



City of Parma Heights Council Meeting

6281 Pearl Road

Monday, October 26, 2026

7 :00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

ACTION ON MINUTES: OCTOBER 13, 2026 – CITY COUNCIL

REPORTS FROM MAYOR AND DIRECTORS

COMMUNICATIONS:

PUBLIC SESSION

MISCELLANEOUS BUSINESS: ADJOURN TO EXECUTIVE SESSION TO DISCUSS PENDING OR IMMINENT COURT ACTION

LEGISLATION:

Second Reading

2. ORDINANCE NO. 2026 - 58

AN ORDINANCE AMENDING SECTION 1131.02 ENTITLED “DEFINITIONS” OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY, AS AMENDED

3. ORDINANCE NO. 2026 -59

AN ORDINANCE AMENDING SECTION 1185.02 ENTITLED “PERMITTED USES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS AMENDED

4. ORDINANCE NO. 2026 -60

AN ORDINANCE AMENDING SECTION 1195.05 ENTITLED, “COMMERCIAL USE-SPECIFIC REGULATIONS” OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY, AS AMENDED

5. RESOLUTION NO. 2026 – 81

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF OBSOLETE VEHICLES AND/OR EQUIPMENT AT A PUBLIC SALE THROUGH GOVPLANET/IRONPLANET, AND DECLARING AN EMERGENCY

First Reading

6. ORDINANCE NO. 2026 – 84

AN ORDINANCE ESTABLISHING COMPENSATION PAID TO VARIOUS EMPLOYEES OF THE CITY OF PARMA HEIGHTS, REPEALING ORDINANCE NO. 2026-14, AND DECLARING AN EMERGENCY

7. RESOLUTION NO. 2026 – 85

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ENTER INTO AGREEMENTS TO SECURE INSURANCE COVERAGES FOR THE EMPLOYEES OF THE CITY OF PARMA HEIGHTS WITH MEDICAL MUTUAL OF OHIO AND TO EXPEND FUNDS, AND DECLARING AN EMERGENCY

8. **ORDINANCE NO. 2026 - 86**
AN ORDINANCE AMENDING SECTION 648.11 ENTITLED “DELIVERY HOURS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES
9. **ORDINANCE NO. 2026 – 87**
AN ORDINANCE AMENDING SECTION 648.14 PREVIOUSLY TITLED “NOISE FROM CONSTRUCTION OPERATIONS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES
10. **ORDINANCE NO. 2026 – 88**
AN ORDINANCE AMENDING SECTION 648.16 ENTITLED “SOUND AMPLIFYING DEVICES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES

ADJOURNMENT

ORDINANCE NO. 2026 - 58

**AN ORDINANCE AMENDING SECTION 1131.02 ENTITLED “DEFINITIONS” OF THE
CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, AND DECLARING AN
EMERGENCY, AS AMENDED**

WHEREAS, the types of products sold by the smoking industry are ever-changing in form and addictiveness; and

WHEREAS, there is an over-concentration of smoking businesses in the City; and

WHEREAS, in order to consider reasonable regulations to protect the health, welfare, safety, peace, and comfort for the citizens of the City of Parma Heights, the City intends to reasonably regulate the saturation of smoke shops; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of the amended Ordinance in order to allow for the regulation of the saturation of smoke shops within the City; 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 Section 1131.02 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit “A”, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and 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 for the immediate preservation of the public health, peace, and safety of this Municipality, and for further reason that it is necessary to regulate the saturation of smoke shops within the City prior to the expiration of the City’s moratorium; wherefore, this Ordinance shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

1131.02 DEFINITIONS.

For the purpose of the Planning and Zoning Code, the following terms shall have the meaning herein indicated. Words, phrases, and terms not defined in this chapter or other relevant sections of the Parma Heights Codified Ordinance shall be given their usual and customary meanings, except where the context clearly indicates a different meaning.

(a) "Animal grooming" means an establishment where the primary service provided is the cleaning and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc., and where there are no boarding facilities. The facility may also provide services such as obedience classes, training, or behavioral counseling.

(b) "Artisan production/fabrication" means an establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication but is not limited to, manufacturing, and other industrial uses and processes such as welding and sculpting.

(c) "Artist work or sales space" means a facility that includes working, teaching and/or selling space for one or more artists, artisans, or musicians.

(d) "Assisted living facility" means residential accommodations designed for and intended to be occupied by individuals who require supervision, assistance and health care services or who are otherwise dependent on the services of others by reason of age or physical or mental impairment.

(e) "Body piercing" means the piercing of any part of the body by someone other than a physician licensed under R.C. Chapter 4731, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

(f) "Brewpub" means a restaurant with an onsite micro production facility that sells 25 percent or more of its product on site.

(g) "Business services" means any activity that renders services to other commercial enterprises.

(h) "Clinic" means a building where human patients are admitted for examination and treatment by a group of physicians or dentists practicing medicine together, but who are not lodged overnight. The term clinic does not include a methadone treatment clinic or facility or substance abuse treatment facility as per the Parma Heights Zoning Ordinance.

(i) "Cultural institution" means a public or private facility that provides for the display, performance, or enjoyment of heritage, history or arts. This includes, but is not limited to,

facilities that preserve scientific or artistic objects, including a museum, art gallery, aquarium or planetarium, but does not include movie theaters.

(j) "Day care center" means a commercial facility that provides individuals with care for less than 24 hours per day including, but is not limited to a day nursery, nursery school, pre school, adult day care center, or other supplemental care facility. This term does not include a family day care home, or care that is provided in a residence.

(k) "Drive thru facility" means a building, portion of a building or free-standing structure from which business is transacted directly with customers in a motor vehicle during such business transactions. The term drive thru shall also include a drive up or drive in facility, but shall not include a car wash, gasoline station or motor vehicle service station.

(l) "Dwelling unit" means one or more rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one household.

(m) "Dwelling, attached single-family" means one building with three or more dwelling units that are structurally attached and adjacent to one another, each dwelling unit being separated from the adjoining unit or units by a wall without openings or offset extending from the basement floor to the roof. Each such building shall be separated from any other buildings by space on all sides, and have elements such as individual ground floor entrances from the outside, individual utility services and which may contain attached garages.

(n) "Dwelling, multiple-family" means a structure designed and used exclusively for residential purposes with three or more dwelling units where each dwelling unit has an individual entrance to the outdoors or to a common hallway.

(o) "Dwelling, single-family" means a dwelling entirely detached and independent from any other structure, arranged, intended or designed to be occupied by a single family.

(p) "Dwelling, two-family" means a detached building designated for, or converted or occupied exclusively by, two households, living independently of each other, with cooking and toilet facilities in each dwelling unit.

(q) "Dwelling" means any building or portion thereof used exclusively for permanent residential purposes, including single-family, two-family, and multi-family dwellings, but not including a hotel, motel or other transient lodging facility

(r) "Family" means one individual, any number of individuals related by blood, adoption or marriage plus no more than three unrelated individuals, or not more than four unrelated individuals occupying a dwelling unit as their primary place of residence and living as a single housekeeping unit, but not including groups occupying a hotel, motel or other transient lodging facility.

(s) "Group home, large" means a licensed residential facility that complies with the regulations of either R.C. § 5119.341(B) for residential facilities for 6 to 16 persons with

mental health issues or R.C. § 5123.19(N) residential facilities for 9 to 16 persons with developmental disabilities.

(t) "Laboratory and research facility" means a building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(u) "Light industrial" means the assembly, processing, or similar uses which are entirely conducted indoors and are not disruptive of, or incompatible with, surrounding facilities. Light manufacturing and production does not include industrial processing from raw materials.

(v) "Live/work unit" means a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

(w) "Medical or dental offices or clinic" means a licensed facility for examining and treating patients with medical problems or for oral health on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or medication maintenance facility or dispensary.

(x) "Medication maintenance facility or dispensary" means a licensed facility that provides out-patient, nonresidential counseling of patients and where any form of prescription medication is dispensed to individuals, by a doctor, for use or consumption on-site as opposed to a pharmacy that dispenses prescription medication for use at home. Such use may include, but is not limited to, methadone treatment facilities licensed by the State of Ohio. Such use shall not include a medical marijuana dispensary or programs consisting solely of support group activities without treatment by licensed health practitioner, such as Alcoholics Anonymous, Narcotics Anonymous and similar programs.

(y) "Micro-production facility, including micro-brewery, micro-distillery, micro-winery" means a small scale facility that produces a limited amount of a 'craft' or 'artisan' alcoholic beverage, depending on the type of beverage produced, which possesses the appropriate liquor permit from the State of Ohio, and which may sell to the public by one or more of the following methods: the traditional three-tier system (producer to wholesaler to retailer to consumer); the two-tier system (producer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tasting-room or restaurant sales, depending on the zoning district in which the use is located:

(1) "Micro-brewery" means a facility that produces less than 15,000 barrels (17,600 hectoliters) of beer per year (as defined by the Brewer's Association).

(2) "Micro-distillery" means a facility that produces less than 50,000 proof gallons per year (as defined by the American Distilling Institute).

(3) "Micro-winery" means a facility that produces less than 10,000 cases of wine per year, where all aspects of production occur within the footprint of the structure.

(z) "Mixed use building" means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

(aa) "Permanent cosmetics" means the same as defined in Chapter 773.

(bb) "Restaurant" means an establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops, but does not include smoking lounge.

(cc) "Retail establishment" means an establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption off-site, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public, but does not include the sale of marijuana products or smoking lounge. In determining a use to be a retail use, the Planning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.

(dd) "Setback line" means the line created by the setback established by this Code, generally parallel with and measured from the applicable lot line, as noted herein: the front setback shall be measured from the street right-of-way line, the side setback shall be measured from the side lot line and the rear setback shall be measured from the rear property line.

(ee) "Setback" means the required distance between any structure or parking area and the lot lines of the lot or parcel on which the structure or parking area is located.

(ff) "Smoking lounge" means a business establishment that is dedicated, in whole or in part, to facilitate the on-site consumption of tobacco products, electronic vaping devices, or other nicotine-enriched substances, including but not limited to establishments known variously as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, etc. Any smoking lounge that also constitutes a smoke shop shall be subject to all provisions of the Codified Ordinances that regulate smoke shops.

(gg) "Smoke shop" means any retail establishment at which twenty percent (20%) or more of floor, shelf, and/or display area(s), individually or in the aggregate, is used for the sale of the following types of products:

(1) Any product containing, made of, derived from, or containing any form of CBD, Kratom, and/or Hemp-derived or synthetic cannabinoid, including, but not limited to, Delta-8 THC, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means;

(2) Any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means,

including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(3) Any Electronic Smoking Device as defined in R.C. 2927.02 and any substance intended to be aerosolized or vaporized during the use of the device, whether the substance contains any form of tobacco, nicotine, CBD, Kratom, and/or Hemp-derived or synthetic cannabinoids; or

(4) Any component, part, or accessory of (1), (2), or (3) above, whether any of these contains tobacco, nicotine, CBD, Kratom, and/or Hemp-derived or synthetic cannabinoids, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes.

No state-licensed medical or adult-use marijuana operator, cultivator, processor, dispensary, laboratory, or entity as defined in and regulated under Chapters 3780 and 3796 of the Ohio Revised Code shall constitute a Smoke Shop for purposes of this section. Additionally, the type of products set forth in this section do not include any product that is a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

~~(hh gg)~~ "Storage, self-service" means a building that is partitioned into contiguous, individual, securely subdivided space for lease to individual customers for storage of personal property, which has independent access and locks under the control of the tenant, and designed to primarily accommodate interior access to individual space via a common entry.

~~(ii hh)~~ "Storage, self-service mini-" means a facility that consists of individual, securely enclosed units attached side-by-side, available for lease to individual customers for storage of personal property, in which each individual space has direct exterior drive-up access to the space that accommodates only passenger vehicles and two-axle non-commercial vehicles.

~~(jj ii)~~ "Tattoo establishment" means the same as defined in Chapter 773.

~~(kk jj)~~ "Use, accessory" means a subordinate use or building customarily incident to and located on the same lot with the main use or building.

~~(ll kk)~~ "Use, conditional" means a use permitted within a district only with a conditional use permit approved according to Chapter 1135.

~~(mm ll)~~ "Use, nonconforming" means one that does not comply with the regulations of the use district in which it is situated.

~~(nn mm)~~ "Use, principal" means the principal use to which the premises are devoted and the primary purpose for which the premises exist.

~~(oo nn)~~ "Vehicle repair, restoration" means a building or portion of a building in which major repairs are conducted. Major repairs include structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or

crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities.

(~~pp~~ ~~ee~~) "Vehicle sales agency" means any establishment engaged in activities such as displaying, offering for sale and selling new motor vehicles at retail, and which may also include operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, offering for sale and selling used motor vehicles at retail, but only as incidental to the sale of new motor vehicles and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. For the purposes of this Code, the terms used herein not specifically defined in this chapter shall be defined as in R.C. Chapter 4517 and successors.

(~~qq~~ ~~pp~~) "Vehicle service station" means a building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service and the making of repairs to motor vehicles, except that repairs described as major repairs in "garage, repair" shall not be permitted.

(~~rr~~ ~~qq~~) "Yard, front" means an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

(~~ss~~ ~~rr~~) "Yard, rear" means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(~~tt~~ ~~ss~~) "Yard, side" means an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending from the street line to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(Ord. 2021-1. Passed 1-25-21; Ord. 2021-22. Passed 7-7-21.)

ORDINANCE NO. 2026 - 59

**AN ORDINANCE AMENDING SECTION 1185.02 ENTITLED “PERMITTED USES” OF THE
PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS
AMENDED**

WHEREAS, the types of products sold by the smoking industry are ever-changing in form and addictiveness; and

WHEREAS, there is an over-concentration of smoking businesses in the City; and

WHEREAS, in order to consider reasonable regulations to protect the health, welfare, safety, peace, and comfort for the citizens of the City of Parma Heights, the City intends to reasonably regulate the saturation of smoke shops; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of the amended Ordinance in order to allow for the regulation of the saturation of smoke shops within the City; 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 Section 1185.02 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in “Exhibit A, as amended”, which are attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and 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 for the immediate preservation of the public health, peace, and safety of this Municipality, and for further reason that it is necessary to regulate the saturation of smoke shops within the City prior to the expiration of the City’s moratorium; wherefore, this Ordinance shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A, as amended

1185.02 PERMITTED USES.

No building, structure, premises, or portion thereof, shall be used, arranged to be used, or designed to be used, except as established below.

(a) Permitted Use Table Summary. Table 1185.02 sets forth the uses allowed in the Mixed-Use Districts. The abbreviations used in the table are described as follows:

(1) Uses permitted by right. A "P" in a cell indicates that the use is allowed by right as a principal use in the respective district provided that all requirements of other City ordinances and this Planning and Zoning Code have been met.

(2) Conditional uses. A "C" in a cell indicates that the use is regulated as a conditional use. The use may be permitted in the respective district if approved through the conditional use review process in compliance with Chapter 1135, provided that all standards for specific uses found in Chapter 1195, Supplemental Use Requirements, or elsewhere as referenced herein and other relevant City ordinances and this Planning and Zoning Code have been met.

(3) Accessory uses. An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal or conditional use listed in Table 1185.02 and that the requirements of all other City ordinances and this Planning and Zoning Code have been met.

(4) Uses not permitted.

A. An "N" in a cell indicates that a use is not permitted in the respective district.

B. Any use not specifically listed in Table 1185.02 shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1163 or approval as a similar use as provided in Section 1135.10.

(b) Compliance with Standards. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards referenced in Table 1135.02.

(c) Indoor/Outdoor Operations. All permitted uses in the Mixed Use Districts shall be conducted within a fully enclosed building unless otherwise expressly authorized. This requirement does not apply to accessory off-street parking and loading areas.

Table 1185.02 Permitted Uses

	TC-MUD Town Center Mixed-Use	W130-MUD W 130 th St. Mixed-Use	N-MUD Neighborhood Mixed-Use	Use-Specific Regulations
<i>Residential:</i>				
Artist Live/Work units, above ground floor	P	P	P	1195.03(a)
Artist Live/Work units, ground floor	C	C	P	1195.03(a)
Dwelling Units, above nonresidential ground floor	P	P	P	
Group Home, Large	C	C	C	1195.03(b)
Multi-Family Building	C	C	P	1195.03(c)
Skilled Nursing and Rehabilitation Facility	C	C	C	1195.03(d)
Town House /Attached Single-Family Dwellings	C	C	P	1195.03(e)
<i>Public and Civic:</i>				
Cultural Institution, Libraries, Religious Assembly	P	P	P	
Day Care Centers, child and adult	P	P	P	
Hospitals	N	C	N	1195.04(a)
Parks, Other Public Open Space	P	P	P	
Public Safety Services	P	P	P	
Recreational Facilities, indoor, public or private	N	C	C	1195.04(b)
Schools, colleges, trade schools	C	C	C	1195.04(c)
Schools, primary and secondary	C	C	C	1195.04(d)
<i>Commercial:</i>				
Animal Services, including veterinary clinics, sales and grooming (but not including boarding kennel)	P	P	P	
Artist Work or Sales Space, Artisan production/fabrication	P	P	P	
Brew pubs and wine bars	P	P	C[1]	1195.05(a)
Business services	P	P	P	
Drive-Through Facility	C	C	C	1195.05(b)
Entertainment, indoor, in association with a permitted use	A	A	C	1195.05(c)
Financial Services	P	P	P[1]	
Funeral Home	P	P	P	
Marijuana Dispensary	C	C	C	Chaps 1190, 752
Medical/Dental offices or clinic	P	P	P[1]	
Medication Maintenance Facility or Dispensary	N	C	N	1195.05(f)
Micro production facility (Micro-brewery, Micro-distillery, Micro-winery)	C	C	N	1195.05(a)
Offices, administrative, general, professional	P	P	P[1]	
Outdoor Dining in association with a restaurant	C	C	C	1195.05(g)
Restaurants	P	P	P[1]	
Personal Service, including health clubs and gyms	P	P	P[1]	
Repair Service, consumer	P	P	P[1]	
Permanent Cosmetics Services in association with a permitted personal service establishment	C	C	N	1195.05(h)
<u>Smoke Shops</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1195.06(i)</u>
Tattoo or Body Piercing Services	N	C	N	Chap 733
Retail Sales, general	P	P	P[1]	
Laboratories and Research Facilities	C	C	N	1195.05(d)
Light Industrial	N	C	N	1195.05(d)
Limited Outdoor Operations	N	C	N	1195.05(e)

<i>Table 1185.02 Permitted Uses</i>				
	<i>TC-MUD Town Center Mixed-Use</i>	<i>W130-MUD W 130th St. Mixed-Use</i>	<i>N-MUD Neighborhood Mixed-Use</i>	<i>Use- Specifi c Regula tions</i>
<i>Automotive Uses:</i>				
Car wash	C	C	C	1195.06(a)
Gas station	C	C	C	1195.06(b)
Parking, Commercial Garage	C	C	C	1195.06(c)
Vehicle repair, restoration	C	C	C	1195.06(d)
Vehicle sales, New car sales and associated service	C	C	C	1195.06(e)
Vehicle service	C	C	C	1195.06(f)
<i>Other Accessory Uses and Structures</i>				
Fences and Walls	A	A	A	
Landscape features (including gardens, fountains, sidewalks, and lawns) and ornamental structures	A	A	A	
Maintenance, storage, utility and waste disposal facilities in enclosed structure	A	A	A	
Off-street parking and loading	A	A	A	
Outdoor recreational structures, accessory to a day care center	A	A	A	
Signage	A	A	A	
Temporary transient outdoor business/sales[2]	A	A	A	1195.07

P = permitted by right; C = conditional use; A = accessory use; N = not allowed

[1] Individual business establishments are limited to a maximum of 5,000 square feet in area. Larger establishments or expansions beyond 5,000 square feet require conditional use approval.

[2] Permitted only upon obtaining authorization from the Director of Public Services.

(Ord. 2021-6. Passed 1-25-21; Ord. 2021-23. Passed 7-7-21.)

ORDINANCE NO. 2026 - 60

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WHEREAS, the types of products sold by the smoking industry are ever-changing in form and addictiveness; and

WHEREAS, there is an over-concentration of smoking businesses in the City; and

WHEREAS, in order to consider reasonable regulations to protect the health, welfare, safety, peace, and comfort for the citizens of the City of Parma Heights, the City intends to reasonably regulate the saturation of smoke shops; and

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PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR:

MAYOR MARIE GALLO

EXHIBIT A

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

(a) Brewpubs and Micro Production Facilities (Micro-brewery, Micro-distillery, Micro-winery).

(1) Each brewpub or micro production facility shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and the Bureau of Alcohol, Tobacco and Firearms (ATF), and shall maintain current licenses as required by each agency.

(2) Brewpubs:

A. A minimum of 50 percent of the gross floor area of the brewpub shall be devoted to restaurant use for on-site consumption of food and beverages, including the kitchen and seating area, but not including any outdoor dining area.

B. The area used for on-site production, including but not limited to manufacturing, bottling and storage, shall not exceed 50 percent of the total floor area of the entire facility or 8,000 square feet, whichever is less.

(3) Micro production facilities shall provide a minimum of 1,500 square feet devoted to on-site retail sale, restaurant or tasting room for the on-site consumption of products produced on the premises.

(4) Each brewpub and micro production facility shall be architecturally compatible with the surrounding commercial uses.

(5) No outdoor storage of brewing equipment or materials shall be permitted.

(6) The emission of odorous matter or smells in such quantities as to produce a public nuisance or hazard is not permitted.

(7) The facility shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.

(8) Each facility shall maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) and shall be able to demonstrate, upon request of the City, that they have not exceeded the annual beverage production limit in any 12 month period.

(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.

(c) Entertainment, Indoor, in Association with a Permitted Use.

(1) Dance floors and other similar entertainment facilities including live entertainment shall be permitted only as an accessory use to a permitted principal use.

(2) The Planning Commission may impose restrictions on the hours such establishment is open for business.

(3) All indoor entertainment/music shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.

(4) Outside entertainment/music may be permitted provided it complies with the following:

A. Outdoor entertainment/music shall be permitted no later than 10:00 p.m. Sunday through Wednesdays and no later than 12:00 a.m. on Thursdays through Saturdays.

B. The location of the area devoted to outdoor entertainment/music shall be clearly indicated on the site plan.

C. The Planning Commission may require the outdoor area to be screened with a wall, fence or landscaping in order to ensure that sound does not exceed normal conversation levels beyond the property line or cause a nuisance to adjoining properties.

(d) Laboratories, Research Facilities and Light Industrial.

(1) The principal activities of the use shall occur within an enclosed building.

(2) Where the site is adjacent to a residential zoning district, hours of operation may be restricted.

(3) No exterior odor, dust, noise, or other impacts shall be produced as a result of the use. The Planning Commission may impose additional noise reduction measures, including landscaping and sound barriers, to minimize noise and to maintain the prevailing noise levels of permitted uses in the zoning district.

(4) The development of the proposed use shall not discourage the development of future uses permitted by right on adjacent property.

(5) The facility shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.

(e) Limited Outdoor Operations.

(1) The outdoor operations, such as outdoor storage of fleet vehicles, shall be located in the rear yard in compliance with the required building setbacks.

(2) The area shall not exceed ten percent of the ground floor area of the principal building.

(3) The area shall be entirely screened from view from the street and surrounding properties by a fence having a minimum height of six feet.

(4) No odor, dust, noise, or other impacts shall be produced as a result of the use.

(f) Medication Maintenance Facility or Dispensary.

(1) The facility shall be located on a lot with frontage on, and vehicular access to W. 130th Street.

(2) Each facility shall include a waiting and departure lounge sufficient in size to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Such areas shall include restroom facilities that shall be open at least one hour prior to the beginning of scheduled services.

(3) Designated outdoor smoking areas shall be located to the rear of the principal building.

(4) In its review of a conditional use permit application for a medication maintenance facility or dispensary, the Planning Commission may consider the provider's history in operating similar programs in other locations, including any suspension or revocation of license, disciplinary action or zoning, building, health code, or criminal violations with the City of Parma Heights, Cuyahoga County, or the State of Ohio.

(g) Outdoor Dining, in Association with a Permitted Restaurant.

(1) Outdoor dining shall be permitted only as an accessory use to a permitted restaurant with an indoor eating area on the same site.

A. The restaurant that the outdoor dining facility is accessory to shall provide, prepare, or serve the food and beverages consumed by patrons within the outdoor dining area.

B. The number of seats permitted outdoor shall be less than the number of seats inside the restaurant.

C. The restaurant shall obtain and post permits required for outdoor food handling and shall comply with state and local health and sanitation regulations.

D. Outside entertainment, including but not limited to a band, orchestra, musician, singer, radio, television, loudspeaker, microphone, individual, group or other amplifying mechanical device is prohibited in the outdoor dining area unless specifically authorized as part of the conditional use permit.

(2) Location requirements:

A. The outdoor dining area shall be located entirely on private property, contiguous to the principal building the dining area is connected with or between such principal building and an adjacent parking area, provided it does not replace any off-street parking, loading, or landscaping areas that are required by this Code.

B. The location of the outdoor cafes and food service areas shall not require customers and employees to cross driveways or parking areas to go between the cafe/food service area and the principal building.

C. The outdoor dining area shall comply with the building setback regulations for the zoning district in which it is located.

D. Outdoor seating shall be located so as not to obstruct any entrance or exit to the restaurant.

E. The outdoor dining area shall not be located within ten feet of a fire hydrant, Fire Department standpipe connection, fire escape, bus stop, or loading zone.

(3) Additional standards.

A. Outdoor seating areas located in the front yard shall be limited to seating only, and shall not include table bussing facilities, cooking facilities, or trash facilities.

B. Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.

C. Outdoor heaters may be permitted pursuant to the Health and Fire Codes.

(4) Outside entertainment/music may be permitted provided it complies with the following:

A. Outdoor entertainment/music shall be permitted no later than 10:00 p.m. Sunday through Wednesdays and no later than 12:00 a.m. on Thursdays through Saturdays.

B. The location of the area devoted to outdoor entertainment/music shall be clearly indicated on the site plan.

C. The Planning Commission may require the outdoor area to be screened with a wall, fence or landscaping in order to ensure that sound does not exceed normal conversation levels beyond the property line or cause a nuisance to adjoining properties.

(h) Permanent Cosmetics Services in Association with a Permitted Personal Service Establishment.

(1) Permanent cosmetic services shall be provided a permitted personal service establishment, such as a salon, spa or skin care business, as an ancillary service. For the purposes of this section, a service shall be considered ancillary if it meets the following three criteria:

A. The ancillary use occupies less than ten percent of the floor area of the premises;

B. The ancillary use comprises less than ten percent of the volume of activity/services conducted on the premises; and

C. The ancillary use generates less than ten percent of the gross revenues of the business.

(2) No body piercing or other form of tattooing shall be performed on the premises.

(3) The Planning Commission may limit the hours of operation.

(4) The facility shall comply with the requirements of Chapter 773 of the Parma Heights Business Code.

(i) Storage, Self-Service.

(1) This use shall be permitted only in an existing building that meets the following requirements:

A. Constructed prior to 2020 and having a minimum floor area of 40,000 square feet.

B. Located on a lot with a minimum area of two acres, and minimum setback of 300 feet from any public street right-of-way.

(2) Additional single-story mini-storage facilities may be erected on the site provided the ground floor area of the mini-storage does not exceed twenty percent of the ground floor area of the existing building, and the facilities are located a minimum of 300 feet from any public right-of-way.

(3) The only uses permitted on-site shall be the rental of storage space and the pickup and/or deposit of goods being stored or to be stored on the property, in compliance with the following:

A. All items stored on site shall be kept within an enclosed building or structure; no outdoor storage of items including boats, RVs and other motor vehicles, shall be permitted.

B. At no time shall any indoor or outdoor area on the site be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; conduct sales of any kind; or conduct any other activity on-site, except to the extent such use(s) is permitted by the Zoning Code, and approved on the development plan by the Planning Commission as part of the conditional use approval.

C. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.

D. The storage of hazardous materials is prohibited.

E. No portion of the self-storage site shall be used for housing or any form of residence.

F. Temporary auction sales of storage unit contents may be permitted up to four times per calendar year, provided a temporary sales permit is obtained from the City.

(4) Where the site is adjacent to a Class "A" Single-Family Residential zoning district:

A. Loading docks and direct exterior access to any storage unit are prohibited on the side of the facility facing the residentially zoned land.

B. Public access shall be permitted only between 7:00 a.m. and 10:00 p.m.

(5) Fencing and screening:

A. Whenever the self-service storage building and any associated mini-storage facilities are visible from public rights-of-way, the Planning Commission may require landscaping and screening be installed in compliance with the requirements of Chapter 1185.

B. Security fencing shall not include razor wire or barbed wire.

(6) The Parma Heights Fire Department shall be provided with twenty-four-hour access to the grounds. A lockbox shall be provided for its use.

(j) Smoke Shops.

No smoke shop shall be located within one thousand (1,000) feet of any other smoke shop, as measured at the closest property lines, and the number of such smoke shops may not exceed one per every twelve thousand (12,000), or portion thereof, of the population of the City.

(Ord. 2021-7. Passed 1-25-21; Ord. 2021-24. Passed 7-7-21.)

RESOLUTION 2026 - 81

**A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF
OBSOLETE VEHICLES AND/OR EQUIPMENT AT A PUBLIC SALE THROUGH
GOVPLANET/IRONPLANET, 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, 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/or equipment; and

WHEREAS, the Administration recommends that the vehicles and/or 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 and/or equipment 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: This Council declares the Resolution to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to accommodate immediate storage requirements and avoid a disruption in public service; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

Exhibit A

1. 2003 Honda Accord
2. 2000 Scag Lawnmower
3. 1999 New Holland Tractor
4. Trailer

VIN NUMBER 1HGCM56373A096581

Serial number 7740405

Ford TC25D

16 foot

ORDINANCE NO. 2026 – 84

**AN ORDINANCE ESTABLISHING COMPENSATION PAID TO VARIOUS EMPLOYEES
OF THE CITY OF PARMA HEIGHTS, REPEALING ORDINANCE NO. 2026-14,
AND DECLARING AN EMERGENCY**

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

Section 1. The Council hereby adopts the amended compensation and benefit schedules for various employees of the City of Parma Heights, attached hereto as Exhibits “A”, “B”, “C”, “D”, “E”, “F”, and “G”, and are made a part of this Ordinance and incorporated herein as though fully rewritten.

Section 2. Ordinance No. 2026-14 is repealed and replaced effective immediately, to the extent necessary to avoid conflict with this Ordinance.

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

Section 4. This Ordinance is declared to be an emergency measure for the public peace, health, and safety of the municipality, and for the further reason that it is necessary to establish amended compensation and benefits for certain employees; wherefore, this Ordinance shall be in full force and effective 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 TO ORDINANCE 2026 – 84

It is the intention of Council to establish a pay ordinance for various employees of the City of Parma Heights, for a period commencing January 1, 2025, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2025, the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND: From	To
FULL TIME:			
Clerk of Council	01/01/ ~~2025~~ <u>2026</u>	\$36,500.00	~~\$59,750.00~~ <u>\$65,000.00</u>
Executive Assistant	01/01/2025	\$38,170.00	\$58,478.00
Service Dept. Assistant	01/01/2025	\$34,200.00	\$52,440.00
Accountant	01/01/2025	\$32,340.00	\$70,000.00
Receptionist	01/01/2025	\$29,150.00	\$47,829.00
Legal Assistant/Paralegal	01/01/2025	\$45,000.00	\$65,000.00
PART-TIME (Hourly Rate):			
Clerk of Council	01/01/2025	\$20.00	\$30.00
Executive Assistant	01/01/2025	\$23.50	\$32.13
Accountant	01/01/2025	\$20.75	\$34.06
Clerk of Commissions	01/01/2025	\$20.00	\$30.00
SENIOR CENTER:			
Assistant to the Senior Center Administrator	01/01/2025	\$30,000.00	\$56,000.00
Office/Clerical (PT/Hrly)	01/01/2025	\$15.00	\$18.75
Kitchen Aides (PT/Hrly)	01/01/ ~~2025~~ <u>2026</u>	\$15.00	~~\$18.25~~ <u>\$19.25</u>
Vehicle Drivers (PT/Hrly)	01/01/ ~~2025~~ <u>2026</u>	\$15.00	~~\$19.00~~ <u>\$19.75</u>
Kitchen Manager (PT/Hrly)	01/01/ ~~2025~~ <u>2026</u>	\$15.00	~~\$18.75~~ <u>\$19.75</u>
OTHER SUPPORT STAFF:			
Custodian-City Hall	01/01/ ~~2025~~ <u>2027</u>	~~\$11.00~~ <u>\$11.40</u>	\$20.00

Annual salaries detailed above shall be paid in bi-weekly substantially equal installments per year. Compensation for overtime for full-time employees at City Hall shall be paid in accordance with Section 179.07 of the Codified Ordinances of the City of Parma Heights.

Section 2. Effective January 1, 2025, and continuing thereafter until repealed, the Sections of Chapter 179 of the Codified Ordinances of Parma Heights pertaining to employee compensation and benefits, are incorporated herein, as if fully rewritten.

EXHIBIT B TO ORDINANCE 2026 – 84

It is the intention of Council to establish a pay ordinance for the Recreation Department of the City of Parma Heights, for a period commencing January 1, 2025, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2025, the compensation of the following classifications and positions within each classification in the Recreation Department shall be as follows:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND: From	To
FULL TIME:			
Recreation Maintenance Foreman	01/01/ ~~2025~~ <u>2026</u>	\$29,125.00	~~\$41,580.00~~ <u>\$70,000.00</u>
Athletic & Fields Maintenance Coordinator	01/01/2025	\$40,000.00	\$50,700.00
PART-TIME (Hourly Rate):			
Pool Manager	01/01/2025	\$12.00	\$30.00
Asst. Pool Manager	01/01/2025	\$12.00	\$25.00
Pool Cashiers	01/01/2025	\$12.00	\$20.00
Pool Lifeguards	01/01/2025	\$12.00	\$25.00
Gatehouse Attendant	01/01/2025	\$12.00	\$20.00
Pool Maintenance Crew	01/01/2025	\$12.00	\$20.00
Recreation Instructors	01/01/2025	\$12.00	\$20.00
Attendants – Various	01/01/2025	\$12.00	\$20.00
Park Maintenance/Seasonal	01/01/2025	\$12.00	\$25.00
BASEBALL/SOCCER/FOOTBALL:			
Rate per season/year			
Statistician	01/01/2025	\$350.00	\$475.00
Soccer Deputy Director (Yearly)	01/01/2025	\$1,275.00	\$1,820.00
UMPIRES/REFEREES:			
Rates per game			
Coach Pitch Umpire	01/01/2025	\$25.00	\$25.00
Flag Football Referees	01/01/2025	\$25.00	\$25.00
Soccer Referees	01/01/2025	\$25.00	\$25.00

Annual salaries as detailed above shall be paid bi-weekly in substantially equal installments per year. Compensation for overtime for full-time employees shall be paid in accordance with Section 179.07 of the Codified Ordinances of the City of Parma Heights.

Section 2. Effective January 1, 2025, and continuing thereafter until repealed, the Sections of Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits, are incorporated herein, as if fully rewritten.

EXHIBIT C TO ORDINANCE 2026 – 84

It is the intention of Council to establish a pay ordinance for Administrative Positions of the City of Parma Heights, for a period commencing January 1, 2025, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2025, the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND:	
		From	To
Director of Public Service	01/01/ ~~2025~~ <u>2026</u>	\$70,000.00	~~\$103,000.00~~ <u>\$110,000.00</u>
Public Works Coordinator	01/01/2025	\$55,000.00	\$85,000.00
Director of Finance	01/01/ ~~2025~~ <u>2026</u>	~~\$70,000.00~~ <u>\$80,000.00</u>	~~\$103,000.00~~ <u>\$130,000.00</u>
Assistant to the Finance Director	01/01/2025	\$60,000.00	\$91,670.00
Director of Law	01/01/2025	\$45,000.00	\$89,086.00
Assistant Director of Law	01/01/2025	\$25,000.00	\$67,396.00
Prosecutor	01/01/2025	\$25,000.00	\$67,396.00
Mayor's Court Magistrate	01/01/2025	\$25,000.00	\$62,577.00
Director of Human Resources	01/01/2025	\$52,000.00	\$91,410.00
Director of Safety	01/01/2025	\$24,500.00	\$64,449.00
Assistant Director of Recreation	01/01/2025	\$40,000.00	\$65,000.00
Director of Recreation	01/01/ ~~2025~~ <u>2026</u>	\$53,100.00	~~\$87,249.00~~ <u>\$93,000.00</u>
Economic Development Coordinator	01/01/2025	\$54,525.00	\$89,579.00
Senior Services Administrator	01/01/ ~~2025~~ <u>2026</u>	\$45,000.00	~~\$71,000.00~~ <u>\$75,000.00</u>
Special Assistant to the Mayor	01/01/2025	\$50,000.00	\$80,000.00
Grant Writer	01/01/2025	\$45,000.00	\$67,500.00
Clerk of Mayor's Court	01/01/2025	\$50,000.00	\$70,000.00

Annual salaries as detailed above shall be paid in bi-weekly substantially equal installments per year. Compensation for overtime for non-exempt full-time employees at City Hall shall be paid in accordance with Section 179.07 of the Codified Ordinances.

Section 2. Effective January 1, 2025, and continuing thereafter until repealed, the Sections of Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT D TO ORDINANCE 2026 – 84

It is the intention of Council to establish a pay ordinance for supervisory and certain non-aligned employees in the Service Department of the City of Parma Heights, for a period commencing January 1, 2025, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2025, the compensation of certain non-aligned supervisory and hourly rated employees of the department of Public Service shall be in accordance with the following schedule for hours worked:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND:	
		From	To
PART TIME:			
Service (Seasonal/Temp/ Part-Time)	01/01/2025	\$14.00	\$25.00
BUILDING DEPARTMENT:			
Construction Consultant	01/01/2025		\$28,035.00
Building Inspectors	01/01/2025 <u>2026</u>	<u>\$20.00</u>	<u>\$385.00 per month \$50.00</u> (plus \$20.00/inspection)
Property Maintenance Inspectors	01/01/2025	\$17.00	\$25.00
Property Maintenance Inspectors (Full-Time)	01/01/2025	\$29,325.00	\$41,870.00
City Engineer (per contract)	01/01/2025	\$32,200.00	\$32,200.00
Assistant City Engineer (per contract)	01/01/2025	\$16,100.00	\$16,100.00
Commercial Building Official	01/01/2025	\$35,000.00	\$65,000.00

Section 2. That compensation for overtime worked shall be in compliance with Section 147.11 and Section 147.12 of the Codified Ordinances of the City of Parma Heights.

Section 3. Effective January 1, 2025, and continuing thereafter until repealed, the Sections of Chapter 147 and Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT E TO ORDINANCE 2026 – 84

It is the intention of Council to establish compensation and employee benefit provisions for non-aligned members of the Police Department.

Section 1. Effective January 1, 2025, the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND:	
		From	To
FULL TIME:			
Chief of Police	01/01/2025	\$130,000.00	\$158,000.00
Acting Chief of Police	01/01/2025	\$130,000.00	\$158,000.00
Executive Officer (non-aligned Captain)	01/01/2025	\$110,000.00	\$136,000.00
Assistant to the Police Chief	01/01/2025	\$60,000.00	\$66,000.00
Civilian Clerk/Case Manager	01/01/2025 <u>2026</u>	~~\$49,920.00~~ <u>\$49,000.00</u>	\$55,000.00
PART-TIME (Hourly Rate):			
Civilian Clerk/Case Manager	01/01/2025 <u>2026</u>	~~\$23.69~~ <u>\$23.65</u>	\$27.00
Civilian Clerk/Receptionist	01/01/2025	\$22.69	\$26.00
Custodian/Cleaner	01/01/2025	\$20.00	\$22.00
School Crossing Guards	01/01/2025	\$16.00	\$18.00

Annual salaries as detailed above shall be paid in bi-weekly substantially equal installments per year.

Section 2. Effective January 1, 2025, and continuing thereafter until repealed, the Sections of Chapter 151 and Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT F TO ORDINANCE 2026 – 84

It is the intention of Council to establish compensation and employee benefit provisions for non-aligned members of the Fire Department.

Section 1. Effective January 1, 2025, the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND:	
		From	To
FULL TIME:			
Fire Chief	01/01/ ~~2025~~ <u>2026</u>	\$130,000.00	~~\$158,000.00~~ <u>\$159,000.00</u>
~~Captain~~ /Assistant Fire Chief	01/01/ ~~2025~~ <u>2026</u>	\$85,000.00	~~\$118,450.00~~ <u>\$135,500.00</u>
PART TIME:			
Assistant to Fire Chief	01/01/ ~~2025~~ <u>2026</u>	~~\$27.90~~ <u>\$27.00</u>	~~\$30.90~~ <u>\$34.00</u>

Annual salaries as detailed above shall be paid in bi-weekly substantially equal installments per year.

Section 2. Effective January 1, 2025, and continuing thereafter until repealed, the Sections of Chapter 153 and Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT G TO ORDINANCE 2026 – 84

It is the intention of Council to establish a pay ordinance for the Office of Mayor and for Members of City Council for time periods as stipulated below, which will reflect the impact of percentage increases extended to City employees during that time period from January 1, 2022, and continuing thereafter.

Section 1. For purposes of calculating the impact of percentage increases to be extended to the following elective positions based on the percentage of wage increase granted to other city employees; the following salaries for terms beginning January 1, 2022, shall be considered the base rate:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND:	
		From	To
Mayor	01/01/24		\$70,917.14
Council Member	01/01/24		\$11,598.06
President of Council	01/01/24		\$13,383.36

Section 2. Effective January 1, 2022, and continuing thereafter; compensation for the Office of Mayor, City Council Member and City Council President shall be determined by applying the annual percentage wage increase adopted for non-aligned City employees to the compensation in effect for the office of Mayor, City Council Member and City Council President at the time such annual percentage wage increase becomes effective.

Section 3. Due to City Charter provisions prohibiting elected City Officials from receiving pay increase in-term; such accumulative percentage increases referred to in Sections 2 and 4 of this exhibit shall be applied to the rate of pay for the respective position at the beginning of the next term of office.

Section 4. For purposes of calculating the impact of percentage increases to be extended to the following elective positions based on the percentage of wage increase granted to other city employees; the following salaries for terms beginning January 1, 2026 shall be considered the base rate, as approved by Council on May 28, 2024 and affirmed by Council on January 13, 2025:

CLASSIFICATION	EFFECTIVE DATE	COMPENSATION BAND:	
		From	To
Mayor	01/01/2026		\$92,192.00
Ward Council Member	01/01/2026		\$12,004.00
President of Council	01/01/2026		\$13,852.00
At-Large Council Member	01/01/2028		\$12,004.00

Section 5. Compensation for the offices specified above represents annual compensation payable as follows; for the Office of Mayor said annual amount to be paid in bi-weekly installments, and for City Council Member and President of Council said annual amount to be paid in equal monthly installments.

Section 6. That Exhibit G to Ordinance No. 2025-3 passed by council on January 13, 2025 is hereby replaced and corrected by this Exhibit G upon the effective date of this legislation.

Section 7. Nothing in this ordinance shall be construed to limit or impair the right of Council to authorize the payment or reimbursement of expenses incurred by any official or employee in the furtherance of the interest of the municipality.

RESOLUTION NO. 2026 – 85

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ENTER INTO AGREEMENTS TO SECURE INSURANCE COVERAGES FOR THE EMPLOYEES OF THE CITY OF PARMA HEIGHTS WITH MEDICAL MUTUAL OF OHIO AND TO EXPEND FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, proposals were received by the City’s insurance broker, USI Insurance Services LLC, for the purchase of various insurance coverages for the City of Parma Heights for the period beginning January 1, 2027 through December 31, 2027; and

WHEREAS, it is the recommendation of the Administration that it is in the City’s best interest to accept Medical Mutual of Ohio’s Revised Renewal proposal for Administrative Fees and Alternate Option 1 for the Medical Plan, as identified in Exhibit “A” attached hereto; and

WHEREAS, it is the recommendation of the Administration that it is in the City’s best interest to accept Medical Mutual of Ohio’s Dental I PPO, as identified in Exhibit “B” attached hereto; and

WHEREAS, it is the recommendation of the Administration that it is in the City’s best interest to accept Medical Mutual of Ohio’s Vision I and II, as identified in Exhibit “C” attached hereto; and

WHEREAS, Council desires to authorize the Administration to expend funds to Medical Mutual of Ohio to secure the above-enumerated insurance coverages for the employees of the City of Parma Heights.

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

Section 1. That the Administration is authorized to enter into agreements with Medical Mutual of Ohio for the period of January 1, 2027 through December 31, 2027 for the provision of insurance coverages at rates, subject to increases or decreases approved by the Administration, as identified in Exhibits "A", "B", and "C", attached hereto, and made a part hereof as though fully rewritten, and to expend funds for the provision of those insurance coverages.

Section 2. That the Administration is authorized to enter into agreements with Medical Mutual of Ohio for the provision of Administrative Fees and Alternate Option 1 for the Medical Plan, as described in Exhibit “A”, attached hereto and incorporated herein.

Section 3. That the Administration is authorized to enter into agreements with Medical Mutual of Ohio for Dental I PPO, as described in Exhibit “B”, attached hereto and incorporated herein.

Section 4. That the Administration is authorized to enter into agreements with Medical Mutual of Ohio for Vision I and II, as described in Exhibit “C”, attached hereto and incorporated herein.

Section 5. 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 meetings open to the public, in compliance with the law.

Section 6. This Resolution is declared to be an emergency measure immediately necessary for the public peace, health, and safety of the Municipality and for the further reason that it is immediately necessary to continue insurance coverages for City employees beyond December 31, 2026; wherefore, this Resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

Exhibit A. 2027 Self-Funded Renewal (Medical and Pharmacy) at \$125,000 ISL

City of Parma Heights
Medical Plan
Administrative Fees
January 01, 2027 Renewal

Stop Loss Outline	Current	Renewal	Revised Renewal
Third Party Administrator	Medical Mutual of Ohio	Medical Mutual of Ohio	Medical Mutual of
Network Name (s)	SuperMed Plus	SuperMed Plus	SuperMed Plus
Stop Loss Carrier	Medical Mutual of Ohio	Medical Mutual of Ohio	Medical Mutual of
Pharmacy Benefit Manager (PBM)	Express Scripts	Express Scripts	Express Scripts

Per Employee Per Month Fees

PPO Medical Administration	\$51.49	\$52.57	\$52.57
HSA Medical Administration	\$54.09	\$55.17	\$55.17
Rx Administration	\$9.00	\$9.00	\$9.00
Rx Advanced Pharmacy Management	\$6.40	\$6.40	\$6.40
Maternity Management	Included	Included	Included
MedMutual Total Health	\$4.20	\$4.00	\$4.00
Prior Authorization Radiology	Included	Included	Included
RationalMed	\$0.30	\$0.30	\$0.30
Estimated Rx Rebate Credit			(\$75.64)

Additional Fees & Revenue Share

Rx Rebate Basis	Per Script	Per Script	Per Script
Basic Plus - Brand Retail	(\$178.36)	(\$192.47)	(\$192.47)
Basic Plus - Brand Retail 90	(\$535.09)	(\$577.46)	(\$577.46)
Basic Plus - Brand Mail Order 1-83	(\$589.76)	(\$192.74)	(\$192.74)
Basic Plus - Brand Mail Order 84+	-	(\$618.21)	(\$618.21)
Basic Plus - Specialty Brand	(\$2,772.53)	(\$2,604.43)	(\$2,604.43)

Total Cost	EE		
PPO	93	\$71.39	\$72.27
HSA	5	\$73.99	\$74.87
Annual Total		\$79,745	\$80,728
Change from Current			\$983
Percentage Change			1.2%



City of Parma Heights
Medical Plan
Self Funded Rates & Factors
January 01, 2027 Renewal

Stop Loss Outline		Current		Initial Renewal		Revised Renewal		Alternate Option 1		
Third Party Administrator		Medical Mutual of Ohio		Medical Mutual of Ohio		Medical Mutual of Ohio		Medical Mutual of Ohio		
Network Name(s)		SuperMed Plus		SuperMed Plus		SuperMed Plus		SuperMed Plus		
Stop Loss Carrier		Medical Mutual of Ohio		Medical Mutual of Ohio		Medical Mutual of Ohio		Medical Mutual of Ohio		
Pharmacy Benefit Manager (PBM)		Express Scripts		Express Scripts		Express Scripts		Express Scripts		
Specific Stop Loss (\$SL)		\$100,000		\$100,000		\$100,000		\$125,000		
Laser Liability		Not Included		Not Included		Not Included		Not Included		
Contract Basis		PAID/12		PAID/12		PAID/12		PAID/12		
Coverages Included		Medical & Rx		Medical & Rx		Medical & Rx		Medical & Rx		
Annual Reimbursement Max		Unlimited		Unlimited		Unlimited		Unlimited		
Advanced Specific Funding		Included		Included		Included		Included		
Laser Waiver at Renewal Included?		Included		Not Included		Included		Included		
Rate Cap at Renewal (Amount)		50%		Not Included		50%		50%		
Aggregate Stop Loss (ASL)		120%		120%		120%		120%		
Contract Basis		PAID/12		PAID/12		PAID/12		PAID/12		
Coverages Included		Medical & Rx		Medical & Rx		Medical & Rx		Medical & Rx		
Minimum Attachment		\$3,160,002		\$3,160,002		\$3,002,006		\$3,018,916		
Rates Firm With		Firm		Firm through 12/4/2026		Firm through 12/4/2026		Firm through 12/4/2026		
Mirrors Plan Document?		Yes		Yes		Yes		Yes		
Fixed Costs		Enrollment		Enrollment		Enrollment		Enrollment		
		Premium		Premium		Premium		Premium		
Administration (PEPM)		Composite	98	\$71.52	98	\$72.40	98	(\$3.24)	98	(\$3.24)
Annual Administration Premium				\$84,111		\$85,146		(\$3,807)		(\$3,807)
Change from Current						\$1,035		(\$87,918)		(\$87,918)
Percentage Change						1.2%		-104.5%		-104.5%
Specific SL Premium (PEPM)		Composite	98	\$543.01	98	\$624.46	98	\$624.46	98	\$531.93
Aggregate SL Premium (PEPM)		Composite	98	\$48.30	98	\$48.30	98	\$48.30	98	\$48.57
Annual Stop Loss Premium				\$695,383		\$791,169		\$791,169		\$682,675
Change from Current						\$95,786		\$95,786		(\$12,708)
Percentage Change						13.8%		13.8%		-1.8%
Annual Total Fixed Costs				\$779,493		\$876,315		\$787,362		\$678,868
Change from Current						\$96,821		\$7,868		(\$109,625)
Percentage Change						12.4%		1.0%		-12.5%
Claims Liability		Expected		Expected		Expected		Expected		
		Maximum		Maximum		Maximum		Maximum		
Expected / Maximum Claims (PEPM)		\$2,239.23	\$2,687.08	\$2,239.23	\$2,687.08	\$2,127.27	\$2,552.73	\$2,139.25	\$2,567.11	
Annual Expected / Max Claims Total		\$2,633,335	\$3,160,002	\$2,633,335	\$3,160,002	\$2,501,671	\$3,002,006	\$2,515,764	\$3,018,916	
Change from Current Expected					50		(\$131,664)		(\$117,572)	
Percentage Change					0.0%		-5.0%		-4.5%	
Total Cost		Total All Plans		Total All Plans		Total All Plans		Total All Plans		
Annual Total Expected Costs		\$3,412,829		\$3,509,650		\$3,289,033		\$3,194,632		
Change from Current				\$96,821		(\$123,795)		(\$218,197)		
Percentage Change				2.8%		-3.6%		-6.4%		
Annual Total Maximum Costs		\$3,939,496		\$4,036,317		\$3,789,367		\$3,697,784		
Change from Current				\$96,821		(\$150,128)		(\$241,711)		
Percentage Change				2.5%		-3.8%		-6.1%		

Exhibit B. 2027 Dental ASO Fee Ren

DENTAL I PPO			
	Enrollment	Current Rates	Renewal Rates
Total Medical Administrative Fee			
Single	29	N/A	N/A
Employee + Spouse	16	N/A	N/A
Employee + Child	4	N/A	N/A
Employee + Children	2	N/A	N/A
Family	46	N/A	N/A
Total Rx Administrative Fee			
Single	29	N/A	N/A
Employee + Spouse	16	N/A	N/A
Employee + Child	4	N/A	N/A
Employee + Children	2	N/A	N/A
Family	46	N/A	N/A
Specialty Administrative Fees			
Single	29	\$5.58	\$5.80
Employee + Spouse	16	\$5.58	\$5.80
Employee + Child	4	\$5.58	\$5.80
Employee + Children	2	\$5.58	\$5.80
Family	46	\$5.58	\$5.80

Exhibit C. Fully Insured Vision



CITY OF PARMA HEIGHTS - Fully Insured Vision
 Rates Effective: 01/01/2027 through 12/31/2027
 # 310159

BENEFIT HIGHLIGHTS
Network Medical Deductible - Single / Family
Network Coinsurance
Maximum Out of Pocket - Single / Family
Plan Includes H.S.A.
Rx retail copay - Generic/Formulary/Non-Formulary/Specialty
Other Description

Line of Business
Network

Fully Insured Renewal Rates
Single
Employee + Spouse
Employee + Child
Employee + Children
Family

VISION I
EyeMed Insight 10/0/130 (Voluntary)

Enrollment	Current Rates	Renewal Rates
16	\$9.04	\$9.04
10	\$18.98	\$18.98
4	\$15.37	\$15.37
3	\$15.37	\$15.37
29	\$26.67	\$26.67

VISION II
VSP Choice 0/10/150 (Voluntary)

Enrollment	Current Rates	Renewal Rates
16	\$10.28	\$10.28
3	\$21.58	\$21.58
1	\$17.47	\$17.47
0	\$17.47	\$17.47
21	\$30.32	\$30.32

ORDINANCE NO. 2026 - 86

**AN ORDINANCE AMENDING SECTION 648.11 ENTITLED “DELIVERY HOURS” OF
THE PARMA HEIGHTS CODIFIED ORDINANCES**

WHEREAS, the Council Ad Hoc Committee is recommending the revision of Section 648.11 of the Parma Heights Codified Ordinances; and

WHEREAS, this Council desires to adopt the recommendation of its Ad Hoc Committee.

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

Section 1: That Section 648.11 of the Codified Ordinances as it previously existed is hereby amended, and as amended, shall henceforth read as shown by edits set forth in Exhibit “A”, which is attached hereto and incorporated by reference.

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

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

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

648.11 DELIVERY HOURS.

(a) No person shall deliver merchandise or begin or continue to unload merchandise, ~~or pick up or haul away rubbish or garbage~~ by truck from any ~~home, apartment or~~ commercial establishment within the City between the hours of ~~7:00~~ 9:00 p.m. and 7:00 a.m. of the following day on any day ~~except Sunday and at no time on Sunday~~. Notwithstanding the foregoing, if the location of the delivery of merchandise is more than 250 feet from a single-family or multi-family dwelling, and the delivery ~~and/or unloading of merchandise does not exceed ten minutes in duration, a same-day delivery between the hours of 7:00 p.m. and 9:00 p.m.~~ shall not be considered a violation of this section. No person shall pick up or haul away rubbish or garbage by truck from any home or apartment within the City between the hours of 9:00 p.m. and 7:00 a.m. of the following day on any day except Sunday and at no time on Sunday.

(b) No person delivering or picking up merchandise at any home, apartment or commercial establishment within the City shall permit the engine on his or her motor-propelled vehicle to idle in a stationary position for a period in excess of five ~~ten~~ minutes. The operator of such motor-propelled vehicle shall turn off the engine whenever the loading or unloading time exceeds five ~~ten~~ minutes in duration.

(c) Morning newspapers of general circulation are exempted from the delivery hours restriction set forth in division (a) of this section, provided that the delivery and/or unloading of the newspapers does not exceed five ~~ten~~ minutes in duration.

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

(Ord. 1992-27. Passed 8-10-92.)

ORDINANCE NO. 2026 - 87

AN ORDINANCE AMENDING SECTION 648.14 PREVIOUSLY TITLED “NOISE FROM CONSTRUCTION OPERATIONS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES

WHEREAS, the Council Ad Hoc Committee is recommending the revision of Section 648.14 of the Parma Heights Codified Ordinances; and

WHEREAS, this Council desires to adopt the recommendation of its Ad Hoc Committee.

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

Section 1: That Section 648.14 of the Codified Ordinances as it previously existed is hereby amended, and as amended, shall henceforth read as shown by edits set forth in Exhibit “A”, which is attached hereto and incorporated by reference.

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

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

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

648.14 NOISE AND DEBRIS FROM CONSTRUCTION OPERATIONS.

(a) No person shall operate or permit the operation of any tools or equipment in surface construction, drilling, building or demolition work between ~~11:00~~ 9:00 p.m. and 7:00 a.m. of the following day, or on Sundays or holidays, except for emergency work of public service utilities. Permitted operations shall be in compliance with the following:

(1) Operations shall be conducted to minimize the impact of noise and dust to persons in the vicinity of the work.

(2) All surface equipment shall be equipped with noise and dust suppressors.

A. Equipment compressors shall be equipped with silencers on intake lines.

B. All gasoline or diesel-operated equipment shall be equipped with silencers or mufflers on intake exhaust lines.

(3) Storage bins and hoppers at surface construction sites shall be lined with materials that deaden sound.

(4) Spoils shall not be transported on streets between ~~7:00~~ 9:00 p.m. and 7:00 a.m. of the following day.

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

(Ord. 1988-28. Passed 9-12-88.)

ORDINANCE NO. 2026 - 88

AN ORDINANCE AMENDING SECTION 648.16 ENTITLED “SOUND AMPLIFYING DEVICES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES

WHEREAS, the Council Ad Hoc Committee is recommending the revision of Section 648.16 of the Parma Heights Codified Ordinances; and

WHEREAS, this Council desires to adopt the recommendation of its Ad Hoc Committee.

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

Section 1: That Section 648.16 of the Codified Ordinances as it previously existed is hereby amended, and as amended, shall henceforth read as shown by edits set forth in Exhibit “A”, which is attached hereto and incorporated by reference.

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

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

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

648.16 SOUND AMPLIFYING DEVICES.

(a) (1) No person shall generate or permit to be generated noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a live performance, radio, ~~phonograph instrument~~, audio system, television, tape player, compact disc player, or loudspeaker or any other sound amplifying device which is plainly audible at a distance of 150 feet or more from the source of the noise or loud sound.

(2) It is prima facie unlawful for a person to generate or permit to be generated sound by the above described devices or instruments in the following circumstances;

A. On all Class C Districts, adjoining or abutting Class A, Class A2, Class B, or Class HB Districts, between the hours of ~~10:00~~ 9:00 p.m. and ~~8:00~~ 7:00 a.m. of the following day, where the sound is plainly audible 150 feet or more from the source of the sound;

B. On all other property, not described in division (a)(2)A. between the hours of 11:00 p.m. and 8:00 a.m. of the following day in all zoning districts where the sound is plainly audible 150 feet or more from the source of the sound;

C. On a street, highway, or in the public right-of-way where the sound is plainly audible 150 feet from the device generating the sound. Persons in possession of a current parade permit are exempt from the provisions of this subsection.

(b) No person, being the owner, or person in possession of a premises, or person in control of the premises by reason of employment, agency or otherwise whether such ownership, possession, or control is exclusive or joint, shall permit a violation of this section.

(c) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device in the performance of law enforcement duties or any emergency vehicle equipped with any communication necessary in the performance of any emergency procedure. Furthermore, the provisions of this section do not apply to the noise made by a horn, siren, or other warning device required or permitted by State law.

(d) As used in this section, "plainly audible" means any sound produced by a live performance, radio, ~~phonograph instrument~~, audio system, television, tape player, compact disc player, loudspeaker, or any other mechanical or electronic sound making or sound amplifying device, or any instrument, that can be clearly heard by a person using his normal hearing faculties, at a distance of 150 feet or more from the source of the noise or loud sound.

(e) Any law enforcement officer or person who hears a sound that is plainly audible as defined herein shall be entitled to measure the sound according to the following standards:

(1) The primary means of detection shall be by means of the officer's or person's ordinary auditory senses, so long as the officer's or person's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid;

(2) The officer or person must have a direct line of sight and hearing to the source that is producing the sound so that the officer or person can readily identify the offending person and the distance involved; and

(3) The officer or person need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of rhythmic bass reverberating type sound is sufficient to constitute plainly audible sound.

(f) Whoever violates this section is guilty of a minor misdemeanor for a first offense; for a second or subsequent violation, the person is guilty of a misdemeanor of the third degree. The penalty shall be as provided in Section 698.02.

(Ord. 2002-18. Passed 5-13-02; Ord. 2008-8. Passed 6-9-08.)