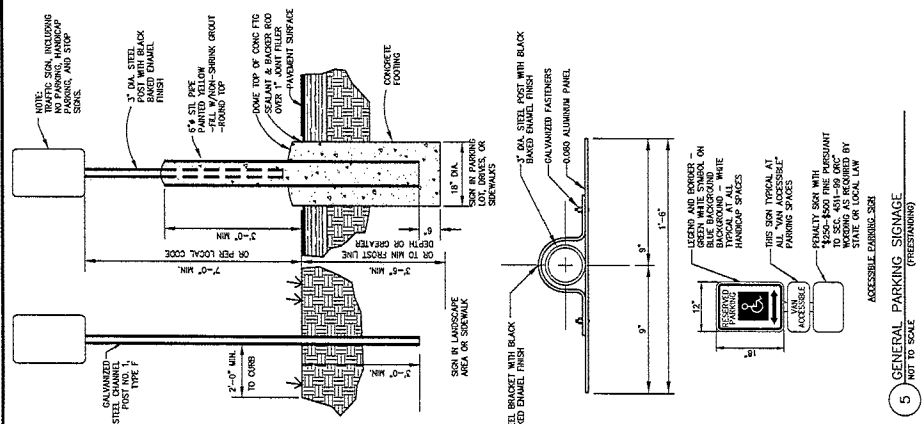
- GENERAL**
- ALL ROAD SURFACES, EXCAVATIONS OR NOTES-OF-ANY DISTURBED OR CONSTRUCTION OF ANY PART OF THIS PROJECT TO BE RESTORED TO ORIGINAL CONDITION TO THE SATISFACTION OF THE OWNER AND THE CITY OF PARMA HEIGHTS.
 - THE CONTRACTOR SHALL OBTAIN A CITY OF PARMA HEIGHTS STREET STOPPING PERMIT BEFORE BEGINNING WORK WITHIN ANY PUBLIC STREET RIGHT-OF-WAY.
 - THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.
 - NO PARKING OF CONTRACTOR OR CONTRACTOR EMPLOYEE VEHICLES ON ANY PUBLIC STREETS SHALL BE PERMITTED.
 - THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.

- SITE LAYOUT NOTES**
- THESE PLANS HAVE BEEN PREPARED FOR ELECTRONIC FIELD LAYOUT. DIMENSIONS SHOWN ARE FOR DRAWING PURPOSES ONLY. FIELD DIMENSIONS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY. DIMENSIONS SHOWN BETWEEN THE PLAN AND THE ELECTRONIC DATA ARE ENCOURAGED.
 - ALL DIMENSIONS AND FINISH ARE TO THE FACE OF CURB, FACE OF FINISH OR AS NOTED OTHERWISE.
 - EXACT LOCATION OF SOAKS TO BE COORDINATED WITH OWNER AND APPROVED PRIOR TO INSTALLATION.
 - ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
 - ALL DISTURBED AREAS ARE TO BE RESTORED TO ORIGINAL CONDITION WITHIN 90 DAYS OF COMPLETION OF WORK. SEED, MULCH AND WATER UNTIL A PERMANENT COVER IS ESTABLISHED.
 - CONCRETE STRUCTURES WITH CONSTRUCTION LIMITS ARE TO BE ANNEALED, REINFORCED OR RELOCATED AS NECESSARY. ALL COSTS SHALL BE INCLUDED IN BIDDING.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REGULATIONS (UNLESS OTHERWISE NOTED ON PLANS) AND PERMITS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REGULATIONS AND PRODUCT SPECIFICATIONS. ALL WORK SHALL BE APPROVED BY SUCH. ALL COSTS SHALL BE INCLUDED IN BIDDING. SITE WORK SPECIFICATIONS AND SHALL BE PROVIDED BY SUCH. ALL COSTS SHALL BE INCLUDED IN BIDDING. SITE WORK SPECIFICATIONS AND ROAD INFORMATION TAKEN FROM A SURVEY PROVIDED BY NEFF ASSOCIATES.

BENCH MARKS:

BLM #1 (N. 1/4 CORNER OF SECTION 15, TOWNSHIP 15 N., RANGE 15 E., MERIDIAN 15 W.)	ELEVATION: 655.15 (MWD09)
BLM #2 (N. 1/4 CORNER OF SECTION 15, TOWNSHIP 15 N., RANGE 15 E., MERIDIAN 15 W.)	ELEVATION: 655.75 (MWD09)

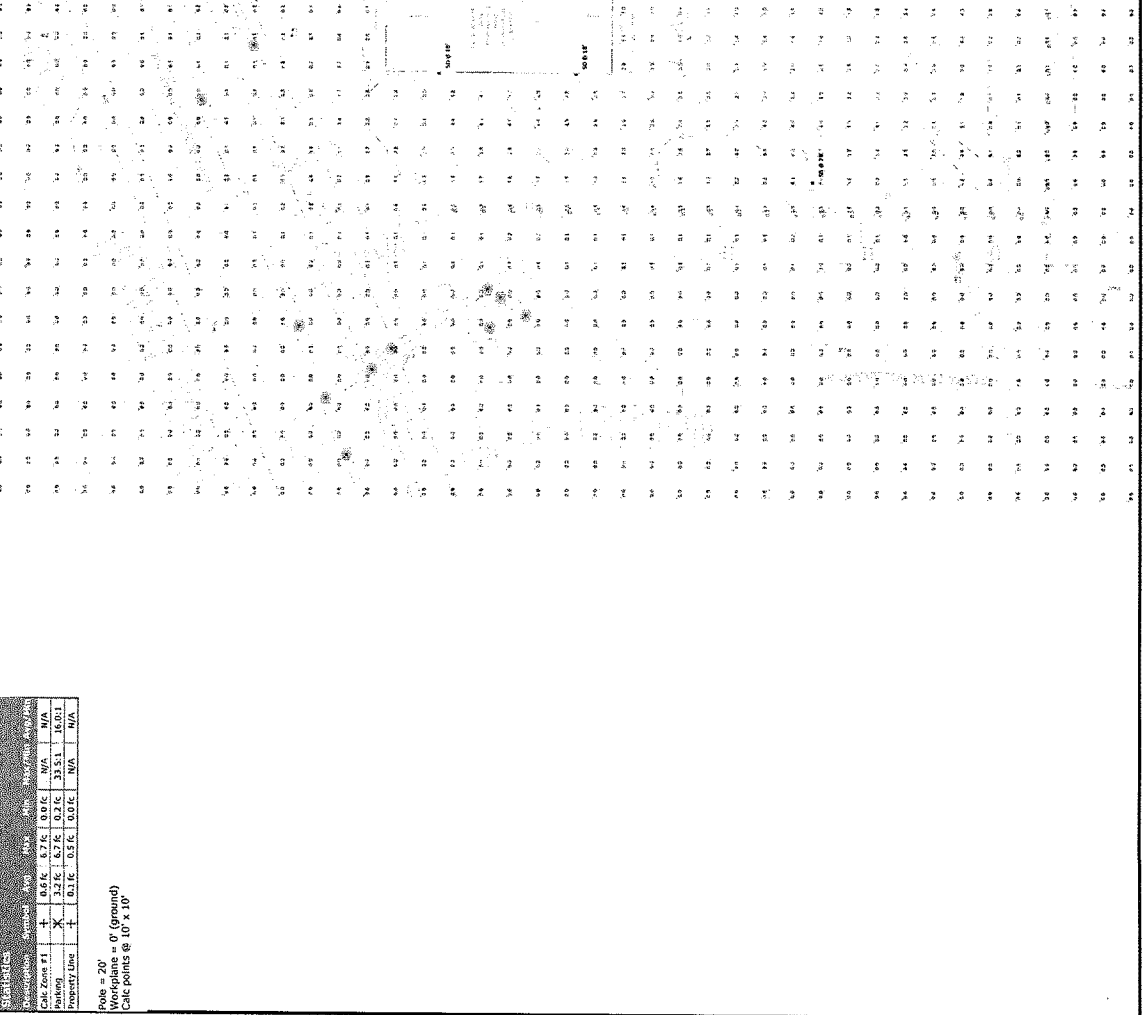
ALL VERTICAL BENCH MARK INFORMATION SHOWN PER C.E.S. 508. FIELD OBSERVATIONS DATED OCTOBER 29, 2024.



REVISION	DATE	BY	CHKD	DESCR
11-15-24		PC	SUBMITTAL	
		DESIGNER	DESIGNER	
		CHECKER	CHECKER	
		DATE	DATE	
		BY	BY	
		CHKD	CHKD	

REVISION	DATE	BY	CHKD
11-15-24	PC	SMITH	
PREPARED BY	DATE	BY	CHKD
REVIEWED BY	DATE	BY	CHKD
APPROVED BY	DATE	BY	CHKD

Code	Description	Quantity	Unit	Notes
SA	COOKER LIGHTING SOLUTIONS (CORNER EAT-IN)	48	314	0.59
SB	COOKER LIGHTING SOLUTIONS (CORNER EAT-IN)	48	361	0.95
SC	COOKER LIGHTING SOLUTIONS (CORNER EAT-IN)	48	234	0.85
SD	COOKER LIGHTING SOLUTIONS (CORNER EAT-IN)	3	362	0.95



Pole = 20'
 Workplane = 0' (ground)
 Calc points @ 10' x 10'

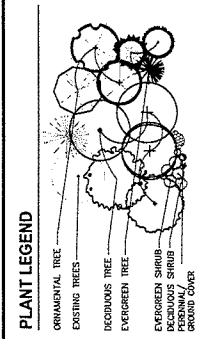
KEY NOTES

① LAWN SEED AREA
② HARDWOOD MULCH AREA

LAWN SEED MIX

PERCENT BY WEIGHT

PERENNIAL BLEND	25%
AWARD KENTUCKY BLUEGRASS	25%
PARMA OIL PERSIAN REDGRASS	25%
SILVER OIL PERSIAN REDGRASS	25%



PLANT LIST - SUMMARY TABLE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	SPACING	TOTAL
ACE	ACER X FRIEMAN 'HURSTROM'	ARISTONIA MAPLE	2" CAL	666	AS SHOWN	6
TD	TILIA OOOOENTILIS 'SARANG'	DEERHOLD BRIDEN HORSENUT	6" HT.	666	AS SHOWN	60
PG	PIXA PAVICENT 'DANCA'	COLORADO BLUE SPRUCE	6" HT.	666	AS SHOWN	14
SR	SPARGANGLERIA 'VIREN VELVET'	GREEN VELVET BOWWOOD	30"	CONTE	AS SHOWN	48
HR	RHOIXODENDRON 'HERBERT'	HERBERT AZALEA	18"	CONTE	AS SHOWN	48
US	USPICE SPICATA	CREeping LILY TURF	No. 1	CONTE	18" O.C.	48

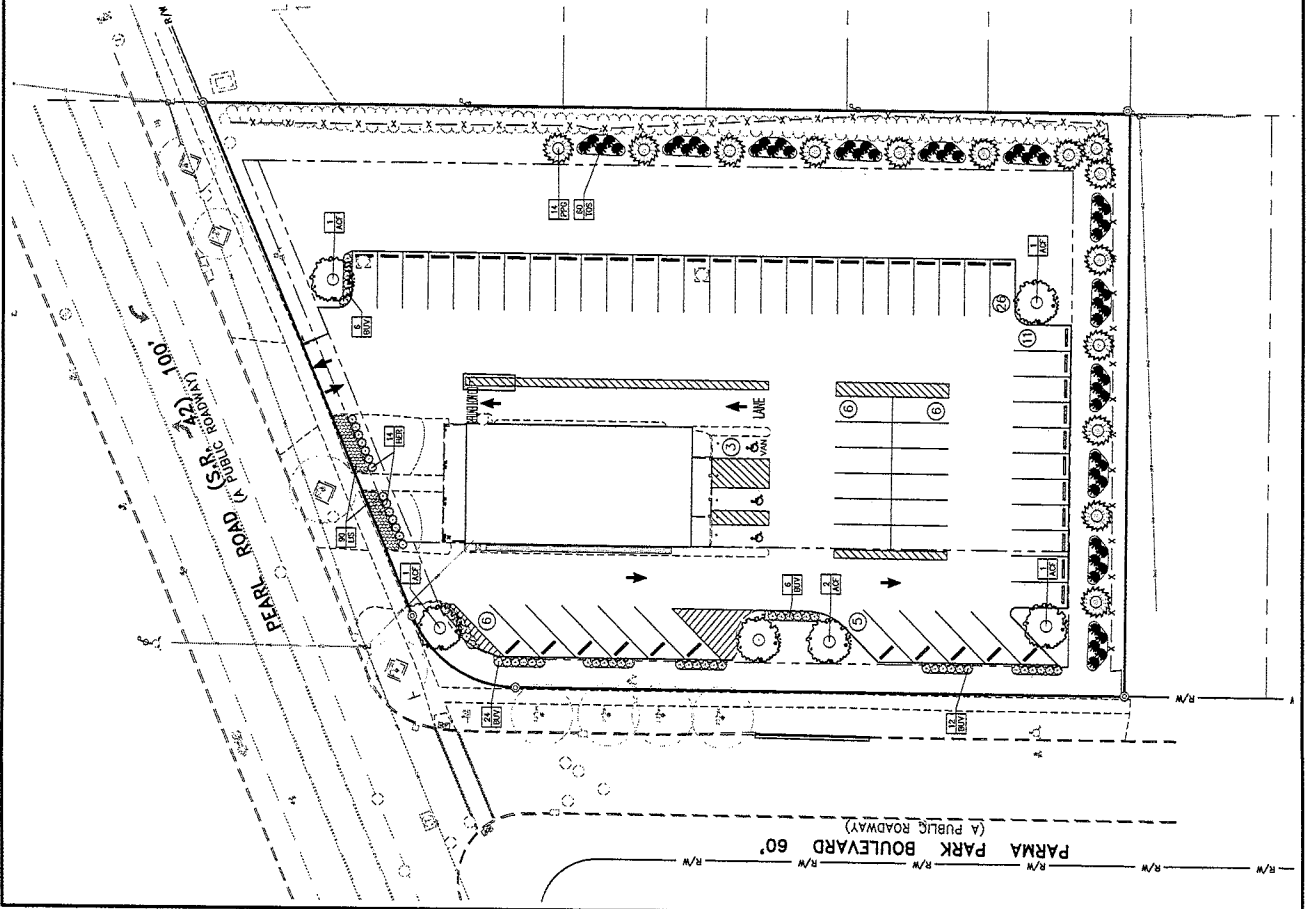
LANDSCAPE NOTES

- CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND VERIFYING ALL PLANT MATERIAL SHOWN ON THE PLANS. ANY PLANT MATERIAL SUBSTITUTIONS TO BE VERIFIED AND APPROVED BY LANDSCAPE ARCHITECT OR OWNER PRIOR TO INSTALLATION.
- CONTRACTOR TO VERIFY ALL PLANT MATERIALS AT ALL PLANTING SITES. PROVIDE A MIN. 1" WATERING MAT FOR EACH PLANTING AREA. LOCATED WITHIN PLANTING AREAS. PROVIDE A MIN. 2" MULCHER MULCH AROUND EACH PLANTING TREE. MULCH COLOR SHALL BE NATURAL AND NOT DYE. MULCH EXISTING BEDS UNLESS OTHERWISE SPECIFIED BY THE OWNER. CONTRACTOR SHALL SIGHT MULCH SAMPLES TO OWNER FOR APPROVAL PRIOR TO ORDERING.
- ONCE FINAL GRADE IS ESTABLISHED, ALL PLANTING BEDS SHALL RECEIVE 6" DEPTH OF PLANTING SOIL MIX FOR THE SPECIFICATIONS AND DETAILS. ALL SEEDING AREAS TO RECEIVE A MINIMUM OF 2" OF TOPSOIL FOR THE SPECIFICATIONS. PLANTING CAN BE DELAYED IF SPECIFICATIONS ARE NOT MET AND APPROVED BY ARCHITECT. CONTRACTOR SHALL PROVIDE A MINIMUM OF 1" OF MULCH TO PROTECT PLANTING PATTERNS ON SITE. THIS INCLUDES BUT IS NOT LIMITED TO PLACING PLANT MATRICES IN OR NEAR SHOULDS OR CHEATING WALLS THAT BLOCK THE ANTICIPATED SURFACE DRAINAGE PATTERN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING ALL PLANT MATERIAL AND SEEDING AREAS UNTIL SUBSTANTIAL COMPLETION OF PROJECT. SLOW RELEASE WATERING BAUS SHOULD BE USED ON ALL TREES.
- ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE ORDERING, AND AFTER INSTALLATION.
- BEFORE CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL PROPOSED UTILITY LOCATIONS AND LOCATING ALL EXISTING UNDERGROUND UTILITIES. CONTRACTOR SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATION OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE NOT GUARANTEED. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD. TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
- APPLY A PRE-EMERGENT HERBICIDE, PROXIMATE OR QUANTIFY OR APPROVED SUBSTITUTED, TO TREE, SHRUB, AND GROUND COVER AREAS IN ACCORDANCE WITH MANUFACTURER'S WRITTEN RECOMMENDATIONS. DO NOT APPLY TO SEEDING AREAS.

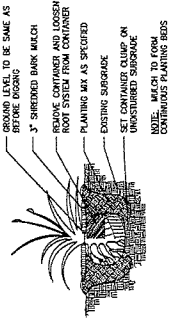
ZONING INFORMATION

CURRENT ZONING -- GENERAL COMMERCIAL

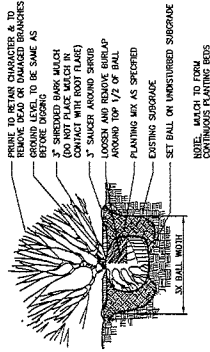
CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROVIDED
1185.07(a)	INTERNAL PARKING LOT LANDSCAPING	2% OF PARKING LOT AREA SHALL BE PLANTED AS LANDSCAPE ISLAND AREAS, AND AT LEAST ONE TREE IS REQUIRED FOR EVERY LANDSCAPE WITHIN A PARKING LOT	6 TREE PROVIDED
1185.07(b)	ADDITIONAL PARKING LOT LANDSCAPING	LANDSCAPING SHALL BE A MINIMUM PERCENT OF THE GROSS AREA OF THE PARKING LOT AND SHALL BE PLACED TO DIFFERENTIALLY OCCURE A MINIMUM OF 50 PERCENT OF THE PARKING AREA.	144 TREE OF VARIETY SHRUBS (24% OF PARKING LOT)
1185.08(a)	SCREENING ADJACENT RESIDENTIAL DISTRICTS	A DENSE VEGETATIVE PLANTING INCORPORATING TREES AND/OR SHRUBS OF A VARIETY WHICH SHALL BE EQUALLY EFFECTIVE IN WINTER AND SUMMER. VEGETATION SHALL BE PLANTED WITH SUCH MINIMUM HEIGHT TO ASSURE THAT MORE THAN 12 MONTHS AFTER THE INITIAL INSTALLATION.	SCREEN OF EVERGREEN TREES
1185.08(b)	DESIGN STANDARDS AND PRINCIPLES FOR LANDSCAPING AND SCREENING	LANDSCAPING SHALL BE USED TO DEFINE PUBLIC ENTRANCES USING "SIGNATURE" LANDSCAPING ELEMENTS. DIVERSE TREES, FLOWERING SHRUBS, PERENNIALS, AND GROUND COVERS	6 TREE PROVIDED



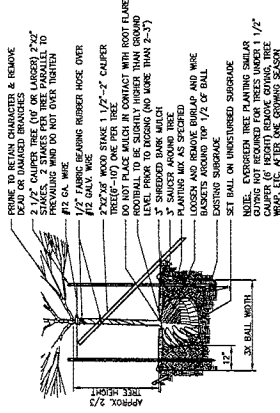
REV. NO.	DATE	DESCRIPTION
1	11-15-24	PC SUBMITTAL



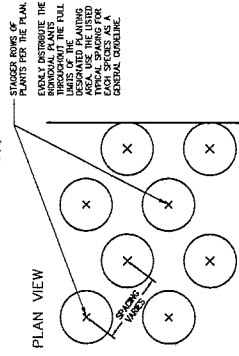
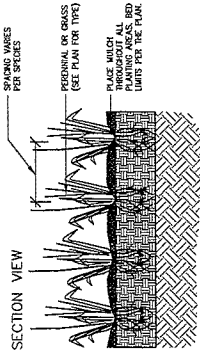
1 TYPICAL PERENNIAL PLANTING DETAIL
NOT TO SCALE



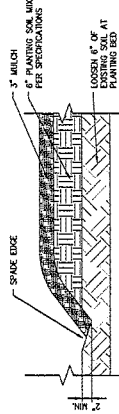
2 TYPICAL SHRUB PLANTING DETAIL
NOT TO SCALE



3 TYPICAL TREE PLANTING DETAIL
NOT TO SCALE



4 SHRUB AND PERENNIAL SPACING
NOT TO SCALE



5 LANDSCAPE BED EDGE/SOIL DEPTH (TYP.)
NOT TO SCALE

REVNO	DATE	BY	CHKD	DESCRIPTION
1	11-15-24	PC	SM	FINAL
2				
3				
4				
5				

OWNER:
DAILY
RELEASE LLC

ARCHITECT / ENGINEER:
SHREMSHOCK ARCHITECTS, INC.
7774 KENNEDY BLVD. SUITE 100
PARMA, OH 44130
PHONE: 330.944.4444
WWW.SHREMSHOCK.COM

DAILY
RELEASE
LLC

PROJECT LOCATION:
6555 PEARL RD.
PARMA HEIGHTS
OH, 44130

DESIGN TYPE:
REVISIONS:
DATE: 05/29/2024
DRAWN BY: PP
CHECKED BY: BHW

TITLE SHEET

DATE ISSUED: 05/29/2024
PROJECT NO.: 240122
DRAWING NO.: G1.1

NO.	REVISION	DATE	BY	CHKD.
1	ISSUE FOR PERMIT			
2	REVISED PERMIT REQUIREMENTS			
3	REVISED PERMIT REQUIREMENTS			
4	REVISED PERMIT REQUIREMENTS			
5	REVISED PERMIT REQUIREMENTS			
6	REVISED PERMIT REQUIREMENTS			
7	REVISED PERMIT REQUIREMENTS			
8	REVISED PERMIT REQUIREMENTS			
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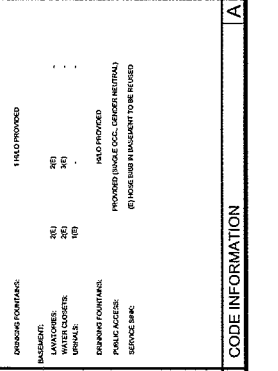
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 MAIN LEVEL AREA: 3,308 SQ.FT.
 BASEMENT AREA: 3,092 SQ.FT.
 MEZZANINE AREA: 428 SQ.FT.
 TOTAL GROSS AREA: 6,828 SQ.FT.
 GROSS SALES / PUBLIC AREA: (RECEPTION + RETAIL) AREA + TOILET ROOM: 1,763 SQ.FT.
 GROSS BUSINESS AREA: (OFFICES + IT ROOM) + VAULT: 237 SQ.FT.
 GROSS NON-SALES AREA: (HALLWAY + BREAK ROOM + MEZZANINE AREA): 1,628 SQ.FT.

NOT USED

AREA CALCULATIONS



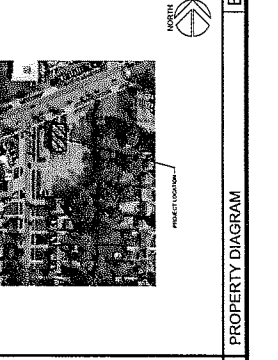
AWR
wellness

6555 PEARL RD.
PARMA HEIGHTS, OH 44130

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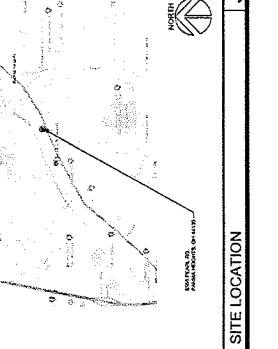


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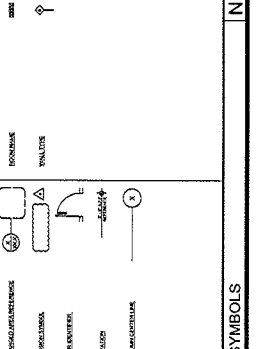


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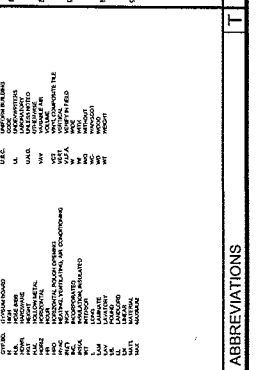


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OWNER:
DAILY
RELEASE LLC

ARCHITECT / ENGINEER:
SHREMSHOCK
Shremshock Architects, Inc.
7755 W. 120th Street, Suite 200
Overland Park, KS 66209
Tel: 913.454.4555 | Fax: 913.454.4555 | Email: info@shremshock.com

PROJECT LOCATION:
6555 PARADISE DR
PARMA HEIGHTS
OH, 44130

DESIGN TYPE:
REVISIONS:
DATE ISSUED: 05/29/2024
PROJECT NO.: 240122
DRAWING NO.:

DATE: 05/29/2024
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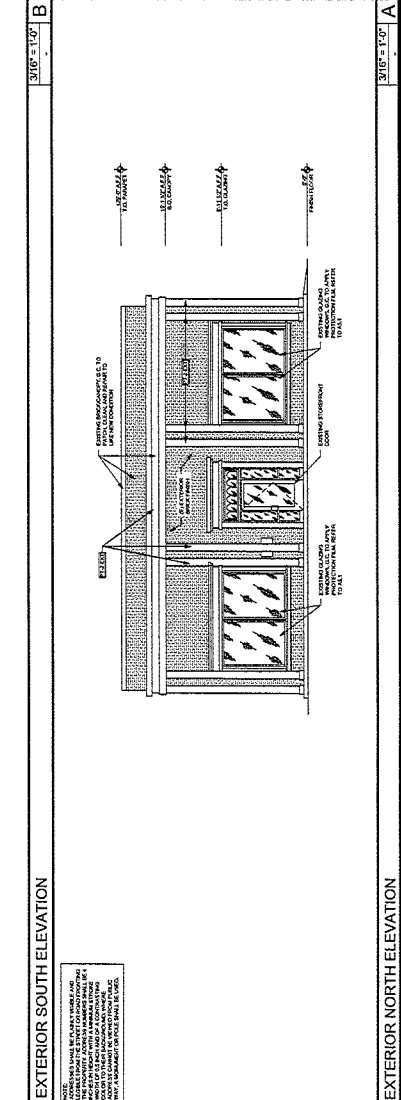
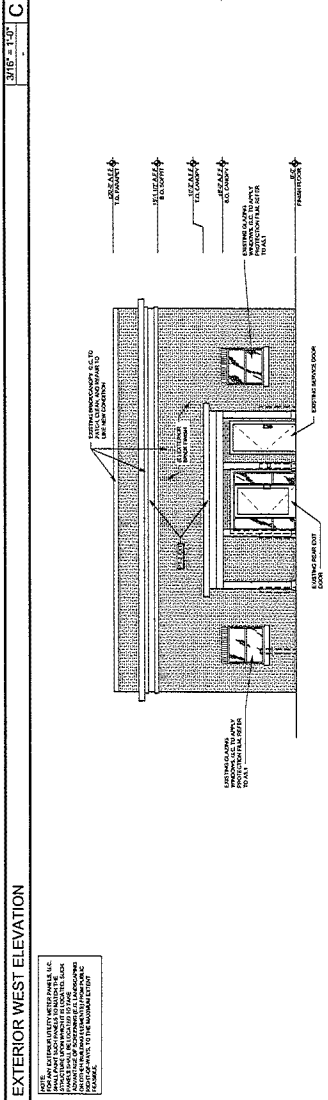
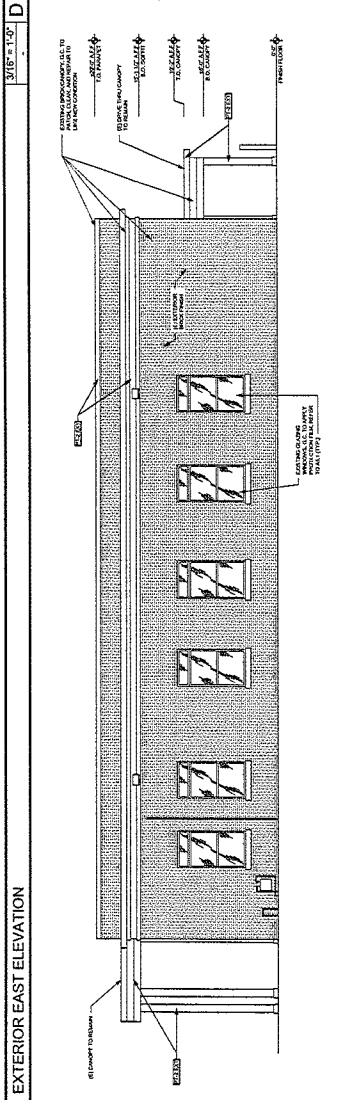
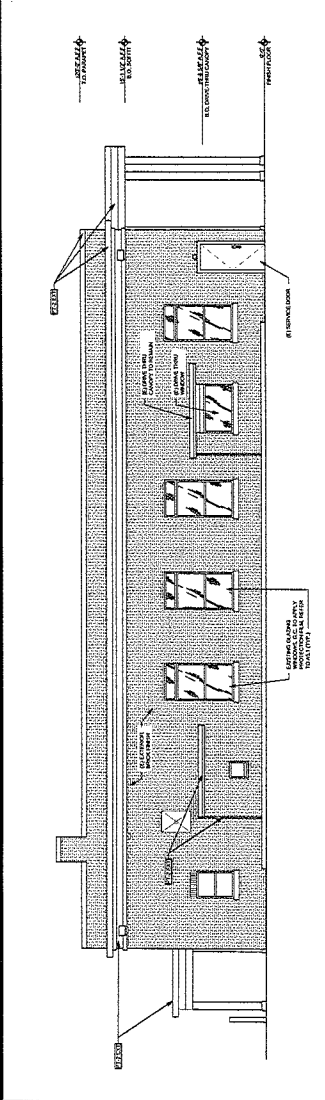
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PROJECT NO.: 240122
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U	NOT USED	1" = 1'-0"	P	EXTERIOR SOUTH ELEVATION	B
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FINISH SCHEDULE	
SYMBOL	DESCRIPTION
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□	BRICK
□	GLASS
□	PAINT
□	WOOD
□	ROOFING
□	MECHANICAL
□	ELECTRICAL
□	PLUMBING
□	LANDSCAPE
□	OTHER

EXHIBIT F

ORDINANCE NO. 2024 - 49

AN ORDINANCE AMENDING CHAPTER 752 PREVIOUSLY ENTITLED "MEDICAL MARIJUANA OPERATIONS" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, on November 7, 2023, Ohio voters approved Ohio Issue 2, the Marijuana Legalization Initiative, which legalized adult-use cannabis in the State of Ohio, and further allows for its cultivation, processing, possession, sale, and purchase in the State of Ohio; and

WHEREAS, amendments to Chapter 752 of the Parma Heights Codified Ordinances, including amending the title of the chapter, are necessary in order to permit marijuana operations within the City of Parma Heights, Ohio; and

WHEREAS, this Council desires to adopt the recommendation of the Administration; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of this amended Ordinance in order to regulate marijuana dispensaries within the City of Parma Heights, Ohio.

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 752 of the Codified Ordinances as it previously existed is amended, and as amended, shall henceforth read as shown by edits set forth in "Exhibit A, as amended", 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: This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to establish land use standards for state licensed marijuana operations; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: October 7, 2024

Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara O'Neil
CLERK OF COUNCIL

October 7, 2024
APPROVED

FILED WITH
THE MAYOR: October 7, 2024

Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 752

Medical Marijuana Operations

- 752.01 Purpose.
- 752.02 Definitions.
- 752.03 Applicability.
- 752.04 Prohibition on certain ~~medical~~ marijuana operations.
- 752.05 ~~Medical m~~Marijuana dispensary license required.
- 752.06 ~~Medical m~~Marijuana dispensary license application.
- 752.07 Issuance of ~~medical~~ marijuana dispensary license.
- 752.08 Fees.
- 752.09 Inspection.
- 752.10 Expiration and renewal of license.
- 752.11 License suspension.
- 752.12 License revocation.
- 752.13 Appeal rights.
- 752.14 Transfer of license.
- 752.15 Regulations pertaining to the operation of ~~medical~~ marijuana dispensaries.
- 752.16 Loitering and exterior lighting and monitoring requirements.
- 752.17 Injunction.
- 752.18 Effect of partial invalidity.
- 752.19 Change in information.
- 752.99 Penalty.

752.01 PURPOSE.

The purposes of this chapter are to establish limitations on ~~medical~~ marijuana operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of ~~medical~~ marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.02 DEFINITIONS.

For purposes of this chapter,

(a) "Building Official" shall mean the Chief Building Official.

(b) "Chief" shall mean the Chief of Police of the City.

(c) "Director" shall mean the Director of Public Service.

(d) "Disqualifying offense", "cultivator", "processor", and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.

(e) "Licensee" means, with respect to a ~~medical~~ marijuana dispensary license issued under this chapter, a person in whose name a license to operate a ~~medical~~ marijuana dispensary has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the ~~medical~~ marijuana dispensary.

(f) "~~Medical m~~Marijuana" shall have the same meaning as in R.C. 3796.01.

(g) "Operate" means to control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. "Operator" means any persons on the premises of a ~~medical~~ marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a ~~medical~~ marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(h) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(i) "School", "church", "public library", "public playground", and "public park" shall have the same meanings as in R.C. 3796.30.

(j) "Transfer of ownership or control" of a ~~medical~~ marijuana dispensary shall mean any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 2018-35. Passed 8-1-18.)

752.03 APPLICABILITY.

Businesses subject to this chapter are ~~medical~~ marijuana cultivators, processors and dispensaries.

(Ord. 2018-35. Passed 8-1-18.)

752.04 PROHIBITION ON CERTAIN ~~MEDICAL~~ MARIJUANA OPERATIONS.

(a) No person shall operate a ~~medical~~ marijuana cultivator or processor business in the City.

(b) Any person who violates this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.05 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE REQUIRED.

(a) No person shall operate a ~~medical~~ marijuana dispensary without a valid ~~medical~~ marijuana dispensary license issued by the City pursuant to this chapter.

(b) Any person who violates division (a) of this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.06 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE APPLICATION.

(a) An application for a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(b) An application for a ~~medical~~ marijuana dispensary license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50 percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary or greater ownership interest in the corporation.

(3) If the business entity is owned by a limited liability company, each member of the limited liability company, and any person who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary on behalf of the limited liability company.

(4) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary.

(c) An application for a ~~medical~~ marijuana dispensary license must designate one or more individuals to be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed ~~medical~~ marijuana dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this chapter, and shall be considered a licensee if a license is granted.

(d) An application for a ~~medical~~ marijuana dispensary license shall be completed according to the instructions of the application form, which shall require the following:

(1) If the applicant is:

A. An individual, state the legal name and any aliases of such individual;

B. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

C. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

D. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.

E. A limited liability company, state the complete name of the limited liability company and the date of its organization, provide evidence that the company is in good

standing under the laws of its state of organization, and state the names of all members, the name of the registered statutory agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the ~~medical~~ marijuana dispensary under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(3) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, has had a previous license under this chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the ~~medical~~ marijuana dispensary for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, holds any other licenses under this chapter or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

(5) State the location of the proposed ~~medical~~ marijuana dispensary, including a legal description of the property, street address, and telephone number(s), if any.

(6) State the mailing address and residential address of each applicant and each person signing the application.

(7) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy and/or the State Division of Cannabis Control under the provisions of R.C. Chapters 3780 and/or 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a license or provisional license to the state board of pharmacy and/or the State Division of Cannabis Control.

(8) Submit a security plan for review and approval by the Chief. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum, a lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off-street parking and proposed use of armed security guards, video surveillance and door, building and parking lot security as appropriate. The applicant shall supply all additional information requested by the Chief necessary for the Chief to evaluate the security plan.

(9) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(10) Submit proof that each applicant who is a natural person is at least 18 years old.

(11) Submit a sketch or diagram showing the configuration of the premises of the medical marijuana dispensary. The diagram shall also designate the place at which the dispensary license will be conspicuously posted, if issued. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(Ord. 2018-35. Passed 8-1-18.)

752.07 ISSUANCE OF MEDICAL MARIJUANA DISPENSARY LICENSE.

(a) Within five days of receipt of an application for a medical marijuana dispensary license, the Director shall notify the Building Official and the Chief of such application. In making such notification, the Director shall request that the Chief promptly investigate the information provided in the application and shall request that the Chief and the Building Official promptly inspect the premises for which the medical marijuana dispensary license is sought in order to assess compliance with the regulations under their respective jurisdictions.

(b) The Chief and the Building Official shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and the Building Official shall provide the results of their investigations, including written certifications of whether the premises and applicants are in compliance with the laws and regulations under their respective jurisdictions, to the Director, in writing, within 60 days of receipt of notice of the application,

(c) The Building Official's inspection of the premises for which a medical marijuana dispensary license is sought shall include an investigation as to whether the premises are in compliance with the Ohio Basic Building Code, the Parma Heights Zoning Code, the Parma Heights Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within ninety days after receipt of a completed medical marijuana dispensary license application, the Director shall approve or deny the issuance of a license. The Director shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings is true:

(1) An applicant who is a natural person is under eighteen years of age.

(2) An applicant has failed to provide information reasonably necessary for issuance of the license as requested on the application form, or has falsely answered a question or request for information on the application form.

(3) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been denied a license to operate a ~~medical~~ marijuana dispensary or has had a license to operate a ~~medical~~ marijuana dispensary revoked within the preceding twelve months by any jurisdiction.

(4) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been convicted of a disqualifying offense.

(5) The proposed ~~medical~~ marijuana dispensary would violate or fail to be in compliance with any provisions of the Parma Heights Zoning Code, Property Maintenance Code or General Offenses Code, or state statute or regulation.

(6) The application and investigation fee or a prior license fee required by this chapter has not been paid in full.

(7) An applicant is in violation of or not in compliance with any provision of this chapter, except as provided in division (e) (1) of this section.

(e) If the Director determines that one or both of the following findings is true, the license issued pursuant to division (d) of this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

(1) The results of inspections of the premises by the Chief or the Building Official indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises. This division shall not apply to premises that are in violation of any law or regulation that is identified or referenced in divisions (d)(1) through (d)(7) hereof.

(2) An applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

~~(f) If the Director determines that no other grounds for denial of a license exist under division (d) hereof, the Director shall not delay approval of the application past the end of the ninety-day period provided in this section solely because the Chief has not provided the Director with the results of his inspection of the premises; the results of the Building Official's inspection of the premises are not available; or the Chief has not completed the his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from the his investigation which the Director he determines constitutes grounds for denial of a license under division (d) hereof, then the ~~medical~~ marijuana dispensary license issued pursuant to this division (f) (t) hereof shall be immediately revoked. If after approving the issuance of a license, the Director receives information concerning the results of inspections of the premises by the Chief, or the Building Official's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under division (e) hereof, then, a requirement shall be added to the terms of the ~~medical~~~~

marijuana dispensary licenses issued pursuant to this division (f) hereof to correct all deficiencies noted within 120 days of the date such requirement is added.

(g) A ~~medical~~ marijuana dispensary license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed ~~medical~~ marijuana dispensary. All ~~medical~~ marijuana dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The Director shall advise the applicant in writing of the reasons for any license denial.

(Ord. 2018-35. Passed 8-1-18.)

752.08 FEES.

(a) Every application for a new medical marijuana dispensary license shall be accompanied by a three-hundred fifty dollar (\$350.00) non-refundable application and investigation fee.

(b) Every application for renewal of a medical marijuana dispensary license shall be accompanied by a two-hundred fifty dollar (\$250.00) non-refundable application and investigation fee.

(c) **Marijuana Dispensary Community Impact Fee.** Each Adult-Use Marijuana Dispensary operating within the City of Parma Heights shall pay to the City an amount equaling 3.6 percent of the dispensary's gross annual sales, which the City shall calculate annually using sales figures, provided by the dispensary, from state-mandated reporting or recordkeeping forms, subject to any independent audit and/or determination of those sales figures by the City. The dispensary shall pay the Community Impact Fee to the City no later than March 1 of each year.

If the Host Community Cannabis Fund created by O.R.C. Section 3780.23 is reduced by the state legislature to an amount less than 3.6 percent of the dispensary's gross annual sales but not completely repealed, the Community Impact Fee under this Section shall be the difference between the reduced Host Community Cannabis Fund amount and 3.6 percent. For example, if the Host Community Cannabis is effectively reduced to 1.5 percent of the dispensary's gross annual sales, the Community Impact Fee under this Section would be 2.1 percent of the dispensary's gross annual sales.

~~In addition to the application and investigation fee required in division (a) or (b) hereof, every applicant application that is granted a medical marijuana dispensary license (new or renewal) shall pay to the City an annual, non-prorated license fee in the amount of twenty-five thousand dollars (\$25,000.00) upon license issuance or renewal, plus an amount equaling 1.5 percent of the licensee's gross annual sales from the dispensary to which the license applies above the amount of one million two-hundred thousand dollars (\$1,250,000.00), which the licensee shall calculate at the expiration of the license or~~

~~renewal term using sales figures from the licensee's state-mandated reporting or recordkeeping forms, and which the licensee shall pay to the City within sixty days of the expiration of any term (new or renewal) of the license. The twenty-five thousand dollar (\$25,000.00) license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy and/or the State Division of Cannabis Control for a period covering any portion of the term of the license issued by the City. The licensee shall give the Director or his or her designee(s) an opportunity to review the data and basis upon which the licensee has calculated fees due under this section.~~

(Ord. 2018-35. Passed 8-1-18.)

752.09 INSPECTION.

(a) The Division of Police and the Building Official shall, from time to time, inspect each ~~medical~~ marijuana dispensary licensed under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(b) An applicant or licensee shall permit the Building Official or designees and the Chief or designees, as well as representatives of other city departments and divisions, to inspect a ~~medical~~ marijuana dispensary that is open to the public for the purpose of insuring compliance with the law, during times that it is occupied or open for business.

(c) An applicant or licensee shall subject the application to denial or the license to revocation if he or she refuses to permit such lawful inspection of the premises.

(Ord. 2018-35. Passed 8-1-18.)

752.10 EXPIRATION AND RENEWAL OF LICENSE.

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety days and no fewer than thirty days before the expiration date. If application is made fewer than thirty days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The renewal application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to Section 752.06 of this chapter. The completed renewal application shall be accompanied by copies of any document or material submitted in connection with the initial license application that has been revised or requires revision to reflect any change in circumstances or conditions. Sketches or diagrams and security plans submitted with an

initial ~~medical~~ marijuana dispensary license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram and security plan still depict the premises and plan accurately.

(c) The Director shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under Section 752.07 of this chapter.

(d) The Director shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

(e) When the City denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. If the City finds, subsequent to denial, that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the denial was issued.

(Ord. 2018-35. Passed 8-1-18.)

752.11 LICENSE SUSPENSION.

(a) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed thirty days if it determines that a licensee:

(1) Has violated or is not in compliance with any section of this chapter; or

(2) Has authorized or approved an employee's violation of or failure to comply with any section of this chapter, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary has allowed an employee to violate or fail to comply with any section of this chapter.

(b) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee or his employee or agent has refused to allow an inspection of the licensed ~~medical~~ marijuana dispensary premises as authorized by this chapter.

(c) The Director shall advise the licensee in writing of the reason(s) for any suspension.

(Ord. 2018-35. Passed 8-1-18.)

752.12 LICENSE REVOCATION.

(a) The City shall revoke a ~~medical~~ marijuana dispensary license if a cause of suspension under Section 752.11 of this chapter occurs and the license has been suspended two times within the preceding twelve months.

(b) The City shall revoke a ~~medical~~ marijuana dispensary license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) The Licensee(s) failed to comply with any requirement stated in the license, pursuant to Section 752.07(g) of this chapter, to correct specified deficiencies within 120 days;

(3) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed, possession, use, or sale of controlled substances (except ~~medical~~ marijuana) on the premises;

(4) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed the commission of a felony on the premises;

(5) A licensee operated the ~~medical~~ marijuana dispensary during a period of time when the licensee knew or reasonably should have known that the licensee's license was suspended, or when the licensee no longer maintained a dispensary license issued by the state board of pharmacy;

(6) A licensee has been convicted of a specified criminal activity, as defined in Section 752.02 of this chapter, during the term of the license; or

(7) A licensee is delinquent in payment to the City, County, or State for any taxes or fees past due that were assessed or imposed in relation to any business.

(c) The Director shall advise the licensee in writing of the reason(s) for any revocation.

(d) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.

(Ord. 2018-35. Passed 8-1-18.)

752.13 APPEAL RIGHTS.

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Parma Heights Board of Zoning Appeals by written notice within ten days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within thirty days and must issue a decision affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any licensee lawfully operating a ~~medical~~ marijuana dispensary prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

(d) In the event that an applicant for a new ~~medical~~ marijuana dispensary license seeks judicial review of the denial of a new license, there shall be no automatic stay of the denial.

(Ord. 2018-35. Passed 8-1-18.)

752.14 TRANSFER OF LICENSE.

A ~~medical~~ marijuana dispensary license is not transferable from one licensee to another or from one location to another without the express written permission of the Director. Any purported transfer of a ~~medical~~ marijuana dispensary license without the express written permission of the Director shall automatically and immediately revoke that license. Notwithstanding anything in this chapter to the contrary, a license transferee shall assume all responsibilities of the license transferor under this chapter and all applicable code.

(Ord. 2018-35. Passed 8-1-18.)

752.15 REGULATIONS PERTAINING TO THE OPERATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) No person may operate or cause to be operated a ~~medical~~ marijuana dispensary without complying with the following requirements:

(1) The ~~medical~~ marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state. ~~Nothing herein being intended to conflict with state law, rather said regulations are incorporated herein by reference. The dispensary operator~~ A dispensary licensee shall document licensing by the State of Ohio and demonstrate compliance with any terms and conditions imposed by law.

(2) The parcel upon which the dispensary is operated shall not at the time the original dispensary license is issued be located within 500 feet from any parcel on which sits a school, church, public library, public playground or public park.

(3) Consultations by clinical nurse specialists, certified nurse practitioners, physicians or physician assistants shall not be permitted at a dispensary, unless the patron already has a recommendation for medical marijuana prior to entering the dispensary.

(4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.

(5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

(6) The use of any vending machine which allows access to ~~medical~~ marijuana is prohibited. For purposes of this division (a) (6), a vending machine is any device which allows access to ~~medical~~ marijuana without a human intermediary.

(7) The premises of every ~~medical~~ marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.

(8) No ~~medical~~ marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(9) Any material changes to information provided in the licensee's application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the Director.

(10) If, at any time, the licensee is subject to any enforcement action by the state, the licensee shall immediately notify the Director and shall provide any relevant information or documentation requested by the Director.

(11) If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of ~~medical~~ marijuana or currency worth or amounting to more than one hundred dollars (\$100.00) has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than twenty-four hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates division (a) hereof, or any person who operates a ~~medical~~ marijuana dispensary and permits a violation of division (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of division (a) hereof, a violation of division (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of division (a) of this section, a violation of division (a) hereof will be considered a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

(a) It shall be the duty of the operator of a ~~medical~~ marijuana dispensary to:

(1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the ~~medical~~ marijuana dispensary is located;

- (2) Post conspicuous signs stating that no loitering is permitted on such property;
- (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
- (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business and shall include a retention capacity of at least thirty days.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ord. 2018-35. Passed 8-1-18.)

752.17 INJUNCTION.

Any person who operates or causes to be operated a ~~medical~~ marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

(Ord. 2018-35. Passed 8-1-18.)

752.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any ~~medical~~ marijuana dispensary license, the applicant or licensee shall promptly notify the Director in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the ~~medical~~ marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur. The Director shall ensure that any additional principals of a licensee are in compliance with this Chapter.

(Ord. 2018-35. Passed 8-1-18.)

752.99 PENALTY.

(a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 101.99 of the Codified Ordinances of the City of Parma Heights.

(b) Each day that a ~~medical~~ marijuana dispensary operates in violation of this chapter is a separate offense or violation.

(Ord. 2018-35. Passed 8-1-18.)

EXHIBIT G

ORDINANCE NO. 2024 - 50

AN ORDINANCE AMENDING CHAPTER 1190 PREVIOUSLY ENTITLED "MEDICAL MARIJUANA DISPENSARIES" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, on November 7, 2023, Ohio voters approved Ohio Issue 2, the Marijuana Legalization Initiative, which legalized adult-use cannabis in the State of Ohio, and further allows for its cultivation, processing, possession, sale, and purchase in the State of Ohio; and

WHEREAS, amendments to Chapter 1190 of the Parma Heights Codified Ordinances, including amending the title of the chapter, are necessary in order to permit marijuana operations within the City of Parma Heights, Ohio; and

WHEREAS, this Council desires to adopt the recommendation of the Administration; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of this amended Ordinance in order to regulate marijuana dispensaries within the City of Parma Heights, Ohio; and

WHEREAS, pursuant to the Parma Heights Codified Ordinances, this Council has conducted a public hearing regarding this amended Ordinance.

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 1190 of the Codified Ordinances as it previously existed is amended, and as amended, shall henceforth read as shown by edits set forth in "Exhibit A, as amended", 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: This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to establish land use standards for state licensed marijuana operations; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: October 7, 2024 Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen October 7, 2024
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: October 7, 2024 Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 1190

Medical Marijuana Dispensaries

1190.01 Purpose.

1190.02 Definitions.

1190.03 Location of ~~medical~~ marijuana dispensaries.

1190.04 Design guidelines for ~~medical~~ marijuana dispensaries.

1190.05 Off-street parking.

1190.06 Sign regulations for ~~medical~~ marijuana dispensaries.

1190.07 Licensing.

1190.08 Hearing; renewal; revocation.

1190.09 Severability.

1190.01 PURPOSE.

It is the purpose of this chapter to regulate ~~medical~~ marijuana dispensaries in order to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of ~~medical~~ marijuana dispensaries within the City.

(Ord. 2018-34. Passed 8-1-18.)

1190.02 DEFINITIONS.

For purposes of this chapter:

(a) "Director" shall mean the Director of Public Service.

(b) "Dispensary" shall have the same meaning as in Ohio Admin. Code 3796:1-1-01 and/or Ohio Revised Code 3780.01 ~~or subsequent similar regulations.~~

(c) "Licensee" means a person in whose name a license to operate a ~~medical~~ marijuana dispensary has been issued under Chapter 752, as well as the individual(s) designated on the license application as principally responsible for the operation of the ~~medical~~ marijuana dispensary.

(d) "~~Medical m~~arijuana" shall have the same meaning as in R.C. 3796.01 and/or 3780.01.

(e) "Operate" means to control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility.

(1) "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation.

(2) "Operator" means any persons on the premises of a ~~medical~~ marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a ~~medical~~ marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(f) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(g) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as in R.C. 3796.30.

(Ord. 2018-34. Passed 8-1- 18.)

1190.03 LOCATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) ~~Medical m~~Marijuana dispensaries may be located only in a Mixed-Use Class-C Zoning District as a conditionally permitted use pursuant to Chapter 1185 1181 and in accordance with the restrictions contained in this chapter.

(b) No ~~medical~~ marijuana dispensaries may be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.

(c) No ~~medical~~ marijuana dispensary may be established, operated or enlarged within one mile 1,000 feet of another ~~medical~~ marijuana dispensary.

(d) Not more than one ~~medical~~ marijuana dispensary shall be established or operated in the same building, structure, or portion thereof.

(e) For the purpose of divisions (b) and (c) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a ~~medical~~ marijuana dispensary is conducted, to the nearest property line of the premises of a ~~medical~~ marijuana dispensary or a school, church, public library, public playground, or public park.

(f) Vehicular access to marijuana dispensaries shall be limited to main arterial roadways. No curbcut or driveway shall access any residential street, regardless of frontage, nor shall such facilities maintain such vehicular access via license or easement upon adjoining parcel. Any existing curbcut or driveway shall be eliminated as a prerequisite to conditional use approval and subject to development review. In the event of a conditional use for a

drive-through business in connection with a marijuana dispensary, this requirement shall expressly supersede and replace the corner lot specifications and requirements in Section 1195.05(b)(3) regarding the amount and location of access drives, and shall eliminate the maximum amount of access drives on any street frontage (thus, more than one access drive may be permitted per frontage in the event of a corner lot).

(g) Marijuana dispensaries shall not be located on parcels of land with less than 25,000 square feet, nor shall such facilities be located on parcels with multiple tenants within a plaza of shops.

(h) No more than one dispensary shall be located within any single mixed-use district.

(Ord. 2018-34. Passed 8-1-18.)

1190.04 DESIGN GUIDELINES FOR MEDICAL MARIJUANA DISPENSARIES.

(a) Parking for a ~~medical~~ marijuana dispensary shall be configured so as to prevent vehicular headlights from shining into adjacent residentially zoned and/or used property. Parking areas configured such that vehicular headlights are directed toward public rights-of-way across from residentially zoned and/or used property shall provide continuous screening, as required by the Planning Commission. Landscaping and screening shall be continuously maintained and promptly restored, if deemed necessary by the Director of Public Service.

(b) Ingress and egress drives and primary circulation lanes shall be located away from residential areas where practical to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas.

(c) All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.

(d) All exterior site and building lighting, which shall be provided, must be approved by the Planning Commission, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential.

(e) Any ~~medical~~ marijuana dispensary adjacent to a residential district and/or use shall contain a minimum six-foot-high solid fence along such abutting property lines and be approved by the Planning Commission pursuant to Chapter 1193.

(f) Rules, regulations and local permitting requirements imposed on a licensee by the City shall be interpreted in all instances to conform to the state licensing requirements for dispensaries, but in the event the City's rules, regulations and permitting requirements impose a greater obligation on a licensee than the state licensing requirements, the local provisions shall be enforced.

(g) Applicants must meet any additional criteria and fulfill any additional requirements associated with obtaining a conditional use permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.

(Ord. 2018-34. Passed 8-1-18.)

1190.05 OFF-STREET PARKING.

Off-street parking for a ~~medical~~ marijuana dispensary shall be provided, pursuant to Chapter 1187, except that the Planning Commission may require an off-street parking plan.

(Ord. 2018-34. Passed 8-1-18.)

1190.06 SIGN REGULATIONS FOR ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) All signs for a ~~medical~~ marijuana dispensary shall be awning signs, wall signs or window signs as defined in ~~Section 1383.03~~ Chapter 1383 of the Building Code Parma Heights Codified Ordinances and shall be constructed and located in conformance with all applicable provisions of Chapter 1383 of the Building Code.

(b) All signs for a ~~medical~~ marijuana dispensary shall be maintained in accordance with ~~Section 1383.14~~ Chapter 1383 of the Building Code Parma Heights Codified Ordinances and may be ordered to be removed in accordance with the provisions of that Chapter Section.

(c) No merchandise or pictures of the products on the premises of a ~~medical~~ marijuana dispensary shall be displayed on signs, in window areas or any area where they can be viewed from the sidewalk or street in front of the building. No sign shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(d) Window areas of a ~~medical~~ marijuana dispensary shall not be covered or made opaque in any way. A one-square-foot sign shall be placed on the door to state hours of operation. Additional signage to conform to the requirements Section 752.16 may be permitted.

(Ord. 2018-34. Passed 8-1-18.)

1190.07 LICENSING.

~~Medical m~~Marijuana dispensaries as described in Section 1190.03 herein shall be licensed and operated pursuant to Chapter 752.

(Ord. 2018-34. Passed 8-1-18.)

1190.08 HEARING; RENEWAL; REVOCATION.

(a) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit application for a ~~medical~~ marijuana dispensary shall be heard by the Planning Commission and, if approved, shall expire at the same time as the expiration of the ~~medical~~ marijuana dispensary license pursuant to Section 752.10(a). Subsequent renewal of the conditional use permit, with an intention to expedite the renewal process, may be made administratively by the Director of Public Service if no significant modifications to the conditions of the permit have been proposed and no violations have been determined. Violations may include, for example, legitimate loitering complaints, excessive police calls to the immediate vicinity, noise complaints, non-compliance with the terms of the conditional use permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.

(b) Determination of administrative renewal is at the discretion of the Director of Public Service. Renewal applications must be submitted in writing at least thirty days prior to expiration of permit.

(c) The conditional use permit for a ~~medical~~ marijuana dispensary is nontransferable.

(d) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit granted for a ~~medical~~ marijuana dispensary may be revoked by the Planning Commission after referral to the Planning Commission by the Director of Public Service and after a public hearing on whether violations have occurred or the spirit and intent of the conditional use permit has not been met. Notice of such hearing shall be sent to the licensee and to others, as if a zoning change were requested.

(Ord. 2018-34. Passed 8-1-18.)

1190.09 SEVERABILITY.

If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

(Ord. 2018-34. Passed 8-1-18.)

EXHIBIT 2

ADDITIONAL CONDITION(S) IMPOSED BY COUNCIL

In addition to all previously stated requirements of the laws of Parma Heights, Ohio, and the conditions set forth by the City, this Council imposes the following condition(s):

1. Compliance with the General Criteria set forth in each portion of the Codified Ordinances of the City of Parma Heights cited by the Planning Commission in its recommendations for Council consideration [see Ex. 1 of Council Resolution Exhibit A], as they may be amended from time to time.
2. That the Conditional Use be and remain subject to Applicant's compliance with the building and development plans as submitted to and recommended for approval by the Planning Commission, including but not limited to the following clarifications:
 - A. Applicant agrees to maintain the existing 8' wooden fence along its southern boundary, to repair and replace as necessary, as well as to scrape and paint/stain as necessary;
 - B. Applicant agrees to perform landscaping maintenance along its eastern boundary line, specifically removing overgrown brush in connection with the new plantings shown by the landscaping plans on file;
 - C. Applicant has agreed to eliminate its western curb cut to Parma Park Blvd. (as shown by the building and development plans), and further recognizes that restoration of same is prohibited; and
 - D. Applicant has agreed to limit its drive through lane (as shown by the building and development plans), and refrain from reinstallation of dual lanes.

Otherwise, Applicant's Conditional Use is and remains subject to revocation upon noncompliance with approved building and development plans.

3. Demonstration of a lease agreement between the Applicant and the Property Owner at the commencement of this use and at all times of operation.
4. Any change and/or modification of any material facts and/or terms contained in the Applicant's Conditional Use applications and/or the Applicant's marijuana dispensary license applications shall require advance notice to the City and the City's consent.

RESOLUTION NO. 2025 – 5

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS AYR OHIO LLC TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY

WHEREAS, at its meeting on January 6, 2025, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the business known as AYR Ohio LLC to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions; and

WHEREAS, at its meeting on January 6, 2025, the Planning Commission recommended to the City Council that the Conditional Use Permit for the business known as AYR Ohio LLC to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions, be approved; and

WHEREAS, pursuant to Section 1135.06 (c) of the Codified Ordinances of the City of Parma Heights, a Conditional Use Permit shall be subject to the approval of the Council of the City of Parma Heights; and

WHEREAS, the Conditional Use Permit is approved, subject to the conditions that are set forth in “Council Resolution Exhibit A”, attached hereto and incorporated as if fully rewritten.

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

Section 1: The Council adopts the recommendation of the Planning Commission and grants a Conditional Use Permit to AYR Ohio LLC to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use at 6555 Pearl Road, Parma Heights, Ohio in the Neighborhood Mixed-Use District.

Section 2: The Conditional Use recommended by the Planning Commission is approved subject to the General Criteria set forth in Sections 1135.07 of the Codified Ordinances of the City of Parma Heights, conditions recommended by the Planning Commission, and further conditions set forth by Council.

Section 3: The Conditional Use recommended by the Planning Commission, and further conditions set forth by Council, are set forth in “Council Resolution Exhibit A” which is attached hereto and incorporated as if fully rewritten.

Section 4: The approval of this Conditional Use Permit shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard, or requirement shall

constitute a violation of the Planning and Zoning Code, and the conditional use permit may be revoked if the established conditions for approval are violated.

Section 5: 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 6: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of this Municipality, and for the further reason it is necessary to facilitate AYR Ohio LLC's investment in the community expeditiously; 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

COUNCIL RESOLUTION EXHIBIT A



6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

IN THE MATTER OF:

APPLICATION OF AYR OHIO LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008, PARMA HEIGHTS, OHIO IN **NEIGHBORHOOD MIXED USE DISTRICT**

ACKNOWLEDGEMENT AND UNCONDITIONAL ACCEPTANCE AND AGREEMENT TO CONDITIONS AS SET FORTH IN EXHIBITS 1 AND 2

On _____, 2025, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of AYR Ohio LLC. [EX. 1]. The Council imposed additional condition(s) of its own. [EX. 2].

Pursuant to Section 1135.07 of the Codified Ordinances of the City of Parma Heights when a permit for a conditional use is granted by the Council subject to conditions, **the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.**

I understand that pursuant to Section 1135.08 of the Codified Ordinances of the City of Parma Heights that;

- (a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.
- (b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.
- (c) The conditional use approval shall expire six months from the date of enactment, unless:

- (1) In the case of new construction, work upon the structure shall have begun above the foundation walls;
- (2) In the case of occupancy of land, the use has commenced;
- (3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or
- (4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

Further, we understand that pursuant to Section 1135.09 of the Codified Ordinances of the City of Parma Heights that a conditional use permit may be revoked if the established conditions for approval are violated. The Chief Building Official is responsible for advising the Planning Commission of any violations, and the Planning Commission may then recommend to City Council that it revoke the conditional use permit.

Among the several conditions imposed with the CUP, the Applicant understands and agrees that it must be licensed for operation by the State of Ohio, Medical Marijuana Control Program, and the Division of Cannabis Control, pursuant to Ohio Revised Chapters 3796 and 3780 and administrative regulations, as well as licensed pursuant to Parma Heights Codified Chapters 752 and 1190, and that Applicant's licensure, including all fees and taxes, must remain in good standing.

Based on the foregoing we acknowledge the approval of the conditional use permit and unconditionally accept and agree to such conditions.

Signature: _____

Printed Name: _____

Title of Authority on Behalf of AYR Ohio LLC: _____

Date: _____

EXHIBIT 1

RECOMMENDATIONS FOR COUNCIL CONSIDERATION

IN THE MATTER OF:

APPLICATION FROM AYR OHIO LLC FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008 PARMA HEIGHTS, OHIO IN THE NEIGHBORHOOD MIXED USE DISTRICT.

1. AYR Ohio LLC is authorized to conduct business in the State of Ohio with its principal place of business located at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio.
2. The City of Parma Heights Planning Commission (the "Planning Commission") is the duly organized Planning Commission for the City of Parma Heights (the "City") operating pursuant to its Charter and the laws of the State of Ohio.
3. The aforementioned property is located within the Neighborhood Mixed Use District.
4. On November 12, 2024, AYR Ohio LLC submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio in the Neighborhood Mixed Use District.
5. At its January 6, 2025 Regular Meeting, the Planning Commission heard a presentation from the Applicant regarding the application for a Conditional Use Permit AYR Ohio LLC to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008.
6. Notice of the Public Hearing was published in the Plain Dealer on December 19, 2024 and December 26, 2024 and also posted on the City's website and at City Hall.
7. A public hearing was held on January 6, 2025, and the Planning Commission heard from the Applicant and City representatives regarding the application for a Conditional Use Permit by AYR Ohio LLC to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.
8. Based upon the presentations of both parties at the public hearing the Planning Commission recommends approval of the Conditional Use Permit for the business known as AYR Ohio LLC to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.

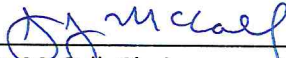
9. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights. [Ex. A].
10. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.08 of the Codified Ordinance of the City of Parma Heights. [Ex. B].
11. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1195.05 of the Codified Ordinances of the City of Parma Heights. [Ex. C].
12. The Conditional Use requested is recommended subject to compliance with all recommendations listed in the December 30, 2024 Memorandum to the Planning Commission from the Director of Public Service and the Chief Building Official, [Ex. D], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.
13. The Conditional Use requested is recommended subject to compliance with all comments listed in the City Engineer Plan Review Report dated 11/19/24, [Ex. E], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.
14. The Conditional Use requested is recommended subject to compliance with Chapter 752 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Operations", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.
15. The Conditional Use requested is recommended subject to strict compliance with Section 752.08 of the Codified Ordinances of the City of Parma Heights, titled "Fees", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.
16. The Conditional Use requested is recommended subject to compliance with Chapter 1190 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Dispensaries", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 50 [Ex. G], and formalized in its subsequent codification, when available.
17. The Conditional Use requested is recommended subject to the condition that the Applicant shall not modify the exterior character or appearance of the structure without the prior approval of the Department of Public Service in order to ensure harmonious compatibility with other buildings and structures within the immediate area, at the City's discretion.
18. The Conditional Use requested is recommended subject to AYR Ohio LLC acquiring ownership of Daily Releaf LLC dba AYR Cannabis Dispensary and commencing retail business operations within ninety days of the commencement of Daily Releaf LLC dba AYR Cannabis Dispensary's retail operations.
19. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all branding and verbiage present on the exterior of the structure, premises, and signage.

20. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all landscape screening on the premises.


21. This recommended approval shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval are violated.

22. This recommended approval is not final and is subject to the confirmation of the City Council, and if approved all conditions shall be set forth expressly in a resolution of the Council granting the Conditional Use Permit.

23. In the event that a permit for a conditional use is granted by the Council subject to conditions, the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.



Jim McCall, Chairman



Bill Litten

Joe Sepich

_____, Council Representative



Zachary Humphrey

EXHIBIT A

1135.07 GENERAL CRITERIA FOR CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following criteria. Furthermore, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

(a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located;

(b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

(d) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance;

(e) The hours of operation of the proposed use are similar to a use permitted in the district;

(f) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

(g) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(h) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(i) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(j) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(k) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;

(l) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Chapter 1191.

EXHIBIT B

1135.08 TERMS AND DURATION OF APPROVAL.

(a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.

(b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.

(c) The conditional use approval shall expire six months from the date of enactment, unless:

(1) In the case of new construction, work upon the structure shall have begun above the foundation walls;

(2) In the case of occupancy of land, the use has commenced;

(3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or

(4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

EXHIBIT C

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

(b) Drive-Thru and Drive-In Facilities, in Association with a Permitted Principal or Conditional Use.

(1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

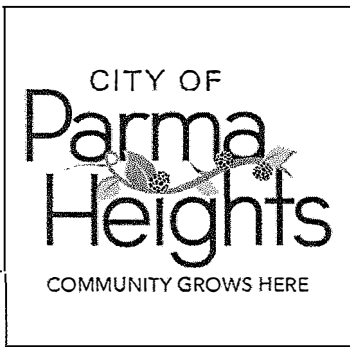
(2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(3) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per street frontage.

(4) Interconnecting circulation aisles between parcels shall be provided when practicable.

(5) The Planning Commission may impose restrictions on the hours of operation.

EXHIBIT D



INTEROFFICE MEMORANDUM

DATE: December 30, 2024

TO: Planning Commission

FROM: Robert P. Sepik, Director of Public Service
Martin Surella, Chief Building Official

RE: Service Department Recommendations for the Conditional Use Permit Application for
AYR Ohio LLC at 6555 Pearl Rd PPN# 473-34-008

We have reviewed the twelve requirements as set forth in Chapter 1135.07 of the Codified Ordinances of the City of Parma Heights. It is our opinion that all of these requirements have been successfully met.

In addition to the requirements of Chapter 1135.07, we are also providing a list of additional recommendations that the Planning Commission suggest the City require of the Applicant. The goal of these requirements is to prevent any misunderstanding regarding the City's intent to ensure that the high standards required of all Parma Heights businesses continues to be maintained.

These recommendations are as follows:

1. In accordance with PHCO 1391.02, the dumpster enclosure can only be a maximum of 6 feet in height. Chain-link with slatting would not be approved as an enclosure, but we would approve lumber with steel posts due to the visibility from Parma Park; and
2. The submission of a landscape plan showing tree locations that do not obstruct the view of drivers.

Please do not hesitate to contact us if there are any questions regarding any of the above recommendations.

EXHIBIT E

CITY OF PARMA HEIGHTS PLAN REVIEW

Date	Review No.	Address
11/19/24	2, City Engineer	6555 Pearl Rd
To	Email/Phone	PPN
Robert Sepik Marty Surella Mark Schneider	rsepik@parmaheights.us msurella@parmaheights.us mschneider@parmaheights.us	473-34-008
From	Email/Phone	Subject
Pietro DiFranco	pdifranco@rlba.com	CUP-Marijuana Dispensary
Applicant	Email/Phone	Plans Received
Daily Releaf dba Ayr Cannabis Dispensary	julie.winter@ayrwellness.com legal@ayrwellness.com greg.gorospe@icemiller.com	11/13/24
Owner	Email/Phone	
Net Gain Properties LLC	achristofferson1973@gmail.com	
Designer	Email/Phone	
Shremshock	Email Unknown	

Notes/Description
Proposal consists of reurposing a former bank into a marijuana dispensary.
Recommendation
Approval is recommended contingent upon addressing remaining comments prior to a construction permit being issued..

No.	Comment Items in red added 11/19/24 Items in green added DATE Items in blue added DATE Items in magenta added DATE	Ref	Comment				Addressed
			10/18/24	11/19/24	DATE	DATE	
Submittal Requirements							
1.01	Drawings shall be accurate, clear, complete and drawn to scale	1133.08	X				X
1.02	Plot plan shall show property boundary lines, adjacent street & setbacks * 11/19/24 - Update or remove Sheet G1.3-Site Plan from architectural set. * 11/19/24 - Add civil engineering plans to architectural set and sheet index	1133.09	X	X			
1.03	Provide floor plan(s) and exterior elevations specifying materials & colors * 11/19/24 - Sheet A8.1 includes color for exterior walls, but not shown on elevations. Confirm whether building will be painted.	1133.09	X	X			
1.04	Property owners name, address, and PPN shall appear on each drawing * 11/19/24 - Civil engineering plans list AYR Wellness as developer & store name but architectural plans show owner & store name as Daily Releaf LLC. Please coordinate & clarify.	1133.09	X	X			
1.05	Documents affixed with professional seal represent certification by registrant to be accurate and complete	OAC 4733-23-01 4733-35-07	X				X
PHCO 1135 Conditional Use Permits							
2.01	Development plan and associated documentation required.	1135.04(a)	X				
2.02	CU will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located.	1135.07(a)					X
2.03	The establishment, maintenance of operation of the CU will not be detrimental to or endanger the public health, safety or general welfare.	1135.07(b)					X

CITY OF PARMA HEIGHTS
PLAN REVIEW

2.04	CU will be designed, constructed, operated & maintained to be harmonious & appropriate in appearance with the existing or intended character of the general vicinity, & such use will not essentially change. * Conform with screening, buffer, lighting, access, etc. requirements.	1135.07(c)	X					X
2.05	The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance.	1135.07(d)						X
2.06	The hours of operation of the proposed use are similar to a use permitted in the district.	1135.07(e)						X
2.07	CU will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood.	1135.07(f)						X
2.08	Establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district	1135.07(g)						X
2.09	Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. * Parma Park Blvd access to be removed. Drainage to be inspected.	1135.07(h)	X					X
2.10	Adequate measures have been or will be taken to provide ingress & egress designed to minimize traffic congestion on the surrounding streets.	1135.07(i)						X
2.11	Establishment of the CU should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools.	1135.07(j)						X
2.12	Minimal potential for future hardship on CU that could result from prop. use being surrounded by uses permitted by right that may be incompatible.	1135.07(k)						X
2.13	Design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Ch. 1191. * Parma Park Blvd access to be removed. Parking layout to be addressed.	1135.07(l)	X					X
PHCO 1185 Mixed Use Districts								
		Required	Proposed					
3.01	Zoning: R1-2, SCR, M, M1, B1-3, E, I	P, C, A, N	N-MUD	1185				X
3.02	Use - Marijuana Dispensary	P, C, A, N	C	1185.02	X	X		
3.03	Use - Drive-Through Facility	P, C, A, N	C	1185.02	X	X		
3.04	Side Yard Abutting Non-Residential, Bldg & Pkg, Min.	5	>5	1185.04(3)	X			X
3.05	Side Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(3)	X			X
3.06	Rear Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(4)	X			X
3.07	Parking Setback from Street ROW, Min.	10	>10	1185.04(6)	X			X
3.08	Side Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.09	Rear Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.10	Building Height, Max.	30	<30	1185.05	X			X
3.11	Rooftop Mechanical Units, Max. Height & Screened * 11/19/24 - Rooftop HVAC unit locations are existing.			1185.05	X			X
3.12	Support alternative transportation by including items such as bike racks, bus stops, benches, and walkways. * 11/19/24 - New bike racks shown on Sheet C5.0. Ex. walkway from ROW.			1185.06 1185.09	X			X
3.13	Parking Lot Landscaping * 11/19/24 - Site Landscape Plans L1.0, L2.0 & L3.0 added.			1185.07	X			X
3.14	Screening Abutting Residential. * 11/19/24 - Evergreen screening added. See Sheet L2.0.			1185.08 1190.04 1193	X			X

CITY OF PARMA HEIGHTS
PLAN REVIEW

3.15	Service areas shall be screened and located away from street & pedestrian areas. * 11/19/24 - Dumpster enclosure not shown. How will trash be stored and collected?	1185.09(g)	X	X				
3.16	Provide signage plan conforming to PHCO 1383	1185.09(h) 1383	X	X				
3.17	Provide lighting & photometric plan showing no spillover. * 11/19/24 - Provide detail of light pole w/foundation extending 30" above grade. * 11/19/24 - Exterior light fixtures shall be full-cutoff type. Provide method of directing light downward (i.e. - shield).	1185.09(i) 752.16(a)(4) 1187.14	X	X				
PHCO 1187 Off-Street parking								
			Required	Proposed				
4.01	Minimum parking spaces; (5 x (7,024 sf/1,000 sf))		35	63	1187.06	X		X
4.02	Provide aisle widths on site plan	1187.10				X		X
4.03	Existing aprons and parking lot pavement shall be repaired or replaced. * 11/19/24 - Parking lot to be seal coated & restriped; See Sheet C5.0.	1187.15				X		X
4.04	Off-street loading facilities shall be provided. * 11/19/24 - Wheel Stops tend to get damaged easily by snow plows thereby becoming a maintenance issue. Consider eliminating or replacing with curb (i.e. - asphalt or concrete).	1187.15				X		X
PHCO 1190 Marijuana Dispensaries								
5.01	Shall not be within 500 feet of a school, church, public library, playground or park	1190.03(b)						X
5.02	Shall not be within 1000 feet of another marijuran dispensary	1190.03(c)						X
5.03	Not more than one marijuana dispensarie shall be located in the same building	1190.03(d)						X
5.04	Vehicular access shall be limited to main arterial roadways. No curb cut or driveway shall access any residential street. Any existing curb sut or driveway shall be eliminarted as a prerequisite to conditional use approval. * 11/19/24 - Revised Key Note 10 on Sheet C5.0 to specify 'Integral Concrete Curb Replacement Method "B", See Detail 2 on Sheet C7.1'.	1190.03(f)				X	X	
5.05	Marijuana dispensaries shall not be located on parcels less than 25,000 SF	1190.03(g)						X
5.06	No more than one dispensary shall be located within any single mixed-use district	1190.03(h)						X
5.07	Screening for adjacent residential properties to be provided. Existing fence along south property line to be repaired or replaced. * 11/19/24 - Add pressure washing and sealing to repair recommendation of existing fence.	1190.04(a) 1190.04(e) 1193				X	X	
5.08	Exterior lighting to be approved by Planning Commission	1190.04(d) 1185.09(i) 752.16(a)(4)				X	X	
5.09	Off-street parking shall be provided in conformance wth PHCO 1187	1190.05 1187				X		X
5.10	Signage shall be limited to awning signs, wall signs or window signs. Existing free standing signs shall be removed. * 11/19/24 - No signage currently proposed.	1190.06(a) 1383				X	X	
5.11	Window areas shall not be covered or opaque in any way. * 11/19/24 - Sheet A8.1. shows film being applied to all exterior windows. Please clarify whether opaque.	1190.06(d)				X	X	
5.12	A one-square-foot sign shall be placed on the doorto state hours of operation. Additional signage to conform with PHCO 752.16.	1190.06(d) 752.16				X	X	
5.13	Provide copy of marijuana dispensary license.	1190.07 752.05				X	X	

CITY OF PARMA HEIGHTS
PLAN REVIEW

PHCO 1195 Use-Specific Regulations						
6.01	Load speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties * 11/19/24 - No loud speaker currently proposed. Please confirm.	1195.05(b)	X	X		
PHCO 1363 Exterior Property Maintenance Code						
7.01	Video inspect underground sanitary & storm sewer systems to assess condition and confirm they are operating as intended. Provide report and copy of video to city engineer. Provide maintenance, repair, replacement as needed. * 11/19/24 - Storm & sanitary sewer inspection note added to Sheet C3.0.	1363.08 931 935 1106	X			X

Attachments:

- | | |
|---|-------|
| 1 Civil Engineering Plans (13 sheets) | 2 N/A |
| 3 Architectural Plans (Sheet G1.1, G1.3, & A8.1 only) | 4 N/A |
| 5 N/A | 6 N/A |

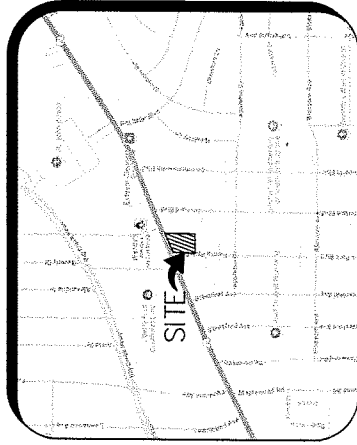
This review shall not be misconstrued as relieving the applicant from any other applicable codes, requirements, or regulations. It's the applicant's responsibility to assure conformance to all applicable local, state, and federal requirements.

SITE IMPROVEMENT PLANS FOR AYR WELLNESS

IN
CITY OF PARMA HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

DEVELOPER:
AYR WELLNESS
17500 WILSON ROAD
MAYA AUBURN 3333
PARMA HEIGHTS, OHIO 44130
PHONE: (440) 884-3100
EMAIL: INFO@AYRWELLNESS.COM
ATTN: FREDERICK ARBOOD

**CIVIL ENGINEER
& SURVEYOR:**
METZ & ASSOCIATES
17500 WILSON ROAD
PARMA HEIGHTS, OHIO 44130
PHONE: (440) 884-3100
EMAIL: METZ@METZANDASSOCIATES.COM
ATTN: JEFFREY M. FLAUTZ, P.E.



VICINITY MAP
NOT TO SCALE

SUBMITTED BY:
JEFFREY M. FLAUTZ - REG. ENGINEER No. 70381
DATE: 11/15/2024

SCALE: _____ DATE: _____

UTILITY COMPANIES IN PROJECT AREA

TELEPHONE (AREA):
CLEVELAND, OH 44111
PHONE: (216) 496-6097
CONTACT: JIM GRASSGURFER

GAS (LOWVOLTAGE GAS (LVS), GAS (HIGHVOLTAGE GAS (HVS)):
CLEVELAND, OH 44103
PHONE: (216) 786-8878
CONTACT: WEE ATWINGS

WATER (CITY OF CLEVELAND WATER DEPT):
CLEVELAND, OH 44114
PHONE: (216) 349-7277
CONTACT: TROY ROBERTS

ELECTRIC (THE ALUMINUMING COMPANY):
BROOKSVILLE, OH 44111
3625 MILLER ROAD
CLEVELAND, OH 44115
PHONE: (216) 441-1000
EMAIL: MARCH@THEALUMINUMINGCOMP.COM
CONTACT: TROY ROBERTS

NORTHEAST OHIO REGIONAL SEWER DISTRICT:
3000 ELMWOOD AVE.
PARMA, OHIO 44130, DDT: 6496
PHONE: (440) 266-4000
CONTACT: MARY MADEJONSKA

CITY OF PARMA HEIGHTS

ENGINEERING DEPARTMENT:
6201 PEARL ROAD
PARMA, OHIO 44130
PHONE: (440) 266-4000
CONTACT: TANYA CZAKA

PARMA HEIGHTS POLICE DEPARTMENT:
6201 PEARL ROAD
PARMA, OHIO 44130
PHONE: (440) 266-4000

PARMA HEIGHTS FIRE DEPT.:
6201 PEARL ROAD
PARMA, OHIO 44130
PHONE: (440) 885-1717

The underground utilities shown have been located from field survey information and satellite imagery. The surveyor makes no guarantee that the underground utilities shown comprise the entire utility system. It is the responsibility of the property owner to verify the location of all utilities before any excavation. Although the surveyor does not warrant that the underground utilities shown are in the exact location indicated, although the surveyor does warrant that they are located on occasion by the surveyor has not physically located the underground utilities.

Plan to excavation and/or demolition work:
CUTS. (One Utility Protection Survey).

BENCH MARKS:
ELEVATION: 455.15 (MANSION)
ELEVATION: 455.15 (MANSION)
ELEVATION: 455.15 (MANSION)
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ALL VERTICAL BENCH MARK INFORMATION SHOWN PER O.P.S. HAS FIELD OBSERVATIONS DATED OCTOBER 29, 2024.

INDEX TO DRAWINGS:

NO.	DESCRIPTION	REVISION #
1	EXISTING CONDITIONS PLAN	C10
2	SITE DEMOLITION PLAN	C11
3	OPERATIONAL PLAN	C12
4	APPROVED SIGNAGE SHEET	C21
5	APPROVED SIGNAGE DETAILS	C22
6	GRADING	C30
7	SITE GRADING & UTILITY PLAN	C31
8	SITE LAYOUT PLAN	C50
9	DETAILS	C70
10	SITE DETAILS SHEET	C71
11	LANDSCAPE	L10
12	LANDSCAPE SPECIFICATIONS	L11
13	SITE LANDSCAPE PLAN	L20
14	SITE LANDSCAPE DETAIL	L30
15	DETAILS	PH10
16	LANDSCAPE DETAIL	PH10

Ohio Utilities Protection Service
Call Before You Dig
1-800-367-2764
A429803359-00A
Also call OUPDS at 1-800-91-9999
(Ohio Oil & Gas Underground Protection Service)
- # 64411 -

REVNO	DATE	DESCRIPTION
11-15-24	11-15-24	PC SUBMITAL

SHEET NO. C0.0

NEFF & ASSOCIATES
17500 WILSON ROAD
PARMA HEIGHTS, OHIO 44130
PHONE: 440.884.3100 FAX: 440.884.3104
WWW.NEFF-ASSOCIATES.COM

ABREVIATED SWP3 PLAN

AYR WELLNESS - 6555 PEARL ROAD
CITY OF PLYMOUTH HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

NEFF ASSOCIATES
SHEET NO. C2.0



LEGEND

[Symbol]	STORM DRAIN INLET
[Symbol]	CONCRETE CURB
[Symbol]	3" SIF FENCE
[Symbol]	CONSTRUCTION ENTRANCE
[Symbol]	PERMANENT SEEDING

1. Concrete curb sections shall be established on site and clearly defined with 3" sif fence.

2. Concrete curb sections shall be established on site and clearly defined with 3" sif fence.

3. Concrete curb sections shall be established on site and clearly defined with 3" sif fence.

4. Concrete curb sections shall be established on site and clearly defined with 3" sif fence.

SOILS LEGEND:

1. All soils shall be improved to a minimum depth of 4" of 1:1 cement grout.

2. All soils shall be improved to a minimum depth of 4" of 1:1 cement grout.

3. All soils shall be improved to a minimum depth of 4" of 1:1 cement grout.

CAUTIONS/NOTES BASED ON THE SHEET NEAREST THE ENTRANCE OF THE SITE:

1. STREETS SHALL BE SHEET DAILY.

SWP3 CONTROLS:

1. SWP3 CONTROLS SHALL BE INSPECTED EVERY SEVEN DAYS AND AFTER ANY EXCAVATION WORK.

2. SWP3 CONTROLS SHALL BE INSPECTED EVERY SEVEN DAYS AND AFTER ANY EXCAVATION WORK.

STORAGE AND STAGING AREA:

1. STORAGE AND STAGING AREA SHALL BE CLEARLY DEFINED WITH 3" SIF FENCE.

LIMITS OF EXISTING UTILITIES:

1. LIMITS OF EXISTING UTILITIES SHALL BE CLEARLY DEFINED WITH 3" SIF FENCE.

STORM WATER MANAGEMENT AND SEDIMENT POLLUTION RATIONAL

1. THE SITE DISTURBANCE IS LESS THAN ONE ACRE.

2. STANDARD BEST MANAGEMENT PRACTICES ARE NOT REQUIRED FOR THIS SITE. THE ORO EPA GENERAL PERMIT (40 CFR 48.103) APPLICABLE TO THIS SITE.

3. ORO EPA GENERAL PERMIT DOES NOT REQUIRE DRAINAGE OR EROSION CONTROL MEASURES AT THIS SITE. THE ORO EPA GENERAL PERMIT (40 CFR 48.103) APPLICABLE TO THIS SITE.

Non-Standard Prevention Methods

1. Protection shall be provided to prevent sediment from entering the storm sewer system.

2. Protection shall be provided to prevent sediment from entering the storm sewer system.

Other Controls

1. The storm water management plan shall be approved by the local authority.

2. The storm water management plan shall be approved by the local authority.

Inspection Notes

1. All construction activities shall be inspected and documented.

2. All construction activities shall be inspected and documented.

Other Controls

1. The storm water management plan shall be approved by the local authority.

Soils Legend

1. All soils shall be improved to a minimum depth of 4" of 1:1 cement grout.

Swamp Controls

1. Swamp areas shall be protected and documented.

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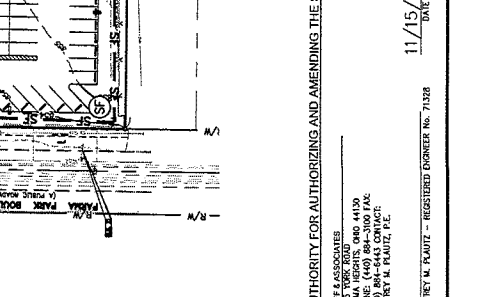
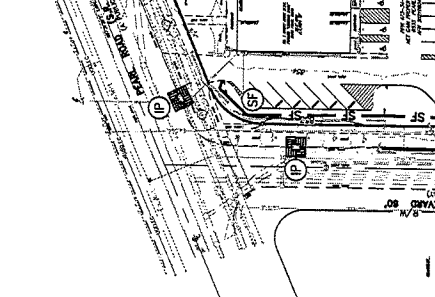
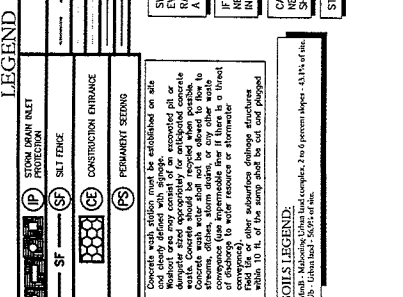
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SWP3 PROPOSED SITE MAP

ESTIMATED CONSTRUCTION DATE: FINISH NOVEMBER 1, 2025

11/15/24 DATE

STREFF W. RAUTZ - REGISTERED ENGINEER NO. 71328

NEFF & ASSOCIATES
3500 RAINBOW DRIVE
PAINESVILLE, OHIO 44130
PHONE: (440) 884-3000 FAX:
STREFF W. RAUTZ, P.E.

Authority for Authorizing and Amending the SWP3

- ### STORM WATER POLLUTION PREVENTION
1. ALL EXISTING UTILITIES SHALL BE IDENTIFIED AND MAINTAINED OR REPAIRED AS NECESSARY.
 2. ALL DISTURBED AREAS BEING CONSTRUCTED SHALL BE TEMPORARILY SEEDED FOR SPECIFICATIONS ON SHEET C-1.
 3. THE CONTRACTOR SHALL FOLLOW ALL STORMWATER POLLUTION PREVENTION SPECIFICATIONS AS INDICATED IN THE PERMITS AND ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND ORDINANCES.
 4. REGULATIONS, SEEDING AND MAINTENANCE FOR RESTORATION OF DISTURBED AREAS SHALL CONFORM TO LOCAL ORDINANCES AND SHALL BE SPECIFIED IN THE ORO.D.P. CONSTRUCTION AND MATERIAL SPECIFICATIONS (LATEST EDITION).
 5. THE CONTRACTOR SHALL SUPPLY ALL LABOR, MATERIALS, AND EQUIPMENT SUCH AS CALCIUM HYDROXIDE, WATER, AND/OR ANY OTHER COMPANY AUTHORITY.

The site superintendent responsible for the day-to-day site operations, will be the sole person responsible for ensuring that all SWP3 controls are properly implemented and maintained. All SWP3 controls shall be inspected and documented on a weekly basis. The SWP3 controls shall be inspected and documented on a weekly basis.

- ### Additional Construction Site Pollution Control
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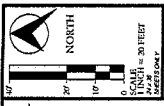
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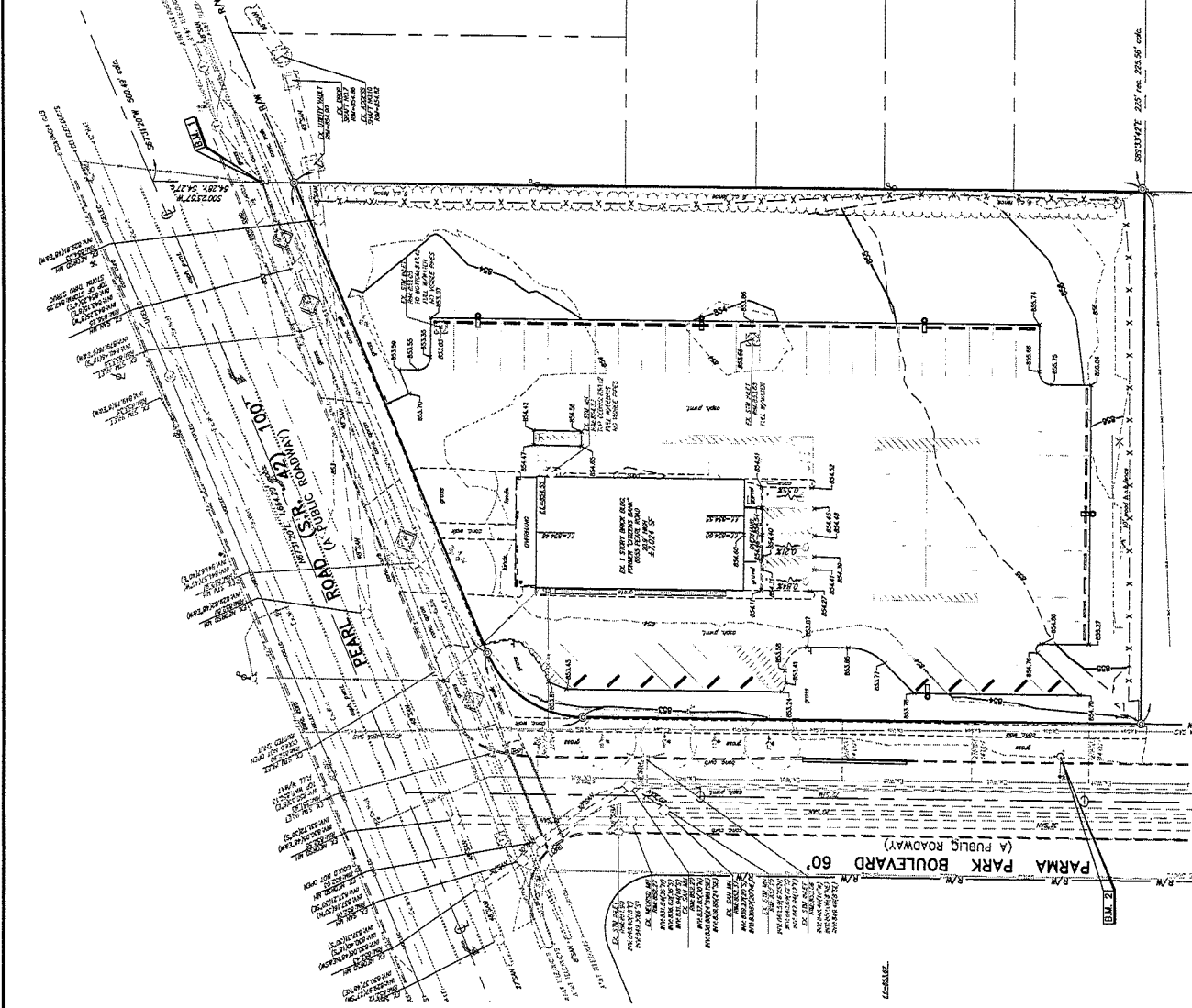
SITE GRADING & UTILITY PLAN
 AVR WELLNESS - 6555 PEARL ROAD
 CITY OF PARMA HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

NEFF
 ASSOCIATES
 OHIO Utilities Protection
 1-800-362-2764
 1-A4298031359-00A
 APR 15, 2024
 (DATE OF LAST REVISION)
 (DRAWN BY: [Name], CHECKED BY: [Name])
 - or call 614-442-1111 -

SHEET NO. **C3.0**

GRADING LEGEND

XXXXXX	PROPOSED 1' CONTOUR
XXXXXX	EXISTING 5' CONTOUR
XXXXXX	EXISTING 1' CONTOUR
XXXXXX	EXISTING 5' CONTOUR
XXXXXX	PROPOSED TOP OF CURB
XXXXXX	PROPOSED CENTER
XXXXXX	PROPOSED SPOT GRADE
XXXXXX	PROPOSED ASPHALT DRIVE
XXXXXX	PROPOSED GROUND SLURVE
XXXXXX	EXISTING SPOT GRADE
XXXXXX	2:1



- SITE GRADING AND EARTHWORK NOTES**
- THE CONTRACTOR SHALL PERFORM TEST PITS TO DETERMINE EXISTING SOIL PROPERTIES AND VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ANY UTILITIES FOUND TO BE DIFFERENT FROM THE INFORMATION PROVIDED BY THE OWNER.
 - CONTRACTOR TO CONTACT THE OHIO UTILITIES PROTECTION SERVICE (OUPS), 1-800-362-2764 AND OUPS OR ANY OTHER UTILITIES PROVIDERS TO OBTAIN ALL NECESSARY INFORMATION REGARDING THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL UTILITIES FOUND AND THE LOCATION AND DEPTH OF ANY UTILITIES FOUND TO BE DIFFERENT FROM THE INFORMATION PROVIDED BY THE OWNER.
 - THE CONTRACTOR SHALL MAINTAIN THE EXISTING SURFACE AS NEARLY AS POSSIBLE THROUGHOUT THE PROJECT. ALL EXISTING UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE SPECIFIED BY THE OWNER. ALL UTILITIES SHALL BE MAINTAINED AT ALL TIMES AND SHALL BE REPAIRED OR REPLACED AS NECESSARY. ALL UTILITIES SHALL BE MAINTAINED AT ALL TIMES AND SHALL BE REPAIRED OR REPLACED AS NECESSARY.
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 - CONTRACTOR TO PERFORM AN AREA ONE-SITE FOR STORMWATER RUNOFF FROM THE SITE DURING CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL UTILITIES FOUND AND THE LOCATION AND DEPTH OF ANY UTILITIES FOUND TO BE DIFFERENT FROM THE INFORMATION PROVIDED BY THE OWNER.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO EVALUATE THE EXISTING AND PROPOSED GRADING. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SURFACE AS NEARLY AS POSSIBLE THROUGHOUT THE PROJECT. ALL EXISTING UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE SPECIFIED BY THE OWNER.
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BENCHMARKS:

BM 1 (ELEVATION 455.15)	BM 1 (ELEVATION 455.15)
BM 2 (ELEVATION 455.15)	BM 2 (ELEVATION 455.15)

ALL VERTICAL BENCHMARK INFORMATION SHOWN FOR THIS PLAN IS FROM THE CUYAHOGA COUNTY BENCHMARK RECORD. BENCHMARK DATA LAST UPDATED: OCTOBER 25, 2024.



ZONING INFORMATION			
CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROVIDED
1185.05	MAX. HT. OF BLDG.	30 FT.	20.9 FT.
1185.05(D)	MIN. LOT SIZE	25,000 SF	57,713 SF
1185.04(G)(1)(B)(3)	FRONT YARD SETBACK - BLDG	5 FT./20 FT.	26.8 FT./20 FT.
1185.04(G)	FRONT YARD SETBACK - PARKING	10 FT.	10.7 FT.
1185.04(H)	SIDE SETBACK - BLDG	20 FT.	11.4 FT.
1185.04(H)	SIDE SETBACK - PARKING	20 FT.	51.1 FT.
1185.04(I)	REAR SETBACK - BLDG	20 FT.	55.6 FT.
1185.04(I)	REAR SETBACK - PARKING	20 FT.	20 FT.
1185.04(J)	MIN. CLEAR HEIGHT (E. LAID)	20 FT.	20 FT.
1185.04(K)	MIN. CLEAR HEIGHT (N. LAID)	20 FT.	20 FT.
1185.06(B)	MINIMUM # OF SPACES	914 ± 204 5 SPACES PER 1,000 SQ. FT.	9 ± 20 FT. 63 SPACES

PARKING INFORMATION	
PROPOSED PARKING SPACES	63 PARKING SPACES (1 CAR SPACE)
PROPOSED BUILDING RETAIL STORE	= 7,094 SF
RETAIL STORES PARKING REQUIREMENTS:	= 35 SPACES
5 SPACE PER 1,000 SF	= 63 SPACES(3 AM)

LANDSCAPING INFORMATION	
PROPOSED LANDSCAPING AREA	1,274 SF
PROPOSED PARKING AREA	= 28,940 SF
LANDSCAPING AREA REQUIREMENTS:	= 1,447 SF
28,940 SF ± 5%	= 1,724 SF

KEY NOTES

- MIN. ACCESSIBLE PARKING SYMBOL SEE DET. 4, SHT. C70
- PARKING STRIPES 4" MIN. SOLID WHITE, SEE DET. 1, SHT. C70
- PROPOSED 18" X 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C70
- PROPOSED 18" X 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C70
- EXISTING SIGN STRUCTURE, SEE SHEETS C10 AND C30
- ASPHALT PAVEMENT, SEE SHEETS C10 AND C30
- TRANSVERSE STRIPING - 4" MIN. SOLID WHITE STRIPES @ 45° PER DET. 3, SHT. C70
- WHEEL STOP, SEE DET. 2, SHT. C70
- VERTICAL CONCRETE CURB, SEE DET. 6, SHT. C70
- PROPOSED CONCRETE CURB TO BE FIELD VERIFIED, AND REPAIRS ARE TO BE MADE AS NEEDED.
- PROP. BIKE RAC, SEE DET. 3, SHT. C71
- PROP. LOADING ZONE.

ASPHALT PAVEMENT
SEAL COATED AND
RESURFED

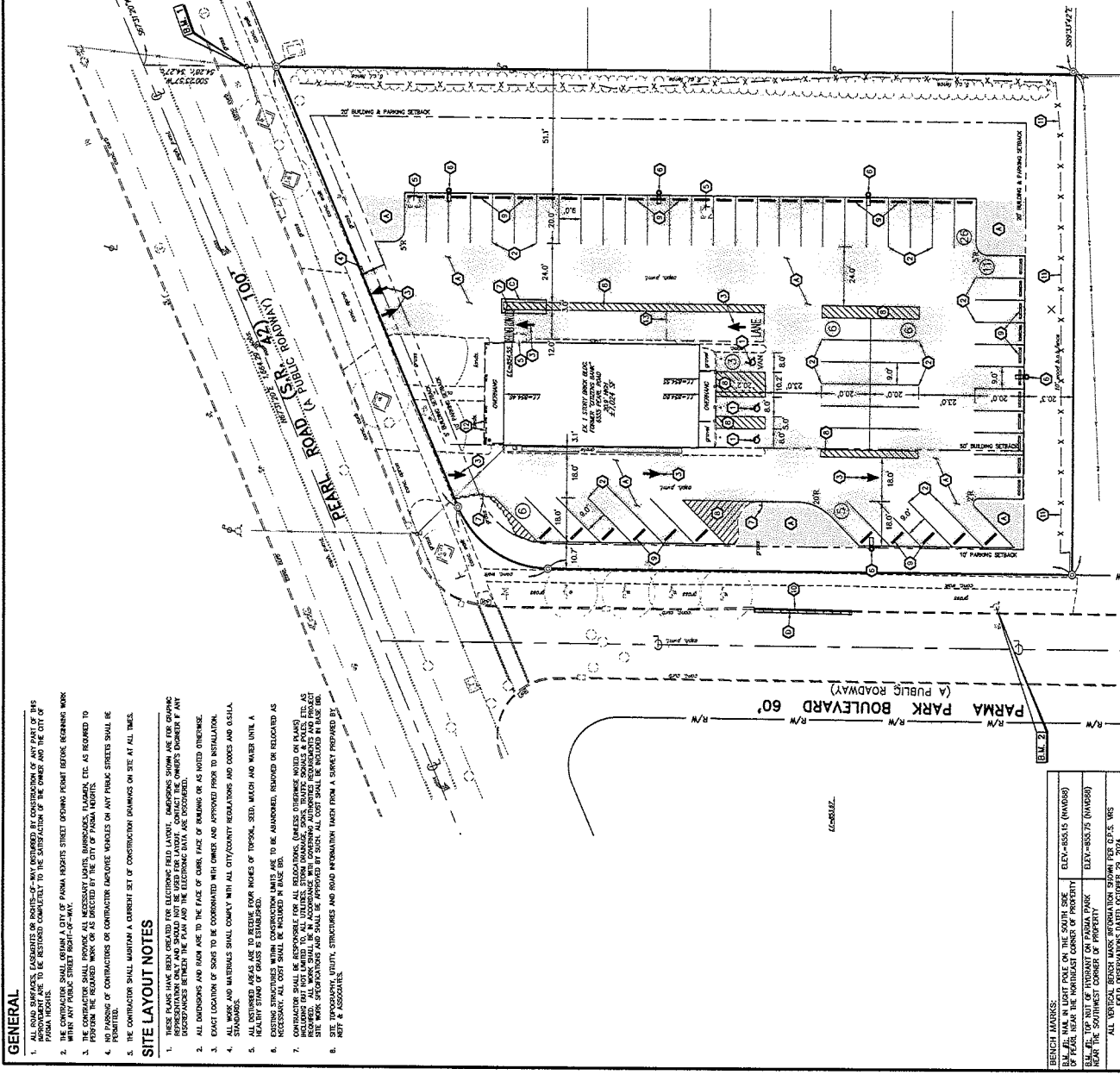
PROPOSED
LANDSCAPING AREA

HEAVY DUTY ASPHALT
PAVEMENT
SEE DET. 1, SHT. C70

PAVEMENT REPAIR
SEE DET. 1, SHT. C71

OHIO
 Utilities Protection
 SERVICE
 California Ave. Bldg.
 1-800-3-62-2764
 AA29803359-00A
 Also call: (615) 893-1000
 (615) 893-1000 (toll-free)
 Fax: (615) 893-1000

REVISION	DATE	DESCRIPTION
11-15-24	PC SUBMITTAL	



GENERAL

- ALL ROAD SURFACES, EXCAVATIONS OR NOTES-OF-ANY DISTURBED OR CONSTRUCTION OF ANY PART OF THIS PROJECT TO BE RESTORED TO ORIGINAL CONDITION TO THE SATISFACTION OF THE OWNER AND THE CITY OF PARMA HEIGHTS.
- THE CONTRACTOR SHALL OBTAIN A CITY OF PARMA HEIGHTS STREET STOPPING PERMIT BEFORE BEGINNING WORK WITHIN ANY PUBLIC STREET RIGHT-OF-WAY.
- THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.
- NO PARKING OF CONTRACTOR OR CONTRACTOR EMPLOYEE VEHICLES ON ANY PUBLIC STREETS SHALL BE PERMITTED.
- THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.

SITE LAYOUT NOTES

- THESE PLANS HAVE BEEN PREPARED FOR ELECTRONIC FIELD LAYOUT. DIMENSIONS SHOWN ARE FOR DRAWING PURPOSES ONLY. FIELD DIMENSIONS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHOWN ON THIS PLAN ARE TO BE FIELD VERIFIED AND REPAIRS ARE TO BE MADE AS NEEDED.
- ALL DIMENSIONS AND FINISH ARE TO THE FACE OF CURB, FACE OF FINISH OR AS NOTED OTHERWISE.
- EXACT LOCATION OF SOAKS TO BE COORDINATED WITH OWNER AND APPROVED PRIOR TO INSTALLATION.
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
- ALL DISTURBED AREAS ARE TO BE RESTORED TO ORIGINAL CONDITION WITHIN 30 DAYS OF COMPLETION OF WORK. SEED, MULCH AND WATER UNTIL A PERMANENT COVER IS ESTABLISHED.
- EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BIDDING.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REGULATIONS (UNLESS OTHERWISE NOTED ON PLANS) AND PERMITS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REGULATIONS AND PRODUCT SPECIFICATIONS. ALL WORK SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BIDDING.
- SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BIDDING.
- NEFF & ASSOCIATES.

LANDSCAPING INFORMATION

PROPOSED LANDSCAPING AREA: 1,274 SF

PROPOSED PARKING AREA: 28,940 SF

LANDSCAPING AREA REQUIREMENTS: 1,447 SF

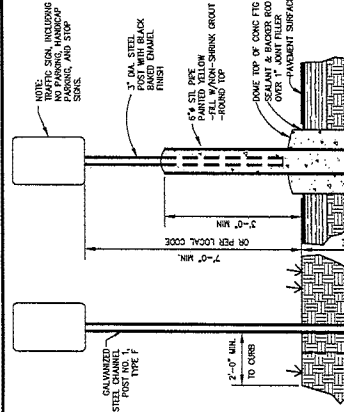
28,940 SF ± 5% = 1,724 SF

KEY NOTES

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- PARKING STRIPES 4" MIN. SOLID WHITE, SEE DET. 1, SHT. C70
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- PROP. LOADING ZONE.

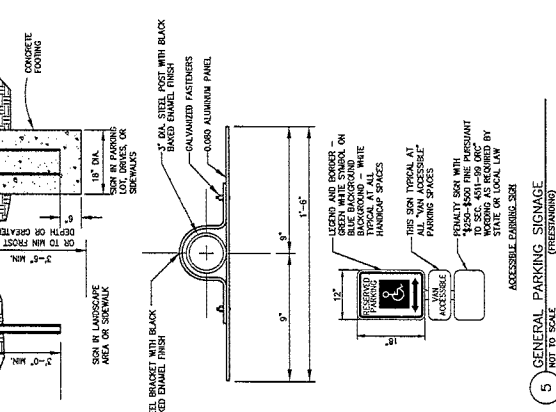
OHIO
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 1-800-3-62-2764
 AA29803359-00A
 Also call: (615) 893-1000
 (615) 893-1000 (toll-free)
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REVISION	DATE	DESCRIPTION
11-15-24	PC SUBMITTAL	



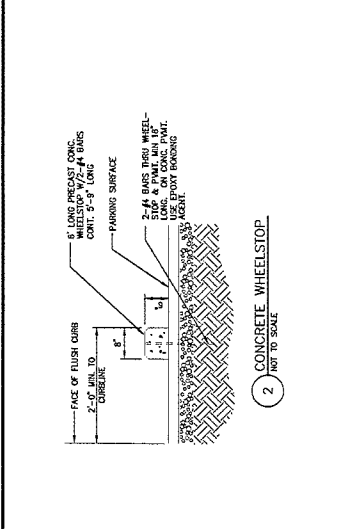
1 HEAVY DUTY ASPHALT PAVEMENT
 NOT TO SCALE

NOTE: ALL THICKNESSES SHOWN ARE COMPACTED IN PLACE.
 * TRUCK COALT TO BE APPLIED IN ACCORDANCE WITH DOT ITEM 407 IN THE MANUAL OF PRACTICES FOR THE CONSTRUCTION AND MAINTENANCE OF HIGHWAYS. A MINIMUM FIVE YEAR INSTALLATION OF COALT ITEM 422 IS RECOMMENDED, UNLESS OTHERWISE SPECIFIED.



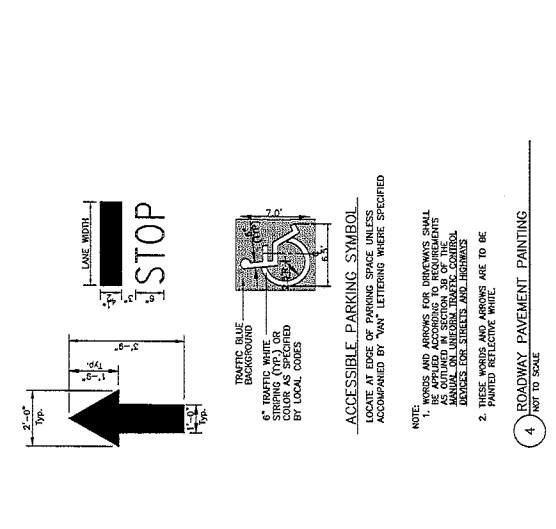
2 CONCRETE WHEELSTOP
 NOT TO SCALE

NOTE: 2\"/>



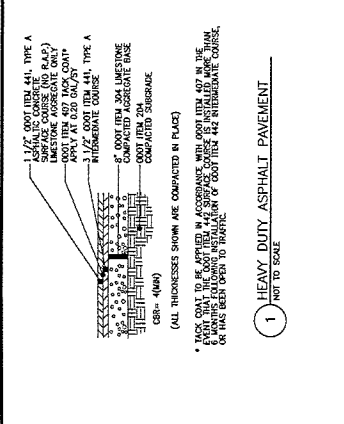
3 TYPICAL HANDICAP PARKING
 NOT TO SCALE

NOTE: 1. SEE SITE PLAN FOR TOTAL LAYOUT.
 2. 8' ACCESS AISLE SHALL BE PLACED ON THE PASSENGER SIDE OF A VAN ACCESSIBLE SPACE.
 3. ALL DIMENSIONS ARE TO 6\"/>



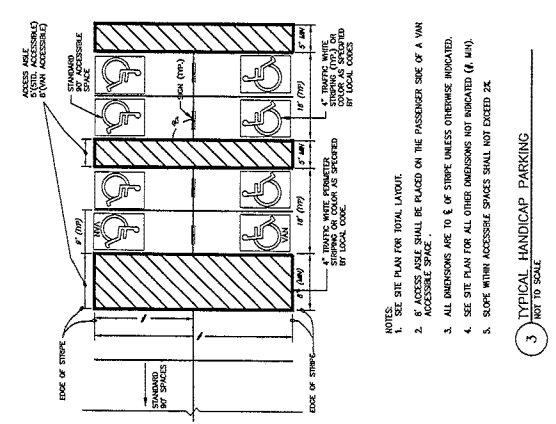
4 ROADWAY PAVEMENT PAINTING
 NOT TO SCALE

NOTE: 1. THESE WORDS AND ARROWS FOR SIGNAGE SHALL BE APPLIED ACCORDING TO REQUIREMENTS AS OUTLINED IN THE MANUAL OF PRACTICES FOR THE CONSTRUCTION AND MAINTENANCE OF HIGHWAYS.
 2. THESE WORDS AND ARROWS ARE TO BE PAINTED REFLECTIVE WHITE.



5 GENERAL PARKING SIGNAGE
 NOT TO SCALE (PRESIGNING)

NOTE: 1. SIGNAGE SHALL BE PLACED ON THE PASSENGER SIDE OF A VAN ACCESSIBLE SPACE.
 2. THESE WORDS AND ARROWS ARE TO BE PAINTED REFLECTIVE WHITE.
 3. ALL DIMENSIONS ARE TO 6\"/>

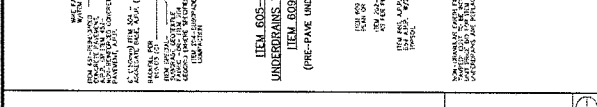
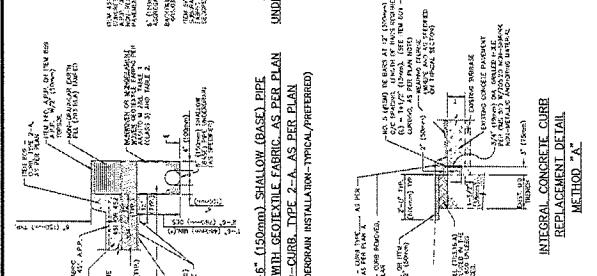
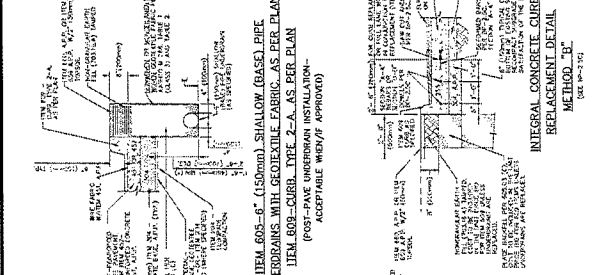


**6 6\"/>
 NOT TO SCALE**

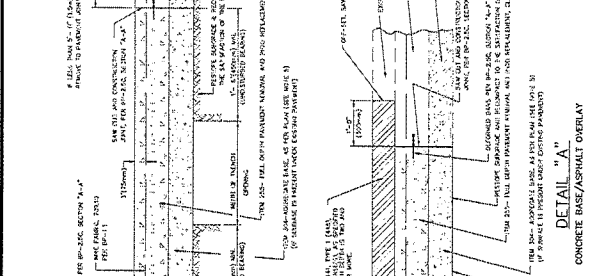
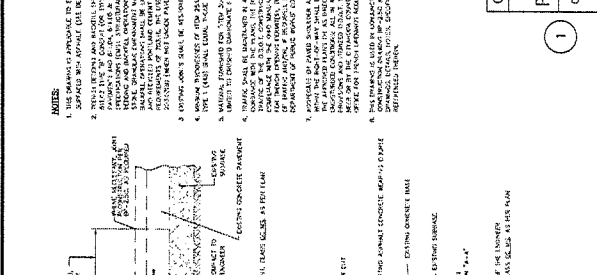
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 2. 8' ACCESS AISLE SHALL BE PLACED ON THE PASSENGER SIDE OF A VAN ACCESSIBLE SPACE.
 3. ALL DIMENSIONS ARE TO 6\"/>

REVISION	DATE	BY	CHKD	DESCRPTION
11-15-24				PC SUBMITTAL
				DESIGN
				CONTRACT
				PERMIT
				ISSUE

ITEM 605-6' (150mm) SHALLOW (BASE) PIPE UNDERDRAINS WITH GEOTEXTILE FABRIC, AS PER PLAN
 NOTES:
 1. THE DRAWING IS APPROVED FOR INSTALLATION OF CONCRETE PIPE UNDERDRAINS WITH GEOTEXTILE FABRIC, AS PER PLAN.
 2. THE DRAWING IS APPROVED FOR INSTALLATION OF CONCRETE PIPE UNDERDRAINS WITH GEOTEXTILE FABRIC, AS PER PLAN.
 3. THE DRAWING IS APPROVED FOR INSTALLATION OF CONCRETE PIPE UNDERDRAINS WITH GEOTEXTILE FABRIC, AS PER PLAN.
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 10. THE DRAWING IS APPROVED FOR INSTALLATION OF CONCRETE PIPE UNDERDRAINS WITH GEOTEXTILE FABRIC, AS PER PLAN.



ITEM 605-6' (150mm) SHALLOW (BASE) PIPE UNDERDRAINS WITH GEOTEXTILE FABRIC, AS PER PLAN
 ITEM 608-CURB, TYPE 2-A, AS PER PLAN
 (POST-PAVE UNDERDRAIN INSTALLATION - ACCEPTABLE WHEN APPROVED)



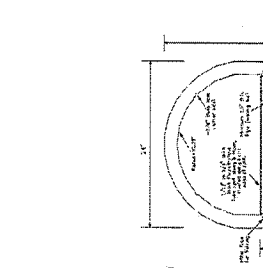
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 (PRE-PAVE UNDERDRAIN INSTALLATION - TYPICAL)

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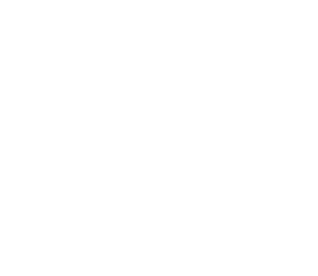
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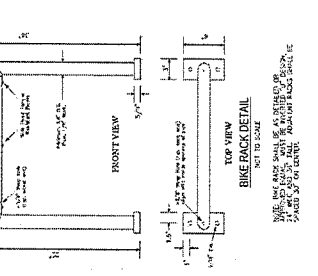
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REVNO	DATE	BY	CHKD	DESCRIPTION
1	11-15-24	PC	SOB	PC SUBMITAL

PROJECT NO.	15226
PROJECT NAME	AYR WELLNESS - 6655 PEARL ROAD
DATE	11/15/24
BY	PC
CHKD	SOB

DATE	11/15/24
BY	PC
CHKD	SOB

DATE	11/15/24
BY	PC
CHKD	SOB

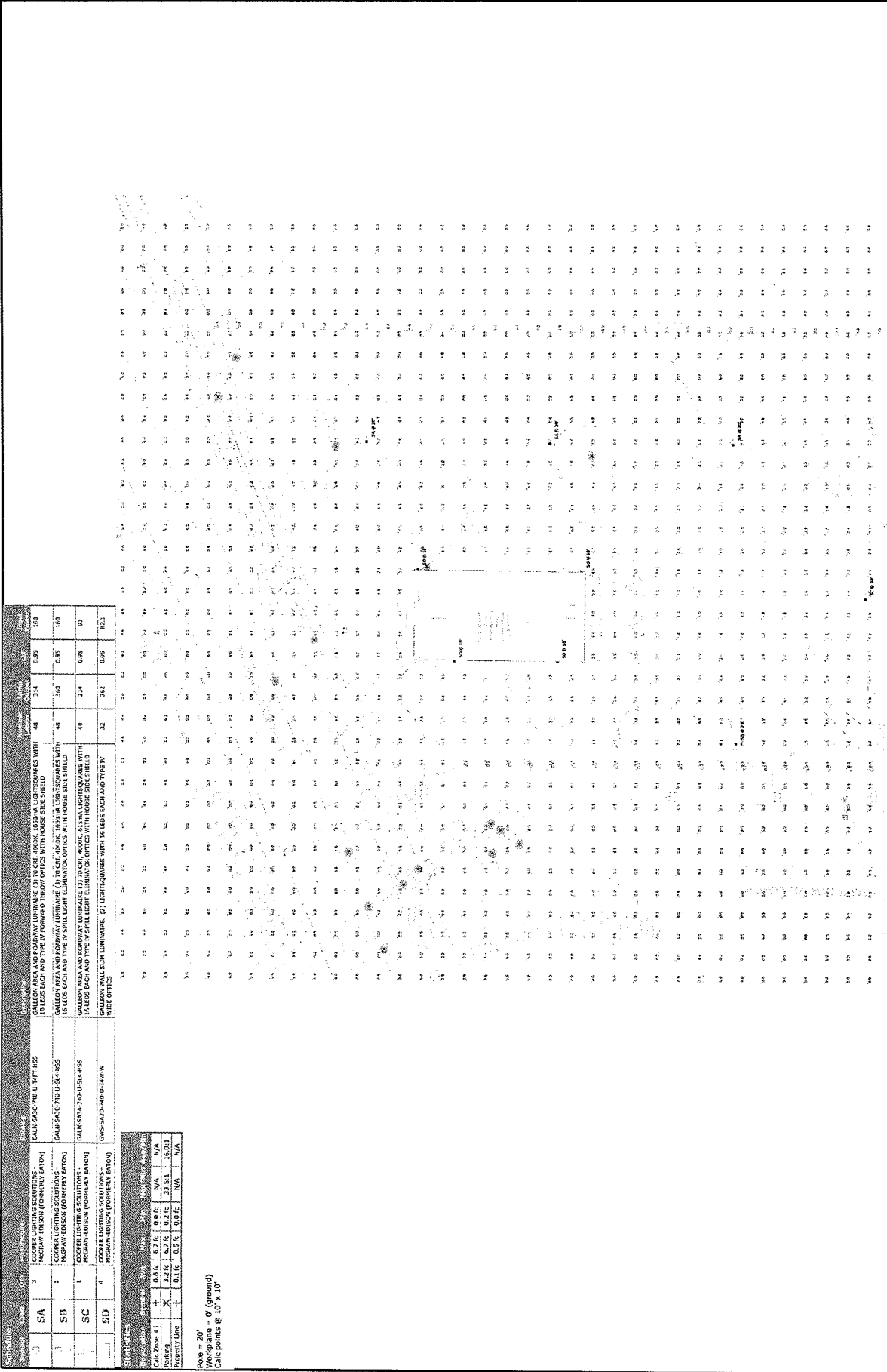
DATE	11/15/24
BY	PC
CHKD	SOB

DATE	11/15/24
BY	PC
CHKD	SOB

DATE	11/15/24
BY	PC
CHKD	SOB

DATE	11/15/24
BY	PC
CHKD	SOB

REVISION	DATE	BY	CHKD
11-15-24	PC	SMITH	SMITH
PREPARED BY	DATE	BY	CHKD
DESIGNED BY	DATE	BY	CHKD



Symbol	Manufacturer	Model	Beam Spread	Height	Notes
SA	COOPER LIGHTING SOLUTIONS	NOBRYA HUBSON (CORNER) FAUX	48"	31'	0.59
SB	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (CORNER) FAUX	48"	31'	0.95
SC	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (CORNER) FAUX	48"	31'	0.95
SD	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (CORNER) FAUX	48"	31'	0.95

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Pole = 20'
 Workplane = 0' (ground)
 Calc points @ 10' x 10'

KEY NOTES

① LAWN SEED AREA
② HARDWOOD MULCH AREA

LAWN SEED MIX

PERCENT BY WEIGHT

PERCENT BY VOLUME

PERCENT BY WEIGHT

PERCENT BY VOLUME

PERCENT BY WEIGHT

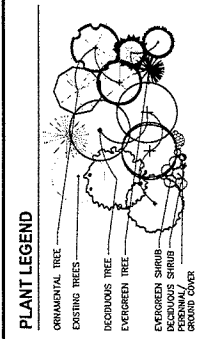
PERCENT BY VOLUME

PERCENT BY WEIGHT

PERCENT BY VOLUME

PERCENT BY WEIGHT

PERCENT BY VOLUME



PLANT LIST - SUMMARY TABLE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	SPACING	TOTAL
ACE	ABUTILON STRIPED	ROBINSON'S MAPLE	2" CAL	600	AS SHOWN	6
IDS	IRIS	IRIS	6" HT.	600	AS SHOWN	60
SPG	SPERGANDIA	SPERGANDIA	6" HT.	600	AS SHOWN	14
SHRUBS						
BEV	BELLEVUE	GREEN VELVET BOWWOOD	30"	CONTE.	AS SHOWN	48
PERENNIALS						
US	US	US	18" O.C.	CONTE.	AS SHOWN	48

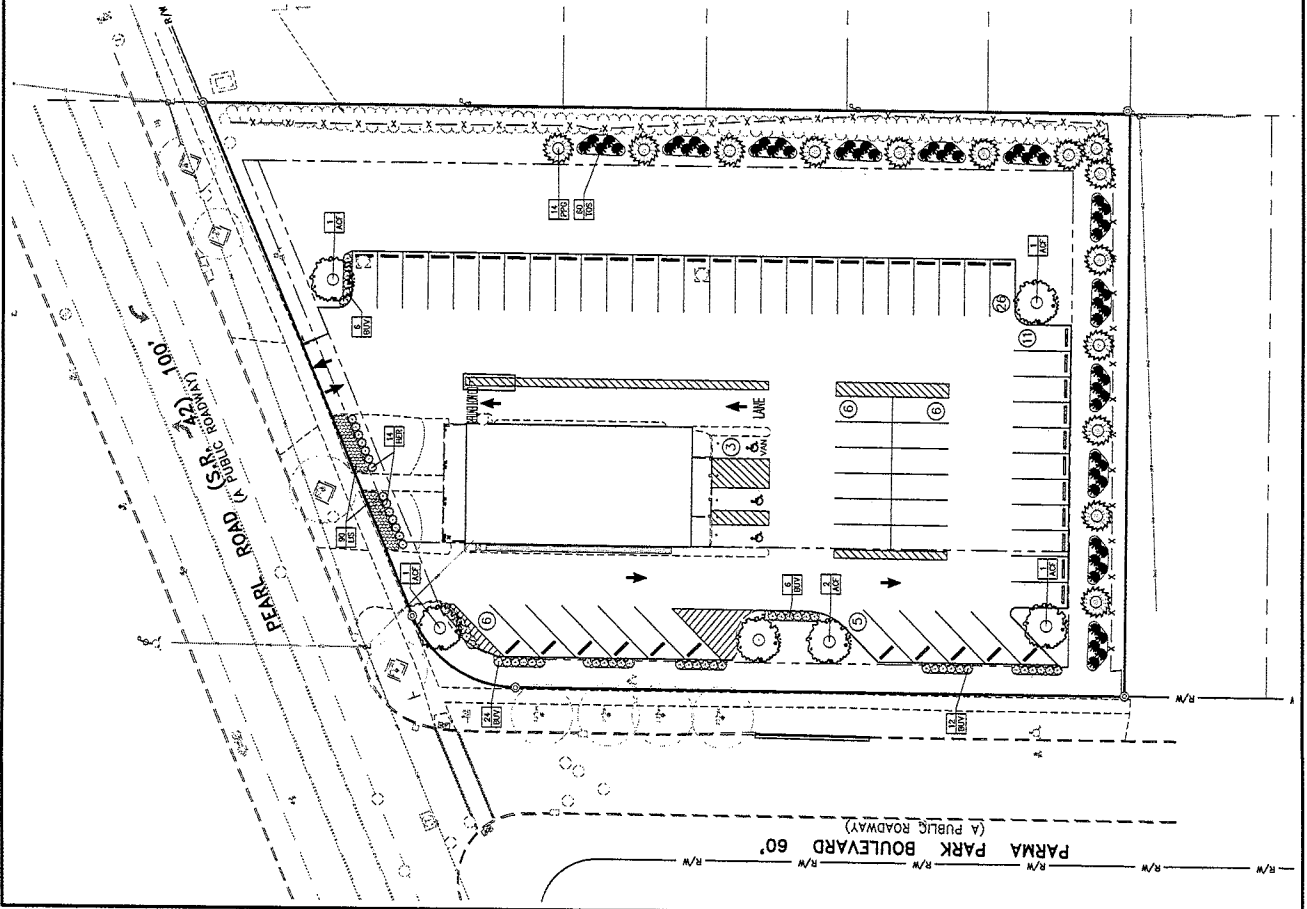
LANDSCAPE NOTES

- CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND VERIFYING ALL PLANT MATERIAL SHOWN ON THE PLANS. ANY PLANT MATERIAL SUBSTITUTIONS TO BE VERIFIED AND APPROVED BY LANDSCAPE ARCHITECT OR OWNER PRIOR TO INSTALLATION.
- CONTRACTOR TO VERIFY ALL PLANT MATERIALS AT ALL PLANTING SITES. PROVIDE A MIN. 1" WATERING MAT FOR EACH PLANTING AREA. LOCATED WITHIN PLANTING AREAS. PROVIDE A MIN. 2" MULCHER MULCH AROUND EACH PLANTING TREE. MULCH COLOR SHALL BE NATURAL, AND NOT DYE. MULCH EXISTING BEDS UNLESS OTHERWISE SPECIFIED BY THE OWNER. CONTRACTOR SHALL SIGHT MULCH SAMPLES TO OWNER FOR APPROVAL PRIOR TO ORDERING.
- ONCE FINAL GRADE IS ESTABLISHED, ALL PLANTING BEDS SHALL BE 6" DEEP FOR PLANTING SOIL MIX FOR THE SPECIFICATIONS AND DETAILS. ALL SEEDING AREAS TO RECEIVE A MINIMUM OF 2" OF TOPSOIL. FOR THE SPECIFICATIONS, PLANTING CAN BE USED IF SPECIFICATIONS ARE MET AND APPROVED BY ARCHITECT AND OWNER. CONTRACTOR SHALL PROVIDE A MINIMUM OF 2" OF TOPSOIL FOR PLANTING AREAS. CONTRACTOR SHALL PROVIDE A MINIMUM OF 2" OF TOPSOIL FOR PLANTING AREAS. CONTRACTOR SHALL PROVIDE A MINIMUM OF 2" OF TOPSOIL FOR PLANTING AREAS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING ALL PLANT MATERIAL AND SEEDING AREAS UNTIL SUBSTANTIAL COMPLETION OF PROJECT. SLOW RELEASE WATERING BAUS SHOULD BE USED ON ALL TREES.
- ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
- BEFORE CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL PROPOSED UTILITY LOCATIONS AND LOCATING ALL EXISTING UNDERGROUND UTILITIES. CONTRACTOR SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATION OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES DURING THE CONSTRUCTION PERIOD. TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
- APPLY A PRE-EMERGENT HERBICIDE, POST-EMERGENT OR GRANULATE OR APPROVED SUGAR, TO TREES, SHRUBS, AND GROUNDCOVER AREAS IN ACCORDANCE WITH MANUFACTURER'S WRITTEN RECOMMENDATIONS. DO NOT APPLY TO SEEDING AREAS.

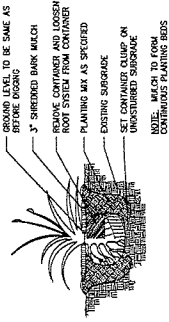
ZONING INFORMATION

CURRENT ZONING -- GENERAL COMMERCIAL

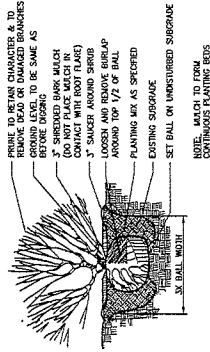
CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROVIDED
1185.07(a)	INTERNAL PARKING LOT LANDSCAPING	2% OF PARKING LOT AREA SHALL BE PLANTED AS LANDSCAPE ISLAND AREAS, AND AT LEAST ONE TREE IS REQUIRED FOR EVERY LANDSCAPE WITHIN A PARKING LOT	6 TREE PROVIDED
1185.07(b)	ADDITIONAL PARKING LOT LANDSCAPING	LANDSCAPING SHALL BE A MINIMUM PERCENT OF THE TOTAL PARKING LOT AREA. PLANTING SHALL BE PLACED TO DIFFERENTIALLY OCCUR A MINIMUM OF 50 PERCENT OF THE PARKING LOT AND SHALL BE PLACED TO DIFFERENTIALLY OCCUR A MINIMUM OF 50 PERCENT OF THE PARKING AREA.	144 TREE OF VARIETY SHRUBS (24% OF PARKING LOT)
1185.08(a)	SCREENING ADJACENT RESIDENTIAL DISTRICTS	A DENSE VEGETATIVE PLANTING INCORPORATING TREES AND/OR SHRUBS OF A VARIETY WHICH SHALL BE EQUALLY EFFECTIVE IN WINTER AND SUMMER. VEGETATION SHALL BE PLANTED WITH SUCH MINIMUM HEIGHT TO ASSURE THAT MORE THAN 12 MONTHS AFTER THE INITIAL INSTALLATION.	SCREENING OF EVERGREEN TREES
1185.08(b)	DESIGN STANDARDS AND PRINCIPLES FOR LANDSCAPING AND SCREENING	LANDSCAPING SHALL BE USED TO DEFINE PUBLIC ENTRANCES USING "SIGNATURE" LANDSCAPING ELEMENTS. DIVERSE TREES, FLOWERING SHRUBS, PERENNIALS, AND GROUND COVERS	6 TREE PROVIDED



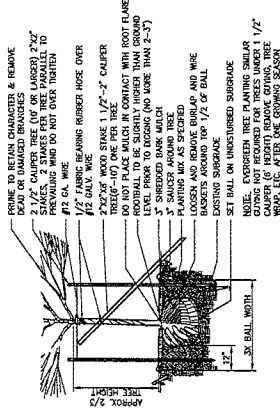
REV. NO.	DATE	DESCRIPTION
1	11-15-24	PC SUBMITTAL



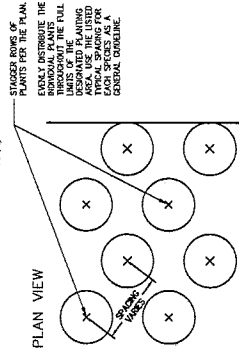
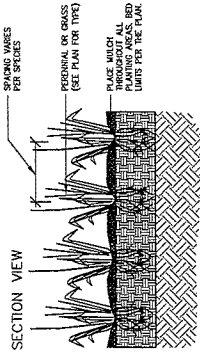
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NOT TO SCALE



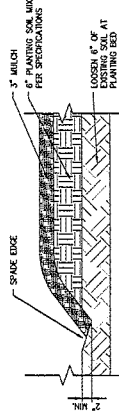
2 TYPICAL SHRUB PLANTING DETAIL
NOT TO SCALE



3 TYPICAL TREE PLANTING DETAIL
NOT TO SCALE



4 SHRUB AND PERENNIAL SPACING
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5 LANDSCAPE BED EDGE/SOIL DEPTH (TYP.)
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REVNO	DATE	BY	CHKD	DESCRIPTION
1	11-15-24	PC	SMH/TPL	PC SUBMITTAL
2				
3				
4				
5				

OWNER:
DAILY
RELEASE
LLC

DAILY
RELEASE LLC

ARCHITECT / ENGINEER:
S SHREMSHOCK
Shremshock Architects, Inc.
7774 Knoch Drive, Columbus, OH 43240
614.291.4600
www.shremshock.com

DAILY
RELEASE
LLC

PROJECT LOCATION:
6555 PEARL RD.
PARMA HEIGHTS
OH, 44130

DESIGN TYPE:
REVISIONS:
DATE: 05/29/2024

PROJECT NO.: 240122
DRAWING NO.: 05/29/24

DATE ISSUED:
PROJECT NO.: 240122
DRAWING NO.: 05/29/24

REVISIONS:
DATE: 05/29/24

DATE ISSUED:
PROJECT NO.: 240122
DRAWING NO.: 05/29/24

DATE ISSUED:
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DRAWING NO.: 05/29/24

DATE ISSUED:
PROJECT NO.: 240122
DRAWING NO.: 05/29/24

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AWR wellness logo and address: 6555 PEARL RD., PARMA HEIGHTS, OH 44130

AREA CALCULATIONS: (LEASED AREA)
MAIN LEVEL AREA: 3,308 SQ.FT.
BASEMENT AREA: 3,092 SQ.FT.
MEZZANINE AREA: 428 SQ.FT.
TOTAL GROSS AREA: 6,828 SQ.FT.
GROSS SALES / PUBLIC AREA: (RECEPTION + RETAIL) 1,763 SQ.FT.
AREA + TOILET ROOM) 237 SQ.FT.
GROSS BUSINESS AREA: (OFFICES + IT ROOM) 1,628 SQ.FT.
+ VAULT + BASEMENT + MEZZANINE AREA

DRAWING INDEX

NOT USED

OWNER / PROJECT DIRECTORY

VENDOR CONTACT LIST

PROPERTY DIAGRAM

PROPERTY DIAGRAM

PROPERTY DIAGRAM

PROPERTY DIAGRAM

PROPERTY DIAGRAM

PROPERTY DIAGRAM

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DAILY
RELEASE
LLC

ARCHITECT / ENGINEER:
SHREMSHOCK
2775 N. WILSON AVENUE, SUITE 200
DENVER, CO 80202
303.733.1111

DAILY
RELEASE
LLC

PROJECT LOCATION:
6555 PEARL RD.
PARMA HEIGHTS
OH, 44130

DATE:
05/29/2024

SCALE:
AS SHOWN

CHECKED BY: RHM

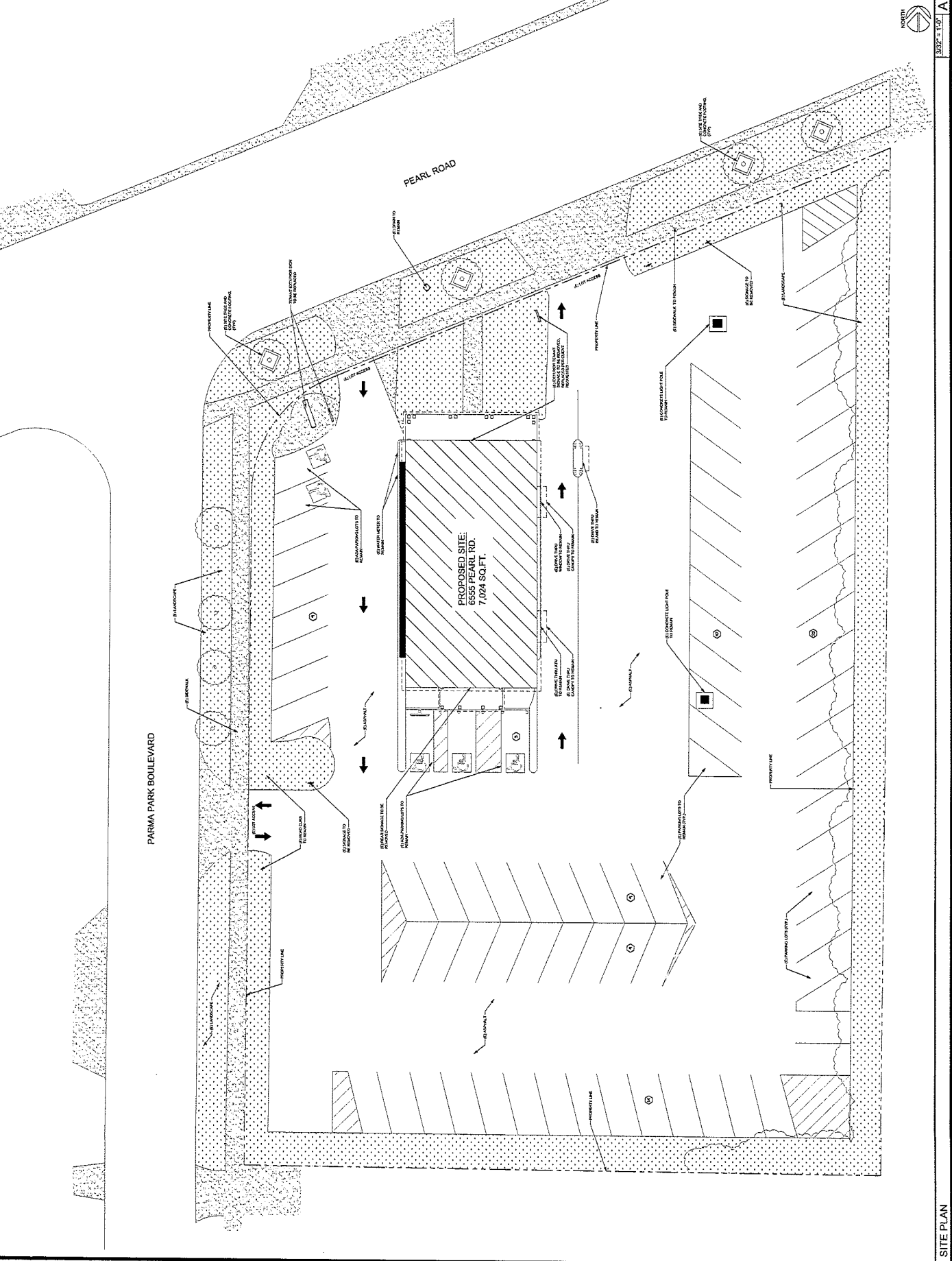
DATE: 05/29/2024

PROJECT NO.: 240122

DRAWING NO.: G1.3



DATE: 05/29/2024
PROJECT NO.: 240122
DRAWING NO.: G1.3



SITE PLAN

OWNER:
**DAILY
 RELEAF
 LLC**
 DAILY
 RELEAF LLC

ARCHITECT / ENGINEER:
SHREMSHOCK
 Shremshock Architects, Inc.
 7735 Wetherburn Drive, Suite 200, Columbus, OH 43229
 Phone: 614.444.4444 | Fax: 614.444.4444 | Email: info@shremshock.com

PROJECT LOCATION:
**6455 PARMA RD
 PARMA HEIGHTS
 OH, 44130**

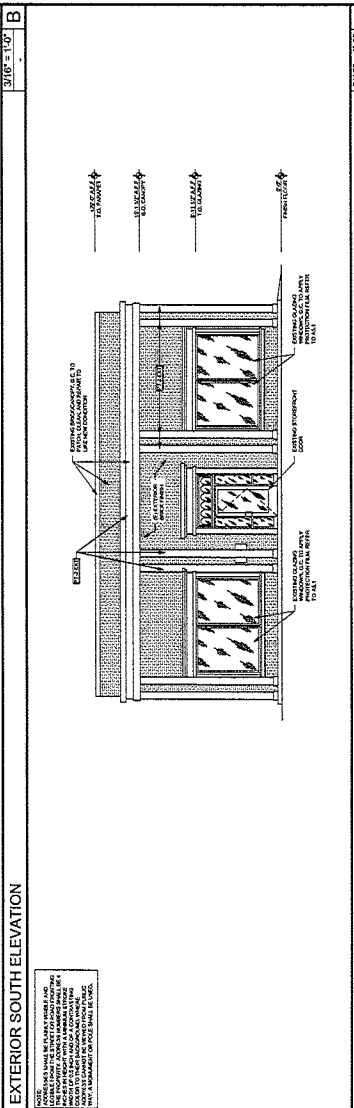
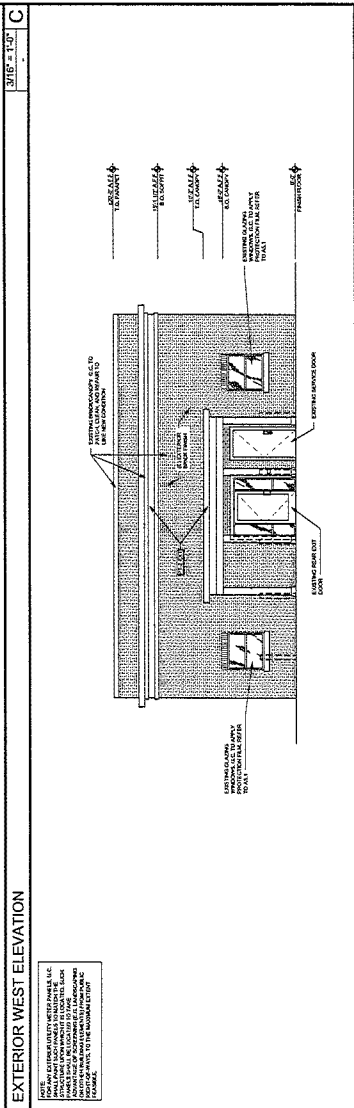
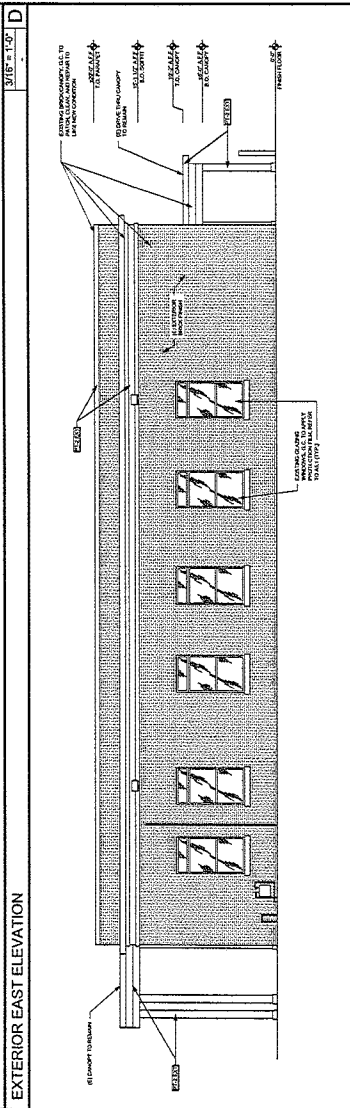
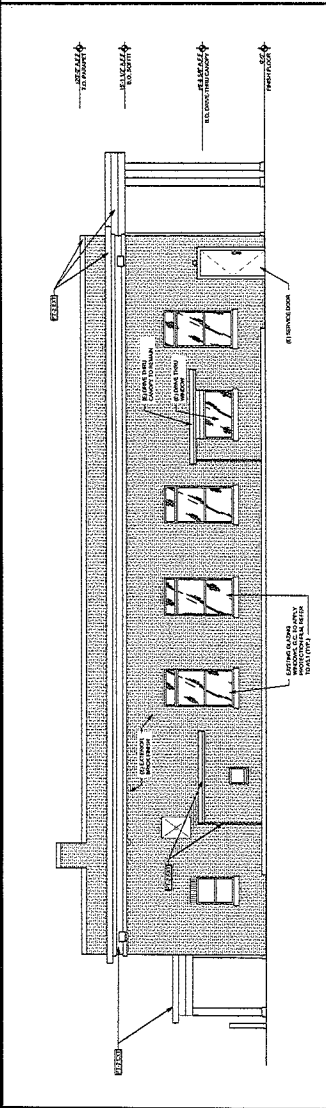
DESIGN TYPE:
RETAIL

DATE ISSUED:
05/29/2024

PROJECT NO.: **240122**

DRAWING NO.: **A8.1**

EXTERIOR ELEVATIONS



W	NOT USED	3" = 1'-0"	S	EXTERIOR EAST ELEVATION	D	3/16" = 1'-0"
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V	NOT USED	1" = 1'-0"	R	EXTERIOR WEST ELEVATION	C	3/16" = 1'-0"
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U	NOT USED	1" = 1'-0"	P	EXTERIOR SOUTH ELEVATION	B	3/16" = 1'-0"
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T	NOT USED	1/16" = 1'-0"	N	EXTERIOR NORTH ELEVATION	A	3/16" = 1'-0"
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NOT USED	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"
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NOT USED	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"
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NOT USED	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"	1" = 1'-0"
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EXTERIOR FINISH SCHEDULE		FINISH SCHEDULE	
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
EXISTING WALL	EXISTING WALL	EXISTING WALL	EXISTING WALL
EXISTING WINDOW	EXISTING WINDOW	EXISTING WINDOW	EXISTING WINDOW
EXISTING DOOR	EXISTING DOOR	EXISTING DOOR	EXISTING DOOR
EXISTING ROOF	EXISTING ROOF	EXISTING ROOF	EXISTING ROOF
NEW WALL	NEW WALL	NEW WALL	NEW WALL
NEW WINDOW	NEW WINDOW	NEW WINDOW	NEW WINDOW
NEW DOOR	NEW DOOR	NEW DOOR	NEW DOOR
NEW ROOF	NEW ROOF	NEW ROOF	NEW ROOF

EXHIBIT F

ORDINANCE NO. 2024 - 49

AN ORDINANCE AMENDING CHAPTER 752 PREVIOUSLY ENTITLED "MEDICAL MARIJUANA OPERATIONS" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, on November 7, 2023, Ohio voters approved Ohio Issue 2, the Marijuana Legalization Initiative, which legalized adult-use cannabis in the State of Ohio, and further allows for its cultivation, processing, possession, sale, and purchase in the State of Ohio; and

WHEREAS, amendments to Chapter 752 of the Parma Heights Codified Ordinances, including amending the title of the chapter, are necessary in order to permit marijuana operations within the City of Parma Heights, Ohio; and

WHEREAS, this Council desires to adopt the recommendation of the Administration; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of this amended Ordinance in order to regulate marijuana dispensaries within the City of Parma Heights, Ohio.

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 752 of the Codified Ordinances as it previously existed is amended, and as amended, shall henceforth read as shown by edits set forth in "Exhibit A, as amended", 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: This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to establish land use standards for state licensed marijuana operations; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: October 7, 2024

Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara O'Neil
CLERK OF COUNCIL

October 7, 2024
APPROVED

FILED WITH
THE MAYOR: October 7, 2024

Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 752

Medical Marijuana Operations

- 752.01 Purpose.
- 752.02 Definitions.
- 752.03 Applicability.
- 752.04 Prohibition on certain ~~medical~~ marijuana operations.
- 752.05 ~~Medical m~~Marijuana dispensary license required.
- 752.06 ~~Medical m~~Marijuana dispensary license application.
- 752.07 Issuance of ~~medical~~ marijuana dispensary license.
- 752.08 Fees.
- 752.09 Inspection.
- 752.10 Expiration and renewal of license.
- 752.11 License suspension.
- 752.12 License revocation.
- 752.13 Appeal rights.
- 752.14 Transfer of license.
- 752.15 Regulations pertaining to the operation of ~~medical~~ marijuana dispensaries.
- 752.16 Loitering and exterior lighting and monitoring requirements.
- 752.17 Injunction.
- 752.18 Effect of partial invalidity.
- 752.19 Change in information.
- 752.99 Penalty.

752.01 PURPOSE.

The purposes of this chapter are to establish limitations on ~~medical~~ marijuana operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of ~~medical~~ marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.02 DEFINITIONS.

For purposes of this chapter,

(a) "Building Official" shall mean the Chief Building Official.

(b) "Chief" shall mean the Chief of Police of the City.

(c) "Director" shall mean the Director of Public Service.

(d) "Disqualifying offense", "cultivator", "processor", and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.

(e) "Licensee" means, with respect to a ~~medical~~ marijuana dispensary license issued under this chapter, a person in whose name a license to operate a ~~medical~~ marijuana dispensary has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the ~~medical~~ marijuana dispensary.

(f) "~~Medical m~~Marijuana" shall have the same meaning as in R.C. 3796.01.

(g) "Operate" means to control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. "Operator" means any persons on the premises of a ~~medical~~ marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a ~~medical~~ marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(h) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(i) "School", "church", "public library", "public playground", and "public park" shall have the same meanings as in R.C. 3796.30.

(j) "Transfer of ownership or control" of a ~~medical~~ marijuana dispensary shall mean any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 2018-35. Passed 8-1-18.)

752.03 APPLICABILITY.

Businesses subject to this chapter are ~~medical~~ marijuana cultivators, processors and dispensaries.

(Ord. 2018-35. Passed 8-1-18.)

752.04 PROHIBITION ON CERTAIN ~~MEDICAL~~ MARIJUANA OPERATIONS.

(a) No person shall operate a ~~medical~~ marijuana cultivator or processor business in the City.

(b) Any person who violates this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.05 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE REQUIRED.

(a) No person shall operate a ~~medical~~ marijuana dispensary without a valid ~~medical~~ marijuana dispensary license issued by the City pursuant to this chapter.

(b) Any person who violates division (a) of this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.06 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE APPLICATION.

(a) An application for a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(b) An application for a ~~medical~~ marijuana dispensary license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50 percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary or greater ownership interest in the corporation.

(3) If the business entity is owned by a limited liability company, each member of the limited liability company, and any person who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary on behalf of the limited liability company.

(4) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary.

(c) An application for a ~~medical~~ marijuana dispensary license must designate one or more individuals to be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed ~~medical~~ marijuana dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this chapter, and shall be considered a licensee if a license is granted.

(d) An application for a ~~medical~~ marijuana dispensary license shall be completed according to the instructions of the application form, which shall require the following:

(1) If the applicant is:

A. An individual, state the legal name and any aliases of such individual;

B. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

C. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

D. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.

E. A limited liability company, state the complete name of the limited liability company and the date of its organization, provide evidence that the company is in good

standing under the laws of its state of organization, and state the names of all members, the name of the registered statutory agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the ~~medical~~ marijuana dispensary under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(3) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, has had a previous license under this chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the ~~medical~~ marijuana dispensary for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, holds any other licenses under this chapter or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

(5) State the location of the proposed ~~medical~~ marijuana dispensary, including a legal description of the property, street address, and telephone number(s), if any.

(6) State the mailing address and residential address of each applicant and each person signing the application.

(7) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy and/or the State Division of Cannabis Control under the provisions of R.C. Chapters 3780 and/or 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a license or provisional license to the state board of pharmacy and/or the State Division of Cannabis Control.

(8) Submit a security plan for review and approval by the Chief. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum, a lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off-street parking and proposed use of armed security guards, video surveillance and door, building and parking lot security as appropriate. The applicant shall supply all additional information requested by the Chief necessary for the Chief to evaluate the security plan.

(9) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(10) Submit proof that each applicant who is a natural person is at least 18 years old.

(11) Submit a sketch or diagram showing the configuration of the premises of the medical marijuana dispensary. The diagram shall also designate the place at which the dispensary license will be conspicuously posted, if issued. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(Ord. 2018-35. Passed 8-1-18.)

752.07 ISSUANCE OF MEDICAL MARIJUANA DISPENSARY LICENSE.

(a) Within five days of receipt of an application for a medical marijuana dispensary license, the Director shall notify the Building Official and the Chief of such application. In making such notification, the Director shall request that the Chief promptly investigate the information provided in the application and shall request that the Chief and the Building Official promptly inspect the premises for which the medical marijuana dispensary license is sought in order to assess compliance with the regulations under their respective jurisdictions.

(b) The Chief and the Building Official shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and the Building Official shall provide the results of their investigations, including written certifications of whether the premises and applicants are in compliance with the laws and regulations under their respective jurisdictions, to the Director, in writing, within 60 days of receipt of notice of the application,

(c) The Building Official's inspection of the premises for which a medical marijuana dispensary license is sought shall include an investigation as to whether the premises are in compliance with the Ohio Basic Building Code, the Parma Heights Zoning Code, the Parma Heights Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within ninety days after receipt of a completed medical marijuana dispensary license application, the Director shall approve or deny the issuance of a license. The Director shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings is true:

(1) An applicant who is a natural person is under eighteen years of age.

(2) An applicant has failed to provide information reasonably necessary for issuance of the license as requested on the application form, or has falsely answered a question or request for information on the application form.

(3) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been denied a license to operate a ~~medical~~ marijuana dispensary or has had a license to operate a ~~medical~~ marijuana dispensary revoked within the preceding twelve months by any jurisdiction.

(4) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been convicted of a disqualifying offense.

(5) The proposed ~~medical~~ marijuana dispensary would violate or fail to be in compliance with any provisions of the Parma Heights Zoning Code, Property Maintenance Code or General Offenses Code, or state statute or regulation.

(6) The application and investigation fee or a prior license fee required by this chapter has not been paid in full.

(7) An applicant is in violation of or not in compliance with any provision of this chapter, except as provided in division (e) (1) of this section.

(e) If the Director determines that one or both of the following findings is true, the license issued pursuant to division (d) of this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

(1) The results of inspections of the premises by the Chief or the Building Official indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises. This division shall not apply to premises that are in violation of any law or regulation that is identified or referenced in divisions (d)(1) through (d)(7) hereof.

(2) An applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

~~(f) If the Director determines that no other grounds for denial of a license exist under division (d) hereof, the Director shall not delay approval of the application past the end of the ninety-day period provided in this section solely because the Chief has not provided the Director with the results of his inspection of the premises; the results of the Building Official's inspection of the premises are not available; or the Chief has not completed the his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from the his investigation which the Director he determines constitutes grounds for denial of a license under division (d) hereof, then the ~~medical~~ marijuana dispensary license issued pursuant to this division (f) (t) hereof shall be immediately revoked. If after approving the issuance of a license, the Director receives information concerning the results of inspections of the premises by the Chief, or the Building Official's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under division (e) hereof, then, a requirement shall be added to the terms of the ~~medical~~~~

marijuana dispensary licenses issued pursuant to this division (f) hereof to correct all deficiencies noted within 120 days of the date such requirement is added.

(g) A ~~medical~~ marijuana dispensary license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed ~~medical~~ marijuana dispensary. All ~~medical~~ marijuana dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The Director shall advise the applicant in writing of the reasons for any license denial.

(Ord. 2018-35. Passed 8-1-18.)

752.08 FEES.

(a) Every application for a new medical marijuana dispensary license shall be accompanied by a three-hundred fifty dollar (\$350.00) non-refundable application and investigation fee.

(b) Every application for renewal of a medical marijuana dispensary license shall be accompanied by a two-hundred fifty dollar (\$250.00) non-refundable application and investigation fee.

(c) **Marijuana Dispensary Community Impact Fee.** Each Adult-Use Marijuana Dispensary operating within the City of Parma Heights shall pay to the City an amount equaling 3.6 percent of the dispensary's gross annual sales, which the City shall calculate annually using sales figures, provided by the dispensary, from state-mandated reporting or recordkeeping forms, subject to any independent audit and/or determination of those sales figures by the City. The dispensary shall pay the Community Impact Fee to the City no later than March 1 of each year.

If the Host Community Cannabis Fund created by O.R.C. Section 3780.23 is reduced by the state legislature to an amount less than 3.6 percent of the dispensary's gross annual sales but not completely repealed, the Community Impact Fee under this Section shall be the difference between the reduced Host Community Cannabis Fund amount and 3.6 percent. For example, if the Host Community Cannabis is effectively reduced to 1.5 percent of the dispensary's gross annual sales, the Community Impact Fee under this Section would be 2.1 percent of the dispensary's gross annual sales.

~~In addition to the application and investigation fee required in division (a) or (b) hereof, every applicant application that is granted a medical marijuana dispensary license (new or renewal) shall pay to the City an annual, non-prorated license fee in the amount of twenty-five thousand dollars (\$25,000.00) upon license issuance or renewal, plus an amount equaling 1.5 percent of the licensee's gross annual sales from the dispensary to which the license applies above the amount of one million two-hundred thousand dollars (\$1,250,000.00), which the licensee shall calculate at the expiration of the license or~~

~~renewal term using sales figures from the licensee's state-mandated reporting or recordkeeping forms, and which the licensee shall pay to the City within sixty days of the expiration of any term (new or renewal) of the license. The twenty-five thousand dollar (\$25,000.00) license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy and/or the State Division of Cannabis Control for a period covering any portion of the term of the license issued by the City. The licensee shall give the Director or his or her designee(s) an opportunity to review the data and basis upon which the licensee has calculated fees due under this section.~~

(Ord. 2018-35. Passed 8-1-18.)

752.09 INSPECTION.

(a) The Division of Police and the Building Official shall, from time to time, inspect each ~~medical~~ marijuana dispensary licensed under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(b) An applicant or licensee shall permit the Building Official or designees and the Chief or designees, as well as representatives of other city departments and divisions, to inspect a ~~medical~~ marijuana dispensary that is open to the public for the purpose of insuring compliance with the law, during times that it is occupied or open for business.

(c) An applicant or licensee shall subject the application to denial or the license to revocation if he or she refuses to permit such lawful inspection of the premises.

(Ord. 2018-35. Passed 8-1-18.)

752.10 EXPIRATION AND RENEWAL OF LICENSE.

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety days and no fewer than thirty days before the expiration date. If application is made fewer than thirty days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The renewal application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to Section 752.06 of this chapter. The completed renewal application shall be accompanied by copies of any document or material submitted in connection with the initial license application that has been revised or requires revision to reflect any change in circumstances or conditions. Sketches or diagrams and security plans submitted with an

initial ~~medical~~ marijuana dispensary license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram and security plan still depict the premises and plan accurately.

(c) The Director shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under Section 752.07 of this chapter.

(d) The Director shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

(e) When the City denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. If the City finds, subsequent to denial, that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the denial was issued.

(Ord. 2018-35. Passed 8-1-18.)

752.11 LICENSE SUSPENSION.

(a) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed thirty days if it determines that a licensee:

(1) Has violated or is not in compliance with any section of this chapter; or

(2) Has authorized or approved an employee's violation of or failure to comply with any section of this chapter, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary has allowed an employee to violate or fail to comply with any section of this chapter.

(b) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee or his employee or agent has refused to allow an inspection of the licensed ~~medical~~ marijuana dispensary premises as authorized by this chapter.

(c) The Director shall advise the licensee in writing of the reason(s) for any suspension.

(Ord. 2018-35. Passed 8-1-18.)

752.12 LICENSE REVOCATION.

(a) The City shall revoke a ~~medical~~ marijuana dispensary license if a cause of suspension under Section 752.11 of this chapter occurs and the license has been suspended two times within the preceding twelve months.

(b) The City shall revoke a ~~medical~~ marijuana dispensary license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) The Licensee(s) failed to comply with any requirement stated in the license, pursuant to Section 752.07(g) of this chapter, to correct specified deficiencies within 120 days;

(3) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed, possession, use, or sale of controlled substances (except ~~medical~~ marijuana) on the premises;

(4) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed the commission of a felony on the premises;

(5) A licensee operated the ~~medical~~ marijuana dispensary during a period of time when the licensee knew or reasonably should have known that the licensee's license was suspended, or when the licensee no longer maintained a dispensary license issued by the state board of pharmacy;

(6) A licensee has been convicted of a specified criminal activity, as defined in Section 752.02 of this chapter, during the term of the license; or

(7) A licensee is delinquent in payment to the City, County, or State for any taxes or fees past due that were assessed or imposed in relation to any business.

(c) The Director shall advise the licensee in writing of the reason(s) for any revocation.

(d) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.

(Ord. 2018-35. Passed 8-1-18.)

752.13 APPEAL RIGHTS.

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Parma Heights Board of Zoning Appeals by written notice within ten days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within thirty days and must issue a decision affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any licensee lawfully operating a ~~medical~~ marijuana dispensary prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

(d) In the event that an applicant for a new ~~medical~~ marijuana dispensary license seeks judicial review of the denial of a new license, there shall be no automatic stay of the denial.

(Ord. 2018-35. Passed 8-1-18.)

752.14 TRANSFER OF LICENSE.

A ~~medical~~ marijuana dispensary license is not transferable from one licensee to another or from one location to another without the express written permission of the Director. Any purported transfer of a ~~medical~~ marijuana dispensary license without the express written permission of the Director shall automatically and immediately revoke that license. Notwithstanding anything in this chapter to the contrary, a license transferee shall assume all responsibilities of the license transferor under this chapter and all applicable code.

(Ord. 2018-35. Passed 8-1-18.)

752.15 REGULATIONS PERTAINING TO THE OPERATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) No person may operate or cause to be operated a ~~medical~~ marijuana dispensary without complying with the following requirements:

(1) The ~~medical~~ marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state. ~~Nothing herein being intended to conflict with state law, rather said regulations are incorporated herein by reference. The dispensary operator~~ A dispensary licensee shall document licensing by the State of Ohio and demonstrate compliance with any terms and conditions imposed by law.

(2) The parcel upon which the dispensary is operated shall not at the time the original dispensary license is issued be located within 500 feet from any parcel on which sits a school, church, public library, public playground or public park.

(3) Consultations by clinical nurse specialists, certified nurse practitioners, physicians or physician assistants shall not be permitted at a dispensary, unless the patron already has a recommendation for medical marijuana prior to entering the dispensary.

(4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.

(5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

(6) The use of any vending machine which allows access to ~~medical~~ marijuana is prohibited. For purposes of this division (a) (6), a vending machine is any device which allows access to ~~medical~~ marijuana without a human intermediary.

(7) The premises of every ~~medical~~ marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.

(8) No ~~medical~~ marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(9) Any material changes to information provided in the licensee's application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the Director.

(10) If, at any time, the licensee is subject to any enforcement action by the state, the licensee shall immediately notify the Director and shall provide any relevant information or documentation requested by the Director.

(11) If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of ~~medical~~ marijuana or currency worth or amounting to more than one hundred dollars (\$100.00) has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than twenty-four hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates division (a) hereof, or any person who operates a ~~medical~~ marijuana dispensary and permits a violation of division (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of division (a) hereof, a violation of division (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of division (a) of this section, a violation of division (a) hereof will be considered a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

(a) It shall be the duty of the operator of a ~~medical~~ marijuana dispensary to:

(1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the ~~medical~~ marijuana dispensary is located;

- (2) Post conspicuous signs stating that no loitering is permitted on such property;
- (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
- (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business and shall include a retention capacity of at least thirty days.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ord. 2018-35. Passed 8-1-18.)

752.17 INJUNCTION.

Any person who operates or causes to be operated a ~~medical~~ marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

(Ord. 2018-35. Passed 8-1-18.)

752.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any ~~medical~~ marijuana dispensary license, the applicant or licensee shall promptly notify the Director in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the ~~medical~~ marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur. The Director shall ensure that any additional principals of a licensee are in compliance with this Chapter.

(Ord. 2018-35. Passed 8-1-18.)

752.99 PENALTY.

(a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 101.99 of the Codified Ordinances of the City of Parma Heights.

(b) Each day that a ~~medical~~ marijuana dispensary operates in violation of this chapter is a separate offense or violation.

(Ord. 2018-35. Passed 8-1-18.)

EXHIBIT G

ORDINANCE NO. 2024 - 50

AN ORDINANCE AMENDING CHAPTER 1190 PREVIOUSLY ENTITLED "MEDICAL MARIJUANA DISPENSARIES" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, on November 7, 2023, Ohio voters approved Ohio Issue 2, the Marijuana Legalization Initiative, which legalized adult-use cannabis in the State of Ohio, and further allows for its cultivation, processing, possession, sale, and purchase in the State of Ohio; and

WHEREAS, amendments to Chapter 1190 of the Parma Heights Codified Ordinances, including amending the title of the chapter, are necessary in order to permit marijuana operations within the City of Parma Heights, Ohio; and

WHEREAS, this Council desires to adopt the recommendation of the Administration; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of this amended Ordinance in order to regulate marijuana dispensaries within the City of Parma Heights, Ohio; and

WHEREAS, pursuant to the Parma Heights Codified Ordinances, this Council has conducted a public hearing regarding this amended Ordinance.

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 1190 of the Codified Ordinances as it previously existed is amended, and as amended, shall henceforth read as shown by edits set forth in "Exhibit A, as amended", 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: This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to establish land use standards for state licensed marijuana operations; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: October 7, 2024 Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen October 7, 2024
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: October 7, 2024 Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 1190

Medical Marijuana Dispensaries

1190.01 Purpose.

1190.02 Definitions.

1190.03 Location of ~~medical~~ marijuana dispensaries.

1190.04 Design guidelines for ~~medical~~ marijuana dispensaries.

1190.05 Off-street parking.

1190.06 Sign regulations for ~~medical~~ marijuana dispensaries.

1190.07 Licensing.

1190.08 Hearing; renewal; revocation.

1190.09 Severability.

1190.01 PURPOSE.

It is the purpose of this chapter to regulate ~~medical~~ marijuana dispensaries in order to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of ~~medical~~ marijuana dispensaries within the City.

(Ord. 2018-34. Passed 8-1-18.)

1190.02 DEFINITIONS.

For purposes of this chapter:

(a) "Director" shall mean the Director of Public Service.

(b) "Dispensary" shall have the same meaning as in Ohio Admin. Code 3796:1-1-01 and/or Ohio Revised Code 3780.01 ~~or subsequent similar regulations.~~

(c) "Licensee" means a person in whose name a license to operate a ~~medical~~ marijuana dispensary has been issued under Chapter 752, as well as the individual(s) designated on the license application as principally responsible for the operation of the ~~medical~~ marijuana dispensary.

(d) "~~Medical m~~arijuana" shall have the same meaning as in R.C. 3796.01 and/or 3780.01.

(e) "Operate" means to control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility.

(1) "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation.

(2) "Operator" means any persons on the premises of a ~~medical~~ marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a ~~medical~~ marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a ~~medical~~ marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(f) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(g) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as in R.C. 3796.30.

(Ord. 2018-34. Passed 8-1- 18.)

1190.03 LOCATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) ~~Medical m~~Marijuana dispensaries may be located only in a Mixed-Use Class-C Zoning District as a conditionally permitted use pursuant to Chapter 1185 1181 and in accordance with the restrictions contained in this chapter.

(b) No ~~medical~~ marijuana dispensaries may be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.

(c) No ~~medical~~ marijuana dispensary may be established, operated or enlarged within one mile 1,000 feet of another ~~medical~~ marijuana dispensary.

(d) Not more than one ~~medical~~ marijuana dispensary shall be established or operated in the same building, structure, or portion thereof.

(e) For the purpose of divisions (b) and (c) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a ~~medical~~ marijuana dispensary is conducted, to the nearest property line of the premises of a ~~medical~~ marijuana dispensary or a school, church, public library, public playground, or public park.

(f) Vehicular access to marijuana dispensaries shall be limited to main arterial roadways. No curbcut or driveway shall access any residential street, regardless of frontage, nor shall such facilities maintain such vehicular access via license or easement upon adjoining parcel. Any existing curbcut or driveway shall be eliminated as a prerequisite to conditional use approval and subject to development review. In the event of a conditional use for a

drive-through business in connection with a marijuana dispensary, this requirement shall expressly supersede and replace the corner lot specifications and requirements in Section 1195.05(b)(3) regarding the amount and location of access drives, and shall eliminate the maximum amount of access drives on any street frontage (thus, more than one access drive may be permitted per frontage in the event of a corner lot).

(g) Marijuana dispensaries shall not be located on parcels of land with less than 25,000 square feet, nor shall such facilities be located on parcels with multiple tenants within a plaza of shops.

(h) No more than one dispensary shall be located within any single mixed-use district.

(Ord. 2018-34. Passed 8-1-18.)

1190.04 DESIGN GUIDELINES FOR MEDICAL MARIJUANA DISPENSARIES.

(a) Parking for a ~~medical~~ marijuana dispensary shall be configured so as to prevent vehicular headlights from shining into adjacent residentially zoned and/or used property. Parking areas configured such that vehicular headlights are directed toward public rights-of-way across from residentially zoned and/or used property shall provide continuous screening, as required by the Planning Commission. Landscaping and screening shall be continuously maintained and promptly restored, if deemed necessary by the Director of Public Service.

(b) Ingress and egress drives and primary circulation lanes shall be located away from residential areas where practical to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas.

(c) All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.

(d) All exterior site and building lighting, which shall be provided, must be approved by the Planning Commission, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential.

(e) Any ~~medical~~ marijuana dispensary adjacent to a residential district and/or use shall contain a minimum six-foot-high solid fence along such abutting property lines and be approved by the Planning Commission pursuant to Chapter 1193.

(f) Rules, regulations and local permitting requirements imposed on a licensee by the City shall be interpreted in all instances to conform to the state licensing requirements for dispensaries, but in the event the City's rules, regulations and permitting requirements impose a greater obligation on a licensee than the state licensing requirements, the local provisions shall be enforced.

(g) Applicants must meet any additional criteria and fulfill any additional requirements associated with obtaining a conditional use permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.

(Ord. 2018-34. Passed 8-1-18.)

1190.05 OFF-STREET PARKING.

Off-street parking for a ~~medical~~ marijuana dispensary shall be provided, pursuant to Chapter 1187, except that the Planning Commission may require an off-street parking plan.

(Ord. 2018-34. Passed 8-1-18.)

1190.06 SIGN REGULATIONS FOR ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) All signs for a ~~medical~~ marijuana dispensary shall be awning signs, wall signs or window signs as defined in ~~Section 1383.03~~ Chapter 1383 of the Building Code Parma Heights Codified Ordinances and shall be constructed and located in conformance with all applicable provisions of Chapter 1383 of the Building Code.

(b) All signs for a ~~medical~~ marijuana dispensary shall be maintained in accordance with ~~Section 1383.14~~ Chapter 1383 of the Building Code Parma Heights Codified Ordinances and may be ordered to be removed in accordance with the provisions of that Chapter Section.

(c) No merchandise or pictures of the products on the premises of a ~~medical~~ marijuana dispensary shall be displayed on signs, in window areas or any area where they can be viewed from the sidewalk or street in front of the building. No sign shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(d) Window areas of a ~~medical~~ marijuana dispensary shall not be covered or made opaque in any way. A one-square-foot sign shall be placed on the door to state hours of operation. Additional signage to conform to the requirements Section 752.16 may be permitted.

(Ord. 2018-34. Passed 8-1-18.)

1190.07 LICENSING.

~~Medical m~~Marijuana dispensaries as described in Section 1190.03 herein shall be licensed and operated pursuant to Chapter 752.

(Ord. 2018-34. Passed 8-1-18.)

1190.08 HEARING; RENEWAL; REVOCATION.

(a) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit application for a ~~medical~~ marijuana dispensary shall be heard by the Planning Commission and, if approved, shall expire at the same time as the expiration of the ~~medical~~ marijuana dispensary license pursuant to Section 752.10(a). Subsequent renewal of the conditional use permit, with an intention to expedite the renewal process, may be made administratively by the Director of Public Service if no significant modifications to the conditions of the permit have been proposed and no violations have been determined. Violations may include, for example, legitimate loitering complaints, excessive police calls to the immediate vicinity, noise complaints, non-compliance with the terms of the conditional use permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.

(b) Determination of administrative renewal is at the discretion of the Director of Public Service. Renewal applications must be submitted in writing at least thirty days prior to expiration of permit.

(c) The conditional use permit for a ~~medical~~ marijuana dispensary is nontransferable.

(d) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit granted for a ~~medical~~ marijuana dispensary may be revoked by the Planning Commission after referral to the Planning Commission by the Director of Public Service and after a public hearing on whether violations have occurred or the spirit and intent of the conditional use permit has not been met. Notice of such hearing shall be sent to the licensee and to others, as if a zoning change were requested.

(Ord. 2018-34. Passed 8-1-18.)

1190.09 SEVERABILITY.

If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

(Ord. 2018-34. Passed 8-1-18.)

EXHIBIT 2

ADDITIONAL CONDITION(S) IMPOSED BY COUNCIL

In addition to all previously stated requirements of the laws of Parma Heights, Ohio, and the conditions set forth by the City, this Council imposes the following condition(s):

1. Compliance with the General Criteria set forth in each portion of the Codified Ordinances of the City of Parma Heights cited by the Planning Commission in its recommendations for Council consideration [see Ex. 1 of Council Resolution Exhibit A], as they may be amended from time to time.
2. That the Conditional Use be and remain subject to Applicant's compliance with the building and development plans as submitted to and recommended for approval by the Planning Commission, including but not limited to the following clarifications:
 - A. Applicant agrees to maintain the existing 8' wooden fence along its southern boundary, to repair and replace as necessary, as well as to scrape and paint/stain as necessary;
 - B. Applicant agrees to perform landscaping maintenance along its eastern boundary line, specifically removing overgrown brush in connection with the new plantings shown by the landscaping plans on file;
 - C. Applicant has agreed to eliminate its western curb cut to Parma Park Blvd. (as shown by the building and development plans), and further recognizes that restoration of same is prohibited; and
 - D. Applicant has agreed to limit its drive through lane (as shown by the building and development plans), and refrain from reinstallation of dual lanes.

Otherwise, Applicant's Conditional Use is and remains subject to revocation upon noncompliance with approved building and development plans.

3. Demonstration of a lease agreement between the Applicant and the Property Owner at the commencement of this use and at all times of operation.
4. Any change and/or modification of any material facts and/or terms contained in the Applicant's Conditional Use applications and/or the Applicant's marijuana dispensary license applications shall require advance notice to the City and the City's consent.

RESOLUTION NO. 2025 - 7

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2025 ENERGIZED COMMUNITY GRANT

WHEREAS, the City of Parma Heights, Ohio (the “City”) is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for one or more NOPEC Energized Community Grant(s) for 2025 (“NEC Grant(s)”) as provided for in the NEC Grant Program guidelines; and

WHEREAS, the City wishes to enter into a Grant Agreement with NOPEC, Inc. in substantially the form presented to this Council to receive one or more NEC Grant(s), including NOPEC’s announcement of an award to the City in the amount of \$50,867.00 and up to \$2,000.00 in Community Sponsorship monies.

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

Section 1: The Administration is authorized and directed to execute an NEC Grant(s) Agreement for 2025 with NOPEC on behalf of the City of Parma Heights, Ohio in accordance with Exhibit “A”, attached hereto and made a part hereof by reference as if fully rewritten, and to complete all actions necessary to accept and expend the awards.

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 this Council and of any of its Committees comprised of a majority of the members of that Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: That this Resolution 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

NOPEC 2025 ENERGIZED COMMUNITY

GRANT AGREEMENT

This Grant Agreement (the “Agreement”) is made and entered into by and between NOPEC, Inc. (“Grantor”), and _____, _____ County, Ohio (“Grantee”; “Grantor” and “Grantee,” the “Parties”) regarding a grant by Grantor to Grantee to be used primarily for energy efficiency or energy infrastructure updates in accordance with NOPEC Energized 2025 Community Grant criteria, guidelines and requirements (“NOPEC Policy”).

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. **Grant of Funds.** Grantor hereby grants a NOPEC Energized 2025 Community Grant (“NEC Grant”) to Grantee in the amount calculated by Grantor based on the number of natural gas and/or electric accounts served by Grantor in Grantee in accordance with NOPEC Policy in the amount determined by Grantor (“Funds”), for the purposes set forth in Grantee’s Grant Disbursement Request, as amended, and incorporated by reference into this Agreement.

2. **Use of Funds.** Grantee shall use the Funds granted by Grantor for qualified use as outlined in the program policies. Funds shall be paid in accordance with NOPEC Policy. NEC Grant disbursements shall be accompanied by a completed Disbursement Request Form with the expenditures supported by contracts, invoices, vouchers, and other data as appropriate as supporting documents. All completed disbursement request form for qualified use in accordance with the program policies must be submitted by November 30, 2027. If Grantee does not request disbursements by Grantor on or before such date, Grantee shall forfeit any unused Funds for the NOPEC 2025 Grant year.

3. **Accounting of Funds.** Grantee shall keep all Funds and make all disbursements and expenditures consistent with the manner in which all public funds are kept by Grantee in accordance with applicable law.

4. **Term.** The Parties agree that this Agreement shall begin on January 1, 2025, and shall expire on December 31, 2025, and shall be automatically renewed annually unless Grantor discontinues the NEC Grant program for any subsequent year or Grantee is no longer a NOPEC member in good standing, as defined herein, or Grantor requires a new Grant Agreement from Grantee.

5. **Renewable Energy Credits.** Grantee shall be entitled to claim Renewable Energy Credits, carbon credits, or NOx allowances and/or allowances arising under other trading programs that may be established in the future for the work completed using grant funding. Grantor reserves the right to claim/apply for such allowances if Grantee does not claim such allowances or this Agreement terminates. Grantee must notify Grantor if Grantee does not wish to trade or sell any such credits or assets.

6. **Records, Access and Maintenance.** Grantee shall establish and maintain all records associated with the Funds in accordance with the Ohio Public Records Act and shall promptly make available to Grantor all of its records with respect to matters covered by this Agreement, and for Grantor to audit, examine and make copies from such records. Grantee agrees

to share and release all of its utility and other data with NOPEC, Inc. and Northeast Ohio Public Energy Council and its consultant(s) in order to measure, verify and otherwise track savings from energy efficiency and for such other related uses as Grantor shall require.

7. **Property and Equipment Purchases.** All items purchased by Grantee from the Funds granted herein are and shall remain the property of Grantee.

8. **Inability to Perform.** In the event that Grantee does not or cannot complete or perform its obligations under this Agreement, Grantee shall immediately notify Grantor in writing. Grantor, with the approval of the Committee formed to award NEC Grants (the "Committee"), and Grantee shall jointly identify amendments or suitable uses that meet NOPEC Policy.

9. **Dispute Resolution.** In the event Grantee desires clarification or explanation of, or disagrees with, any matter concerning the Agreement, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to Grantor, which shall convene the Committee to review and decide the matter. All decisions of the Committee shall be final and binding upon Grantee, and non-appealable.

10. **Termination.**

(a) If Grantor determines that Grantee has failed to perform any requirements of this Agreement, or if Grantee is in default under any provision of this Agreement, or upon just cause, as shall be determined by the Committee, Grantor, upon approval by the Committee, may terminate the Agreement at any time after providing Grantee with written notice and a period of at least thirty (30) days to cure any and all defaults under this Agreement. During such thirty-day cure period, Grantee shall incur only those obligations or expenditures which are necessary to enable Grantee to continue to achieve compliance with the terms of this Agreement.

(b) This Agreement shall automatically terminate if Grantee is not a NOPEC member in good standing. A NOPEC member in good standing means a Northeast Ohio Public Energy Council ("NOPEC" or "Northeast Ohio Public Energy Council") member whose residents are receiving service from Northeast Ohio Public Energy Council's natural gas or electric aggregation program, and which has not provided written notice to withdraw from such Northeast Ohio Public Energy Council's natural gas or electric aggregation program.

11. **Effects of Termination.**

(a) Within sixty (60) days after termination of this Agreement, Grantee shall surrender all reports, data, documents, and other materials assembled and prepared pursuant to this Agreement which shall become the property of Grantor.

(b) The Committee also may withhold any payment of the Funds or require Grantee to return all or any part of the Funds awarded if Grantee is found to have violated the provisions of this Agreement. Notwithstanding any other provision in this Agreement, if Grantee either withdraws from membership in the Northeast Ohio Public Energy Council or from its electric or natural gas aggregation program(s) or is otherwise not a member in good standing of the Northeast Ohio Public Energy Council, Grantee shall no longer be eligible for any NEC Grants. The provisions of this paragraph are in addition to the termination provisions of this Agreement and to any payments required under the Northeast Ohio Public Energy Council Bylaws and the

Northeast Ohio Public Energy Council of Governments Agreement with its member communities in connection with any such withdrawal.

12. **Liability.** Grantee shall maintain, or cause any vendors or subcontractors to maintain, all required liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property caused by the negligent acts or omissions, or negligent conduct of the Grantee. To the extent permitted by law, in connection with activities conducted in connection with this Agreement, Grantee agrees to defend Grantor and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any liability of any nature whatsoever from Grantee to NOPEC, Inc. or the Northeast Ohio Public Energy Council.

13. **Compliance with Laws.** Grantee agrees to comply with all applicable federal, state, and local laws in the performance of the funding. Grantee is solely responsible for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee on the performance of the work authorized by this Agreement.

14. **Miscellaneous.**

(a) **Governing Law.** The laws of the State of Ohio shall govern this Agreement. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Cuyahoga County, Ohio.

(b) **Entire Agreement.** This Agreement and any documents referred to herein constitute the complete understanding of the Parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the Parties with respect to the subject matter hereof.

(c) **Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

(d) **Notices.** All notices, consents, demands, requests and other communications which may, or are required to be, given hereunder shall be in writing and delivered to the addresses set forth hereunder or to such other address as the other party hereto may designate from time to time:

In case of Grantor, to:
Charles W. Keiper, II
President
NOPEC, Inc.
31360 Solon Road
Suite 33
Solon, OH 44139

In case of Grantee, to:
(This individual will be the designated grant representative working in the grant website)

Title: _____
Name: _____

_____, Ohio _____

(e) Amendments or Modifications. Either party may at any time during the term of this Agreement request amendments or modifications. Requests for amendment or modification of this Agreement shall be in writing and shall specify the requested changes and justification therefor. The Parties shall review the request for modification in terms of the funding uses and NOPEC Policy. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original Agreement.

(f) Headings. Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement.

(g) Assignment. Neither this Agreement nor any rights, duties or obligations described herein, shall be assigned or subcontracted by Grantee without the prior express written consent of Grantor.

(h) Authority. The undersigned represents and warrants to the other that each has all the necessary legal power and authority to enter into this Agreement.

(i) Determinations by Grantor Final. All determinations as to eligibility of any uses of an award of any NEC Grant, and the amount and payment schedule of a NEC Grant, will be made by Grantor and its Committee, which shall be final, conclusive and binding upon Grantee.

(j) Designation of Grantee Representative. Grantee hereby designates its [Fiscal Officer or other position] to take all actions with respect to the NEC Grant and this Agreement as may be required and Grantor shall be entitled to rely on the authority of such designated representative of Grantee in connection with this Agreement.

(k) Marketing Consent. Grantee hereby authorizes NOPEC, Inc. and Northeast Ohio Public Energy Council to use information about Grantee's grant(s) and work funded in any marketing they may conduct, and agrees to cooperate with Grantor in connection with such marketing.

[Signature Page to Follow.]

IN WITNESS WHEREOF, the Parties hereto have executed this Grant Agreement on the last date set forth below.

GRANTEE:

_____, Ohio

GRANTOR:

NOPEC, INC.

Individual Authorized by Grantee's
Legislation to accept- see Section I:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

[Signature page to NOPEC 2025 Energized Community Grant Agreement.]

RESOLUTION NO. 2025 - 8

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ACCEPT AND EXPEND A GRANT FROM THE 2024-2025 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) THROUGH THE U. S. DEPARTMENT OF JUSTICE (DOJ) TO SUPPLEMENT THE COST OF BULLETPROOF VESTS WORN BY OFFICERS OF THE PARMA HEIGHTS POLICE DEPARTMENT

WHEREAS, the Patrick Leahy Bulletproof Vest Partnership (BVP) reimburses states, units of local government, and federally recognized Indian tribes, for up to 50 percent of the cost of body armor vests purchased for law enforcement officers; and

WHEREAS, the U.S. Department of Justice (DOJ) approved the Parma Heights application for grant funding from the 2024-2025 Bulletproof Vest Partnership (BVP) Grant; and

WHEREAS, the 2024-2025 Bulletproof Vest Partnership Grant will provide partial funding for bulletproof vests worn by Parma Heights officers on a daily basis; and

WHEREAS, the Bulletproof Vest Partnership Grant will provide a total of seven thousand, sixty-one dollars and fifty-nine cents (\$7,061.59) towards the purchase of nine (9) bulletproof vests between 2024 and 2025, currently projected to cost approximately \$14,300.00 in total.

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 Administration is hereby authorized and directed to accept and expend monies from the 2024-2025 Bulletproof Vest Partnership Grant, in the amount of \$7,061.59, and to execute any necessary agreements with the U. S. Department of Justice, and to take any further actions necessary, for bulletproof vests worn by officers of the Parma Heights Police Department.

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: That this Resolution 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

RESOLUTION NO. 2025 - 9

A RESOLUTION AUTHORIZING AND DIRECTING THE ADMINISTRATION TO PURCHASE ONE (1) FREIGHTLINER 108SD PLUS THROUGH SOURCEWELL AT A PURCHASE PRICE OF \$273,337.00, AND DECLARING AN EMERGENCY

WHEREAS, the Council authorized membership in the National Joint Power Alliance [now known as Sourcewell], a purchasing cooperative in Ordinance No. 2017-3; and

WHEREAS, the Administration has determined the need for and recommends that this Council authorize the purchase of a Freightliner 108SD Plus for the efficient operation of the Department of Public Service; and

WHEREAS, through Sourcewell, the Administration has identified one (1) Freightliner 108SD Plus at a price of two hundred seventy-three thousand, three hundred and thirty-seven dollars (\$273,337.00) as identified in Exhibit "A" attached hereto; and

WHEREAS, Council may authorize the purchase through the City's membership in the National Joint Power Alliance [now known as Sourcewell], a purchasing cooperative, pursuant to Article V Sections 1 and 6 of the Charter, and Ohio Revised Code Section 9.48 without a competitive bidding process.

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 Administration is hereby authorized and directed to purchase through Sourcewell one (1) Freightliner 108SD Plus for the sum of two hundred seventy-three thousand, three hundred and thirty-seven dollars (\$273,337.00) as identified in Exhibit "A", 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 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 public peace, health, and safety of the Municipality, and for the further reason it is immediately necessary to authorize this purchase in order to secure the vehicle at the current contract price; wherefore, this Resolution shall be in full force and effect immediately upon 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

Prepared for:
ROBERT TOLER
PARMA HEIGHTS CITY OF
6281 PEARL RD
PARMA HEIGHTS, OH 44130
Phone: 440-345-5970

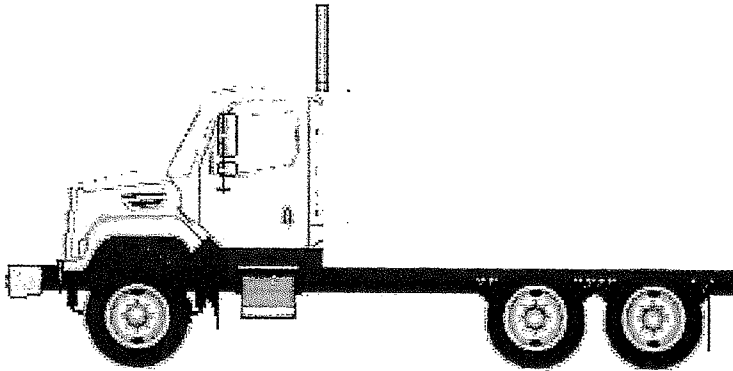
Prepared by:
Greg Simonic
VALLEY FREIGHTLINER, INC.
10901 Brookpark Rd
Parma, OH 44130
Phone: 216-267-4800

A proposal for
PARMA HEIGHTS CITY OF

Prepared by
VALLEY FREIGHTLINER, INC.
Greg Simonic

Jan 20, 2025

Freightliner 108SD Plus



Components shown may not reflect all spec'd options and are not to scale



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 ROBERT TOLER
 PARMA HEIGHTS CITY OF
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S P E C I F I C A T I O N P R O P O S A L

Data Code	Description	Weight Front	Weight Rear
Price Level			
PRL-29D	SD PRL-29D (EFF:MY26 ORDERS)		
Data Version			
DRL-024	SPECPRO21 DATA RELEASE VER 024		
Vehicle Configuration			
001-176	108SD PLUS CONVENTIONAL CHASSIS	6,829	3,748
004-226	2026 MODEL YEAR SPECIFIED		
002-004	SET BACK AXLE - TRUCK		
019-008	TOWING PROVISION AT END OF FRAME WITH SAE J560, WITHOUT END OF FRAME AIR CONNECTIONS	15	15
003-001	LH PRIMARY STEERING LOCATION		
General Service			
AA1-002	TRUCK CONFIGURATION		
AA6-002	DOMICILED, USA (EXCLUDING CALIFORNIA AND CARB OPT-IN STATES)		
99D-027	EPA CLEAN IDLE LABEL FOR INITIAL REGISTRATION IN EPA OR ACT STATES - (INCLUDES 6X4 INCH LABEL ON LOWER FORWARD OF DRIVER DOOR)		
A85-010	UTILITY/REPAIR/MAINTENANCE SERVICE		
A84-1GM	GOVERNMENT BUSINESS SEGMENT		
AA4-010	DIRT/SAND/ROCK COMMODITY		
AA5-002	TERRAIN/DUTY: 100% (ALL) OF THE TIME, IN TRANSIT, IS SPENT ON PAVED ROADS		
AB1-008	MAXIMUM 8% EXPECTED GRADE		
AB5-001	SMOOTH CONCRETE OR ASPHALT PAVEMENT - MOST SEVERE IN-TRANSIT (BETWEEN SITES) ROAD SURFACE		
995-1A0	FREIGHTLINER SD VOCATIONAL WARRANTY		
A66-99D	EXPECTED FRONT AXLE(S) LOAD : 18000.0 lbs		
A68-99D	EXPECTED REAR DRIVE AXLE(S) LOAD : 46000.0 lbs		
A63-99D	EXPECTED GROSS VEHICLE WEIGHT CAPACITY : 64000.0 lbs		

Truck Service



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Data Code	Description	Weight Front	Weight Rear
AA3-018	FRONT PLOW/END DUMP BODY		
AF3-1W0	HENDERSON		
Engine			
101-3BU	CUM L9 370 HP @ 2100 RPM; 2100 GOV RPM, 1250 LB-FT @ 1200 RPM		
Electronic Parameters			
79A-065	65 MPH ROAD SPEED LIMIT		
79B-000	CRUISE CONTROL SPEED LIMIT SAME AS ROAD SPEED LIMIT		
79G-106	10 MINUTE IDLE SHUTDOWN - TIMER RESET WITH CLUTCH AND SERVICE BRAKE		
79M-001	PTO MODE BRAKE OVERRIDE - SERVICE BRAKE APPLIED		
79Q-007	PTO RPM WITH CRUISE RESUME SWITCH - 1100 RPM		
79U-007	PTO GOVERNOR RAMP RATE - 250 RPM PER SECOND		
79V-001	FUEL DOSING OF AFTERTREATMENT ENABLED IN PTO MODE-CLEANS HYDROCARBONS AT HIGH TEMPERATURES ONLY		
79W-025	CRUISE CONTROL BUTTON PTO CONTROL AND ONE REMOTE PTO SPEED		
80G-002	PTO MINIMUM RPM - 700		
80J-001	REGEN INHIBIT SPEED THRESHOLD - 0 MPH		
80S-013	PTO 1, NO SWITCH, TEM SUPPLIED REQUEST AND INTERLOCK, WITH PTO CONNECTIONS, NO INTERLOCKS		
80V-002	ENGINE MOUNT PTO, DASH SWITCH ENGAGES PTO MODE, DRIVING OPERATION		
Engine Equipment			
99C-024	EPA 2010/GHG 2024 CONFIGURATION		
13E-001	STANDARD OIL PAN		
105-001	ENGINE MOUNTED OIL CHECK AND FILL		
014-108	SIDE OF HOOD AIR INTAKE WITH FIREWALL MOUNTED DONALDSON AIR CLEANER WITH SAFETY ELEMENT AND INSIDE/OUTSIDE AIR WITH SNOW DOOR	10	
124-1D9	DR 12V 180 AMP 28-SI QUADRAMOUNT PAD ALTERNATOR WITH REMOTE BATTERY VOLT SENSE		
292-235	(2) DTNA GENUINE, FLOODED STARTING, MIN 2000CCA, 370RC, THREADED STUD BATTERIES		
290-017	BATTERY BOX FRAME MOUNTED		
281-001	STANDARD BATTERY JUMPERS		
282-001	SINGLE BATTERY BOX FRAME MOUNTED LH SIDE UNDER CAB		



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Data Code	Description	Weight Front	Weight Rear
291-017	WIRE GROUND RETURN FOR BATTERY CABLES WITH ADDITIONAL FRAME GROUND RETURN		
289-001	NON-POLISHED BATTERY BOX COVER		
293-058	NON-ESSENTIAL POSITIVE LOAD DISCONNECT, IN CAB CONTROL SWITCH MOUNTED OUTBOARD OF DRIVER SEAT	2	
295-003	POSITIVE AND NEGATIVE POSTS FOR JUMPSTART CHASSIS MOUNTED LH BACK OF CAB	4	
306-015	PROGRESSIVE LOW VOLTAGE DISCONNECT AT 12.3 VOLTS FOR DESIGNATED CIRCUITS	2	
107-032	CUMMINS TURBOCHARGED 18.7 CFM AIR COMPRESSOR WITH INTERNAL SAFETY VALVE		
152-041	ELECTRONIC ENGINE INTEGRAL SHUTDOWN PROTECTION SYSTEM		
128-076	CUMMINS ENGINE INTEGRAL BRAKE WITH VARIABLE GEOMETRY TURBO ON/OFF	20	
016-1C2	RH OUTBOARD UNDER STEP MOUNTED HORIZONTAL AFTERTREATMENT SYSTEM ASSEMBLY WITH RH B-PILLAR MOUNTED VERTICAL TAILPIPE	30	25
28F-014	ENGINE AFTERTREATMENT DEVICE, AUTOMATIC OVER THE ROAD REGENERATION AND VIRTUAL REGENERATION REQUEST SWITCH IN CLUSTER		
239-026	10 FOOT 06 INCH (126 INCH+0/-5.9 INCH) EXHAUST SYSTEM HEIGHT		
233-017	STANDARD CURVE BRIGHT UPPER STACK(S)		
237-1CR	RH CURVED VERTICAL TAILPIPE B-PILLAR MOUNTED ROUTED FROM STEP		
23U-002	13 GALLON DIESEL EXHAUST FLUID TANK		
30N-003	100 PERCENT DIESEL EXHAUST FLUID FILL		
23Y-001	STANDARD DIESEL EXHAUST FLUID PUMP MOUNTING		
23Z-002	NON-POLISHED ALUMINUM DIAMOND PLATE DIESEL EXHAUST FLUID TANK COVER	15	5
43X-002	LH MEDIUM DUTY STANDARD DIESEL EXHAUST FLUID TANK LOCATION		
43Y-001	STANDARD DIESEL EXHAUST FLUID TANK CAP		
242-001	STAINLESS STEEL AFTERTREATMENT DEVICE/MUFFLER/TAILOPIPE SHIELD		
273-058	AIR POWERED ON/OFF ENGINE FAN CLUTCH		
276-001	AUTOMATIC FAN CONTROL WITHOUT DASH SWITCH, NON ENGINE MOUNTED		
110-003	CUMMINS SPIN ON FUEL FILTER		
118-008	COMBINATION FULL FLOW/BYPASS OIL FILTER		
266-104	1115 SQUARE INCH ALUMINUM RADIATOR		
103-039	ANTIFREEZE TO -34F, OAT (NITRITE AND SILICATE FREE) EXTENDED LIFE COOLANT		



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Data Code	Description	Weight Front	Weight Rear
171-007	GATES BLUE STRIPE COOLANT HOSES OR EQUIVALENT		
172-001	CONSTANT TENSION HOSE CLAMPS FOR COOLANT HOSES		
270-016	RADIATOR DRAIN VALVE		
360-013	1350 ADAPTER FLANGE FOR FRONT PTO PROVISION	20	
138-011	PHILLIPS-TEMRO 1000 WATT/115 VOLT BLOCK HEATER	4	
140-022	CHROME ENGINE HEATER RECEPTACLE MOUNTED UNDER LH DOOR		
132-004	ELECTRIC GRID AIR INTAKE WARMER		
155-058	DELCO 12V 38MT HD STARTER WITH INTEGRATED MAGNETIC SWITCH		

Transmission

342-582	ALLISON 3000 RDS AUTOMATIC TRANSMISSION WITH PTO PROVISION		
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Transmission Equipment

343-339	ALLISON VOCATIONAL PACKAGE 223 - AVAILABLE ON 3000/4000 PRODUCT FAMILIES WITH VOCATIONAL MODELS RDS, HS, MH AND TRV		
84B-012	ALLISON VOCATIONAL RATING FOR ON/OFF HIGHWAY APPLICATIONS AVAILABLE WITH ALL PRODUCT FAMILIES		
84C-023	PRIMARY MODE GEARS, LOWEST GEAR 1, START GEAR 1, HIGHEST GEAR 6, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84D-023	SECONDARY MODE GEARS, LOWEST GEAR 1, START GEAR 1, HIGHEST GEAR 6, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84E-013	S1 PERFORMANCE PRIMARY SHIFT SCHEDULE, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84F-016	S5 PERFORMANCE LIMITING SECONDARY SHIFT SCHEDULE, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84G-013	2100 RPM PRIMARY MODE SHIFT SPEED		
84H-013	2100 RPM SECONDARY MODE SHIFT SPEED		
84K-002	2ND GEAR ENGINE BRAKE ALTERNATE PRESELECT WITH MODERATE DOWNSHIFT STRATEGY		
84N-011	NEUTRAL AT STOP ENABLED		
84U-000	DRIVER SWITCH INPUT - DEFAULT - NO SWITCHES		
84V-001	DIRECTION CHANGE ENABLED WITH MULTIPLEXED SERVICE BRAKES - ALLISON 5TH GEN TRANSMISSIONS		



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Data Code	Description	Weight Front	Weight Rear
353-074	QUICKFIT BODY LIGHTING CONNECTOR UNDER CAB, WITH BLUNTCUTS		
34C-011	ELECTRONIC TRANSMISSION WIRING TO CUSTOMER INTERFACE CONNECTOR		
362-2JT	CUSTOMER INSTALLED CHELSEA 281 SERIES PTO		
363-001	PTO MOUNTING, LH SIDE OF MAIN TRANSMISSION ALLISON		
341-018	MAGNETIC PLUGS, ENGINE DRAIN, TRANSMISSION DRAIN, AXLE(S) FILL AND DRAIN		
345-003	PUSH BUTTON ELECTRONIC SHIFT CONTROL, DASH MOUNTED		
97G-004	TRANSMISSION PROGNOSTICS - ENABLED 2013		
370-015	WATER TO OIL TRANSMISSION COOLER, IN RADIATOR END TANK	15	
346-003	TRANSMISSION OIL CHECK AND FILL WITH ELECTRONIC OIL LEVEL CHECK		
35T-001	SYNTHETIC TRANSMISSION FLUID (TES-295 COMPLIANT)		
Front Axle and Equipment			
400-1BA	DETROIT DA-F-18.0-5 18,000# FL1 71.0 KPI/3.74 DROP SINGLE FRONT AXLE	210	
402-030	MERITOR 16.5X6 Q+ CAST SPIDER CAM FRONT BRAKES, DOUBLE ANCHOR, FABRICATED SHOES	10	
403-002	NON-ASBESTOS FRONT BRAKE LINING		
419-023	CONMET CAST IRON FRONT BRAKE DRUMS		
427-001	FRONT BRAKE DUST SHIELDS	5	
409-006	FRONT OIL SEALS		
408-001	VENTED FRONT HUB CAPS WITH WINDOW, CENTER AND SIDE PLUGS - OIL		
416-022	STANDARD SPINDLE NUTS FOR ALL AXLES		
405-031	HALDEX AUTOMATIC FRONT SLACK ADJUSTERS WITH STAINLESS STEEL CLEVIS PINS		
406-001	STANDARD KING PIN BUSHINGS		
536-012	TRW TAS-85 POWER STEERING	40	
539-003	POWER STEERING PUMP		
534-003	4 QUART POWER STEERING RESERVOIR	5	
533-001	OIL/AIR POWER STEERING COOLER	5	
40T-003	SYNTHETIC 40/50W FRONT AXLE LUBE		
Front Suspension			
620-006	20,000# FLAT LEAF FRONT SUSPENSION	310	
619-004	GRAPHITE BRONZE BUSHINGS WITH SEALS - FRONT SUSPENSION		



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Data Code	Description	Weight Front	Weight Rear
410-001	FRONT SHOCK ABSORBERS		
Rear Axle and Equipment			
420-103	MERITOR RT-46-160 46,000# R-SERIES TANDEM REAR AXLE		2,960
421-614	6.14 REAR AXLE RATIO		
424-001	IRON REAR AXLE CARRIER WITH STANDARD AXLE HOUSING		
386-046	SPL140HD DANA SPICER MAIN DRIVELINE WITH HALF ROUND YOKES	25	25
388-012	SPL170 XL DANA SPICER INTERAXLE DRIVELINE WITH HALF ROUND YOKES		10
452-006	DRIVER CONTROLLED TRACTION DIFFERENTIAL - BOTH TANDEM REAR AXLES		30
878-022	(1) INTERAXLE LOCK VALVE, (1) DRIVER CONTROLLED DIFFERENTIAL LOCK FORWARD-REAR AXLE VALVE AND (1) REAR-REAR AXLE VALVE		
87A-005	INDICATOR LIGHT FOR EACH INTERAXLE LOCKOUT SWITCH		
87B-014	INDICATOR LIGHT AND BUZZER FOR EACH DIFFERENTIAL LOCKOUT SWITCH, ENGAGE <5 MPH, DISENGAGE >25 MPH		
423-033	MERITOR 16.5X7 Q+ CAST SPIDER HEAVY DUTY CAM REAR BRAKES, DOUBLE ANCHOR, FABRICATED SHOES		
433-002	NON-ASBESTOS REAR BRAKE LINING		
434-019	ASPHALT SPREADER CLEARANCE REAR BRAKE GEOMETRY		
451-023	CONMET CAST IRON REAR BRAKE DRUMS		
425-002	REAR BRAKE DUST SHIELDS		10
440-006	REAR OIL SEALS		
426-1B3	BENDIX EVERSURE LONGSTROKE 2-DRIVE AXLES SPRING PARKING CHAMBERS		20
428-031	HALDEX AUTOMATIC REAR SLACK ADJUSTERS WITH STAINLESS STEEL CLEVIS PINS		
41T-002	CURRENT AVAILABLE SYNTHETIC 75W-90 REAR AXLE LUBE		
42T-001	STANDARD REAR AXLE BREATHER(S)		
Rear Suspension			
622-312	HENDRICKSON HAULMAAX EX 46,000# REAR SUSPENSION		50
621-1AP	HENDRICKSON HAULMAAX/ULTIMAAX - 10.50" RIDE HEIGHT		
624-011	52 INCH AXLE SPACING		
628-010	HENDRICKSON HN, HAULMAAX AND ULTIMAAX SERIES STEEL BEAMS WITH BAR PIN		



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Data Code	Description	Weight Front	Weight Rear
623-016	STANDARD DUTY FORE/AFT AND HEAVY DUTY TRANSVERSE CONTROL RODS		
625-008	DOUBLE REBOUND STRAP - INBOARD AND OUTBOARD		13

Pusher / Tag Equipment

429-998 NO PUSHER/TAG BRAKE DUST SHIELDS

Brake System

490-1AU	WABCO 4S/4M ABS WITH TRACTION CONTROL WITH ATC SHUT OFF SWITCH		
871-001	REINFORCED NYLON, FABRIC BRAID AND WIRE BRAID CHASSIS AIR LINES		
904-001	FIBER BRAID PARKING BRAKE HOSE		
412-001	STANDARD BRAKE SYSTEM VALVES		
46D-002	STANDARD AIR SYSTEM PRESSURE PROTECTION SYSTEM		
413-002	STD U.S. FRONT BRAKE VALVE		
432-003	RELAY VALVE WITH 5-8 PSI CRACK PRESSURE, NO REAR PROPORTIONING VALVE		
480-009	BW AD-9 BRAKE LINE AIR DRYER WITH HEATER	20	
479-004	AIR DRYER MOUNTED OUTBOARD ON LH RAIL AT BACK OF CAB		
460-007	ALUMINUM AIR BRAKE RESERVOIRS	-10	-15
477-016	BW DV-2 AUTO DRAIN VALVE WITHOUT HEATER TO WET TANK; DRAIN VALVE CABLES ON ALL OTHER TANKS		

Trailer Connections

481-998	NO TRAILER AIR HOSE		
476-998	NO AIR HOSE HANGER		
296-027	PRIMARY CONNECTOR/RECEPTACLE WIRED FOR COMBINATION STOP/TURN, CENTER PIN POWERED THROUGH IGNITION WITH STOP SIGNAL PREWIRE PACKAGE		
303-026	SAE J560 7-WAY PRIMARY TRAILER CABLE RECEPTACLE TEMPORARY TIED & COILED IN CHASSIS END OF FRAME WITH 2' ADDITIONAL; NO BRACKETS		
310-998	NO TRAILER ELECTRICAL CABLE		

Wheelbase & Frame

545-457	4575MM (180 INCH) WHEELBASE		
546-102	7/16X3-9/16X11-1/8 INCH STEEL FRAME (11.11MMX282.6MM/0.437X11.13 INCH) 120KSI	240	130
547-001	1/4 INCH (6.35MM) C-CHANNEL INNER FRAME REINFORCEMENT	170	360
548-803	TEM TO EVALUATE AND INSTALL FRAME RAIL REINFORCEMENT AS NEEDED FOR FRONT FRAME MOUNTED EQUIPMENT		



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Data Code	Description	Weight Front	Weight Rear
552-007	2450MM (96 INCH) REAR FRAME OVERHANG		
55W-009	FRAME OVERHANG RANGE: 91 INCH TO 100 INCH	-70	300
549-002	24 INCH INTEGRAL FRONT FRAME EXTENSION	140	-20
AC8-99D	CALC'D BACK OF CAB TO REAR SUSP C/L (CA) : 114.57 in		
AE8-99D	CALCULATED EFFECTIVE BACK OF CAB TO REAR SUSPENSION C/L (CA) : 111.57 in		
AE4-99D	CALC'D FRAME LENGTH - OVERALL : 341.78 in		
FSS-0LH	CALCULATED FRAME SPACE LH SIDE : 34.81 in		
FSS-0RH	CALCULATED FRAME SPACE RH SIDE : 60.45 in		
AM6-99D	CALC'D SPACE AVAILABLE FOR DECKPLATE : 0.0 in		
553-001	SQUARE END OF FRAME		
550-001	FRONT CLOSING CROSSMEMBER		
559-003	LIGHTWEIGHT HEAVY DUTY ALUMINUM ENGINE CROSSMEMBER	-12	
562-001	STANDARD MIDSHIP #1 CROSSMEMBER(S)		
572-001	STANDARD REARMOST CROSSMEMBER		
565-001	STANDARD SUSPENSION CROSSMEMBER		
Chassis Equipment			
556-997	OMIT FRONT BUMPER, CUSTOMER INSTALLED SPECIAL BUMPER, DOES NOT COMPLY WITH FMCSR 393.203	-110	
585-042	BETTS B-25 PAINTED MUDFLAP BRACKETS		15
590-001	BLACK MUDFLAPS		15
551-007	GRADE 8 THREADED HEX HEADED FRAME FASTENERS		
44Z-005	EXTERIOR HARNESSSES WRAPPED IN ABRASION TAPE, SECONDARY COVERING, & CONNECTOR PROTECTION		
605-017	LEVEL FRAME RAILS (+1%, -0%) WHEN CHASSIS IS LOADED TO FRONT AND REAR SUSPENSION RATINGS		
Fifth Wheel			
578-998	NO FIFTH WHEEL		
Fuel Tanks			
204-151	60 GALLON/227 LITER ALUMINUM FUEL TANK - LH		
218-006	25 INCH DIAMETER FUEL TANK(S)		
215-007	PLAIN ALUMINUM/PAINTED STEEL FUEL/HYDRAULIC TANK(S) WITH POLISHED STAINLESS STEEL BANDS		
212-007	FUEL TANK(S) FORWARD		
664-001	PLAIN STEP FINISH		



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Data Code	Description	Weight Front	Weight Rear
205-002	CHROME FUEL TANK CAP(S)		
122-1H8	DAVCO 245 FUEL/WATER SEPARATOR WITH 12 VOLT HEAT AND WATER IN FUEL SENSOR	5	
216-020	EQUIFLO INBOARD FUEL SYSTEM		
202-016	HIGH TEMPERATURE REINFORCED NYLON FUEL LINE		
Tires			
093-2CC	MICHELIN XZU-S2 315/80R22.5 20 PLY RADIAL FRONT TIRES	100	
* 094-2EC	BRIDGESTONE M799 12R22.5 16 PLY RADIAL REAR TIRES		280
Hubs			
418-060	CONMET PRESET PLUS PREMIUM IRON FRONT HUBS		
450-060	CONMET PRESET PLUS PREMIUM IRON REAR HUBS		
Wheels			
502-433	ACCURIDE 29039 22.5X9.00 10-HUB PILOT 5.25 INSET 5-HAND STEEL DISC FRONT WHEELS	66	
505-428	ACCURIDE 28828 22.5X8.25 10-HUB PILOT 2-HAND HD STEEL DISC REAR WHEELS		104
496-011	FRONT WHEEL MOUNTING NUTS		
497-011	REAR WHEEL MOUNTING NUTS		
Cab Exterior			
829-1A5	108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB		
650-008	AIR CAB MOUNTING		
705-012	CAB ROOF REINFORCEMENTS FOR ROOF MOUNTED COMPONENTS	2	
648-002	NONREMOVABLE BUGSCREEN MOUNTED BEHIND GRILLE		
667-037	SHORT FENDER WITH MUDFLAP		
754-017	BOLT-ON MOLDED FLEXIBLE FENDER EXTENSIONS	10	
678-067	SAFETY YELLOW LH AND RH INTERIOR GRAB HANDLES AND LH AND RH EXTERIOR GRAB HANDLES WITH SINGLE RUBBER INSERT		
645-002	BRIGHT FINISH RADIATOR SHELL/HOOD BEZEL		
646-042	STATIONARY BLACK GRILLE WITH BRIGHT ACCENTS		
65X-003	CHROME HOOD MOUNTED AIR INTAKE GRILLE		
644-004	FIBERGLASS HOOD		
690-007	HOOD LINER INSULATION WITH SINGLE FIREWALL INSULATION		
727-1AF	SINGLE 14 INCH ROUND HADLEY AIR HORN UNDER LH DECK		



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Data Code	Description	Weight Front	Weight Rear
726-001	SINGLE ELECTRIC HORN		
575-001	REAR LICENSE PLATE MOUNT END OF FRAME		
312-067	HALOGEN COMPOSITE HEADLAMPS WITH BRIGHT BEZELS		
302-047	LED AERODYNAMIC MARKER LIGHTS		
314-823	WIRING AND SWITCH FOR CUSTOMER FURNISHED SNOW PLOW LAMPS WITH SINGLE CONNECTION AT LH FORWARD		
311-998	NO DAYTIME RUNNING LIGHTS		
294-1AY	INTEGRAL LED STOP/TAIL/BACKUP LIGHTS		
300-015	STANDARD FRONT TURN SIGNAL LAMPS		
744-1BC	DUAL WEST COAST BRIGHT FINISH HEATED MIRRORS WITH LH AND RH REMOTE		
797-001	DOOR MOUNTED MIRRORS		
796-001	102 INCH EQUIPMENT WIDTH		
743-204	LH AND RH 8 INCH BRIGHT FINISH CONVEX MIRRORS MOUNTED UNDER PRIMARY MIRRORS		
74A-001	RH DOWN VIEW MIRROR		
729-001	STANDARD SIDE/REAR REFLECTORS		
677-055	RH AFTERTREATMENT SYSTEM CAB ACCESS WITH POLISHED DIAMOND PLATE COVER		
275-061	PARK BRAKE REMINDER WARNING SYSTEM		
768-043	63X14 INCH TINTED REAR WINDOW		
661-004	TINTED DOOR GLASS LH AND RH WITH TINTED OPERATING WING WINDOWS		
654-011	RH AND LH ELECTRIC POWERED WINDOWS		
663-029	1-PIECE BONDED HEATED WIPER PARK SOLAR GREEN GLASS WINDSHIELD		
659-007	8 LITER (2 GAL) WINDSHIELD WASHER RESERVOIR, CAB MOUNTED, WITHOUT FLUID LEVEL INDICATOR		
Cab Interior			
055-019	RUGGED TRIM PACKAGE		
707-107	GRAY & CARBON VINYL INTERIOR "RUGGED"		
70K-020	CARBON WITH PREMIUM GUNMETAL ACCENT (RUGGED)		
706-013	MOLDED PLASTIC DOOR PANEL		
708-013	MOLDED PLASTIC DOOR PANEL		
772-006	BLACK MATS WITH SINGLE INSULATION		
785-035	ASH CUP AND (1)LIGHTER,(1)DASH MOUNTED DUAL USB-C OUTLET		
691-001	FORWARD ROOF MOUNTED CONSOLE		
693-019	LH AND RH DOOR STORAGE POCKETS INTEGRATED INTO MOLDED DOOR PANELS		
738-021	DIGITAL ALARM CLOCK IN DRIVER DISPLAY		



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Data Code	Description	Weight Front	Weight Rear
742-007	(2) CUP HOLDERS LH AND RH DASH		
680-029	M2/SD DASH		
720-002	2-1/2 LB. FIRE EXTINGUISHER	5	
700-002	HEATER, DEFROSTER AND AIR CONDITIONER		
701-008	STANDARD HVAC DUCTING WITH SNOW SHIELD FOR FRESH AIR INTAKE		
703-005	MAIN HVAC CONTROLS WITH RECIRCULATION SWITCH		
170-015	STANDARD HEATER PLUMBING		
130-041	VALEO HEAVY DUTY A/C REFRIGERANT COMPRESSOR		
702-002	BINARY CONTROL, R-134A		
739-034	PREMIUM INSULATION		
285-013	SOLID-STATE CIRCUIT PROTECTION AND FUSES		
280-007	12V NEGATIVE GROUND ELECTRICAL SYSTEM		
324-1B2	PREMIUM LED CAB LIGHTING		
787-998	NO SECURITY DEVICE		
657-001	DOOR LOCKS AND IGNITION SWITCH KEYED THE SAME		
78G-004	KEY QUANTITY OF 4		
655-028	LH AND RH ELECTRIC DOOR LOCKS WITH AUTO UNLOCK FEATURE WHEN DOOR IS SET FROM OPEN TO CLOSED POSITION		
740-998	NO MATTRESS	-20	-15
722-002	TRIANGULAR REFLECTORS WITHOUT FLARES	10	
756-339	PREMIUM ISRINGHAUSEN HIGH BACK AIR SUSPENSION DRIVERS SEAT WITH 2 AIR LUMBAR, INTEGRATED CUSHION EXTENSION, TILT AND ADJUSTABLE SHOCK	70	
760-336	BASIC ISRI HIGH BACK NON SUSPENSION PASSENGER SEAT WITH FORE AND AFT ADJUSTMENT		
759-007	DUAL DRIVER SEAT ARMRESTS, NO PASSENGER SEAT ARMRESTS	4	
711-004	LH AND RH INTEGRAL DOOR PANEL ARMRESTS		
758-1AK	BLACK VINYL DRIVER SEAT COVER		
761-014	BLACK CORDURA PLUS CLOTH PASSENGER SEAT COVER		
763-101	BLACK SEAT BELTS		
532-002	ADJUSTABLE TILT AND TELESCOPING STEERING COLUMN		
540-044	4-SPOKE 18 INCH (450MM) BLACK STEERING WHEEL WITH SWITCHES		
765-002	DRIVER AND PASSENGER INTERIOR SUN VISORS		



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Data Code	Description	Weight Front	Weight Rear
Instruments & Controls			
106-002	ELECTRONIC ACCELERATOR CONTROL		
732-998	NO INSTRUMENT PANEL-DRIVER		
734-022	FULLY CONFIGURABLE CENTER INSTRUMENT PANELS		
87L-001	ENGINE REMOTE INTERFACE WITH PARK BRAKE INTERLOCK		
870-002	BRIGHT ARGENT FINISH GAUGE BEZELS		
486-001	LOW AIR PRESSURE INDICATOR LIGHT AND AUDIBLE ALARM		
840-001	DUAL NEEDLE PRIMARY AND SECONDARY AIR PRESSURE GAUGE		
198-025	INTAKE MOUNTED AIR RESTRICTION INDICATOR WITHOUT GRADUATIONS		
721-003	87 DECIBELS TO 112 DECIBELS AUTOMATIC SELF-ADJUSTING BACKUP ALARM		3
149-015	ELECTRONIC CRUISE CONTROL WITH CONTROLS ON STEERING WHEEL SPOKES		
156-007	KEY OPERATED IGNITION SWITCH AND INTEGRAL START POSITION; 4 POSITION OFF/RUN/START/ACCESSORY		
811-044	PREMIUM INSTRUMENT CLUSTER WITH 5.0 INCH TFT COLOR DISPLAY		
81B-003	DIGITAL PANEL LAMP DIMMER SWITCH IN DRIVER DISPLAY		
160-038	HEAVY DUTY ONBOARD DIAGNOSTICS INTERFACE CONNECTOR LOCATED BELOW LH DASH		
844-001	2 INCH ELECTRIC FUEL GAUGE		
148-072	ENGINE REMOTE INTERFACE WITH ONE OR MORE SET SPEEDS		
48H-002	QUICKFIT POWERTRAIN INTERFACE CONNECTOR LOCATED BETWEEN SEATS WITH BLUNTCUTS		
163-014	ENGINE REMOTE INTERFACE CONNECTOR AT POWERTRAIN INTERFACE CONNECTOR		
856-001	ELECTRICAL ENGINE COOLANT TEMPERATURE GAUGE		
852-002	ELECTRIC ENGINE OIL PRESSURE GAUGE		
864-022	DIGITAL TRANSMISSION OIL TEMPERATURE IN DRIVER DISPLAY		
867-004	ELECTRONIC OUTSIDE TEMPERATURE SENSOR DISPLAY IN DRIVER MESSAGE CENTER		
830-017	ENGINE AND TRIP HOUR METERS INTEGRAL WITHIN DRIVER DISPLAY		
372-123	PTO CONTROLS FOR ENHANCED VEHICLE ELECTRIC/ELECTRONIC ARCHITECTURE		



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Data Code	Description	Weight Front	Weight Rear
736-998	NO OBSTACLE DETECTION SYSTEM		
72J-998	NO DR ASSIST SYSTEM		
49B-004	ELECTRONIC STABILITY CONTROL		
73B-998	NO LANE DEPARTURE WARNING SYSTEM		
72K-998	NO REVERSE PROXIMITY SENSOR		
679-998	NO OVERHEAD INSTRUMENT PANEL		
746-143	7" B-PANEL INTERACTIVE TOUCHSCREEN DISPLAY RADIO W/ USB-C, APPLE CARPLAY, ANDROID AUTO, BLUETOOTH/AM/FM/SXM/WB, WITH MICROPHONE		
747-001	DASH MOUNTED RADIO		
750-002	(2) RADIO SPEAKERS IN CAB		
753-008	AM/FM ANTENNA MOUNTED ON LH SIDE MIRROR	2	
748-006	POWER AND GROUND WIRING PROVISION OVERHEAD		
749-001	ROOF/OVERHEAD CONSOLE CB RADIO PROVISION		
N 75W-002	SHARKFIN MULTI-BAND ANTENNA: AM/FM/WEATHERBAND, WIFI/BLUETOOTH, SDAR/SIRIUSXM, GNSS/GPS		
78C-003	INTEROPERABLE SDAR ANTENNA		
810-027	ELECTRONIC MPH SPEEDOMETER WITH SECONDARY KPH SCALE, WITHOUT ODOMETER		
817-001	STANDARD VEHICLE SPEED SENSOR		
812-001	ELECTRONIC 3000 RPM TACHOMETER		
813-1C8	DETROIT CONNECT PLATFORM HARDWARE		
8D1-313	3 YEARS DAIMLER CONNECTIVITY BASE PACKAGE ON (FEATURES VARY BY MODEL) POWERED BY DETROIT CONNECT ON CUMMINS ENGINES		
8DE-998	NO ASE DATA SVCE EXTENSION		
6TS-005	TMC RP1226 ACCESSORY CONNECTOR LOCATED BEHIND PASSENGER SIDE REMOVEABLE DASH PANEL		
162-002	IGNITION SWITCH CONTROLLED ENGINE STOP		
329-129	FOUR EXTRA HARDWIRED SWITCHES IN DASH, ROUTE TO UNDER CAB, BLUNTCUT		
4C1-025	HARDWIRE SWITCH #1, ON/OFF LATCHING, 20 AMPS IGNITION POWER		
4C2-025	HARDWIRE SWITCH #2, ON/OFF LATCHING, 20 AMPS IGNITION POWER		
4C3-016	HARDWIRE SWITCH #3, ON/OFF LATCHING, 20 AMPS IGNITION POWER		
4C4-016	HARDWIRE SWITCH #4, ON/OFF LATCHING, 20 AMPS IGNITION POWER		



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Data Code	Description	Weight Front	Weight Rear
81Y-005	PRE-TRIP INSPECTION FEATURE FOR EXTERIOR LAMPS ONLY		
264-030	(1) OVERHEAD MOUNTED LANYARD CONTROL FOR DRIVER AIR HORN		
883-998	NO TRAILER HAND CONTROL BRAKE VALVE		
842-006	DIGITAL TURBO AIR PRESSURE IN DRIVER DISPLAY		
836-015	DIGITAL VOLTAGE DISPLAY INTEGRAL WITH DRIVER DISPLAY		
660-025	SINGLE ELECTRIC WINDSHIELD WIPER MOTOR WITH DELAY WHEN PARK BRAKE SET, TRANSITION TO SLOWEST SPEED		
304-030	ROTARY HEADLAMP SWITCH, MARKER LIGHTS/HEADLIGHTS SWITCH WITH PULL OUT FOR OPTIONAL FOG/ROAD LAMPS		
882-009	ONE VALVE PARKING BRAKE SYSTEM WITH WARNING INDICATOR		
299-020	SELF CANCELING TURN SIGNAL SWITCH WITH DIMMER, HEADLAMP FLASH, WASH/WIPE/INTERMITTENT		
298-046	INTEGRAL ELECTRONIC TURN SIGNAL FLASHER WITH 40 AMP (20 AMP PER SIDE) TRAILER LAMP CAPACITY		
87T-998	NO WRG/SW-OPTL #2, CHAS, AIR		

Design

065-000 PAINT: ONE SOLID COLOR

Color

980-5F6 CAB COLOR A: L0006EY WHITE ELITE EY
 986-020 BLACK, HIGH SOLIDS POLYURETHANE CHASSIS PAINT
 962-972 POWDER WHITE (N0006EA) FRONT WHEELS/RIMS (PKWHT21, TKWHT21, W, TW)
 966-972 POWDER WHITE (N0006EA) REAR WHEELS/RIMS (PKWHT21, TKWHT21, W, TW)
 963-003 STANDARD E COAT/UNDERCOATING

Extended Front Axle Coverage

WA4-035 AXLE: DETROIT FRONT ONLY: HD MODERATE 5 YEARS/100,000 MILES/161,000 KM EXTENDED AXLE COVERAGE

Certification / Compliance

996-001 U.S. FMVSS CERTIFICATION, EXCEPT SALES CABS AND GLIDER KITS

TOTAL VEHICLE SUMMARY



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Weight Summary

	Weight Front	Weight Rear	Total Weight
Factory Weight ⁺	8198 lbs	8068 lbs	16266 lbs
Dealer Installed Options	0 lbs	0 lbs	0 lbs
Total Weight⁺	8198 lbs	8068 lbs	16266 lbs

Extended Warranty

- WAI-47H CUM 2017 L9: HD1 MD DTY 5 YEARS / 100,000 MILES / 161,000 KM
EXTENDED WARRANTY. FEX APPLIES
- WBB-344 TC4: MD MODERATE 5 YEARS/100,000 MILES / 161,000 KM
EXTENDED TRUCK COVERAGE. FEX APPLIES
- WAL-262 AXLE: NON-DETROIT TANDEM REAR ONLY: MD MODERATE 5
YEAR/100,000 MILE/161,000 KM EXTENDED COVERAGE

Dealer Installed Options

		Weight Front	Weight Rear
CNCRD	CONCORD QUOTE 90260	0	0
Total Dealer Installed Options		0 lbs	0 lbs

(+) Weights shown are estimates only.
 If weight is critical, contact Customer Application Engineering.

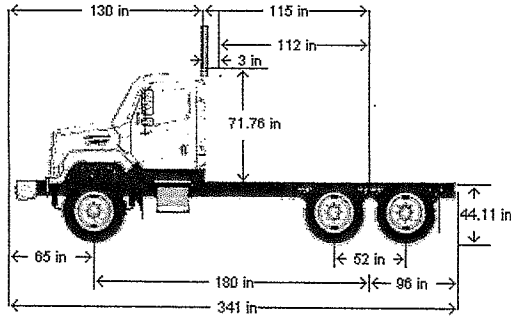
(***) All cost increases for major components (Engines, Transmissions, Axles, Front and Rear Tires) and government mandated requirements, tariffs, and raw material surcharges will be passed through and added to factory invoices.



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DIMENSIONS



VEHICLE SPECIFICATIONS SUMMARY - DIMENSIONS

Wheelbase (545)	4575MM (180 INCH) WHEELBASE
Rear Frame Overhang (552)	.....	2450MM (96 INCH) REAR FRAME OVERHANG
Fifth Wheel (578)	.....	NO FIFTH WHEEL
Mounting Location (577)	.....	NO FIFTH WHEEL LOCATION
Maximum Forward Position (in)	.....	0
Maximum Rearward Position (in)	.....	0
Amount of Slide Travel (in)	.....	0
Slide Increment (in)	.....	0
Desired Slide Position (in)	.....	0.0
Cab Size (829)	.....	108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB
Sleeper (682)	.....	NO SLEEPER BOX/SLEEPER CAB
Exhaust System (016)	RH OUTBOARD UNDER STEP MOUNTED HORIZONTAL AFTERTREATMENT SYSTEM ASSEMBLY WITH RH B-PILLAR MOUNTED VERTICAL TAILPIPE

TABLE SUMMARY - DIMENSIONS



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Dimensions	Inches
Bumper to Back of Cab (BBC)	130.1
Bumper to Centerline of Front Axle (BA)	64.6
Front Axle to Back of Cab (AC)	65.6
Min. Cab to Body Clearance (CB)	3.0
Back of Cab to Centerline of Rear Axle(s) (CA)	114.6
Effective Back of Cab to Centerline of Rear Axle(s) (Effective CA)	111.6
Back of Cab Protrusions (Exhaust/Intake) (CP)	2.0
Back of Cab Protrusions (Side Extenders/Trim Tab) (CP)	0.0
Back of Cab Protrusions (CNG Tank)	0.0
Back of Cab Clearance (CL)	3.0
Back of Cab to End of Frame	211.1
Cab Height (CH)	71.8
Wheelbase (WB)	180.1
Frame Overhang (OH)	96.5
Overall Frame Length	341.8
Overall Length (OAL)	341.2
Rear Axle Spacing	52.0
Unladen Frame Height at Centerline of Rear Axle	44.1

Performance calculations are estimates only. If performance calculations are critical, please contact Customer Application Engineering.



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 VALLEY FREIGHTLINER, INC.
 10901 Brookpark Rd
 Parma, OH 44130
 Phone: 216-267-4800

GVWR

VEHICLE SPECIFICATIONS SUMMARY - GVWR

Cab Size (829)..... 108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB
 Expected Front Axle(s) Load (lbs)..... 18000.0
 Expected Pusher Axle(s) Load (lbs)..... 0.0
 Expected Rear Axle(s) Load (lbs)..... 46000.0
 Expected Tag Axle(s) Load (lbs)..... 0.0
 Expected GVW (lbs)..... 64000
 Expected GCW (lbs)..... 0.0
 Front Axle (400)..... DETROIT DA-F-18.0-5 18,000# FL1 71.0 KPI/3.74 DROP SINGLE FRONT AXLE
 Front Suspension (620)..... 20,000# FLAT LEAF FRONT SUSPENSION
 Front Hubs (418)..... CONMET PRESET PLUS PREMIUM IRON FRONT HUBS
 Front Disc Wheels (502)..... ACCURIDE 29039 22.5X9.00 10-HUB PILOT 5.25 INSET 5-HAND STEEL DISC FRONT WHEELS
 Front Tires (093)..... MICHELIN XZU-S2 315/80R22.5 20 PLY RADIAL FRONT TIRES
 Front Brakes (402)..... MERITOR 16.5X6 Q+ CAST SPIDER CAM FRONT BRAKES, DOUBLE ANCHOR, FABRICATED SHOES
 Steering Gear (536)..... TRW TAS-85 POWER STEERING
 Rear Axle (420)..... MERITOR RT-46-160 46,000# R-SERIES TANDEM REAR AXLE
 Rear Suspension (622)..... HENDRICKSON HAULMAAX EX 46,000# REAR SUSPENSION
 Rear Hubs (450)..... CONMET PRESET PLUS PREMIUM IRON REAR HUBS
 Rear Disc Wheels (505)..... ACCURIDE 28828 22.5X8.25 10-HUB PILOT 2-HAND HD STEEL DISC REAR WHEELS
 Rear Tires (094)..... MICHELIN XDN2 12R22.5 16 PLY RADIAL REAR TIRES
 Rear Brakes (423) . MERITOR 16.5X7 Q+ CAST SPIDER HEAVY DUTY CAM REAR BRAKES, DOUBLE ANCHOR, FABRICATED SHOES
 Pusher / Tag Axle (443)..... NO PUSHER OR TAG AXLE
 Pusher / Tag Suspension (626)..... NO PUSHER OR TAG SUSPENSION
 Pusher / Tag Hubs (449)..... NO PUSHER OR TAG HUBS
 Dead/Pusher/Tag Disc Wheels (509)..... NO PUSHER/TAG DISC WHEELS
 Pusher / Tag Tires (095)..... NO PUSHER/TAG TIRES
 Pusher / Tag Brakes (456)..... NO PUSHER/TAG BRAKES

TABLE SUMMARY - GVWR



Prepared for:
 ROBERT TOLER
 PARMA HEIGHTS CITY OF
 6281 PEARL RD
 PARMA HEIGHTS, OH 44130
 Phone: 440-345-5970

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	Front	Rear1	Rear2
Axle Component Weight Ratings			
Axles	18000	23000	23000
Suspension	20000	23000	23000
Hubs	23000	26000	26000
Brakes	20000	23000	23000
Wheels	20000	32000	32000
Tires	20000	27120	27120
Power Steering	18000	N/A	N/A
GAWR (per axle)	18000	23000	23000
GAWR (per axle system)	18000		46000
Expected Load (per axle system)	18000		46000
GVWR due to Frame	90000		
GVWR due to Transmission	80000		
Vehicle GVWR Summary			
Calculated GVWR	64000		
Expected GVWR	64000		
All weights displayed in pounds			

Performance calculations are estimates only. If performance calculations are critical, please contact Customer Application Engineering.



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Q U O T A T I O N

108SD PLUS CONVENTIONAL CHASSIS

SET BACK AXLE - TRUCK
 CUM L9 370 HP @ 2100 RPM; 2100 GOV RPM, 1250 LB-
 FT @ 1200 RPM
 ALLISON 3000 RDS AUTOMATIC TRANSMISSION WITH
 PTO PROVISION
 MERITOR RT-46-160 46,000# R-SERIES TANDEM REAR
 AXLE
 HENDRICKSON HAULMAAX EX 46,000# REAR
 SUSPENSION
 DETROIT DA-F-18.0-5 18,000# FL1 71.0 KPI/3.74 DROP
 SINGLE FRONT AXLE
 20,000# FLAT LEAF FRONT SUSPENSION

108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL
 CAB
 4575MM (180 INCH) WHEELBASE
 NO FIFTH WHEEL
 7/16X3-9/16X11-1/8 INCH STEEL FRAME
 (11.11MMX282.6MM/0.437X11.13 INCH) 120KSI
 2450MM (96 INCH) REAR FRAME OVERHANG
 1/4 INCH (6.35MM) C-CHANNEL INNER FRAME
 REINFORCEMENT
 TEM TO EVALUATE AND INSTALL FRAME RAIL
 REINFORCEMENT AS NEEDED FOR FRONT
 FRAME MOUNTED EQUIPMENT

		PER UNIT	TOTAL
VEHICLE PRICE	TOTAL # OF UNITS (1)	\$ 137,143	\$ 137,143
EXTENDED WARRANTY		\$ 3,555	\$ 3,555
DEALER INSTALLED OPTIONS		\$ 132,639	\$ 132,639
CUSTOMER PRICE BEFORE TAX		\$ 273,337	\$ 273,337

TAXES AND FEES

TAXES AND FEES	\$ 0	\$ 0
OTHER CHARGES	\$ 0	\$ 0

TRADE-IN

TRADE-IN ALLOWANCE	\$ (0)	\$ (0)
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BALANCE DUE	(LOCAL CURRENCY)	\$ 273,337	\$ 273,337
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The proposed vehicle/vehicles may or may not be available with a variety of safety and collision mitigation options in which the specifications will identify if they are included. If this is a bare chassis order please consult with your bodybuilder to ensure all dimensions, ratings, and necessary chassis components for proper installation are included in this specification. All specifications and pricing are subject to final production, engineering review, availability, and Mfg. surcharges. Invoicing will occur upon delivery to the customer or dropship point and payable upon receipt. Titles will be transferred and delivered upon receipt of payment and signed documents. A signed proposal or purchase order to this proposal thereby agrees to the pricing, specifications, and terms herein unless other arrangements are documented, but does not guarantee production.



Awarded Contract

Contract #032624-DAI

APPROVAL:

Please indicate your acceptance of this quotation by signing below:

Customer: X _____ Date: ___ / ___ / ___



RFP 032824 - Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services

Vendor Details

Company Name: Daimler Trucks North America
Does your company conduct business under any other name? If yes, please state: Freightliner LLC, Western Star Truck Sales Inc.
Address: 4555 N. Channel Avenue
Portland , Oregon 97217
Contact: Eugene Berg
Email: eugene.berg@daimlertruck.com
Phone: 503-939-3033
HST#: 93-0790608

Submission Details

Created On: Wednesday February 14, 2024 18:28:59
Submitted On: Thursday March 28, 2024 09:56:59
Submitted By: Eugene Berg
Email: eugene.berg@daimlertruck.com
Transaction #: 351f998f-52bc-41d6-9e5b-c374ebf0eb65
Submitter's IP Address: 163.116.129.117
