
Regular Council Meeting



Agenda

6:00 PM July 24, 2025

Teri Murphy, Mayor

Council Members:

Ora Allen..... At-Large
Donald Burchett..... At-Large
Mike Daugherty..... Ward 1
Dave Miller..... Ward 2
Shirley Whitt..... Ward 3
Jeanette Marcus..... Ward 4

Michael Davis, City Manager
Martina Dillon, Law Director

Payne Recreation Center • 3800 Main Street, Moraine, OH 45439

I. Regular Meeting Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Approval of Minutes
 - 1. Regular City Council Meeting Minutes - July 10, 2025
- D. Special Presentations

II. Reports from the Following

- A. Finance Committee
- B. Finance Director
 - 1. June Finance Director Report
- C. Committee of the Whole
- D. City Manager
 - 1. City Manager's Report - July 24, 2025
- E. Law Director
- F. Mayor
 - 1. Mayor's Court Monthly Report - June 2025

III. Guest Speakers - None

IV. Business

(Anyone wishing to raise a question about any piece of legislation listed on this agenda will have three (3) minutes at this time. All other topics to be addressed to Council will be heard later in this meeting.)

Ordinances

- 2192-25 An Ordinance approving current replacement pages to the Moraine Codified Ordinances and declaring an emergency.
- 2193-25 An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio for the period January 1, 2025, to December 31, 2025, and declaring an emergency.

Resolutions

- 8167-25 A Resolution authorizing the renewal of property and casualty insurance coverage through the Public Entities Pool of Ohio (PEP) at a cost not to exceed \$257,530.00.
- 8168-25 A Resolution accepting the bid of and authorizing the City Manager to enter into a contract with Neyra Construction, Inc. dba Neyra Paving for the 2025 Parking Lot Paving Program for the total amount of \$213,959.97 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount.
- 8169-25 A Resolution authorizing the City Manager to enter into an Automatic Mutual Aid

Response (AMARS) Agreement with the City of Dayton.

8170-25

A Resolution authorizing the City of Moraine to accept the proposal of and enter into an agreement with Fishbeck, Thompson, Carr & Huber of Ohio, Inc. dba Fishbeck for an engineer's estimate for a full bridge repair of Main Street Bridge at a total cost of \$84,600.00 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount.

Voice Vote

V. Persons Appearing Before Council

VI. Any Other Business

VII. Executive Session

VIII. Adjournment

RECORD OF PROCEEDINGS

Minutes of City Council

Held July 10, 2025

Regular Meeting Call to Order

Meeting called to order 6:00 PM.

Roll Call

Teri Murphy	Mayor	Absent
Donald Burchett	At-Large	Present
Ora Allen	At-Large	Present
Mike Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Present

Staff Attendance:

Acting City Manager - Parks and Recreation	Law Director Martina Dillon
Director Brent Shane	Fire Chief Traci Kuzminski
Deputy Police Chief Jason Neubauer	City Engineer Lauren Alvarado
Finance Director Annetta Williams	Build. & Zoning Admin. Brent Carpenter
Build. Maint. Superintendent Rocky Bangert	Clerk of Council Karen Powell
City Planner Nick Sorice	

Deputy Mayor Shirley Whitt moved to excuse Mayor Murphy's absence.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Shirley Whitt
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Pledge of Allegiance

Deputy Mayor Whitt led the Pledge of Allegiance.

Approval of Minutes

Regular City Council Meeting Minutes - June 26, 2025

Deputy Mayor Whitt asked if there were any changes or corrections to the June 26, 2025, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations - None

Public Hearing - R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1

Open Public Hearing

Deputy Mayor Whitt opened the Public Hearing concerning Case R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1 at 6:02 p.m.

Law Director Martina Dillon administered an Oath to attendees providing testimony in the Public Hearing.

RECORD OF PROCEEDINGS

Minutes of City Council

Held July 10, 2025

Staff Report

City Planner Nick Sorice said this Public Hearing is a formality of the Moraine Codified Ordinances Chapter 1127. He stated a thirty-day public notice was placed in the Dayton Daily News, public televisions within the City buildings, and on the City website on May 30, 2025. He said he received one email regarding today's Public Hearing from Jim Stubli, and he read the email. Mr. Stubli's email stated his concern is that the park is located across the street from where the store/gas station wants to build. Mr. Sorice said the Planning Commission meeting was held on May 20, 2025, and all five Planning Commission members voted in favor of the Zoning District Change from R-4 to B-1. He stated the application was received on April 29, 2025, from Jeffrey R. Anderson Real Estate, Inc. proposing the Zoning District change. The change would allow a lot combination to occur in the future to combine with the parcel that the vacant Frisch's property sits on at 4830 South Dixie Drive. He noted the requested zoning change and lot combination is for the development of a Wawa store which specializes in prepared food and beverage sales and also sells gas. He stated the Public Hearing's focus is solely on the rezoning of 2705 Lehigh Place to a B-1 District. He said a plat map is in the packet. He outlined the procedures for the Public Hearing. Mr. Sorice introduced Mr. Casey Abney of Jeffrey R. Anderson Real Estate, Inc.

Mr. Abney said he is requesting the rezoning of a 0.54 acre parcel at 2705 Lehigh Place to build a new Wawa convenience store, restaurant, and gas station. He said the project site currently consists of the Lehigh parcel and the Frisch's property parcel. He noted together the parcels are surrounded by five public roads and have six access points. He reported that Wawa's use is already permitted on the Frisch's parcel, and because of the irregular shape of the property, placing the building there would compromise the functionality and aesthetics of the Wawa project. He said rezoning the smaller parcel to B-1 allows the Wawa to be properly placed on the site. He said since meeting with the Planning Commission, significant changes have been made to the site plan to include sidewalk upgrades to Manistee Place, Pensacola Drive, and Lehigh Place. He said a landscape plan has been made and there is a calculated lighting improvement plan. He said the rezoning would allow delivery of a better project that fits the site, enhances the streetscape, incorporates public input ,and meets Wawa standards without forcing a suboptimal design. He introduced Patrick Warnement of Wawa.

Mr. Warnement stated he works for Wawa. He reviewed photos and plans for the proposed Wawa. He said Wawa typically invests \$7.5 million in each project due to kitchen equipment and nicer building materials. He reviewed the company history and future goals. He said Wawa has a community foundation that donates to charities each year. He said employees normally stay with Wawa seven plus years due to health insurance, promotion opportunities, and employees owning stock in the company, He said Wawa does not franchise and all stores are owned by Wawa. He discussed the restaurant menu and premade food items. He said Wawa is the largest Tesla charging partner in the United States. Mr. Warnement said there are challenges with the site such as overhead electric, sewer, and no landscaping.

Deputy Mayor Whitt asked how much seating will be inside the building?

Mr. Warnement said there is no seating.

Mrs. Allen asked how many pumping stations would be installed?

Mr. Warnement replied there would be eight double-sided pumps for a total of sixteen pumps.

Ms. Marcus asked if there would be a drive-up window?

Mr. Warnement responded that there would be a fly-through window where a person who has already placed an order by phone can drive to the window for pickup.

RECORD OF PROCEEDINGS

Minutes of City Council

Held July 10, 2025

Mr. Miller asked if there is any flexibility in tanker truck delivery times?

Mr. Warnement said Wawa does not have any control over that. He said he does not believe deliveries are made in the wee hours of the night.

Mr. Daugherty asked if it is safe to assume that without the rezoning of the additional parcel, Wawa would not be capable of building in that location?

Mr. Warnement answered that a Wawa store would not fit without the additional parcel. He said the typical sites are about 2 acres. Mr. Abney confirmed the proposed site is 1.7 acres. Mr. Warnement stated that the configuration works.

Mrs. Allen asked what caused Wawa to show an interest in Moraine?

Mr. Warnement stated Wawa is focused on Cincinnati, Dayton, and the I-75 corridor. He said the intersection is very busy. He said development partners located the site.

Mr. Abney said the Frisch's property has a for lease sign on the building, and he reached out to the broker. He said the property they are trying to rezone is not technically for sale, but he reached out to the owner of the property, Mr. Brand, and Mr. Brand allowed his company to place the property under contract.

Mrs. Allen asked if Wawa intends to sell alcoholic beverages at this location? Mrs. Allen and Ms. Marcus explained that alcoholic beverages cannot be sold within 500 feet of a park.

Mr. Warnement stated he has not put any thought into that because liquor licensing occurs later in the process. He said that is a bridge they will cross later.

Ms. Marcus asked why the traffic study included the intersection of Jomar Avenue and S.R. 741?

Mr. Mihail Sevastakis from Bayer Becker said Jomar was included because both exits are right turn only and the City Engineer wanted Bayer Becker to study the intersection to make sure too much traffic was not going to the intersection of Jomar and S.R. 741. He said the City Engineer does not believe this is a concern, but she wanted to see how much traffic is going to that intersection.

Ms. Marcus explained the difficulty of navigating Manistee Place, Pensacola Drive, and Lehigh Place. She said Jomar Avenue, Lauderdale Drive and the other part of Pensacola Drive may have to be utilized, and there are a lot of private homes on those streets.

Mr. Sevastakis stated that could definitely happen. He said he thinks the engineer understood there would be cut through traffic, but she was more concerned about the access points and making sure there were no traffic issues at those points.

Ms. Marcus discussed the issue of children playing in the park and riding bikes in the area. She also discussed the residences facing the proposed business.

Mr. Warnement stated the majority of the site is zoned Business, and Frisch's had trucks delivering there for years. He said the tiny corner they are asking to rezone is not out of character from the rest of the site. He said they have done everything they were asked to do.

Opponents/Proponents

RECORD OF PROCEEDINGS

Minutes of City Council

Held July 10, 2025

Erica Watts was sworn in prior to speaking. She suggested that people visit the Wawa in Liberty Center. She stated she was amazed at the amount of cars in and out at that busy intersection with no issues. She said she believes the representatives in attendance at this Public Hearing are smart enough to not place any residents in jeopardy.

Mr. Sorice said from a Planning standpoint, in order for a sit down restaurant or any business to move in, this area would have to be rezoned to B-1 regardless. He said this is how that corner gets changed. He said Shearer's is about to open with 250 jobs, traffic will be off the rails and that business is right next to a residential area, yet that has never been brought up. He confirmed for Mrs. Whitt that Frisch's has been empty since 2022-2023. He agreed it could sit empty for years.

Mrs. Vicki Myers said the traffic will cause a lot of problems for Mays Drive, Orange Drive, Pensacola Drive and Lauderdale Drive. She said her two concerns are that the neighborhood is a residential neighborhood and she is concerned about the park. She said a lot of people are being brought into the neighborhood and that is concerning.

Mrs. Gina Delph addressed Mrs. Myers and asked if Mrs. Myers sees what all needs to be done to the park. She said with the things that go on in the park she would not allow her kids to play there. She said Wawa is going to improve the corner, it will be lit, and officers will be patrolling. She said there have been homeless people living in the Frisch's building.

Close Public Hearing - R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1

Deputy Mayor Whitt closed the Public Hearing concerning Case R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1 at 6:33 PM.

Reports from the Following

Finance Committee

No report.

Finance Director

No report.

Committee of the Whole

Ms. Marcus noted the last Committee of the Whole meeting was on June 26, 2025. She reported there would be a meeting this evening.

City Manager

City Manager's Report - July 10, 2025

No report.

Law Director

No report.

Mayor

RECORD OF PROCEEDINGS

Minutes of City Council

Held July 10, 2025

Mayor's Court Monthly Report - May 2025

Deputy Mayor Whitt reported for the month of May 2025 Mayor’s Court received \$17,816.62. She noted after various expenses and disbursements, a total of \$13,392.00 was deposited into the General Fund.

Guest Speakers - None

Business

Ordinances

2191-25 An Ordinance to amend Moraine Codified Ordinance Section 159.01 entitled “Competitive Bidding” .

Mrs. Allen said this legislation approves proposed changes to the Competitive Bidding section of the Moraine Codified Ordinances. She noted this is the second reading of the Ordinance. Mrs. Allen moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Ora Allen
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Resolutions

8165-25 A Resolution approving the Plan of Operation and Governance for the Miami Valley Communications Council Natural Gas Aggregation Program for the purpose of jointly establishing and implementing a natural gas program.

Mr. Miller reported that two public hearings were held which met the necessary notice requirements for a Natural Gas Aggregation Program. He said the legislation authorizes the City of Moraine to approve the Plan of Operation and Governance and establish a Natural Gas Aggregation Program through the Miami Valley Communications Council. Mr. Miller moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Dave Miller
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

8166-25 A Resolution to repeal prior Resolution No. 7880-22 and hereby approve a revised fee schedule for Ellerton Cemetery.

Mr. Burchett said a revised Cemetery Fee Schedule is necessary with the rise in burial fees, addition of new cemetery software, and to make needed improvements to Ellerton Cemetery. He stated that this Resolution repeals Resolution No. 7880-22 and approves the proposed revised fee schedule. Mr. Burchett moved to approve.

RECORD OF PROCEEDINGS

Minutes of City Council

Held July 10, 2025

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Donald Burchett
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Voice Vote - None

Persons Appearing Before Council

Deputy Mayor Whitt invited any citizens or staff members to address Council at this time.

Parks and Recreation Director Brent Shane said the 4th of July event was last Friday. He thanked all who came out or participated in the event. He said the band, Stranger and Jeff Stephens, are great to work with. He stated the event is a team effort and thanked City departments for their assistance.

City Planner Nick Sorice thanked Wilfab and Insignia for the design and installation of the new City signs. He said a total of 33 signs were installed, and now there is a fresh new look throughout the City. He said it is nice to have all the signs completed in the same year.

City Manager – No report.

Law Director – No report.

Finance Director – No report.

Clerk of Council – No report

Mrs. Allen congratulated the Parks and Recreation Department on another successful 4th of July celebration. She said the event gets better every year.

Ms. Marcus asked Deputy Police Chief Neubauer for any updates on the accident at Ned Drive and Lehigh Place.

Deputy Chief Neubauer replied neither the driver nor the car was located.

Mr. Miller thanked Parks and Recreation and all departments for the 4th of July celebration. He said he wanted to plant the seed to consider that the next July 4 is the 250th anniversary of the nation. He said a lot of planning is going on at the Federal level, and the states and cities are getting involved. He said in the Parks and Recreation Master Vision Plan, residents wanted more festivals and community events. He said there could be several events leading up to the July 4 celebration. He said there are several months before the 2026 budget is prepared.

Mr. Daugherty thanked everyone for showing up July 4. He said it is the best fireworks display in the county.

Deputy Mayor Whitt said on behalf of herself and Mayor Murphy, they appreciate all the work done by City staff and Parks and Recreation. She said Council could not do their jobs without the staff. She sent well-wishes out to Mayor Murphy.

Mr. Burchett had no report.

Any Other Business

RECORD OF PROCEEDINGS

	Minutes of City Council	Held July 10, 2025	
--	-------------------------	--------------------	--

Deputy Mayor Whitt thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Executive Session - None

Adjournment

Meeting adjourned at 6:44 PM.

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: July 18, 2025

Subject: June 2025 Finance Director Report

Summary

The City continues to be in a strong financial position as we are halfway through the year. General Fund expenses are on target at 49% year to date with revenues coming in strong at 57%. Major sources of revenue are at a combined 60% of budget. Capital improvement project budgets are 80% encumbered but only 25% of the budget has been spent year to date so we expect to see these expenditures pick up in the summer months. We are in a good position as we begin planning the 2026 budget this month. For income tax, net revenues are at 55% of the annual budget. Total net income tax collections for the month of June are 10% less than those collected in June 2024 and down 4% year to date compared to 2024. For June, our fund balances increased by \$1,774,875 and for the year, we have increased our fund balances by \$3,557,390.

Finance Department Notes

The audit was completed in June and the application for the GFOA award was filed on June 26th. The final audit report should be released by the State and available in August. Thank you to all of the department staff for coordinating with Finance during this time and thank you to the Finance Department staff for all their efforts.

The upgrade of the financial analytics reporting system from the desktop version to a more stable cloud environment is mostly complete. We have two more training sessions reserved to review budget processing and reporting through analytics.

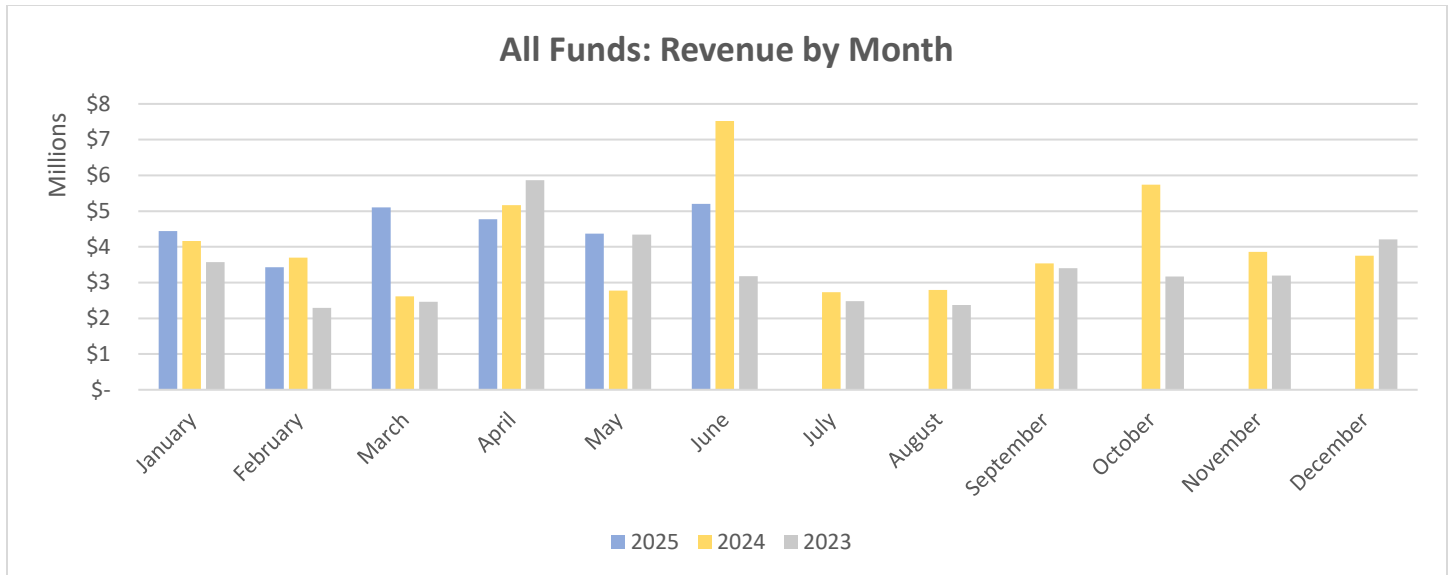
We've sent 18 accounts to the Attorney General's Office (AGO) this year totaling \$14,194, they've collected \$2,037 of that to date. We've received a total of \$52,000 from AGO this year from all accounts.

Taxpayers can continue to use the drop box in addition to the methods indicated below. Documents can be sent by mail, email or uploaded to the online filing site. If you have any questions, call 937-535-1026 or email incometax@moraineoh.org. If you would like to file online or upload your documents: <https://www.mitstaxonline.com/moraine/>. Forms and information are available on the City website: <https://ci.moraine.oh.us/taxes/>.

ALL FUNDS

JUNE 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY CATEGORY (GROSS)	CURRENT MONTH	YEAR TO DATE	COLLECTED UNDER / (OVER)		
			2025 BUDGET	COLLECTED	COLLECTED
Local Taxes	\$ 2,274	\$ 747,190	\$ 1,289,503	\$ 542,313	58%
Income Taxes	3,371,646	14,702,343	26,906,250	12,203,907	55%
State Shared Taxes & Fees	76,956	437,365	906,000	468,635	48%
Special Assessments	110,110	123,313	586,365	463,052	21%
Intergovernmental Aid	-	302,281	330,100	27,819	92%
Charges for Services	51,658	279,665	505,000	225,335	55%
Civic Center	2,523	11,814	17,500	5,686	68%
Payne Recreation Center	6,003	53,196	58,250	5,054	91%
Fines & Forfeitures	102,369	204,126	319,400	115,274	64%
Miscellaneous Receipts	478,351	3,161,033	5,183,100	2,022,067	61%
Interfund Transfers	999,000	7,299,800	12,870,000	5,570,200	57%
Total	\$ 5,200,891	\$ 27,322,125	\$ 48,971,468	\$ 21,649,343	56%

REVENUE COLLECTIONS – ALL CITY FUNDS

Gross Revenues: Through June, our gross revenue collections for the year are at 56%, slightly above target. Gross income tax revenue for the year to date is at 55% of the estimated budget. The City has received a large amount of its grant funding for several street projects. The interest revenue (in misc. receipts) collected is at 68%.

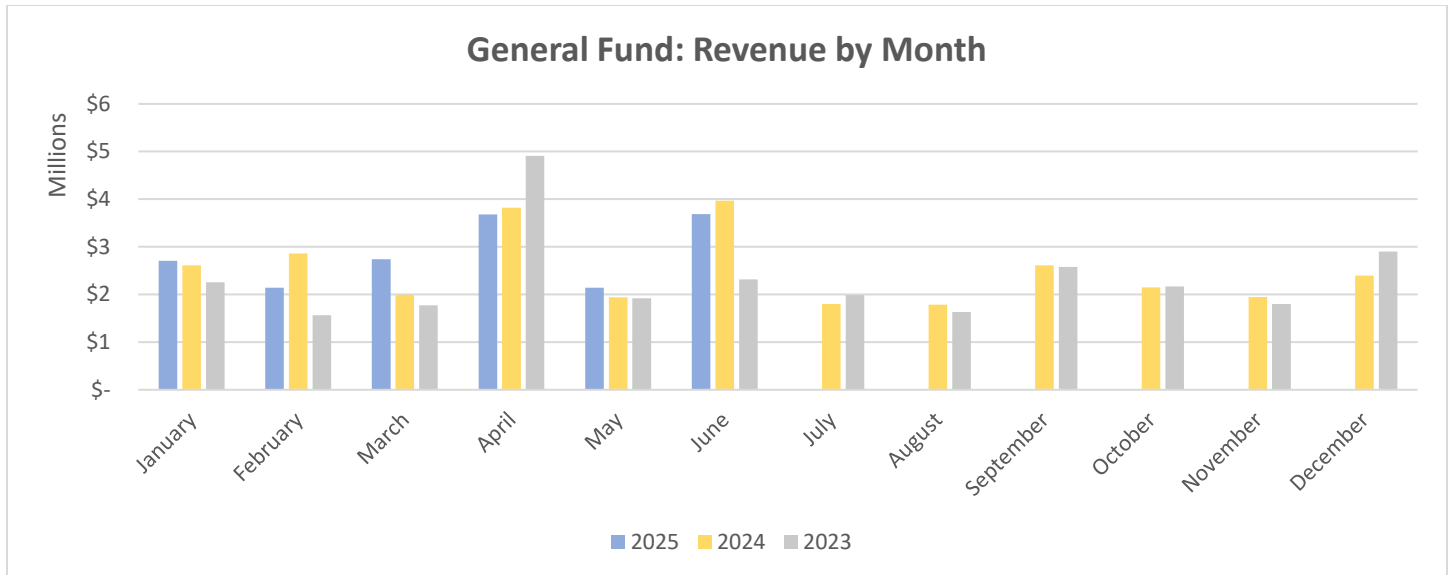
Net Revenue: After removing interfund transfers, net revenue for the month of June was \$3,937,69 and 57% of the year-to-date budget. For the year, we have experienced a 1% increase in year-to-date revenues compared to this point in 2024.

Interfund Transfers: Year to date transfers is slightly above target at 57% due to several of the capital project budgets being encumbered.

GENERAL FUND

JUNE 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY CATEGORY (GROSS)	CURRENT MONTH	YEAR TO DATE	COLLECTED		
			2025 BUDGET	UNDER / (OVER)	COLLECTED
Local Taxes	\$ 2,224	\$ 402,322	\$ 667,813	\$ 265,491	60%
Income Taxes	3,371,646	14,702,343	26,906,250	12,203,907	55%
State Shared Taxes & Fees	13,885	93,352	143,500	50,148	65%
Special Assessments	460	4,442	5,365	923	83%
Intergovernmental Aid	-	2,500	3,000	500	83%
Charges for Services	51,658	279,665	504,000	224,335	55%
Fines & Forfeitures	102,369	204,126	319,400	115,274	64%
Miscellaneous Receipts	145,203	1,403,355	1,464,500	61,145	96%
Total	\$ 3,687,447	\$ 17,092,105	\$ 30,013,828	\$ 12,921,723	57%

REVENUE COLLECTIONS – GENERAL FUND

Charges for Services: This category is primarily EMS billing receipts from Fire Department runs that can be billed to insurance. This revenue is slightly higher than budgeted due to a high volume of EMS runs.

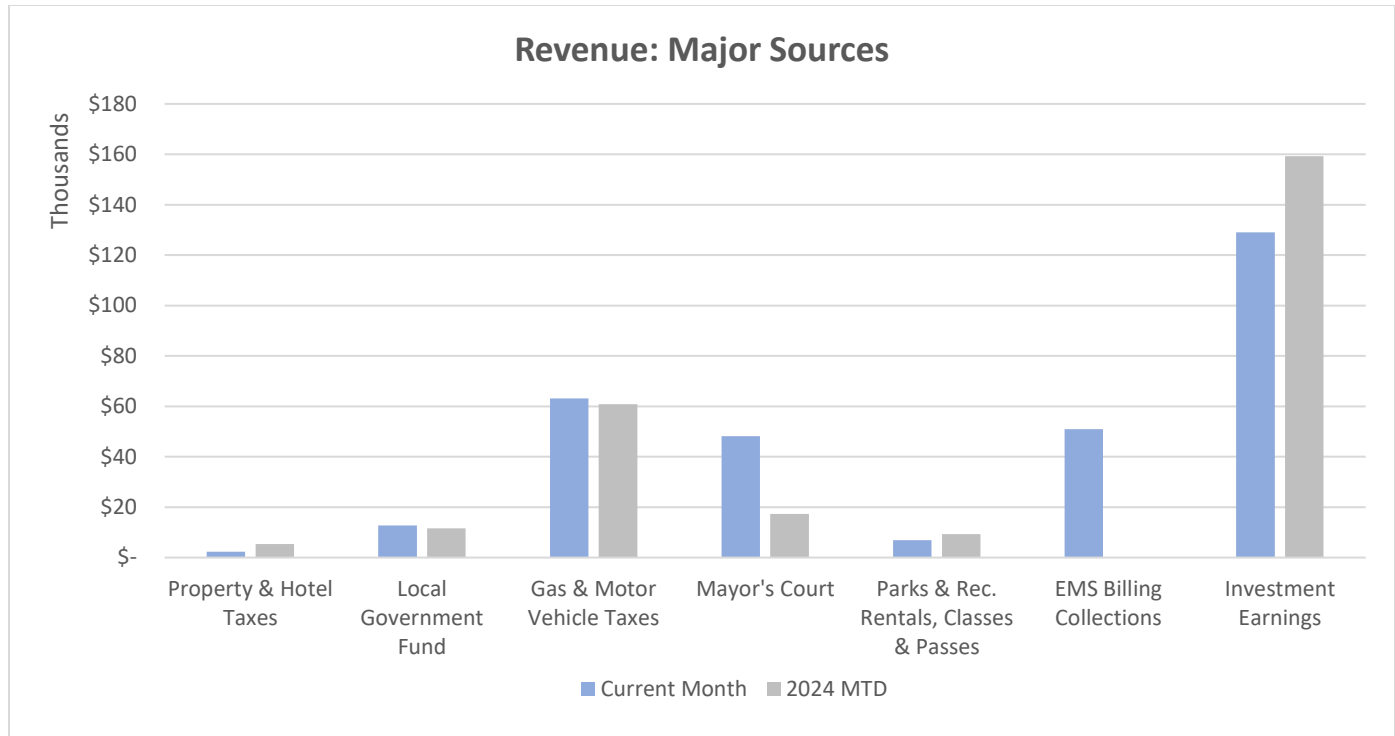
Fines & Forfeitures: This category includes the Mayor’s court revenue that is slightly above target at 53% for the year. Residential and Commercial Building Permits revenues are above target at 79% of budget.

Miscellaneous Receipts: This category is mostly made up of health care contributions from various funds and interest from investments. We received \$119,019, in interest into the General Fund in June, making it 69% collected year to date. Also, the miscellaneous receipts year to date collected is at 96% due to the sale of 5540 Vance Road as this revenue was unbudgeted and is not included in the 2025 budget estimate.

MAJOR SOURCES

JUNE 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY TYPE			COLLECTED		
	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	UNDER / (OVER)	COLLECTED
Property & Hotel Taxes	\$ 2,274	\$ 548,200	\$ 918,253	\$ 370,053	60%
Local Government Fund	12,740	65,185	113,000	47,815	58%
Gas & Motor Vehicle Taxes	63,071	344,013	727,500	383,487	47%
Mayor's Court	48,087	95,954	180,000	84,046	53%
Parks Rentals, Classes & Pässe	6,941	53,885	69,000	15,115	78%
EMS Billing Collections	50,978	275,825	500,000	224,175	55%
Investment Earnings	129,019	926,020	1,357,350	431,330	68%
Total	\$ 313,110	\$ 2,309,082	\$ 3,865,103	\$ 1,556,021	60%

REVENUE COLLECTIONS – MAJOR SOURCES

Property Taxes: This revenue is paid to the City twice a year. The distribution for the 1st half of the year was posted in April and we should received the 2nd half payment in September.

Gas & Motor Vehicle Taxes: For the last several years, these taxes have been consistent. For the year, we expected to receive about \$60,625 per month. June was slightly above target at \$63,071.

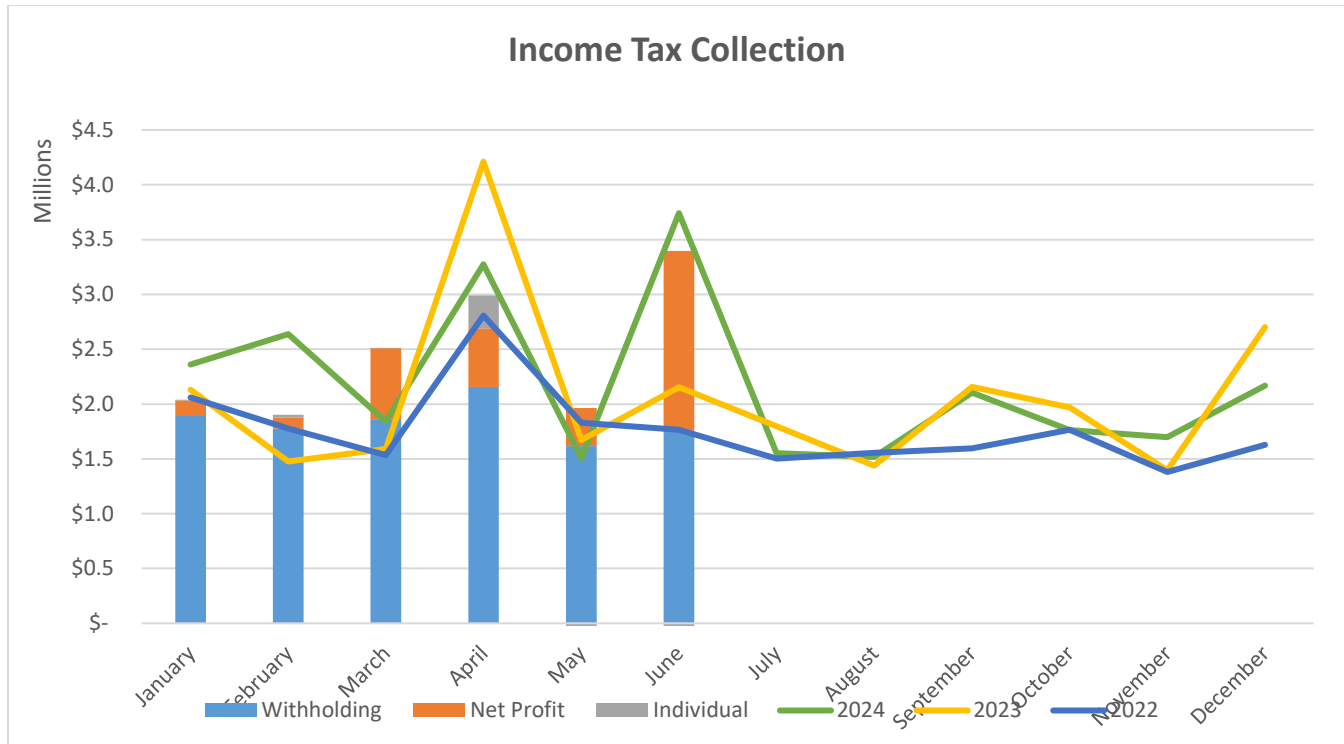
Parks Rentals & Season passes: These revenues are higher than expected at 78% of the budget. These line-item budgets were reduced in 2025 to account for the City's use of the building. Overall, rentals are down however, season passes are up. Summer camp revenue was not budgeted for 2025 however; attendance is doing well and year to date revenue is at \$6,050 compared to \$6,164 in 2024.

Investment Earnings: The interest earnings revenue received is higher than budgeted. We have collected 68% of our expected budget and are on track to exceed the estimated revenue budget.

INCOME TAX

JUNE 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY TYPE	CURRENT MONTH	YEAR TO DATE	COLLECTED		
			2025 BUDGET	UNDER / (OVER)	COLLECTED
Electric Co. Income Tax	\$ -	\$ 1,271	\$ 1,000	\$ (271)	127%
Income Tax Refunds	(106,684)	(357,834)	(700,000)	(342,166)	51%
Income Taxes	3,478,331	15,058,906	27,605,250	12,546,344	55%
Total	\$ 3,371,646	\$ 14,702,343	\$ 26,906,250	\$ 12,203,907	55%

REVENUE COLLECTIONS – INCOME TAX

2025 Collections: Through June, we expect to collect approximately 56% of our total estimated gross income tax revenue. We have collected \$15,058,906 and budgeted for \$15,573,327 through June. For the year we are at 55% of our target net budget amount and 4% below year-to-date 2024.

Net Profit: Through June, we anticipate collecting 68% of our estimated Net Profit taxes. So far, we have collected 54% of the gross expected taxes. For the year, we are below our budget amount by 20%. In addition to the 1st quarter variances discussed previously, in June 2025, we received approximately \$440,000 less from our three taxpayers than in 2024. Payments received in 2024 resulted in overpayments that in essence were credited toward their 2025 estimated payments, netting in a lower payment being made in 2025.

Withholding: Through June, we anticipate collecting 52% of our estimated Withholding taxes. So far, we have collected 54% of the gross expected taxes. For the year, we are slightly above budget amount by 4%.

Individual: Through June, we anticipate collecting 76% of our estimated Individual taxes. So far, we have collected 68% of the gross expected taxes. For the year, we are below our budget by 8%.

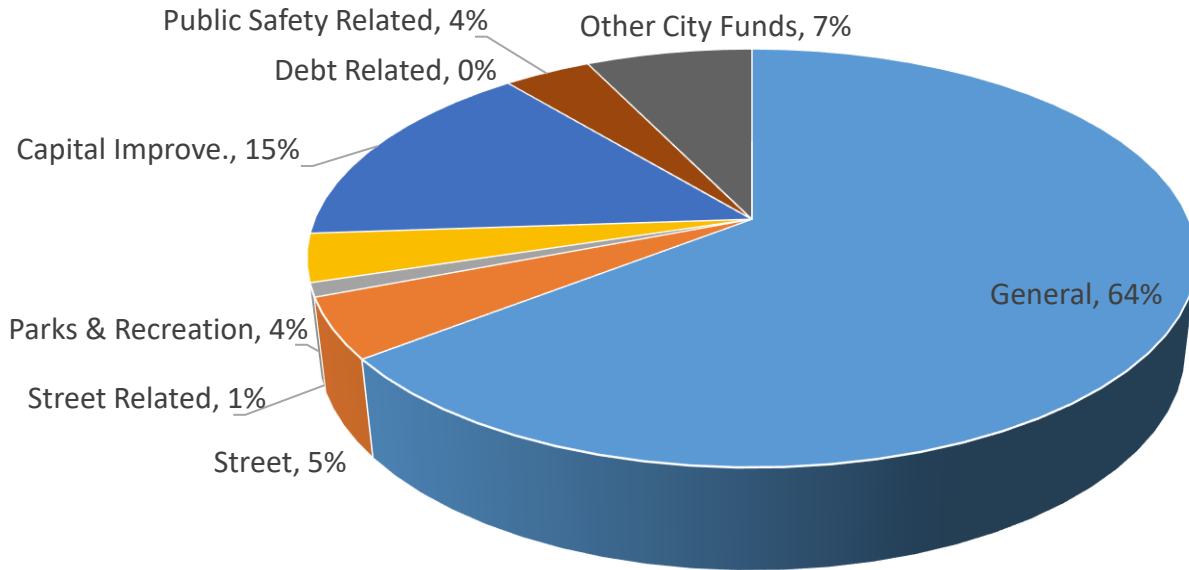
Refunds: Through June, we have processed \$357,834 of Refunds. For the year, we have refunded 51% of the amount budgeted.

ALL FUNDS

JUNE 2025

MONTHLY EXPENSES VS. BUDGET

All Funds: Current Month Expenses by Percentage



EXPENSES BY FUND/TYPE	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	AVAILABLE BALANCE	% EXPENSES TO BUDGET
General Fund	\$ 2,208,767	\$ 15,576,732	\$ 31,879,257	\$ 13,853,882	49%
Street Fund	159,580	1,137,653	2,598,078	1,231,934	44%
Street Related Funds	36,402	309,589	1,112,622	605,699	28%
Parks & Recreation Fund	127,365	646,603	1,579,148	729,106	41%
Capital Improvement Fund	517,058	3,196,538	12,959,580	2,488,779	25%
Debt Related Funds	-	177,220	1,011,700	10,130	18%
Public Safety Related Funds	129,530	686,918	1,478,780	784,762	46%
Other City Funds	247,313	2,033,482	5,501,924	2,146,818	37%
Total	\$ 3,426,016	\$ 23,764,735	\$ 58,121,089	\$ 21,851,110	41%

EXPENSES – ALL FUNDS

Net Expenses: After interfund transfers, our Net Expenses for June were \$2,162,817 and year-to-date are at 41% of the budget.

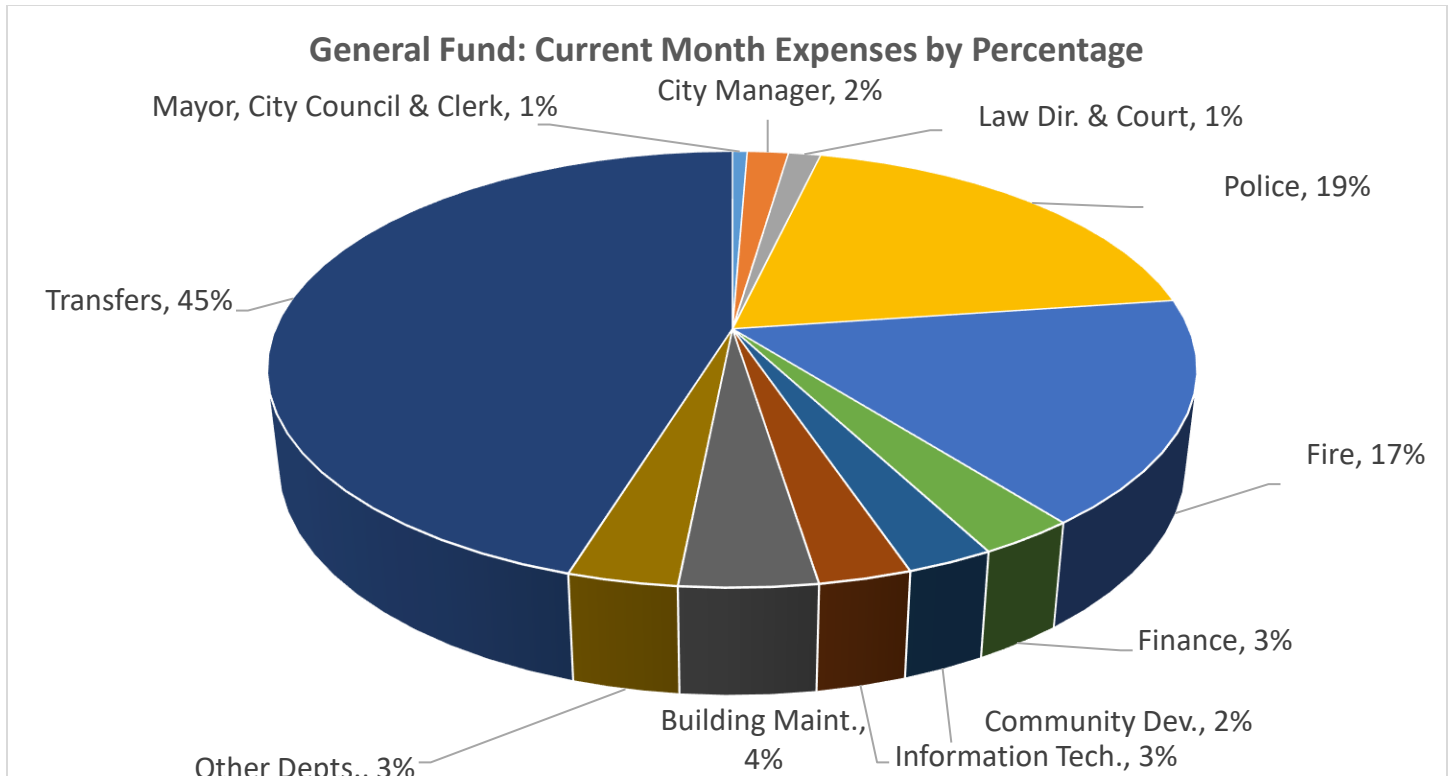
Large Expenses: In June, most of the capital improvement expenditures comprised of payments on the City building renovation project of \$229,700 and \$184,800 on the 911 Motorola upgrade project.

Budget Review: We are currently at 41% of the budget at 50% of the year.

GENERAL FUND

JUNE 2025

MONTHLY EXPENSES VS. BUDGET



EXPENSES BY DEPARTMENT	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	AVAILABLE BALANCE	% EXPENSES TO BUDGET
Mayor, City Council & Clerk	\$ 13,487	\$ 81,783	\$ 231,009	\$ 122,250	35%
City Manager & Info. Center	37,719	249,839	672,649	323,229	37%
Law Director & Clerk of Courts	29,528	157,894	438,286	141,241	36%
Police	422,850	2,879,364	6,273,936	2,869,716	46%
Fire	366,582	2,434,264	4,735,668	2,019,977	51%
Finance	62,959	378,908	931,320	437,808	41%
Community & Economic Dev.	56,621	382,659	1,111,000	595,218	34%
Information Technology	60,048	403,418	1,122,720	402,034	36%
Building Maintenance	88,909	663,593	1,846,913	874,532	36%
Other Departments	71,064	645,211	2,015,755	867,679	32%
Transfers	999,000	7,299,800	12,500,000	5,200,200	58%
Total	\$ 2,208,767	\$ 15,576,732	\$ 31,879,257	\$ 13,853,882	49%

EXPENSES – GENERAL FUND

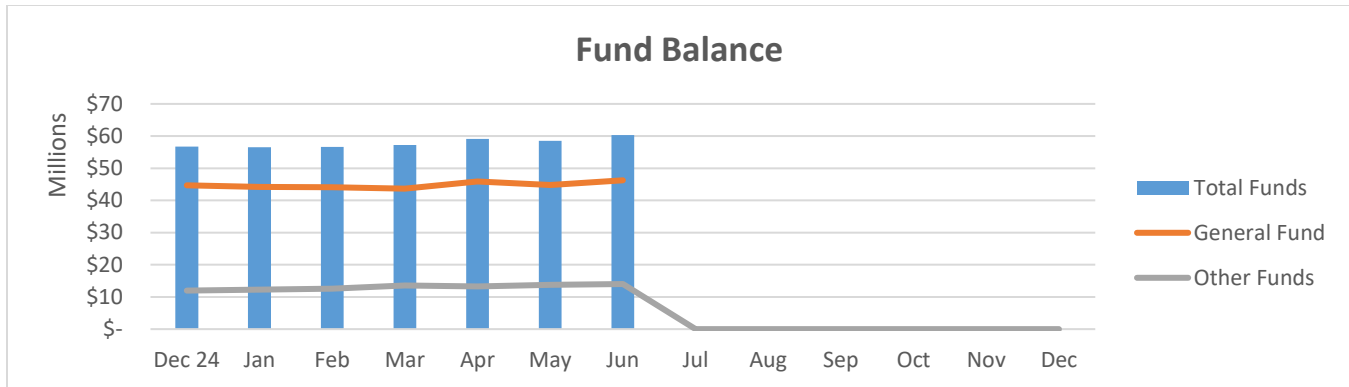
Budget Status: The General Fund is at 49% of expense budget which is right on target for this time of the year. Some personnel budget accounts are tracking over budget year to date and will be reviewed and monitored more closely.

Transfers: Transfers are slightly above target for the year at 58%. This is due to funding the Capital Improvement fund to maintain a balance to cover the existing projects. We will continue to evaluate fund balances each month and transfer funds as necessary.

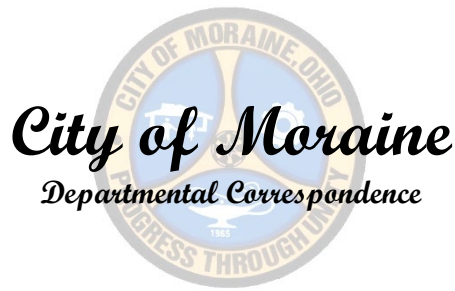
FUND BALANCES & CASH FLOW

JUNE 2025

MONTH END BALANCES BY FUND



FUND	YEAR BEGIN BALANCE	MONTH BEGIN BALANCE	MONTH CHANGE BALANCE	MONTH END BALANCE	YEAR TO DATE CHANGE
General	\$ 44,743,031	\$ 44,779,724	\$ 1,478,679	\$ 46,258,403	\$ 1,515,372
Street	287,303	302,049	191,478	493,527	206,224
State Highway	459,370	411,793	3,318	415,111	(44,259)
Parks & Recreation	227,480	291,402	124,354	415,756	188,276
Cemetery	96,875	93,098	206	93,304	(3,571)
Motor Vehicle License Tax	45,792	37,157	2,480	39,637	(6,155)
Enforcement & Education	72,551	73,783	203	73,987	1,435
Mayor's Court Computer	90,557	85,061	1,019	86,080	(4,477)
Clerk of Court Computer	60,372	56,709	678	57,387	(2,985)
Economic Development	484,336	622,766	-	622,766	138,431
Capital Improvement	5,969,408	8,025,125	(247,058)	7,778,067	1,808,659
Vance Darroch Project	57,381	57,381	-	57,381	-
Debt Service	187,127	80,122	109,827	189,949	2,822
Tax Increment Financing	48,682	200,278	443	200,721	152,038
Home Improvement Loan	700,563	710,464	1,571	712,035	11,471
City Garage	360,161	360,644	175	360,819	658
Miscellaneous Trust	45,654	45,194	(200)	44,994	(660)
Police Pension	52,200	104,281	4,520	108,801	56,600
Fire Pension	61,067	55,416	88,353	143,769	82,702
Insurance Reserve	1,464,773	1,456,898	20,333	1,477,231	12,458
Health Insurance	521,563	400,861	(14,871)	385,991	(135,572)
Federal Law Enforcement	42,290	42,888	95	42,982	692
State Law Enforcement Training	46,112	46,764	103	46,867	755
Drug Law Enforcement Trust	43,933	44,554	98	44,652	719
Local Fiscal Recovery	435,657	-	-	-	(435,657)
OneOhio Opioid Settlement	113,560	115,901	9,070	124,972	11,412
Total	\$ 56,717,797	\$ 58,500,312	\$ 1,774,875	\$ 60,275,188	\$ 3,557,390



TO: Mayor
City Council

FROM: Michael Davis, City Manager

DATE: July 22, 2025

SUBJECT: City Manager's Report

1) City Manager

- a) Attended the MVCC GovTech City Managers meeting on July 14, 2025. An update was received from Bob Green on the Tactical Crime Suppression Unit (TCSU) activity. Bob is retiring in the coming weeks, and he has done great work during his tenure.
- b) MVCC received our legislation on gas aggregation and Palmer continues to provide updates to MVCC on rate fluctuation before considering a permanent rate.
- c) Provided the Oath on July 14, 2025, to incoming Police Officer Ian Dalton.
- d) Finance, Human Resource and I met with Horan on plan performance review and pre-renewal Health Insurance discussion.

2) Engineering

- a) Proposals were received for the tree removal pedestrian improvements project along Blanchard, Ellery and Fulton. An agreement has been signed with Garfield construction to perform the work.

3) Parks and Recreation

- a) Director Brent Shane reports that staff began preparations for the Boo Bash Halloween event.
 - A meeting will be held soon with the divisions and departments that wish to participate in Boo Bash to explore how we can collectively create something amazing!
 - They replaced the fire breather by extending the time for the juggling unicyclist and introducing a new inflatable pumpkin ring toss game.
 - Parks and Recreation staff and/or a member of the Parks and Recreation Board will host a Madame Leota-themed table where they will distribute fortune cookies and paper fortune tellers.
- b) PEW Construction was contacted to obtain a third quote for the demolition of the remaining Splash Moraine buildings.
- c) The next Family Fun Day is on Friday, July 25, 2025, at Wax Park. The bubble truck and Huey Magoo's Chicken will be present at the event.
- d) Registration for the School Supply Giveaway is now open, and over 50 people have registered.

4) Planning

- a) The Ellerton Cemetery new fee schedule has been posted on the website and the City Planner worked with the PIO to create the Cemetery's first logo.

5) Police

- a) July 4: Officers responded to an active road rage incident on Springboro Pike, which stemmed from a drug deal that had gone awry. One suspect was charged with felonious assault for colliding with the other vehicle.
- b) July 5: A firearm was reported stolen from a residence on Wienburg. It was located using Leads Online, and a suspect has been identified. The investigation is ongoing.
- c) Officers assisted the Ohio State Patrol with a combative individual during a traffic stop. He was arrested on multiple outstanding warrants.
- d) July 13: Officers located a stolen vehicle parked at the Waffle House. They found both suspects inside the restaurant, where they were taken into custody. One suspect attempted to conceal narcotics in the restroom before being apprehended.
- e) July 15: Detectives executed a search warrant on Blanchard Avenue in connection with a counterfeiting investigation.

A suspicious individual was reported at Tyler Technologies, observed looking into vehicles. Officers located the female, who had been reported missing by the City's Division. She was also identified as a suspect in a motor vehicle theft in West Moraine Plat. She was taken into custody and charged in connection with that incident.

- f) A reminder that National Night Out is on August 5, 2025, from 6:00 p.m. – 8:00 p.m. at the Wax Park.
- g) There were 10 calls for service at Walmart, 11 calls at Red Roof, 25 calls at Kroger, 13 calls at the Red Horse, and 42 calls on I-75, 42 for service.

6) Street

- a) Potholes were patched Citywide.
- b) Seasonal maintenance was performed - including flower beds, mowing, park, and baseball field. Ellerton Cemetery was cleaned, and large road debris were removed.

Bi-Monthly Report

To: Michael Davis, City Manager
From: Traci Kuzminski, Fire Chief *TJK*
Date: July 16th 2025
Subject: Activity Report

The Fire Division responded to a total of 128 incidents from June 29th- July 12th 2025
EMS/ Fire & Rescue –

- Division Responded to 7 Motor Vehicle Incidents
- Division responded to 77 EMS Incidents
- Division responded to 20 Fire Alarm/Detector Activations
- Division Responded to 24 all other calls

Long-term projects/issues:

- New Medic ordered. Still Waiting
- Tornado Siren replacement moving forward. Tornado upgrades for Germantown and Cobblegate (COMPLETE).
- Parts ordered for a new motor for Siren on Soldier Home and Pinnacle, and a new box and motor for siren on Dryden. Works intermittently.
- In house monitoring system ordered
- Received new Staff truck, waiting to outfit it-to K.E. Rose
- Order of new ladder E-One Metro Quint Fire Truck through Vogelpohl Fire Equipment.

Full time hiring/promotions:

- Lieutenant Promotion-List is certified. Waiting to promote until July 27th.
- Lt Chris Lutz Retirement 7/26/25
- PT FF John Coyle and FF Hannah Flosi started full time status July 1st and 2nd.

Part time hiring:

- We have 5 part time personnel currently on the roster

Short term projects/issues:

- Beginning phase of Station 30 Bathroom remodel-Contract Signed
- Station 28 painting complete.

Number of Inspections/Re-Inspections:

- 28 Inspections

Meetings:

- Council Meeting / Committee of the Whole

Other:

4th of July Fireworks Detail 7/4
Wax Park Training for all crews 7/7, 7/8, 7/9
1 CPR Class-Building Composites 7/10

MAYORS' COURT MONTHLY STATEMENT TO COUNCIL

Fines and Other Monies Collected or Received
Rev. Code Sec. 733.40

To the Council of The City of Moraine Ohio:

The following is a full statement of all fines, forfeitures, and costs in ordinance cases and all fees collected by me, or which have in any manner come to my hands, or which are due me as Mayor, Chief of Police or other officer of the city and any other fees and expenses which have been advanced out of the city treasury, and all monies received by me as Mayor for the use of the city and paid over by me to the Treasury of the city as required by law.

Prepared: July 8, 2025

BALANCING FOR MONTH OF: JUNE 2025

BOND ACCOUNT

Balance retained in Bond Account Beginning:	6/1/2025	\$	1,730.00
Amount received and deposited - CASH		+	186.40
Amount received and deposited - SURETY		+	10,809.00
Less amount returned to Defendants		-	8,898.40
Less amount retained in Bond Account (end of month)		-	3,182.00
Additions, Subtractions or Changes, etc.		+/-	-
EQUALS BONDS FORFEITED		\$	645.00

MAYOR'S ACCOUNT

Fines & Court Costs

Amount received and deposited	\$	14,321.68
Monthly reimbursement to City for Kett "LEAF"	(-)	0.00
Additions, Subtractions or Changes, etc.	+/-	-
EQUALS GROSS REVENUE		\$ 14,966.68

DISBURSEMENTS

Mo. Co. Booking Fees	Check #	4019	238.00
Police Dept Traffic School ACCT# 101-0600-40603	Check #	~	-
IDAM-Ind Drvrs Alc Mntr (15%) - Kettering \$\$	Check #	4020	90.00

Computer Fund:

B4 12-13-18	Computer Fund (CF)	ACCT# 301-0800-40820	\$	-		
12-13-18	Mayor's Court CF	208-0800-40820		268.00		
& AFTER	Clerk of Court CF	209-0800-40820		177.00	Check #	4021 445.00

Treasurer of State:

Victims of Crime	\$	687.68		
IDSF-Ind Def Support Fund (50%)		1,873.38		
CJDE - Crim Just Drug Enf Fund (35%)		210.00		
Expungements		15.00		
Child Restraint		-		
Seatbelt Fines		-		
Attorney General Reimbursement		15.00	Check #	paid on-line \$ 2,801.06

City-General Fund: Acct# 101-0600-40601

ADTS - Admin T/School Fee	\$	-		
City Fines		11,362.62		
Miscellaneous Fees		30.00		
Parking Tickets		-		
Truck Fund Overweights		-		
Witness Fees		-		
Kettering Fees		-	Check #	4022 \$ 11,392.62

An Ordinance approving current replacement pages to the Moraine Codified Ordinances and declaring an emergency.

Department: Clerk of Council

Request: Action Item

Item Background and Purpose:

Various ordinances have been enacted by the Moraine City Council which should be included within the Codified Ordinances of the City of Moraine; and certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution. Said Codified Ordinances, completed by June 1, 2025, have been prepared and presented to the City and have been reviewed and approved by the City Law Department.

The preparation of legislation is requested to approve and adopt the codification supplement as an emergency to ensure timely adoption of revised rules and codes.

The following sections and chapters are hereby added, amended, reconfigured, repaginated or repealed as respectively indicated in order to comply with current State law:

Traffic Code

- 331.39 Driving Across Grade Crossing. (Amended)
- 331.40 Stopping at Grade Crossing. (Amended)
- 331.401 Slow-Moving Vehicles or Equipment Crossing Railroad Tracks. (Added)
- 333.01 Driving or Physical Control While Under the Influence. (Amended)
- 335.04 Certain Acts Prohibited. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 337.26 Child Restraint System Usage. (Amended)

General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.02 Gift of Marihuana. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.05 Permitting Drug Abuse. (Amended)
- 513.07 Possessing or Using Harmful Intoxicants. (Amended)
- 513.08 Illegally Dispensing Drug Samples. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.17 Pseudoephedrine Sales. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.03 Unlawful Sexual Conduct with a Minor. (Amended)
- 533.04 Sexual Imposition. (Amended)
- 533.16 Grooming. (Added)
- 537.02 Vehicular Homicide and Manslaughter. (Amended)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)

537.20 Illegal Use of a Tracking Device or Application. (Added)

545.01 Theft and Fraud Definitions. (Amended)

545.05 Misdemeanor Theft. (Amended)

549.16 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended)

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. Proposed Adopting Ordinance
2. June 2025 - Replacement Pages

RECORD OF ORDINANCES

Ordinance No. 2192-25

AN ORDINANCE APPROVING CURRENT REPLACEMENT PAGES TO THE MORAINE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, various ordinances of a general and permanent nature have been enacted by the Moraine City Council which should be included within the Codified Ordinances of the City of Moraine; and

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, said Codified Ordinances complete to June 1, 2025, have been prepared and presented to the City and have been reviewed and approved by the City Law Department.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORAINE, STATE OF OHIO:

SECTION 1: That the ordinances of the City of Moraine, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections complete to June 1, 2025, are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended, reconfigured, repaginated or repealed as respectively indicated in order to comply with current State law:

Traffic Code

- 331.39 Driving Across Grade Crossing. (Amended)
- 331.40 Stopping at Grade Crossing. (Amended)
- 331.401 Slow-Moving Vehicles or Equipment Crossing Railroad Tracks. (Added)
- 333.01 Driving or Physical Control While Under the Influence. (Amended)
- 335.04 Certain Acts Prohibited. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 337.26 Child Restraint System Usage. (Amended)

General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.02 Gift of Marihuana. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.05 Permitting Drug Abuse. (Amended)
- 513.07 Possessing or Using Harmful Intoxicants. (Amended)
- 513.08 Illegally Dispensing Drug Samples. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.17 Pseudoephedrine Sales. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.03 Unlawful Sexual Conduct with a Minor. (Amended)
- 533.04 Sexual Imposition. (Amended)
- 533.16 Grooming. (Added)

RECORD OF ORDINANCES

Ordinance No. 2192-25

537.02 Vehicular Homicide and Manslaughter. (Amended)
537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or
Alternative Nicotine Products; Transaction Scans. (Amended)
537.20 Illegal Use of a Tracking Device or Application. (Added)
545.01 Theft and Fraud Definitions. (Amended)
545.05 Misdemeanor Theft. (Amended)
549.16 Concealed Handgun Licenses; Possession of Revoked or
Suspended License; Additional Restrictions; Posting Signs Prohibiting
Possession. (Amended)

SECTION 3: That the complete text of the Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this Ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein. (Ref. R.C. 731.23)

SECTION 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists a necessity for the earliest distribution and publication of current Replacement Pages to the officials and residents of the City, so as to facilitate administration and daily operation and avoid practical and legal misunderstanding and therefore this Ordinance shall take effect and be in force from and after the date of its passage.

SECTION 5: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Ordinance to the City Manager, Law Director and City Prosecutor.

AN ORDINANCE APPROVING CURRENT REPLACEMENT PAGES TO THE MORAINE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, various ordinances of a general and permanent nature have been enacted by the Moraine City Council which should be included within the Codified Ordinances of the City of Moraine; and

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, said Codified Ordinances complete to January 1, 2017, have been prepared and presented to the City and have been reviewed and approved by the City Law Department.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORAINE, STATE OF OHIO:

SECTION 1: That the ordinances of the City of Moraine, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections complete to January 1, 2025, are hereby approved and adopted.

SECTION 2: The following sections and chapters are hereby added, amended, reconfigured, repaginated or repealed as respectively indicated in order to comply with current State law:

Traffic Code

303.01 Compliance with Lawful Order of Police Officer; Fleeing. (Amended)
333.07 Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)

General Offenses Code

513.01 Drug Abuse Control Definitions. (Amended)
513.02 Gift of Marihuana. (Amended)
533.03 Unlawful Sexual Conduct with a Minor. (Amended)
533.04 Sexual Imposition. (Amended)
549.16 Concealed Handgun Licenses; Possession of Revoked or Suspended License;
Additional Restrictions; Posting Signs Prohibiting Possession.
(Added)

SECTION 3: The complete text of the Code sections listed above are set forth in full in the current replacement pages to the Codified ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein. (Ref. R.C. 731.23)

SECTION 4: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists a necessity for the earliest distribution and publication of current Replacement Pages to the officials and residents of the City, so as to facilitate administration and daily operation and avoid practical and legal misunderstanding and therefore this Ordinance shall take effect and be in force from and after the date of its passage.

SECTION 5: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Ordinance to the City Manager, Law Director and City Prosecutor.

APPROVED:

MAYOR

ATTEST:

CLERK OF COUNCIL
APPROVED AS TO FORM:

LAW DIRECTOR

CODIFIED ORDINANCES OF THE CITY OF MORaine OHIO

Local legislation current through June 1, 2025

State legislation current through December 31, 2024

CITY OF MORaine
ROSTER OF OFFICIALS
(2025)

COUNCIL

Teri Murphy	Mayor
Mike Daugherty	Ward 1
Dave Miller	Ward 2
Shirley Whitt	Ward 3, Deputy Mayor
Jeanette Marcus	Ward 4
Don Burchett	At-Large
Ora Allen	At-Large
Karen Powell	Clerk of Council

ADMINISTRATION

Michael Davis	City Manager
Annetta Williams	Finance Director
Martina Dillon	Law Director
Craig Richardson	Police Chief
Traci Kuzminski	Fire Chief
Brent Carpenter	Building and Zoning Administrator
(Vacant)	Community Development Director
Lauren Alvarado	City Engineer
Nick Sorice	City Planner
Brent Shane	Parks and Recreation Director
Rocky Bangert	Building and Maintenance Superintendent
Chris Dunn	Street Superintendent
Susan Siroki	Clerk of Courts

GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following each chapter analysis.

ABANDONMENT

animal	505.05
excavations	521.03
motor vehicle	353.07
refrigerator, airtight container	521.01
right of way, public	901.05

ACCIDENT

damaged vehicle on	
public property	353.08
injurious material on street	311.01
off-highway motorcycle	375.07
property, other than	
street, on	335.13, 335.14
realty, damaging	335.14
snowmobile or all	
purpose vehicle	375.07
street, on	335.12
unattended vehicle	335.12, 335.13

ADOPTION BY REFERENCE

authorized	123.03
------------	--------

ADOPTION BY REFERENCE (Cont.)

Residential Code of Ohio	1303.01
Unified Fire Code	1501.01

ADULT ENTERTAINMENT FACILITY
(see SEXUALLY ORIENTED
BUSINESSES)

ADVERTISING (see also SIGNS)

disturbing the peace	509.10(c)
posting bills	541.09
sexually oriented business	734.19
speakers, sound equipment	1185.04
traffic control device, on	313.07

AGRICULTURAL DISTRICT, A-1 (see
also ZONING DISTRICTS)

accessory uses	
permitted	1181.01
prohibited	1181.03
standards	1181.04
purpose	1135.01
site development regulations	1135.03
uses	1135.02

CODIFIED ORDINANCES (Cont.)

revivor	101.04
rules of construction	101.03
section references	101.05
severability	101.08

COERCION 337.09

COIN MACHINE

definitions	545.01
slug use	545.11
tampering	545.12

COMMERCIAL AMUSEMENTS

license	
civic interest fee waiver	709.04
cleaning deposit	709.02
fee	709.03
required	709.01
penalty	709.99
public dancing, roller skating; permit	709.05

COMMERCIAL AND HEAVY VEHICLE

air cleaner required	337.25
brakes	337.18, 337.32
chains, spikes or lugs	339.10
disabled, warning device displayed	339.12
explosives, transporting	339.06
highway maintenance vehicle	301.161
Jake brakes prohibited	337.32
lights (see VEHICLE LIGHTS)	
loads (see VEHICLE LOADS)	
local street use	339.02
maximum	
height	339.03
length	339.03
width	339.03
mud flaps	339.05
mud, tracking	339.08
parking restricted	351.11
permit, special	339.01
road service vehicle	301.321, 333.031
route information on request	339.04
slower vehicles to use right lane	331.01
slow-moving	
crossing railroad tracks	331.401
lights and emblem	337.10

COMMERCIAL AND

HEAVY VEHICLE (Cont.)

State route use	339.01
towing requirements	339.07
truck defined	301.49
truck routes	339.02
weighing; scales used; removal of excess load	339.13
weight of vehicles	339.14
wheel protectors	339.05

COMMERCIAL DISTRICTS (see BUSINESS DISTRICTS)

COMMERCIAL DRIVERS

criminal offenses	341.05
definitions	341.01
employment	341.06
exemptions	341.02
operation	341.03
prohibitions	341.04

COMPANIES (see ORGANIZATIONS)

COMPENSATION

improper	525.11
----------	--------

COMPLICITY 501.10

COMPOUNDING A CRIME 525.04

COMPREHENSIVE PLAN

adoption	1101.01
recorded with County Recorder	1101.02

COMPUTER CRIMES 501.01, 545.01

CONSERVATION DISTRICT (see also ZONING DISTRICTS)

accessory buildings and uses	
permitted	1181.02
standards	1181.05
purpose	1171.01
site development regulations	1171.03
uses	1171.02

CONSPIRACY 501.13

CONSTRUCTION

discharge; storm sewer	945.09
injunction or mandamus against illegal actions	1123.04
signs; information on	1189.13
vehicular assault in construction zone	537.021

DRIVING (Cont.)

passing	
left of center	331.05
left side	331.03
no passing zones	331.07
right side	331.02, 331.04
penalty	331.99, 333.99
racing motor	331.36
reckless	
failure to control	331.34, 333.08
full time and attention	331.34
prohibited	333.09
willful, wanton disregard	333.02
right of way	
funeral procession	331.24
intersections	331.16
public safety vehicle	331.21, 331.211
turning left	331.17
right side of street	331.01
rotary traffic island, around	331.30
safety zone, through	331.29
shortcutting	331.41
sidewalk, street lawn, curb; on	331.37
signals for turning	
or stopping	331.14, 331.15
speed (see SPEED)	
squealing tires	331.36
starting vehicle	331.13
stopping vehicle	333.04
stop signs	
emergency or public	
safety vehicle	331.20
operation at	331.14, 331.19
street racing, stunt driving,	
street takeovers	333.07
street under repair	331.26
suspended license	335.074
texting prohibited	333.11
traffic signal indications	313.03
turning	
driveway, alley or building	331.11
intersection, at	331.10
left, right of way	331.17
right on red	313.03(c)
signals	331.14, 331.15
U turns	331.12

DRIVING (Cont.)

unsafe vehicle	337.01
water covered street, on	331.45
weaving	331.34
willful, wanton disregard	333.02
wrongful entrustment	
of a motor vehicle	335.05
yellow line	331.07
yield signs, operation at	331.18
DRUG ABUSE	
adulterated food	537.13
attempt	501.09(e)
counterfeit controlled	
substances	513.13
definitions	513.01
driving under influence	333.01
drug paraphernalia	513.12, 513.121
drug samples	513.08
hypodermic, possession and	
dispensing	513.04, 513.10
instruments	513.04
intoxicants, harmful	
nitrous oxide in vehicle	513.11
possession or use	513.07
labels, prescription	513.09
marihuana	
adult use cannabis control;	
conduct limitations	513.16
gift	513.02
illegal cultivation	513.06
medical	1185.22
paraphernalia	513.121
possession or use	513.03
permitting	513.05
possession or use	513.03
pseudoephedrine sales	513.17
steroids, anabolic	513.03
testing costs, offender to pay	513.14
walking on street	
under influence	371.09
weapon use while intoxicated	549.03
DRUNK DRIVING	333.01
DUI	333.01
DWELLING (see also BUILDING)	
animal shelter, distance from	505.14
condominiums	1117.05(d)
court requirements	1185.15
definitions	1115.03
ground floor area, minimum	1185.06

FLOOD DAMAGE REDUCTION

aboveground gas or liquid storage tanks	1325.33
abrogation and greater restrictions	1325.07
accessory structures	1325.31
administration	1325.12 et seq.
appeals	1325.38, 1325.41
Appeals Board	
established	1325.36
powers and duties	1325.37
applicable lands	1325.05
authorization, statutory	1325.01
basis for establishing areas of special flood hazard	1325.06
compliance	1325.42
damage determinations	1325.25
data use	1325.23, 1325.24
definitions	1325.11
enforcement	1325.42 et seq.
findings of fact	1325.02
flood carrying capacity, assurance of	1325.34
flood loss, methods of reducing	1325.04
flood map	
interpretation	1325.23
maintenance	1325.22
use of	1325.24
Floodplain Administrator	
designation	1325.12
duties and responsibilities	1325.13
floodplain development permit	
application	1325.15
exemption from filing	1325.20
generally	1325.14
review; approval	1325.16
revocation	1325.19
hearings	1325.40
inspections	1325.17
interpretation	1325.08
nonresidential structures	1325.30
penalty	1325.99
post-construction	
certifications	1325.18
purpose	1325.03
recreational vehicles	1325.32
residential structures	1325.29

FLOOD DAMAGE REDUCTION (Cont.)

severability	1325.10
state and federal development	1325.21
storage of materials	1325.35
subdivisions and large developments	1325.28
use regulations	1325.26
variances	1325.39
violations and penalties	1325.99
violations, notice of	1325.41
warning and disclaimer of liability	1325.09
water and wastewater systems	1325.25
FOOD	
adulterated	537.13
FORGERY	
identification card	545.20
FOWL (see also ANIMALS)	
coloring; sale or display	505.13
running at large	505.02
FRAUD	
bad check passing	545.09
credit card	545.10
creditors	545.17
definitions	545.01
income tax	182.15
insurance	545.07
personating an officer	545.16
securing writings by deception	545.15
FREEWAY (see STREETS)	
FUNERAL PROCESSION	
driving in	331.24
GAMBLING	
bingo (see BINGO)	
bookmaking	517.02
cheating	517.05
definitions	517.01
games of chance	
conducting	517.02(d)
records	517.11
operating house	517.03
prohibited conduct	517.02
public gaming	517.04
raffles	517.08
skill-based amusement devices	517.15
sweepstake terminals	517.16
GARAGE SALES	
signs	1189.20

MERIT SYSTEM COMMISSION

- members; duties Chtr.7.3
- rules and regulations 149.01

MIAMI VALLEY COMMUNICATIONS COUNCIL

- video service authorization 913.04, 913.05

MINI-BIKE (see ALL PURPOSE VEHICLE)**MINOR (see also JUVENILE)**

- contributing to delinquency of 537.18
- criminal child enticement 537.17
- curfew 509.09
 - probationary license 335.031
 - temporary instruction permit 335.03
- distributing to
 - cigarettes, tobacco, nicotine products 537.16
 - harmful intoxicants 513.11
- electric personal assistive mobility device use 371.12(b)(c)
- endangering 537.07
- firearm purchase 549.07
- grooming prohibited 533.16
- intoxicant sales 529.02, 529.06
- junk dealer, selling to 725.11(o)
- loitering prohibited 509.09(a)
- sexually oriented business, prohibited in 734.18

MISDEMEANOR (see OFFENSE)**MOPED (see MOTORIZED BICYCLE)****MOTEL (see HOTELS AND MOTELS)****MOTION PICTURES (see FILMS AND VIDEOS)****MOTORCYCLE (see also BICYCLE)**

- areas of prohibited operation 373.18
- baffle plates and fenders 337.30
- bikeway use prohibited 303.09
- brakes 337.18
- defined 301.19
- handle bars 373.02
- headlight required 337.03
- helmets; safety glasses 373.02
- license to operate 335.01(a)
- muffler 337.20
- off-highway (see MOTORCYCLE, OFF-HIGHWAY)

MOTORCYCLE (Cont.)

- rear-view mirror 337.21
- riding abreast 373.04
- seat use 373.02
- vehicle, attaching to 373.03

MOTORCYCLE, OFF-HIGHWAY

- accident reports 375.07
- certificate of title 375.08
- definitions 375.01
- equipment 375.02
- licensing requirements, operator 375.05
- operation
 - permitted 375.04
 - prohibited 375.03
- Traffic Code application 375.03
- vehicle registration 375.06

MOTORIZED BICYCLE

- baffle plates and fenders 337.30
- bikeway use prohibited 303.09
- definition 301.04(b)
- driver's license 373.20
- equipment 373.20
- lights 337.02
- mini-bike or trail bike
 - operation prohibited 373.19

MOTOR VEHICLE**all purpose (see ALL PURPOSE VEHICLE)**

- body shops 1117.05(c)
- certificate of title 335.08
- City owned
 - individual assignment of 156.02
 - responsibility for 156.03
 - use of 156.01
- criminal forfeiture of 335.05(c)
- definitions 301.20, 301.51
- disabled, warning
 - device displayed 339.12
- driving (see DRIVING)
- emblem, illegal use 525.14
- entering or leaving moving vehicle 371.06
- equipment (see VEHICLE EQUIPMENT)
- filling stations, public garages 1185.17
- homicide by 537.02
- immobilization
 - order 335.05(c)

PUBLIC SERVANT (cont.)

contract interest	525.10
defined	525.01
elections (see ELECTIONS)	
impersonation	525.03
improper compensation	525.11
oath of office	Chtr.10.10
obstructing	525.07
political belief,	
assembly, activity	Chtr.10.11
recall	Chtr.9.3
succession of powers	
under Charter	Chtr.10.4

PUBLIC SERVICE DEPARTMENT

established	Chtr.6.1
in charge of	Chtr.6.5
Manager, reporting to	Chtr.6.5

QUARANTINE

animal bites	505.11
--------------	--------

QUARRIES (see EXCAVATIONS)

RADIOS

disturbing the peace	509.10(c)
----------------------	-----------

RAILROAD

climbing on cars	553.02, 553.07(b)
definitions	301.28 et seq.
dropping objects onto	553.07(a)
grade crossing	
driving across	331.39
obstructing	331.33
pedestrian on	371.10
running switches	553.05
slow-moving vehicles or equipment	
crossing tracks	331.401
stopping at	331.40
locomotive engineer's duties	553.03
trespassing on railroad	
property	553.07(d)
vandalism	
grade crossing or	
protective device	553.08
prohibited	553.07

REAL ESTATE

City	
exchange	157.03
purchase	157.01
sale	157.02
fair housing (see FAIR HOUSING)	
signs	1189.12

RECEIVING STOLEN

PROPERTY	545.18
----------	--------

RECKLESS DRIVING (see DRIVING)

RECORDS AND REPORTS

accident, snowmobile or	
all purpose vehicle	375.07

RECORDS AND REPORTS (Cont.)

animal bites	505.11
animal impounding	
and disposition	505.03
Council annual report	Chtr.10.12
failure to report crime or death	525.05
public documents	Chtr.10.15
right of way	901.09
secondhand or junk dealers	725.10
tampering with	545.14
wounds and burns	525.05

RECREATIONAL VEHICLE

flood damage reduction	1325.30
sale, displayed for	1185.21

RECREATION BOARD (see PARKS
AND RECREATION BOARD)

REFRIGERATOR

abandoned	521.01
-----------	--------

RESIDENCE DISTRICTS (see

also ZONING DISTRICTS)

accessory uses	
permitted	1181.01
prohibited	1181.03
standards	1181.04
defined	301.31

R-2A Single-Family Residence

purpose	1141.01
site development regulations	1141.03
uses	1141.02

R-2 Single-Family Residence

purpose	1137.01
site development regulations	1137.03
uses	1137.02

R-3 One and Two Family Residence

purpose	1143.01
site development regulations	1143.03
transitional uses	1185.05
uses	1143.02

R-4 Multi-Family Residence

purpose	1145.01
site development regulations	1145.03
uses	1145.02

speed	333.03
-------	--------

through streets	313.02(b)
-----------------	-----------

RESIDENTIAL CODE OF OHIO

adoption	1303.01
conflict	1303.02
copies	1303.03
purpose	1303.01

RESISTING ARREST

	525.09
--	--------

SUBDIVISION REGULATIONS (Cont.)

final plats	1111.07
flood area proposals	1325.26
improvements required	1111.06
jurisdiction	1111.01
preliminary plans	1111.07
rules and regulations	1111.02
thoroughfare plan; streets	1111.04
vacations, replats	1111.08
variations	1111.09

SUNSCREENING MATERIALS 337.28

SWIMMING

parks, in	530.09
pools; as accessory use	1181.04(g)

SWEEPSTAKES TERMINALS 517.16

SWITCHBLADE (see WEAPONS)

TAMPERING (see also

PROPERTY DESTRUCTION)

City property	541.11
coin machine	545.12
criminal mischief	541.04
fire hydrant, pipe or meter	541.10
library; museum;	
archival institution	545.04
records	545.14
traffic control device	313.08

TAXATION

limitations	Chtr. 10.3
right of way	901.10

TAXICABS

appeals	751.29
Board created; members	751.02
certificate of convenience	
and necessity	751.02
clean and sanitary	751.26
color scheme and insignia	751.25
definitions	751.01
driver's license	
application	751.10
fee	751.11
form of	751.13
issued	751.12
renewal	751.15
required	751.09
revocation	751.14
exclusions	751.28
immoral activities	751.19
inspection	751.27
operator's license	
bond or insurance policy	751.05
fee	751.05
form of	751.06
renewal	751.15

TAXICABS (Cont.)

operator's license (Cont.)	
required; application	751.03
revocation	751.08
passengers	
additional	751.23
deception	751.22
front seat	751.20
soliciting	751.21
penalty	751.99
rates displayed	751.18
rates of fare	751.17
service	751.04
stands	751.16
taximeters required	751.07
trip record maintained	751.24

TELECOMMUNICATIONS

definitions	1115.03
harassment	537.10
special use regulations	1117.05(e)

TELEPHONE

harassment	537.10, 537.11
misuse of 9-1-1 system	537.12

TELEVISION

satellite stations	
nonresidential districts	1181.05(a)
residential districts	1181.04(I)

TEXTING

prohibited while driving	333.11
--------------------------	--------

THEFT

container transfer	545.22
criminal tools, possession of	545.19
definitions	545.01
felony exceptions	545.03
label or price tag alteration	545.22
library; museum;	
archival institutions	545.04
motor vehicle theft	
prevention program	139.01
misdemeanor theft	545.05
property	
defined	501.01(j)
determining value	545.02
receiving stolen	545.18
unauthorized use	545.08
prowling prohibited	509.11
shoplifters	545.04
vehicle	
alarm signal	337.19
unauthorized use	545.06

THOROUGHFARE PLAN (see STREETS)

THREATS (see also MENACING)

coercion	539.09
----------	--------

TABLE F - LEASE OF REAL PROPERTY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2180-25	3-27-25	Authorizing the City Manager to enter into a lease agreement to permit farming operations on a parcel of real estate owned by the City, referred to as the Lyleburn Farm - 11 acre portion.
2185-25	3-27-25	Authorizing the City Manager to enter into a lease agreement to permit farming operations on twenty-four (24) acres of real estate owned by the City, referred to as the Soldiers Home - West Carrollton Road Farm and the Vance Road Farm.

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
- Chap. 337. Safety and Equipment.
- Chap. 339. Commercial and Heavy Vehicles.
- Chap. 341. Commercial Drivers.

CHAPTER 331
Operation Generally

- | | |
|--|--|
| <ul style="list-style-type: none"> 331.01 Driving upon right side of roadway; exceptions. 331.02 Passing to right when proceeding in opposite directions. 331.03 Overtaking, passing to left; driver's duties. 331.04 Overtaking and passing upon right. 331.05 Overtaking, passing to left of center. 331.06 Additional restrictions on driving upon left side of roadway. 331.07 Hazardous or no passing zones. 331.08 Driving in marked lanes or continuous lines of traffic. 331.09 Following too closely. 331.10 Turning at intersections. 331.11 Turning into private driveway, alley or building. 331.12 "U" turns restricted. 331.13 Starting and backing vehicles. 331.14 Signals before changing course, turning or stopping. 331.15 Hand and arm signals. 331.16 Right of way at intersections. 331.17 Right of way when turning left. 331.18 Operation of vehicle at yield signs. 331.19 Operation of vehicle at stop signs. 331.20 Emergency or public safety vehicles at stop signals or signs. 331.21 Right of way of public safety or coroner's vehicle. 331.211 Report of vehicle failing to yield right of way to public safety vehicle. | <ul style="list-style-type: none"> 331.22 Driving onto roadway from place other than roadway; duty to yield. 331.23 Driving onto roadway from place other than roadway; stopping at sidewalk. 331.24 Right of way of funeral procession. 331.25 Driver's view and control to be unobstructed by load or persons. 331.26 Driving upon street posted as closed for repair. 331.27 Following and parking near emergency or safety vehicles. 331.28 Driving over fire hose. 331.29 Driving through safety zone. 331.30 One-way streets and rotary traffic islands. 331.31 Driving upon divided roadways. 331.32 Entering and exiting controlled-access highway. 331.33 Obstructing intersection, crosswalk or grade crossing. 331.34 Failure to control; weaving; full time and attention. 331.35 Occupying travel trailer, fifth wheel vehicle, or manufactured or mobile home while in motion. 331.36 Squealing tires, "peeling", cracking exhaust noises. 331.37 Driving upon sidewalks, street lawns or curbs. |
|--|--|

- (2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

331.39 DRIVING ACROSS GRADE CROSSING.

- (a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:
- A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.
 - B. A crossing gate is lowered.
 - C. A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.
 - D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.
 - E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
 - F. There is insufficient undercarriage clearance to safely negotiate the crossing.
 - G. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other on-track equipment.
 - H. Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
- (2) A. A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in subsections (a)(1)A. to F. of this section exist at the crossing.
- B. A person who is driving a vehicle and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in subsections (a)(1)G. or H. of this section exist at the crossing.
- (b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.
- (c) (1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

- (3) As used in this section:
 - A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
 - B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
 - C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.
- (4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)
- (b)
 - (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.
 - (2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.61)

331.401 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with subsections (a)(1) and (a)(2) of this section.

- (1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.
- (2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or car or other on-track equipment.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4511.82)

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

- (a) As used in this section:
- (1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:
 - A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
 - B. Provides hearing protection."Earphones" does not include speakers or other listening devices that are built into protective headgear.
 - (2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:
 - A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
 - B. Provides hearing protection.
- (b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.
- (c) This section does not apply to:
- (1) Any person wearing a hearing aid;
 - (2) Law enforcement personnel while on duty;
 - (3) Fire Department personnel and emergency medical service personnel while on duty;
 - (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;
 - (5) Any person engaged in the operation of refuse collection equipment;
(ORC 4511.84)
 - (6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle. (Ord. 2125-22. Passed 10-27-22.)

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.84)

331.44 DIRECTION OF TRAVEL IN ALLEYS.

(a) Vehicles using alleys within the City, shall proceed east in alleys running east and west, and north in alleys running north and south, unless otherwise designated.

(b) No such alleys upon which any business premises abuts shall be obstructed in whole or in part in any manner except for such time as is reasonably necessary to load or unload.

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.
- B. No person under twenty-one years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.
- (3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:
 - A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
 - B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (e) Evidence; Tests.
 - (1) A. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
 - B. In any criminal prosecution for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is

- (4) A. As used in subsections (e)(4)B. and C. of this section, “national highway traffic safety administration” means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.
- B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:
1. The officer may testify concerning the results of the field sobriety test so administered.
 2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
 3. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.
- C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)
- (f) Forensic Laboratory Reports.
- (1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in

As an alternative to the mandatory jail term of sixty consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Ohio R.C. 4503.231.
- (5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.
- (6) In all cases in which an offender is sentenced under subsection (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under subsection (h) of this section.
- (7) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:
 - A. The offender is convicted of or pleads guilty to a violation of subsection (a) of this section.
 - B. The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.
 - C. The test or tests indicated that the offender had one of the following at the time of the offense:
 1. A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine;
 2. A drug of abuse or a metabolite of a drug of abuse in the offender's oral fluid.

(k) Compliance With Ohio R.C. Chapter 5119 Standards.

- (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.
- (2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(l) Appeal Does Not Stay Operation of License Suspension. If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(m) Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

- (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(n) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(o) Conflict of Terms. All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C. 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section. (ORC 4511.19)

(p) Indigent Drivers Alcohol Treatment Fund. Twenty-five dollars (\$25.00) of any fine imposed for a violation of subsection (a) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193. (ORC 4511.193)

(q) Definitions. As used in this section:

- (1) "Equivalent offense" means any of the following:
 - A. A violation of division (A) of Ohio R.C. 4511.19;
 - B. A violation of a municipal OVI ordinance;
 - C. A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;
 - D. A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

- (c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
- (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

- (1) A wireless telephone;
 - (2) A personal digital assistant;
 - (3) A computer, including a laptop computer and a computer tablet;
 - (4) A text-messaging device;
 - (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
- (ORC 4511.205)

335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
 - (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
 - (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

- A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.
- (2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.
- (3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.161)
- (h) As used in this section:
 - (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
 - (2) "Equivalent offense" means any of the following:
 - A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;
 - B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
 - (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
 - (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 a clinical nurse specialist or certified nurse practitioner licensed to practice in this State under Ohio R.C. Chapter 4723, or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) Whoever violates subsection (a), (b), (c) or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

- (1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.
(ORC 4511.81)

CHAPTER 513 Drug Abuse Control

- | | |
|---|--|
| <p>513.01 Definitions.</p> <p>513.02 Gift of marihuana.</p> <p>513.03 Drug abuse; controlled substance possession or use.</p> <p>513.04 Possessing drug abuse instruments.</p> <p>513.05 Permitting drug abuse.</p> <p>513.06 Illegal cultivation of marihuana.</p> <p>513.07 Possessing or using harmful intoxicants.</p> <p>513.08 Illegally dispensing drug samples.</p> | <p>513.09 Controlled substance or prescription labels.</p> <p>513.10 Hypodermic possession, display and dispensing.</p> <p>513.11 Harmful intoxicants; possessing nitrous oxide in motor vehicle.</p> <p>513.12 Drug paraphernalia.</p> <p>513.121 Marihuana drug paraphernalia.</p> <p>513.13 Counterfeit controlled substances.</p> <p>513.14 Offender may be required to pay for controlled substance tests.</p> <p>513.15 Sale of dextromethorphan.</p> <p>513.16 Adult use cannabis control; limitations on conduct by individuals.</p> <p>513.17 Pseudoephedrine sales.</p> <p>513.99 Penalty.</p> |
|---|--|

CROSS REFERENCES

See sectional histories for similar State law

Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19

Analysis report and notarized statement as evidence - see Ohio R.C 2925.51

Criteria for granting probation - see Ohio R.C 3719.70(B)

Attempted drug abuse offenses - see GEN. OFF. 501.09(e)

Adulterating food with drug of abuse - see GEN. OFF. 537.13

Using weapons while under the influence - see GEN. OFF. 549.03.

513.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

- (a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (38) A person who has been issued a license to practice as a certified mental health assistant under Ohio R.C. Chapter 4772.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
 - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:

- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
- (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
- (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

- (3) A. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.
- B. Upon the filing of a motion under subsection (d)(3) of this section, the sentencing court, in its discretion, may terminate the suspension.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

513.06 ILLEGAL CULTIVATION OF MARIHUANA.

- (a) No person shall knowingly cultivate marihuana.
- (b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.
- (c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.
- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.
- (2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.
- (d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.
- (e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

513.07 POSSESSING OR USING HARMFUL INTOXICANTS.

- (a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

- (2) The name of the patient for whom the controlled substance is prescribed and, if the patient is an animal, the name of the owner and the species of the animal;
- (3) The name of the prescriber;
- (4) All directions for use stated on the prescription or provided by the prescriber;
- (5) The date on which the controlled substance was dispensed or supplied;
- (6) The name, quantity and strength of the controlled substance and, if applicable, the name of the distributor or manufacturer.

(c) The requirements of subsection (b) of this section do not apply when a controlled substance is prescribed or supplied for administration to an ultimate user who is institutionalized.

(d) A licensed health professional authorized to prescribe drugs who personally furnishes a controlled substance to a patient shall comply with division (A) of ORC 4729.291 with respect to labeling and packaging of the controlled substance.

(e) No person shall alter, deface, or remove any label affixed pursuant to this section as long as any of the original contents remain.

(f) Every label for a schedule II, III or IV controlled substance shall contain the following warning:

“Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed”. (ORC 3719.08)

(g) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 3719.99)

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

(a) Possession of a hypodermic is authorized for the following:

- (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
- (2) Terminal distributor of dangerous drugs, in the regular course of business;
- (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
- (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
- (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
- (6) A farmer, for the lawful administration of a drug to an animal;
- (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person. (ORC 3719.172)

- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
- (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the equipment, product or material to any controlled substance;
- (4) The existence of any residue of a controlled substance on the equipment, product or material;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
- (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
- (8) National or local advertising concerning the use of the equipment, product or material;
- (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
- (12) Expert testimony concerning the use of the equipment, product or material.

- (g) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.14)

513.121 MARIHUANA DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" has the same meaning as in Section 513.12.

(b) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 513.12.

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 513.12 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

- (e) (1) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.
- (2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this subsection when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.
- (f) (1) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.
- (2) Arrest or conviction for a violation of subsection (c) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.
- (g) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall do the following if applicable:
 - A. If the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(h) Penalties.

- (1) Except as otherwise provided in Ohio R.C. Chapter 3796, Ohio R.C. 2925.11 or a substantially equivalent municipal ordinance shall apply when an adult use consumer possesses an amount of cannabis greater than the limits set forth in subsection (b)(1) of this section.
- (2) Except as otherwise provided in Ohio R.C. Chapter 3780, an adult use consumer who uses adult use cannabis in public areas, or who violates subsection (d)(2) of this section as a passenger, is guilty of a minor misdemeanor.
- (3)
 - A. An individual under twenty-one years of age who knowingly shows or gives false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of a misdemeanor of the first degree. If, in committing a first violation, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months.
 - B. On a second violation in which, for the second time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
 - C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months.

- E. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
 - F. "Retailer." A place of business that offers consumer products for sale to the general public.
 - G. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
 - H. "Terminal distributor of dangerous drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (2) A.
- 1. No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772:
 - a. Three and six tenths grams within a period of a single day;
 - b. Nine grams within a period of thirty consecutive days.
 - 2. The limits specified in subsections (a)(2)A.1.a. and (a)(2)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.
- B. It is not a violation of subsection (b)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in subsection (a)(2)A.1.a. or (a)(2)A.1.b. of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.
- (3) A. No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product, or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
- B. Subsection (a)(3)A. of this section does not apply to an individual under eighteen years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:

- b. Nine grams within a period of thirty consecutive days.
 - 2. The maximum amounts specified in subsections (b)(1)A.1.a. and (b)(1)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.
 - B.
 - 1. Subsection (b)(1)A. of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
 - 2. It is not a violation of subsection (b)(1)A. of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in subsection (b)(1)A.1.a. or (b)(1)A.1.b. of this section under either of the following circumstances:
 - a. The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;
 - b. A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in Ohio R.C. 3715.052(A)(2).
- (2)
 - A. Except as provided in subsection (b)(2)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under eighteen years of age.
 - B. Subsection (b)(2)A. of this section does not apply to any of the following:
 - 1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;
 - 2. A parent or guardian of an individual under eighteen years of age who provides a pseudoephedrine product or ephedrine product to the individual;

- B. If the information deciphered by the transaction scan performed under subsection (c)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.
 - C. Subsection (c)(2)A. of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (c) and subsection (d) of this section.
- (4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:
- 1. The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;
 - 2. The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.
- B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (c)(4)A. of this section except for purposes of subsection (d) of this section, Ohio R.C. 2925.58, or Ohio R.C. 3715.052(A)(1).
- C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.
- D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (d) of this section or any other section of the Ohio Revised Code.
- (5) Nothing in this subsection (c) or subsection (d) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of pseudoephedrine products or ephedrine products.

- B. "Drug." Has the same meanings as in Ohio R.C. 4729.01.
 - C. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
 - D. "Ephedrine product." A consumer product that contains ephedrine.
 - E. "Law enforcement official." An officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.
 - F. "Licensed health professional authorized to prescribe drugs." Has the same meanings as in Ohio R.C. 4729.01.
 - G. "National Precursor Log Exchange" or "Exchange." The electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the National Association of Drug Diversion Investigators or a successor organization.
 - H. "Pharmacist." A person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
 - I. "Pharmacy." Has the same meanings as in Ohio R.C. 4729.01.
 - J. "Prescriber." Has the same meanings as in Ohio R.C. 4729.01.
 - K. "Prescription." Has the same meanings as in Ohio R.C. 4729.01.
 - L. "Proof of age." A driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows a person is eighteen years of age or older.
 - M. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
 - N. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
 - O. "Retailer." A place of business that offers consumer products for sale to the general public.
 - P. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
 - Q. "Stop-sale alert." A notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of Ohio R.C. 2925.56(A)(1) or federal law.
 - R. "Terminal distributor of dangerous drugs." Has the same meanings as in Ohio R.C. 4729.01.
 - S. "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
- (2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:
- A. Segregate pseudoephedrine products or ephedrine products from other merchandise so that no member of the public may procure or purchase such products without the direct assistance of a pharmacist or other authorized employee of the retailer or terminal distributor of dangerous drugs;

- (2) Within thirty days after making a report by telephone to the State Board of Pharmacy pursuant to subsection (f)(1)A. of this section, a retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall send a written report to the State Board of Pharmacy.
- (3) The reports required under this section shall identify the product that was stolen or lost, the amount of the product stolen or lost, and the date and time of discovery of the theft or loss.
(ORC 3715.06)

513.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

- (4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A)(15).
 - (5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.
- (f)
- (1) No person who knows that a licensed medical professional has committed an offense under Ohio R.C. Chapter 2907, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.
 - (2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in subsection (f)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.
 - (3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under subsection (f)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.
 - (4) As used in subsection (f) of this section, "licensed medical professional" has the same meaning as in Ohio R.C. 2907.01.
- (g)
- (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.
 - (2) Notwithstanding Ohio R.C. 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(m) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse. (ORC 2921.22)

525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

525.07 OBSTRUCTING OFFICIAL BUSINESS.

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

(b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law. (ORC 2921.31)

525.08 OBSTRUCTING JUSTICE.

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:

- (1) Harbor or conceal the other person or child;
- (2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
- (3) Warn the other person or child of impending discovery or apprehension;
- (4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
- (5) Communicate false information to any person.
- (6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

(b) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under subsection (c) hereof in determining the penalty for the violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

(c) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates, has an interest, when all of the following apply:

- (1) The subject of the public contract is necessary supplies or services for the Municipality or governmental agency or instrumentality involved;
- (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the Municipality or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the Municipality or governmental agency or instrumentality involved;
- (3) The treatment accorded the Municipality or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
- (4) The entire transaction is conducted at arm's length, with full knowledge by the Municipality or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family or business associate, and the public official takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.

(d) Subsection (a)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(e) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of this section is a misdemeanor of the first degree.

(f) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with Ohio R.C. 309.06 and 2921.421, or for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with Ohio R.C. 733.621 and 2921.421.

(g) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(h) As used in this section:

- (1) "Public contract" means any of the following:
 - A. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the State, any of its political subdivisions, or any agency or instrumentality of either.
 - B. A contract for the design, construction, alteration, repair or maintenance of any public property.
- (2) "Chief legal officer" has the same meaning as in Ohio R.C. 733.621. (ORC 2921.42)

(c) No officer, having charge of a detention facility, shall negligently do any of the following:

- (1) Allow the detention facility to become littered or unsanitary;
- (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;
- (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;
- (4) Allow a prisoner to escape;
- (5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

525.13 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

(a) No person who is not entitled to do so shall knowingly display on a motor vehicle the emblem of a law enforcement agency or an organization of law enforcement officers.

(b) Whoever violates this section is guilty of the unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers, a minor misdemeanor. (ORC 2913.441)

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

- (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
- (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

CHAPTER 533 Obscenity and Sex Offenses

533.01	Definitions.	533.10	Prostitution.
533.02	Presumption of knowledge; actual notice and defense.	533.11	Disseminating matter harmful to juveniles.
533.03	Unlawful sexual conduct with a minor.	533.12	Deception to obtain matter harmful to juveniles.
533.04	Sexual imposition.	533.13	Displaying matter harmful to juveniles.
533.05	Importuning.	533.14	Unlawful advertising of massage.
533.06	Voyeurism.	533.15	Dissemination of private sexual images.
533.07	Public indecency.	533.16	Grooming.
533.08	Procuring; engagement in sexual activity for hire.	533.99	Penalty.
533.09	Soliciting.		
533.091	Loitering to engage in solicitation.		

CROSS REFERENCES

See sectional histories for similar State law
 Complicity - see GEN. OFF. 501.10
 Offensive conduct - see GEN. OFF. 509.03
 Telephone harassment - see GEN. OFF. 537.10
 Criminal trespass - see GEN. OFF. 541.05

533.01 DEFINITIONS.

As used in this chapter:

- (a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- (b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (c) "Sexual activity" means sexual conduct or sexual contact, or both.
- (d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- (e) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

- (m) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
 - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (n) "Minor" means a person under the age of eighteen years.
- (o) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (p) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (q) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
- (r) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.
- (s) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an under-garment.
(ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner or manager, or agent or employee of an owner or manager, of a bookstore, newsstand, theater, or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business does any of the acts prohibited by Section 533.11, is presumed to have knowledge of the character of the material or performance involved, if the owner, manager, or agent or employee of the owner or manager has actual notice of the nature of such material or performance, whether or not the owner, manager, or agent or employee of the owner or manager has precise knowledge of its contents.

(b) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the jurisdiction in which the person to whom the notice is directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles and bear the date of such notice.

(c) Section 533.11 does not apply to a motion picture operator or projectionist acting within the scope of employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in the operator's or projectionist's place of employment, other than wages.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law. (ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when the offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

(b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year. (ORC 2907.06)

533.05 IMPORTUNING.

(EDITOR'S NOTE: Former Section 533.05 has been deleted from the Codified Ordinances. Section 533.05 was identical to Ohio R.C. 2907.07(B) which the Ohio Supreme Court held to be unconstitutional in *State v. Thompson*, 95 Ohio St. 3rd 264 (2002).)

533.06 VOYEURISM.

(a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

- (2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.
 - (3) The person in the image is in a state of nudity or is engaged in a sexual act;
 - (4) The image is disseminated without consent from the person in the image;
 - (5) The image is disseminated with intent to harm the person in the image.
- (c) This section does not prohibit the dissemination of an image if any of the following apply:
 - (1) The image is disseminated for the purpose of a criminal investigation that is otherwise lawful.
 - (2) The image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct.
 - (3) The image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.
 - (4) The image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.
 - (5) The image is disseminated for another lawful public purpose;
 - (6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.
 - (7) The image is disseminated for the purpose of medical treatment or examination.
- (d) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:
 - (1) A provider of interactive computer service;
 - (2) A mobile service;
 - (3) A telecommunications carrier;
 - (4) An internet provider;
 - (5) A cable service provider;
 - (6) A direct-to-home satellite service;
 - (7) A video service provider.
- (e) Any conduct that is a violation of this section and any other section of the General Offenses Code, or the Revised Code may be prosecuted under this section, the other section, or both sections.
- (f)
 - (1)
 - A. Except as otherwise provided in subsection (f)(1)B., C., or D. of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.
 - B. If the offender previously has been convicted of or pleaded guilty to a violation of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.
 - C. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.
 - D. If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.

- (d) Whoever violates this section is guilty of grooming.
- (1) Except as otherwise provided in this division, a violation of subsection (b) of this section is a misdemeanor of the second degree. If the victim of the offense is less than thirteen years of age or if the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense and the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.
- (2) Except as otherwise provided in this subsection, a violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age or if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(e) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of this code or the Ohio Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of this code or the Ohio Revised Code may be prosecuted under this section, the other section of this code or the Revised Code, or both sections.

(ORC 2907.071)

533.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 537
Offenses Against Persons

537.01	Negligent homicide.	537.12	Misuse of 9-1-1 system.
537.02	Vehicular homicide and manslaughter.	537.13	Adulterating of or furnishing adulterated food or confection.
537.021	Vehicular assault in a construction zone.	537.14	(Reserved)
537.03	Assault.	537.15	(Reserved)
537.04	Negligent assault.	537.16	Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.
537.05	Aggravated menacing.	537.17	Reserved.
537.051	Menacing by stalking.	537.18	Contributing to unruliness or delinquency of a child.
537.06	Menacing.	537.19	Hazing prohibited.
537.07	Endangering children.	537.20	Illegal use of a tracking device or application.
537.08	Unlawful restraint.	537.99	Penalty.
537.09	Coercion.		
537.10	Telecommunication; knowingly engaging in harassment.		
537.11	Telecommunication; recklessly engaging in harassment.		

CROSS REFERENCES

See sectional histories for similar State law

Physical harm to persons defined - see GEN. OFF.

501.01 (c), (e)

Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) Subsection (a)(2)B. and (a)(3)B. do not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1), (a)(2)A., (a)(3)A., or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

- (1) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (2) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
- (3) "Motor vehicle", "mini-truck" and "utility vehicle" have the same meaning as in Ohio R.C. 4501.01.
- (4) "OVI offense" means a violation of Ohio R.C. 4511.19(A), a violation of Ohio R.C. 1547.11(A), a violation of Ohio R.C. 4561.15(A)(3), or a substantially equivalent municipal ordinance.
- (5) "Reckless operation offense" means a violation of Ohio R.C. 4511.20 or a municipal ordinance substantially equivalent to Ohio R.C. 4511.20.
- (6) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.
- (7) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

3. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of twenty-one to purchase tobacco or alternative nicotine products."
- (4) The following are affirmative defenses to a charge under subsection (a)(2)A. of this section:
 - A. The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
 - B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (a)(2)A. of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
- (5) A. It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:
 1. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.
 2. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
 3. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.
- B. It is not a violation of subsection (a)(2)A. or B. of this section for an employer to permit an employee eighteen, nineteen or twenty years of age to sell a tobacco product.
- (6) A. No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following:
 1. Alternative nicotine products;
 2. Papers used to roll cigarettes;
 3. Tobacco products other than cigarettes.
- B. A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in subsections (a)(6)A1. to 3. of this section.
- (7) Whoever violates subsections (a)(2)A., B., D., E., F., G., H., (3) or (6) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(b) Transaction Scan.

- (1) For the purpose of this subsection (b) and subsection (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.
 - B. "Identification card." An identification card issued under Ohio R.C. 4507.50 to 4507.52.
 - C. "Seller." A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of subsection (a) of this section.
 - D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.
 - E. "Transaction scan device." Any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.
- (2)
 - A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.
 - B. If the information deciphered by the transaction scan performed under subsection (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.
 - C. Subsection (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (b) and subsection (c) of this section.
- (4)
 - A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:

- (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:
- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;
 - B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(ORC 2927.022)
- (d) Shipment of Tobacco Products.
- (1) As used in this subsection (d):
- A. "Authorized recipient of tobacco products" means:
 - 1. In the case of cigarettes, a person who is:
 - a. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
 - b. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
 - c. An export warehouse proprietor as defined in Internal Revenue Code Section 5702;
 - d. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
 - e. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 - f. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
 - g. A person having a consent for consumer shipment issued by the Ohio Tax Commissioner under Ohio R.C. 5743.71.
 - 2. In the case of electronic smoking devices or vapor products, a person who is:
 - a. Licensed as a distributor of tobacco or vapor products under Ohio R.C. 5743.61;

- (2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree.
(ORC 2927.024)

537.17 RESERVED.

(Editor's note: This section was formerly 537.17 Criminal Child Enticement, based on Ohio R.C. 2905.05, Criminal Child Enticement. The Ohio Supreme Court held that Ohio R.C. 2905.05(A) was unconstitutionally overbroad in violation of the First Amendment. See *State v. Romage*, 138 Ohio St. 3d. 390 (2014).)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

- (a) As used in this section:
- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
 - (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.
- (b) No person, including a parent, guardian or other custodian of a child, shall do any of the following:
- (1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;
 - (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;
 - (3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant;
 - (4) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.
- (c) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

537.19 HAZING PROHIBITED.

- (a) As used in this section:
- (1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in Ohio R.C. 3719.011.
 - (2) "Organization" includes a national or international organization with which a fraternity or sorority is affiliated.

- (8) "Ohio Protection Order" means a protection order filed or issued or a consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31, a protection order filed or issued pursuant to Ohio R.C. 2151.34, 2903.213, or 2903.214, or a no contact order issued as any of the following:
 - A. As part of a person's sentence under a community control sanction imposed under Ohio R.C. 2929.16, 2929.17, 2929.26, or 2929.27;
 - B. As a term or condition of a person's release under Ohio R.C. 2929.20;
 - C. As a post-release control sanction imposed as a condition of a person's post-release control under Ohio R.C. 2967.28;
 - D. As a term of supervision for a person transferred to transitional control under Ohio R.C. 2967.26;
 - E. As a term or condition of the intervention plan of a person granted intervention in lieu of conviction under Ohio R.C. 2951.041.
- (9) "Person" means an individual, but does not include a business entity.
- (10) "Private investigator" has the same meaning as in Ohio R.C. 4749.01.
- (11) "Protection order issued by a court of another state" has the same meaning as in Ohio R.C. 2919.27.
- (12) "Tracking application" means any software program that permits a person to remotely determine or track the position or movement of another person or another person's property.
- (13) "Tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of another person or another person's property, including an electronic monitoring device.

(b) Except as otherwise provided in subsection (d) of this section, no person shall knowingly do either of the following:

- (1) Install a tracking device or tracking application on another person's property without the other person's consent or cause a tracking device or tracking application to track the position or movement of another person or another person's property without the other person's consent;
- (2) If the person installed a tracking device or tracking application on another's property with the other person's consent and the other person subsequently revokes that consent, fail to remove or ensure the removal of the device or application after the other person revokes the consent.

- (c) (1) For purposes of this section, if a person has given consent for another to install a tracking device or tracking application on the consenting person's property, it is presumed that the consenting person has revoked that consent if any of the following applies:

- A. The consenting person and the person to whom consent was given are lawfully married and one of them files a complaint for divorce or a petition for dissolution of marriage from the other. Not later than seventy-two hours after being served with a complaint for divorce or a petition for dissolution of marriage, the person to whom consent was given shall lawfully uninstall or discontinue use of the tracking device or tracking application. If the person to whom consent was given cannot lawfully uninstall or discontinue use of the tracking device or tracking application, the person to whom consent was given shall notify the court in which the complaint for divorce or the petition for dissolution of marriage was filed in writing.

- (3) A caregiver of an elderly person or disabled adult, if the elderly person's or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person's or disabled adult's property is necessary to ensure the safety of the elderly person or disabled adult;
- (4) A person acting in good faith on behalf of a business entity for a legitimate business purpose, provided that this division does not apply to a private investigator engaged in the business of private investigation on behalf of another person;
- (5) A.
 - A private investigator or other person licensed under Ohio R.C. 4749.03, who is acting in the normal course of the investigator's business of private investigation on behalf of another person and who has the consent of the owner of the property upon which the tracking device or tracking application is installed, for the purpose of obtaining information with reference to any of the following:
 - 1. Criminal offenses committed, threatened, or suspected against the United States, a territory of the United States, a state, or any person or legal entity;
 - 2. Locating an individual known to be a fugitive from justice;
 - 3. Locating lost or stolen property or other assets that have been awarded by the court;
 - 4. Investigating claims related to workers' compensation.
 - B. This subsection does not apply if the person on whose behalf the private investigator is working is the subject of an Ohio protection order or a protection order issued by a court of another state or if the private investigator knows or reasonably should know that the person on whose behalf the private investigator is working seeks the investigator's services to aid in the commission of a crime.
- (6) An owner or lessee of a motor vehicle who installs, or directs the installation of, a tracking device or tracking application on the vehicle during the period of ownership or lease, if any of the following applies:
 - A. The tracking device or tracking application is removed before the vehicle's title is transferred or the vehicle's lease expires;
 - B. The new owner of the vehicle, in the case of a sale, or the lessor of the vehicle, in the case of an expired lease, consents in writing to the non-removal of the tracking device or tracking application;
 - C. The owner of the vehicle at the time of the installation of the tracking device or tracking application was the original manufacturer of the vehicle.
- (7) A person who installs a tracking device or application on property in which the person has an ownership or contractual interest, unless the person is the subject of a protective order and the property is likely to be used by the person who obtained the protective order;
- (8) A person or business entity that installs a tracking device or tracking application on any fixed wing aircraft or rotorcraft operated or managed by the person or business entity pursuant to 14 C.F.R. part 91 or part 135 to track the position or movement of the fixed wing aircraft or rotorcraft;
- (9) A surety bail bond agent, or any employee or contractor of a surety bail bond agent, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of the surety bail bond agent's, employee's, or contractor's official responsibilities or duties.

CHAPTER 545 Theft and Fraud

545.01	Definitions.	545.11	Making or using slugs.
545.02	Determining property value in theft offense.	545.12	Tampering with coin machines.
545.03	Property exceptions as felony offense.	545.13	Criminal simulation.
545.04	Detention of shoplifters; rights of museums and libraries.	545.14	Tampering with records.
545.05	Misdemeanor theft.	545.15	Securing writings by deception.
545.06	Unauthorized use of a vehicle; vehicle trespass.	545.16	Personating an officer.
545.07	Insurance fraud.	545.17	Defrauding creditors.
545.08	Unauthorized use of property.	545.18	Receiving stolen property.
545.09	Passing bad checks.	545.19	Possession of criminal tools.
545.10	Misuse of credit cards.	545.20	Forgery of identification cards.
		545.21	Identity fraud.
		545.22	Label or marking alteration; container transfer.
		545.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Property defined - see GEN. OFF. 501.01(j)
 Cheating - see GEN. OFF. 517.05
 Falsification - see GEN. OFF. 525.02
 Impersonating a public servant - see GEN. OFF. 525.03

545.01 DEFINITIONS.

As used in this chapter, unless the context requires that a term be given a different meaning:

- (a) "Deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

545.05 MISDEMEANOR THEFT.

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

- (b) (1) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is misdemeanor theft, a misdemeanor of the first degree. If the elements set forth in Ohio R.C. 2913.02(B) for felony theft, grand theft, or aggravated theft are met, then a violation of this section is a felony to be prosecuted under appropriate state law.
- (2) In addition to the penalties described in subsection (b)(1) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:
- A. Unless subsection (b)(2)B. of this section applies, suspend for not more than six months the offenders driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
 - B. If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to subsection (b)(2)A. of this section, or any other substantially equivalent state or local law, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be at least six months;
 - C. The court, in lieu of suspending the offender's driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to subsection (b)(2)A. or (b)(2)B. of this section, instead may require the offender to perform community service for a number of hours determined by the court.
- (3) In addition to the penalties described in subsection (b)(1) of this section, if the offender committed the violation by stealing rented property or rental services, the court may order that the offender make restitution pursuant to Ohio R.C. 2929.18 or Ohio R.C. 2929.28. Restitution may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented. Evidence of intent to commit theft of rented property or rental services shall be determined pursuant to the provisions of Ohio R.C. 2913.72.

- B. A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;
 - C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.123;
 - D. Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;
 - E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;
 - F. Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
 - G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;
 - H. A place in which federal law prohibits the carrying of handguns.
- (3) A. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.
- B. 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

- that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.
- b. If a person knowingly violates a posted prohibition of the nature described in this subsection and the posted land or premises is a child care center, type A family child care home, or type B family child care home, unless the person is a licensee who resides in a type A family child care home or type B family child care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this subsection, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this subsection or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
 2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
 3. As used in subsection (b)(3)C. of this section:
 - a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
 - b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
 - (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.
 - (5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.

An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio for the period January 1, 2025, to December 31, 2025, and declaring an emergency.

Department: Finance

Request: Action Item

Item Background and Purpose:

The City of Moraine's Property and Liability Insurance through the Public Entities Pool (PEP) of Ohio expires on 7/31/2025 and the annual premium will be due on 8/1/2025. This request is related to the COW agenda item requesting legislation to accept the PEP renewal proposal. You can find details about the renewal quote there.

The annual renewal quote is \$257,530 and the budget currently has \$228,236 available in the line-item for this purpose, leaving a need for an additional \$29,300. The original budget was sufficient to cover the increase. However, there was an unexpected increase in the Miami Valley Conservancy District tax assessment fee and \$37,000 was transferred from this account to cover it. Now that we know the renewal amount, I (Annetta Williams) am requesting that an emergency ordinance be added to the next City Council meeting for supplemental appropriations of \$29,300 to the General Fund - General Miscellaneous budget for the PEP annual property and liability insurance renewal.

Financial Impact:

Is Item Budgeted?: No

Funding Source: General Fund - General Miscellaneous

Attachments:

1. 2025-07-02 Supplemental appropriations - General fund Miscellaneous - PEP

RECORD OF ORDINANCES

Ordinance No. 2193-25

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MORaine, STATE OF OHIO FOR THE PERIOD JANUARY 1, 2025, TO DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That after due review and consideration, it has been determined that it is in the best interest of the City of Moraine to provide for the following supplemental appropriations as listed:

101 GENERAL FUND			
Department		Operating Expenses	Appropriation
General Miscellaneous		\$ 29,300	\$ 29,300
		Supplemental Appropriations	\$ 29,300
		Total Supplemental Appropriations	\$ 29,300

SECTION 2: That this ordinance being a supplemental appropriation, shall take effect immediately upon passage, pursuant to Section 4.9 of the City of Moraine, Ohio charter.

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: July 2, 2025

Subject: Supplemental Appropriation Request: General Fund – General Miscellaneous for Property and Liability Insurance

The City of Moraine's Property and Liability Insurance through the Public Entities Pool (PEP) of Ohio expires on 7/31/2025 and the annual premium will be due on 8/1/2025. This request is related to the COW agenda item requesting legislation to accept the PEP renewal proposal. You can find details about the renewal quote there.

The annual renewal quote is \$257,530 and the budget currently has \$228,236 available in the line-item for this purpose. Consequently, there is a need for an additional \$29,300. The original budget was sufficient to cover the increase, however, there was an unexpected increase in the Miami Valley Conservancy District tax assessment fee and \$37,000 was transferred from this account to cover it. We wanted to wait and see what the renewal quote was to determine if there would be a need for supplemental appropriations.

I am requesting that emergency legislation be added to the next regular City Council Meeting agenda for supplemental appropriations of \$29,300 to the General Fund – General Miscellaneous department to cover the contribution for the PEP annual property and liability insurance renewal.

A Resolution authorizing the renewal of property and casualty insurance coverage through the Public Entities Pool of Ohio (PEP) at a cost not to exceed \$257,530.00.

Department: Finance

Request: Action Item

Item Background and Purpose:

The City's Property and Liability Insurance through the Public Entities Pool (PEP) of Ohio expires on July 31, 2025. We have received the renewal proposal effective August 1st. This pool is made up of over 500 municipalities and public agencies from across the State of Ohio, and they provide a wide variety of coverages. The City of Moraine has been a member of PEP for many years. An advantage of being in a public entity insurance pool is to be rated with organizations that have similar risk exposure in providing municipal services.

The renewal quote is for \$257,530, an increase of \$38,000 over 2024 reflective of market conditions and additional exposures related to additional staffing, the purchase of vehicles to replace an aging fleet and building improvements/renovations. I (Annetta Williams) would like to ask for legal legislation to be created to continue the City's relationship with PEP and accept the proposal at the next City Council meeting.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: General Fund, but will need an additional \$29,300 being presented in a separate agenda item.

Attachments:

1. 2025-07-01 Property Liability Insurance Renewal

RECORD OF RESOLUTIONS

Resolution No. 8167-25

A RESOLUTION AUTHORIZING THE RENEWAL OF PROPERTY AND CASUALTY INSURANCE COVERAGE THROUGH THE PUBLIC ENTITIES POOL OF OHIO (PEP) AT A COST NOT TO EXCEED \$257,530.00.

WHEREAS, the renewal of the City’s Property and Casualty Insurance through the Public Entities Pool of Ohio (PEP) will maintain coverage and services as currently exist for the City; and

WHEREAS, renewal of the current policy permits continuation of the contract plan at the best and lowest price reasonably possible.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That after review and consideration, the Council of the City of Moraine, Ohio does hereby authorize the renewal of the Property and Casualty insurance coverage with the Public Entities Pool of Ohio (PEP) at a cost not to exceed \$257,530.00, such costs to be paid from the General Fund.

SECTION 2: That the Clerk is hereby directed to forward a certified copy of this Resolution to the City Manager and Finance Director.

SECTION 3: That this Resolution shall take effect and be in force from and after the date of its passage.

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: July 1, 2025

Subject: 2025 Property & Liability Insurance Renewal

The City currently carries Property and Liability Insurance through the Public Entities Pool (PEP) of Ohio. This pool is made up of over 500 municipalities and public agencies from across the State of Ohio. The City of Moraine has been a member of PEP for many years. An advantage of being in a public entity insurance pool is to be rated with organizations that have similar risk exposure in providing municipal services. Insuring municipal services on the open market is very expensive.

Our current policy expires on July 31, and I have enclosed the annual renewal proposal for your review. USI Insurance Services, the broker for PEP, has produced the proposal for our renewal effective August 1. Please note the renewal document contains lines of coverage that are not applicable to our City such as wastewater treatment plants and golf courses. These coverages are offered to all members and are meant to cover all possible needs of the members.

Proposal Highlights:

- **Cost:** The renewal has been priced at \$257,530. This is an 17.6% increase over last year's premium of \$219,088 because of continued increases to property valuations and the general insurance market uncertainty.
 - **General Liability:** Increase of \$2,729 (+6.9%) due to an increase in expenditures and an increase of four firefighters.
 - **Auto Liability:** Increase of \$783 (+4.6%) from an increase in fleet from 93 to 95 vehicles at time of quote.
 - **Law Enforcement Liability:** Increase of \$4,748 (+47.9%) from an increase in full-time officers.
 - **Auto Physical Damage:** \$17,519 (+35.7%) Increase from increase in insured values.

- **Property/Equipment Breakdown:** \$8,112 (+10.7%) Increase from market conditions and increase in property values.
- **Safety Equipment Grant:** PEP offers grants up to \$1,000 for members to buy safety equipment.
- **Coverages – Trending Issues:** PEP provides for a wide variety of coverages and is constantly forward-looking in trying to provide coverage in today's world.
 - Excellent coverage for automobile physical damages.
 - Crime coverage for theft from the City.
 - Flood coverage for damage to City property.
 - Cybersecurity coverage.
- **Cyber Security:** PEP includes strong cyber security coverage for data breaches and ransomware attacks.
 - **Cyber Breach:** If the City's network was attacked, the plan would pay up to \$1,000,000 per occurrence. The deductible is \$10,000.
 - **Cyber Liability:** If the City's information was lost or held hostage, the plan would pay up to \$1,000,000 per occurrence. The deductible is \$10,000.
 - There is concern that cyber security coverage may become unavailable or be very expensive in the future.
- **Excess Liability:** The PEP program is treated as silos for the various categories of coverage. Our base policy covers claims up to \$5 million in each category. If we reach the maximum of \$5 million in claims in one category, we have \$5 million in coverage in each of the other categories.

Recommendation:

I recommend approval of the proposal to continue our relationship with PEP and for the quality service they provide in protecting the City. I am requesting legislation to accept the proposal at the next City Council meeting.



PEP Invoice Summary

For City of Moraine, Montgomery County

Effective Date: 08/01/2025

Invoice Number: R0508PC2025-1

Coverage	Invoiced
General Liability	\$42,588
Auto Liability	\$17,678
Law Enforcement Liability	\$14,670
Public Officials Liability	\$4,619
Excess Liability	\$29,052
Auto Physical Damage	\$66,555
Property/Boiler & Equipment	\$82,368
Total	\$257,530

Please make check payable to Public Entities Pool and mail to the following address:

Public Entities Pool
10100 Innovation Drive
Suite 220
Dayton, OH 45342



Legal Defense and Claim Payment Agreement – Schedule of Coverages City of Moraine, Montgomery County

<u>Coverage</u>	<u>Effective Date</u>	<u>Expiration Date</u>	<u>Retroactive Date</u>	<u>Limit</u>	<u>Deductible</u>
Legal Liability for Automobile Claims	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Covered Pollution Cost or Expense for Automobiles	8/1/2025	8/1/2026	8/1/1995	\$5,000,000	\$0
Uninsured and Underinsured Motorist Per Person	8/1/2025	8/1/2026	8/1/2025	\$1,000,000	\$0
Uninsured and Underinsured Motorist Per Occurrence	8/1/2025	8/1/2026	8/1/2025	\$1,000,000	\$0
Medical Expenses - Automobile	8/1/2025	8/1/2026	8/1/2025	\$5,000	\$0
Legal Liability for General Liability Claims	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Active Assailant	8/1/2025	8/1/2026	8/1/2025	See LDCP 0500 (01 19)	\$0
Appeal Bonds	8/1/2025	8/1/2026	8/1/2025	Unlimited	\$0
Bail Bonds	8/1/2025	8/1/2026	8/1/2025	Unlimited	\$0
Bonds to Release Property	8/1/2025	8/1/2026	8/1/2025	Unlimited	\$0
Broad Legal Defense Fund	8/1/2025	8/1/2026	8/1/2025	\$5,000 / \$5,000	\$0
Claim and Defense Expenses	8/1/2025	8/1/2026	8/1/2025	Unlimited	\$0
Fire Department Pollution Coverage	8/1/2025	8/1/2026	8/1/2025	\$500,000	\$0
Fire Department Training Activities	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Fire Departments	8/1/2025	8/1/2026	8/1/2025	\$500,000	\$0
Fungi or Bacteria Clean Up	8/1/2025	8/1/2026	8/1/2025	\$25,000	\$0
Fungi or Bacteria Clean Up Aggregate	8/1/2025	8/1/2026	8/1/2025	\$50,000	\$0
Fungi or Bacteria Injury	8/1/2025	8/1/2026	8/1/2025	\$25,000	\$0
Fungi or Bacteria Injury Aggregate	8/1/2025	8/1/2026	8/1/2025	\$50,000	\$0
Good Samaritan	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Medical Expenses - Other than Automobile	8/1/2025	8/1/2026	8/1/2025	\$5,000	\$0
Medical Malpractice	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Member Expenses	8/1/2025	8/1/2026	8/1/2025	\$10,000	\$0
Moral Obligation to Pay	8/1/2025	8/1/2026	8/1/2025	\$2,500	\$0
Non-Monetary Relief Defense Expense	8/1/2025	8/1/2026	8/1/2025	\$50,000	\$0
Post-Judgment Interest	8/1/2025	8/1/2026	8/1/2025	Unlimited	\$0
Pre-Judgment Interest	8/1/2025	8/1/2026	8/1/2025	Unlimited	\$0
Stop Gap	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Wastewater Treatment Plants- Clean Up Expense	8/1/2025	8/1/2026	8/1/2025	\$25,000 occ / \$25,000 agg	\$0



Legal Defense and Claim Payment Agreement – Schedule of Coverages

City of Moraine, Montgomery County

Wastewater Treatment Plants- Third Party Liability	8/1/2025	8/1/2026	8/1/2025	\$50,000 agg / \$50,000 occ	\$0
Pollution Liability Coverage - Pesticides	8/1/2025	8/1/2026	8/1/2025	\$250,000	\$0
Public Officials Wrongful Acts	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$2,500
Employment Expense	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Employee Benefit Liability	8/1/2025	8/1/2026	8/1/2025	\$1,000,000	\$1,000
Employment Practices Wrongful Acts	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$2,500
Legal Liability for Law Enforcement Claims	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$2,500

<u>Coverage</u>	<u>Effective Date</u>	<u>Expiration Date</u>	<u>Retroactive Date</u>	<u>Limit</u>	<u>Deductible</u>
Anti-skid Material Storage and Application	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Chlorine	8/1/2025	8/1/2026	8/1/2025	\$5,000,000	\$0
Sewer Back-up	8/1/2025	8/1/2026	8/1/2025	\$1,000,000 / \$1,000,000	\$0
Underground Gasoline, Diesel and Fuel Oil Storage Tanks Aggregate	8/1/2025	8/1/2026	8/1/2025	\$55,000	\$0
Underground Gasoline, Diesel and Fuel Oil Storage Tanks Each Occurrence	8/1/2025	8/1/2026	8/1/2025	\$55,000	\$0

CYBER BREACH AND LIABILITY AGREEMENT – SUPPLEMENTAL DECLARATIONS

Any reference to the Declarations within this Cyber Breach and Liability Agreement includes the Cyber Breach and Liability Declarations and these Cyber Breach and Liability Agreement Supplemental Declarations.

	Limit Per Coverage Agreement	Annual Aggregate Limit	Member Deductible Per Claim
THIRD PARTY LIABILITY COVERAGE AGREEMENTS			
Multimedia Liability Coverage	\$1,000,000	\$1,000,000	\$10,000
Security and Privacy Liability Coverage	\$1,000,000	\$1,000,000	\$10,000
Privacy Regulatory Defense and Penalties Coverage	\$1,000,000	\$1,000,000	\$10,000
PCI DSS Liability Coverage	\$1,000,000	\$1,000,000	\$10,000
Bodily Injury Liability Coverage	\$200,000	\$200,000	\$10,000
Property Damage Liability Coverage	\$200,000	\$200,000	\$10,000
TCPA Defense Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
FIRST PARTY COVERAGE AGREEMENTS			
Breach Event Costs Coverage	\$1,000,000	\$1,000,000	\$10,000
Post Breach Remediation Costs Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
BrandGuard® Coverage	\$1,000,000	\$1,000,000	\$10,000
System Failure Coverage	\$1,000,000	\$1,000,000	\$10,000
Dependent System Failure Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Cyber Extortion Coverage	\$1,000,000	\$1,000,000	\$10,000
Cyber Crime Coverage	\$200,000	\$200,000	\$10,000
Bricking Loss Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Property Damage Loss Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Reward Expenses Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Court Attendance Costs Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>

Systemic Event Aggregate Limit of Coverage: \$2,000,000 per occurrence

Pool Maximum Aggregate Limit of Liability: \$5,000,000

Retroactive Date – Full Prior Acts
Knowledge Date – January 1, 2025

Brand Guard Coverage
Waiting Period: 2 weeks
Period of Indemnity: 180 days
Period of Restoration: N/A

System Failure Coverage:
Waiting Period: 8 hours
Period of Indemnity: N/A
Period of Restoration: 120 days



GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio City of Moraine, Montgomery County

Effective Date: 08/01/2025

Expiration Date: 08/01/2026

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
---------	----------------	------------

SECTION III – PROPERTY DAMAGE

Buildings*	\$44,421,448	\$1,000
Personal Property*	\$2,671,736	\$1,000
Accounts Receivable	\$250,000	
Animals	\$25,000	
Appearance Allowance	\$25,000	
Arson or Theft Reward	\$10,000	
Athletic Surfaces	\$50,000	
Building or Addition Under Construction	\$1,000,000	\$1,000
Building or Addition Under Construction - Frame Construction Type	Excluded	
Debris Removal	\$250,000	
Decontamination Costs	\$25,000	
Electronic Vandalism	\$250,000	
Equipment Rental Reimbursement	\$250,000	
Errors or Omissions	\$500,000	
Expediting Expenses	\$250,000	
Fine Arts - Unscheduled	\$25,000	
Fire Department Service Charge	Actual Cost	
Fire Extinguishing Systems	Actual Cost	
Fire Hydrants (Unscheduled)	\$10,000	
Golf Course Sand Traps, Tee and Greens	10,000/250,000	
Green Coverage	\$100,000	
Guide Rails	\$10,000	
Land and Water Cleanup Expense	\$10,000	
Locks and Keys	\$25,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2025

Expiration Date: 08/01/2026

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
Money and Securities	\$25,000	
New Generation	\$10,000	
Newly Constructed or Acquired Property	\$2,000,000	\$1,000
Off-Premises Service Interruption Property Damage	\$25,000	
Off-Premises Storage - Property Under Construction	\$10,000	
Ordinance or Law	\$500,000	
Outdoor Signs	\$10,000	
Outdoor Trees and Shrubs	10,000/250,000	
Parking Meters and Charging Stations	\$5,000	
Personal Prop Not at a Covered Location	\$50,000	
Personal Property of Others	\$250,000	\$1,000
Pollution Cleanup Expense	\$100,000	
Professional Fees	\$5,000	
Property Removed from a Covered Location	\$250,000	
Protection and Preservation of Property	\$250,000	
Terrorism	See GPA 0780	\$0
Transit Coverage	\$100,000	
Underground Fiber Optic Cable	\$10,000	
Unscheduled Misc Property	\$10,000	
Unscheduled Playground Equipment	\$25,000	
Unscheduled Property in the Open	\$100,000	\$1,000
Valuable Papers and Records	\$250,000	
Water and Sewer Backup	\$100,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2025

Expiration Date: 08/01/2026

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
SECTION IV - TIME ELEMENT		
Civil Authority	Maximum 30 days	
Civil Authority	\$25,000	
Computer Systems and Non-physical Damage	\$10,000	
Contingent Tax Revenue Interruption	\$25,000	
Contingent Time Element	\$10,000	
Earnings During Protection/Preservation	\$25,000	
Expenses to Reduce Loss	\$25,000	
Extended Earnings, Extra Expense and Cost	\$50,000	
Extended Gross Earnings, Extra Expense and Cost	Maximum 180 days	
Extended Period of Coverage	\$25,000	
Extra Expense and Cost	\$250,000	
Gross Earnings	\$250,000	
Leasehold Interest	\$10,000	
Rental Coverage	\$10,000	
Soft Costs	\$5,000	
Storm Debris Removal	\$5,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2025

Expiration Date: 08/01/2026

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
---------	----------------	------------

SECTION V - EQUIPMENT BREAKDOWN

Total Limit per one Breakdown*	\$47,093,184	See GPA 0644
Power Generating Equipment	Excluded	
Civil Authority	\$25,000	
Data or Media	\$250,000	
Defense	Unlimited	
Dependent Properties	\$25,000	
Earnings	\$100,000	
Electrical Surge and Electrical Disturbance	\$100,000	
Error in Description	\$500,000	
Expediting Expenses	\$250,000	
Extended Earnings and Extra Expense	\$100,000	
Extra Expense	\$100,000	
Green Alternatives	\$100,000	
Hazardous Substance	\$100,000	
New Generation	\$10,000	
Newly Acquired Locations	\$2,000,000	
Off Premises Equipment	\$50,000	
Ordinance or Law	\$500,000	
Refrigerant Contamination	\$100,000	
Service Interruption	\$100,000	
Spoilage	Included with Refrigerant Contamination	
Water Damage	\$100,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2025

Expiration Date: 08/01/2026

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
---------	----------------	------------

SECTION VI – CRIME

Crime	\$25,000	\$500
Faithful Performance of Duty	\$100,000	\$1,000
Computer Fraud and Funds Transfer	\$10,000	
Employee Theft - Per Employee	\$25,000	
Employee Theft - Per Loss	\$25,000	
Forgery or Alteration	\$10,000	
Inside Premises - Robbery or Safe Burglary	\$10,000	
Money Orders and Counterfeit Money	\$10,000	
Outside Premises	\$10,000	
Theft, Disappearance, Destruction of Money	\$10,000	

SECTION VII - AUTOMOBILE PHYSICAL DAMAGE

Airbags	\$5,000	\$0
Commandeered Property	\$250,000	\$0
Emergency Response Automobile	\$25,000	\$0
Freezing of Equipment Coverage	\$25,000	\$0
Hired Automobile Physical Damage	\$50,000	\$0
Lease Gap	\$25,000	\$0
Not At Fault Collision Deductible Waiver	\$2,500	\$0
Personal Automobile (Deductible)	Actual Cost	\$0
Property in an Unattended Auto	\$1,000	\$0
Recertification	Actual Cost	\$0
Rental Automobile Agreement	\$10,000	\$0
Rental Reimbursement Aggregate	\$100,000	\$0
Rental Reimbursement Per Day	\$1,000	\$0
Roadside Assistance	\$5,000	\$0
Temporary Substitute Automobile	\$2,500	\$0
Terrorism	See GPA 0780	\$0

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2025

Expiration Date: 08/01/2026

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
---------	----------------	------------

SECTION IX – FLOOD

Flood	\$1,000,000	\$1,000
Flood Accounts Receivable	\$100,000	
Flood Animals	\$25,000	
Flood Athletic Surfaces	\$50,000	
Flood Debris Removal	\$250,000	
Flood Decontamination Costs	\$25,000	
Flood Expediting Expenses	\$250,000	
Flood Fine Arts - Unscheduled	\$5,000	
Flood Fire Department Service Charge	Actual Cost	
Flood Fire Extinguishing Systems	Actual Cost	
Flood Green Coverage	\$100,000	
Flood Locks and Keys	\$25,000	
Flood Money and Securities	\$25,000	
Flood Off-Premises Service Interruption Property Damage	\$25,000	
Flood Off-Premises Storage - Property Under Construction	\$10,000	
Flood Ordinance or Law	\$500,000	
Flood Outdoor Signs	\$10,000	
Flood Parking Meters and Charging Stations	\$5,000	
Flood Personal Prop Not at a Covered Location	\$25,000	
Flood Professional Fees	\$5,000	
Flood Property Removed from a Covered Location	\$250,000	
Flood Protection and Preservation of Property	\$250,000	
Flood Transit Coverage	\$10,000	
Flood Unscheduled Misc Property	\$10,000	
Flood Unscheduled Playground Equipment	\$25,000	
Flood Valuable Papers and Records	\$100,000	

A Resolution accepting the bid of and authorizing the City Manager to enter into a contract with Neyra Construction, Inc. dba Neyra Paving for the 2025 Parking Lot Paving Program for the total amount of \$213,959.97 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount.

Department: Community Development

Request: Action Item

Item Background and Purpose:

This project consists of resurfacing and repairing the parking lots, as well as other improvements, at the Street Division Building, adjacent alley, and the Building Maintenance Building.

The apparent low bidder with a total bid price of \$213,959.97, Neyra Paving, Inc. has done satisfactory work in Moraine and neighboring jurisdictions in the past.

Including a 10% contingency amount that the City Manager can use to authorize potential change orders, the total amount approved would be \$235,355.97. This is above the existing budget of \$150,000.00.

The City Facility Improvements budget of \$195,000.00 has been allocated to three different projects, including this Parking Lot Paving Program. With the budget savings from the other two projects, the budget shortage would be \$60,591.57. The Annual Street Improvements budget has an estimated savings of \$181,454.36 which is more than enough to cover the shortage from the City Facility Improvements budget.

I have reviewed this with the Finance Director and would recommend that a budget transfer be created to reduce \$60,592 from Annual Street Improvements account 301-1305-50001 and increase City Facility Improvements 301-1305-50703, and to award the 2025 Parking Lot Paving Program to Neyra Paving, Inc. with the accepted total bid amount of \$213,959.97 and approving a total of \$235,355.97.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: 301-1305-50703 CITY FACILITY IMPROVEMENTS

Attachments:

1. 2025-005 Rebid Results Memo to CM

RECORD OF RESOLUTIONS

Resolution No. 8168-25

A RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NEYRA CONSTRUCTION, INC. DBA NEYRA PAVING FOR THE 2025 PARKING LOT PAVING PROGRAM FOR THE TOTAL AMOUNT OF \$213,959.97 AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE NEEDED CHANGE ORDER(S), IF ANY, IN SPECIFIED AMOUNT.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

Re-Bids were requested and received for the 2025 Parking Lot Paving Project and upon review and recommendation by staff, and determination that the bid of Neyra Construction, Inc. dba Neyra Paving, in the amount of \$213,959.97, is hereby deemed to be the lowest and best responsive bid submitted by a responsible bidder and same is hereby accepted and the City Manager is authorized to enter into a contract therewith in accordance with the terms of the bid specifications, said costs to be paid from the Capital Improvement Fund.
- SECTION 2:

The City Manager is further authorized to expend up to an additional 10% of the bid amount of \$21,395.99 for additional work, if necessary, making the total amount approved to be \$235,355.97.
- SECTION 3:

That the Clerk is hereby directed to forward a certified copy of this Resolution to the City Manager, City Engineer, and Finance Director.
- SECTION 4:

That this Resolution shall take effect from and after the date of its passage.



CITY OF MORaine DEPARTMENTAL CORRESPONDENCE

DATE: July 2nd, 2025

TO: Michael Davis, City Manager

FROM: Lauren Alvarado, City Engineer

SUBJECT: 2025 Parking Lot Paving Program Rebid

Bids for the subject project were received on Tuesday, July 1st, 2025 at 4:00 PM. The following bids were received:

COMPANY	BASE BID	ALTERNATE BID	TOTAL BID
Neyra Paving, Inc.	\$151,606.97	\$62,353.00	\$213,959.97
Barrett Paving Materials, Inc	\$175,210.24	\$50,256.28	\$225,466.52
ENGINEERS ESTIMATE	\$168,000.00	\$50,000.00	\$218,000.00

This project consists of resurfacing and repairing the parking lots, as well as other improvements, at the Street Division Building, adjacent alley, and the Building Maintenance Building.

The apparent low bidder with a total bid price of \$213,959.97, Neyra Paving, Inc. has done satisfactory work in Moraine and neighboring jurisdictions in the past.

Including a 10% contingency amount that the City Manager can use to authorize potential change orders, the total amount approved would be \$235,355.97. This is above the existing budget of \$150,000.00.

The City Facility Improvements budget of \$195,000.00 has been allocated to three different projects, including this Parking Lot Paving Program. With the budget savings from the other two projects, the budget shortage would be \$60,591.57. The Annual Street Improvements budget has an estimated savings of \$181,454.36 which is more than enough to cover the shortage from the City Facility Improvements budget. Please refer to the budget summaries on the next page.

City Facility Improvements - 50703	Budget	Actual
Parking Lot Paving	\$150,000.00	\$235,355.97
Bike Path Sealing & Striping	\$20,000.00	\$11,700.26
Parking Lot Sealing & Striping	\$25,000.00	\$8,535.34
TOTAL	\$195,000.00	\$255,591.57
SAVINGS / (SHORTAGE)		(\$60,591.57)

Annual Street Improvements - 50001	Budget	Actual
Asphalt Paving	\$700,000.00	\$672,263.64
Conc. Paving	\$700,000.00	\$0.00
Conc. Sidewalk Cutting	\$25,000.00	\$25,000.00
Curb Ramps and sidewalks	\$75,000.00	\$272,535.00
Curbs, Road, and Storm Structure Improvements	\$400,000.00	\$849,987.00
Pavement Rating	\$10,000.00	\$0.00
Pedestrian Improvements	\$115,000.00	\$23,760.00
TOTAL	\$2,025,000.00	\$1,843,545.64
SAVINGS / (SHORTAGE)		\$181,454.36

I have reviewed this with Annetta and would recommend that a budget transfer be created to reduce \$60,592 from Annual Street Improvements account 301-1305-50001 and increase City Facility Improvements 301-1305-50703, and to award the 2025 Parking Lot Paving Program to Neyra Paving, Inc. with the accepted total bid amount of \$213,959.97 and approving a total of \$235,355.97.

A Resolution authorizing the City Manager to enter into an Automatic Mutual Aid Response (AMARS) Agreement with the City of Dayton.

Department: Fire Division

Request: Action Item

Item Background and Purpose:

This agreement is for automatic mutual aid response services between the City of Moraine and the City of Dayton. This agreement allows the closest fire apparatus and/or ambulance to areas within both cities that border each other. This agreement ensures the fastest, most appropriate response to critical incidents.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. AGREEMENT FOR AUTOMATIC MUTUAL AID RESPONSE SERVICES FINAL 7-2-25

RECORD OF RESOLUTIONS

Resolution No. 8169-25

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AUTOMATIC MUTUAL AID RESPONSE (AMARS) AGREEMENT WITH THE CITY OF DAYTON.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

That the City Manager is hereby authorized to enter into an Automatic Mutual Aid Response (AMARS) Agreement with the City of Dayton, a copy of which is attached hereto as Exhibit A and made a part hereof.
- SECTION 2:

That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Fire Chief.
- SECTION 3:

That this Resolution shall take effect and be in force from and after the date of its passage.

**AGREEMENT FOR AUTOMATIC MUTUAL AID RESPONSE SERVICES
BETWEEN THE CITY OF MORaine, OH AND THE CITY OF DAYTON, OH**

This agreement for automatic mutual aid response services is made by the City of Moraine ("Moraine"), an Ohio municipal corporation located in Montgomery County, Ohio, with its offices located at 4200 Dryden Road, Moraine, Ohio 45439, and the City of Dayton ("Dayton"), an Ohio municipal corporation located in Montgomery County, Ohio, with its offices located at 300 North Main, Dayton, Ohio 45402. This Agreement shall be effective on the date the last Party signs below.

WHEREAS, Moraine and Dayton share certain common boundaries and provide fire suppression services to their respective citizens; and

WHEREAS, Moraine owns certain firefighting apparatus and utilizes the Multi-Agency Radio Communication System (MARCS) Radio System (the "Radio System") to dispatch such apparatus on a computer-aided dispatch system ("CAD"); and

WHEREAS, Dayton owns certain firefighting apparatus and utilizes the Radio System to dispatch apparatus on a CAD system; and

WHEREAS, Moraine and Dayton agree that for the mutual benefit of both Parties certain firefighting apparatus and personnel belonging to one Party may be made available to the other Party as specified in this Agreement;

NOW, THEREFORE, in consideration of the mutual promises contained herein, Moraine and Dayton agree as follows:

1. The information contained in the recital paragraphs is true and accurate and is incorporated herein.
2. This Agreement, and any exhibits referenced herein, represent the entire agreement between Moraine and Dayton and supersede all prior negotiations, representations, agreements, whether oral or written, that relate to the subject matter of this Agreement.
3. The term "Apparatus" refers to the equipment specified in Section 9(A) and (B) of this Agreement.
4. Moraine shall utilize the Radio System to advise Dayton of Moraine Apparatus status and availability in real time. Similarly, Dayton shall utilize the Radio System to advise Moraine of Dayton Apparatus status and availability in real time. The Parties' dispatchers shall enter Apparatus status as appropriate in the Parties' respective CAD systems to show whether Apparatus is available to either Party in accordance with Section 9(A) and (B) of this Agreement. The Parties shall not share in the cost of the Radio System but instead, each Party shall pay for and maintain their individual rights to utilize the Radio System.
5. Moraine authorizes Dayton to include in Dayton's CAD system apparatus database the Moraine Apparatus specified in Section 9 of this Agreement. Dayton authorizes Moraine to include in Moraine's CAD system apparatus database the Dayton Apparatus specified in Section 9 of this Agreement.

6. Availability of Moraine Apparatus and personnel shall be in the sole discretion of Moraine. Availability of Dayton Apparatus and personnel shall be in the sole discretion of Dayton. If any Apparatus is unavailable, then it shall not be dispatched to the Party requesting such Apparatus. Any Apparatus covered by this Agreement shall automatically be unavailable when there are less than three (3) qualified personnel to staff and operate the Apparatus and respond to an alarm.
7. Available Apparatus may only be dispatched to the geographic response zones specified for that Apparatus in Section 9 of this Agreement and as indicated in the Fire Beat areas in the map attached hereto and incorporated into this Agreement as Exhibit A. If the Apparatus designated for a specific geographic response zone is not available, then the Party in need of such Apparatus must dispatch its own apparatus or invoke other mutual aid agreements.
8. When Moraine finds it necessary to dispatch Dayton Apparatus, Moraine dispatchers will alert the Regional Dispatch Center ("RDC"). The RDC will alert Dayton dispatchers, and Dayton dispatchers will dispatch the requested Apparatus to Moraine. When Dayton finds it necessary to dispatch Moraine Apparatus, Dayton dispatchers will alert the RDC. The RDC will alert Moraine dispatchers, and Moraine dispatchers will dispatch the requested Apparatus to Dayton. Additional radio communication may take place between dispatch centers via telephone or integrated public safety answering points (PSAP) as necessary to confirm alarm information.
9. The geographic response zones are defined by the Fire Beat areas in the map attached as Exhibit A. The Apparatus to be dispatched by the Parties and the geographic response zone to which the Apparatus may be dispatched are as follows:
 - A. Dayton will send Engine 10 as second due to incidents occurring in the Moraine AMARS Fire Response Zone F101 and F102.
 - B. Moraine will send Engine or Medic 30 as first due to incidents occurring in the Dayton AMARS Fire Response Zone 1014, second due to Zone 1012 and third due to zone 1013.
10. The highest-ranking fire official, in whose jurisdiction an incident causing an Apparatus to be dispatched under this Agreement occurred, will be the final authority to resolve any issue related to that incident.
11. The Parties each agree to obtain and maintain compatible radio communications equipment capable of communicating with the other Party on the Radio System and the assigned MARCS tactical channel.
12. This Agreement shall not be assigned, in whole or in part, by either Party.
13. This Agreement shall be binding upon and inure to the benefit of the Parties, their respective administrators, elected officials, employees, volunteers, agents, successors, and assigns. This Agreement shall remain effective until it is terminated by either Party in accordance with Section 16 of this Agreement.
14. If any provision of this Agreement or its application to any person or circumstance shall be held invalid or unenforceable to any extent by a court having jurisdiction over the Parties, the remainder of this Agreement and its application shall not be affected and instead shall be enforceable to the extent permitted by Ohio law.
15. This Agreement shall be governed by Ohio law without giving effect to conflict of law provisions. All litigation concerning this Agreement shall be brought in a court of

competent jurisdiction in Montgomery County, Ohio. The terms of this Agreement shall not be strictly construed against the drafter but shall be instead construed to give effect to the intent of both Parties on the effective date.

16. This Agreement may only be amended by mutual written agreement of authorized representatives of Moraine and Dayton. This Agreement may be terminated by either Party by giving written notice of termination to the non-terminating Party at least thirty (30) days prior to the effective date of termination.
17. Execution of this Agreement shall not give rise to any liability or responsibility for either Party, including, but not limited to any claims related to or arising out of the following: failure to respond to any request for assistance or dispatch alert, lack of speed in answering such a request or dispatch, inadequacy of Apparatus, negligent operation of Apparatus, failure to extinguish any fire, or any cause growing out of such use of fire or other Apparatus suffered by the Party answering the call. This Agreement shall not be construed or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right to action arising out of this Agreement.
18. No charge will be made to either Party for services rendered by the other Party under this Agreement. There shall be no reimbursement from either Party for loss or damage to Apparatus while engaged in an activity under this Agreement, nor shall there be any reimbursement for any indemnity aware or previous contribution assessed against either Party for worker's compensation benefits arising by reason of injury or death to an employee or volunteer while engaged in rendering services under this Agreement. Each Party shall bear the entire risk and costs associated with responding to a dispatch request from the other Party.
19. Each party hereby releases, waives, and forever discharges the other Party from any and all liability, claims, and demands of any kind or nature, either in law or in equity, which arise or may hereafter arise from this Agreement. Additionally, the Parties hereby discharge one another from any liability or claim that one Party may have against the other with respect to any bodily injury, personal injury, illness, death, or property damage that may result from this Agreement, whether caused by the negligence of a Party or otherwise. The Parties do not assume any responsibility for or obligation to provide the other Party with financial assistance or other assistance, including but not limited to medical, health, or disability insurance in the event of injury or illness.
20. The Parties shall conduct joint fire training exercises with each other no less than four (4) times per year.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK. SIGNATURE
PAGE TO IMMEDIATELY FOLLOW.**

Approved by:

CITY OF MORaine, OHIO

Michael Davis, City Manager

Date: _____, 2025

Traci Kuzminski, Fire Chief

Approved as to Form:

Martina M. Dillon, Law Director

Approved by:

CITY OF DAYTON, OHIO

City Manager

Date: _____, 2025

Mike Rice, Fire Chief

Approved as to Form:

City Attorney

A Resolution authorizing the City of Moraine to accept the proposal of and enter into an agreement with Fishbeck, Thompson, Carr & Huber of Ohio, Inc. dba Fishbeck for an engineer's estimate for a full bridge repair of Main Street Bridge at a total cost of \$84,600.00 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount.

Department: Community Development

Request: Action Item

Item Background and Purpose:

A request for proposal was sent to the following 7 companies. After reaching out to 7 firms with bridge construction backgrounds, only one was responsive and able to provide a proposal. The result of that request is as follows:

COMPANY	PROPOSAL RESULT
Belgray, Inc.	No response
Burgess & Niple, Inc.	Unable to provide proposal
Choice One Engineering	Unable to provide proposal
Fishbeck	\$84,600
GFT, Inc.	Unable to provide proposal
LJ DeWeese Co. Inc.	No response
LJB Engineering, Inc.	Unable to provide proposal

This request for proposals was for an engineer's estimate for a full bridge repair of the Main Street Bridge over the CSX railroad.

The 2022 Bridge Capital Plan predicted that this bridge would need non-destructive testing sometime in 2025-2027 and replacement of the approach slabs and concrete wearing surface sometime in 2027-2032. Earlier this year, we discovered that the second layer of rebar had been exposed in a pothole on the approach slab which indicates more wear and tear than anticipated (see attached photos). The funds originally designated for the testing have instead been used for the approach repair and we have been seeking an engineer's estimate for inspections and bridge repair.

The bridge repairs that we originally thought would occur as far out as 2032, estimated to cost about \$600,000 in 2022, will need to be performed much sooner. With such a large cost estimate, seeking funding is a must. For bridge related projects, funding is available but has a multi-year lead time and must begin with an engineer's estimate. To ensure the bridge does not get to the point of failure before we can fix it, we need to start the engineer's estimate now.

The proposal is split into two tasks: Initial inspection and plan production. The initial inspection will determine the extent of repairs and if the wearing surface will need replaced and is estimated to cost \$38,600. If the initial inspection determines the wearing surface to be fine, plan production can proceed and is estimated to cost \$20,100. If the wearing surface needs to be replaced, the extra inspection and plan production is estimated to cost \$46,000. Depending on the results of the initial inspection, the total estimated is \$58,700 or \$84,600. See charts below for a break-down of the estimates:

Initial Inspection

Item	Cost
Fishbeck Production	\$15,824
Initial Inspection	\$17,876
Maintenance of Traffic	\$4,900
Total	\$38,600

Plan Production (no wearing surface replacement)

Item	Cost
Fishbeck Production	\$20,100
Total	\$20,100

Plan Production with Cores (replacing the wearing surface)

Item	Cost
Fishbeck Production	\$30,500
Core Testing	\$10,600
Maintenance of Traffic	\$4,900
Total	\$46,000

Including a 10% contingency amount that the City Manager can use to authorize potential change orders, the total amount needed would be \$93,060.

I have reviewed this with the Finance Director, Annetta, and would recommend that a budget transferring be created to reduce \$45,000 from Annual Street Improvements account 301-1305-50001 and increase Bridge Maintenance & Repairs 301-1305-50613 and to award the 2025 Main Street Bridge Repair Engineer's Estimate Project to Fishbeck for the amount of \$84,600.

Financial Impact:

Is Item Budgeted?: No

Funding Source: Capital

Attachments:

1. 2025 Main St Bridge Repair Eng Est Proposal Results Memo to CM
2. LP_Moraine_Main St Bridge Rehab_2025_0702

RECORD OF RESOLUTIONS

Resolution No. 8170-25

A RESOLUTION AUTHORIZING THE CITY OF MORaine TO ACCEPT THE PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH FISHBECK, THOMPSON, CARR & HUBER OF OHIO, INC. DBA FISHBECK FOR AN ENGINEER’S ESTIMATE FOR A FULL BRIDGE REPAIR OF MAIN STREET BRIDGE AT A TOTAL COST OF \$84,600.00 AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE NEEDED CHANGE ORDER(S), IF ANY, IN SPECIFIED AMOUNT.

WHEREAS, qualification packages for the design of the Elbee Road Bridge Replacement Project (“Project”) were solicited and received per ODOT requirements; and

WHEREAS, with the assistance of ODOT, Fishbeck, Thompson, Carr & Huber of Ohio, Inc. dba Fishbeck, has been selected to complete the required design services for the aforementioned Project.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That the City Manager is hereby authorized to accept the proposal of and enter into an agreement with Fishbeck, Thompson, Carr & Huber of Ohio, Inc. dba Fishbeck (with such revisions thereto as recommended by the Law Department) for an Engineer’s Estimate for a full bridge repair of Main Street Bridge in the total amount of \$84,600.00, with the amounts the City is to pay for said Project to be paid from the Capital Improvement Fund.

SECTION 2: That the City Manager is further authorized to expend up to an additional 10% of the bid amount of \$8,460.00 for additional work, if necessary, making the total amount approved to be \$93,060.00.

SECTION 3: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager, City Engineer, and Finance Director.

SECTION 4: That this Resolution shall take effect and be in full force and effect from and after the date of its passage.



CITY OF MORaine DEPARTMENTAL CORRESPONDENCE

DATE: July 8th, 2025

TO: Michael Davis, City Manager

FROM: Lauren Alvarado, City Engineer

SUBJECT: 2025 Main Street Bridge Repair – RFP for Engineer Estimates

A request for proposal was sent to the following 7 companies. After reaching out to 7 firms with bridge construction backgrounds, only one was responsive and able to provide a proposal. The result of that request is as follows:

COMPANY	PROPOSAL RESULT
Belgray, Inc.	No response
Burgess & Niple, Inc.	Unable to provide proposal
Choice One Engineering	Unable to provide proposal
Fishbeck	\$84,600
GFT, Inc.	Unable to provide proposal
LJ DeWeese Co. Inc.	No response
LJB Engineering, Inc.	Unable to provide proposal

This request for proposals was for an engineer's estimate for a full bridge repair of the Main Street Bridge over the CSX railroad.

The 2022 Bridge Capital Plan predicted that this bridge would need non-destructive testing sometime in 2025-2027 and replacement of the approach slabs and concrete wearing surface sometime in 2027-2032. Earlier this year, we discovered that the second layer of rebar had been exposed in a pothole on the approach slab which indicates more wear and tear than anticipated (see attached photos). The funds originally designated for the testing have instead been used for the approach repair and we have been seeking an engineer's estimate for inspections and bridge repair.

The bridge repairs that we originally thought would occur as far out as 2032, estimated to cost about \$600,000 in 2022, will need to be performed much sooner. With such a large cost estimate, seeking funding is a must. For bridge related projects, funding is available but has a multi-year lead time and must begin with an engineer's estimate. To ensure the bridge does not get to the point of failure before we can fix it, we need to start the engineer's estimate now.

The proposal is split into two tasks: Initial inspection and plan production. The initial inspection will determine the extent of repairs and if the wearing surface will need

replaced and is estimated to cost \$38,600. If the initial inspection determines the wearing surface to be fine, plan production can proceed and is estimated to cost \$20,100. If the wearing surface needs to be replaced, the extra inspection and plan production is estimated to cost \$46,000. Depending on the results of the initial inspection, the total estimated is \$58,700 or \$84,600. See charts below for a breakdown of the estimates:

Initial Inspection	
Item	Cost
Fishbeck Production	\$15,824
Initial Inspection	\$17,876
Maintenance of Traffic	\$4,900
Total	\$38,600

Plan Production (no wearing surface replacement)	
Item	Cost
Fishbeck Production	\$20,100
Total	\$20,100

Plan Production with Cores (replacing the wearing surface)	
Item	Cost
Fishbeck Production	\$30,500
Core Testing	\$10,600
Maintenance of Traffic	\$4,900
Total	\$46,000

Including a 10% contingency amount that the City Manager can use to authorize potential change orders, the total amount needed would be \$93,060.

I have reviewed this with the Finance Director, Annetta, and would recommend that a budget transferring be created to reduce \$45,000 from Annual Street Improvements account 301-1305-50001 and increase Bridge Maintenance & Repairs 301-1305-50613 and to award the 2025 Main Street Bridge Repair Engineer's Estimate Project to Fishbeck for the amount of \$84,600.

Attachments: Two photos of the bridge pothole





July 2, 2025

Lauren Alvarado, PE
City Engineer
City of Moraine
3800 Main Street
Moraine, OH 45439

Proposal for Professional Services
Main Street Bridge over CSX Railroad Inspection and Repair

Dear Lauren:

Fishbeck is pleased to provide our fee proposal to perform inspection and repair services for the Main Street Bridge over CSX Railroad (SFN 5766605) in the City of Moraine (City). The submission deadline for services will depend upon the inspection findings and corresponding recommendations, which are presented below.

Scope of Services

Fishbeck studied the existing information available, the Request for Proposal provided by the City, and corresponded with the City to gain additional insight on the project expectations and scope. The scope will be determined by the inspection findings and our initial recommendations are presented in the following order of tasks below. Fishbeck will assume industry standard material properties from the time of original construction for the bridge since existing plans are not available. The inspection limits of the structure will be concentrated to the concrete deck, parapets, and approach conditions. The fencing, beams, and substructure units will not be inspected. Vehicular and pedestrian maintenance of traffic plans will not be provided in the repair plans and will be specified by the City. ODOT design standards and construction specifications will be followed, but we have not accounted for design submission or reviews to be performed by ODOT. Construction services will be determined on the repairs warranted and have not been included in this scope.

Task 1 – Deck Condition Survey and Isolated Inspection

Perform Ground Penetrating Radar (GPR) and InfraRed Thermography (IRT) testing on the roadway portions of the deck and approach slabs to determine the defects in the upper half of the deck and slabs. GPR and IRT will also be used to determine the depth to reinforcement, deck thickness, and reinforcement position, which is warranted since existing plans are not available. Refer to Attachment A for deck condition survey price proposal by Resource International, Inc. The isolated visual apparent deterioration areas in the top side of the deck near the bridge limits and approach slabs will be inspected hands-on with sounding techniques, requiring temporary traffic control for inspection and inventory. Refer to Attachment B for traffic control price proposal by A&A Safety. The underside of the deck will receive a cursory visual inspection since deterioration is minimal and isolated. We have assumed a CSX right of entry permit will not be required for this cursory inspection.

The results of the GPR will show the severity of deterioration and locations across the entire bridge deck and approach slabs, which will be the baseline for determining if the wearing surface requires replacement on the deck and approach slabs. A report will be provided with recommendations for the next steps, including the GPR

results, inspection findings and photographs. Task 1 will determine whether Task 2A or 2B is recommended for the next step.

Task 2A – Isolated Repair Details

This task is recommended if GPR results do not warrant wearing surface replacement. If the wearing surface is not recommended for replacement, we do not recommend obtaining destructive deck cores. This task will include repair plans and a cost estimate for the known visual deterioration identified in the topside of the deck and approach slabs. The cost estimate will be prepared using ODOT's Estimator program and assume construction to be performed in 2027. We have included coordination effort with CSX to review plans. Repair plans will include the following:

- Title Sheet
- General Plan Sheet
- General Notes/Quantities Sheet
- Removal Details Sheet
- Repair Details/Rebar List

Task 2B – Deck Cores and New Wearing Surface

This task is recommended if GPR results warrant a new wearing surface. Six (6) deck cores will be obtained across the width and length of the bridge roadway surface and sidewalk to determine the depth and type of new wearing surface, as well as removal methods per ODOT specifications. Refer to Attachment A for deck cores if authorized price proposal by Resource International, Inc. A report will be provided summarizing these findings. Temporary traffic control will be required to obtain the deck cores. This task will include repair and new wearing surface plans and a cost estimate. The cost estimate will be prepared using ODOT's Estimator program and assume construction to be performed in 2027. We have included coordination effort with CSX to review plans. Repair plans will include the following:

- Title Sheet
- General Plan Sheet
- General Notes/Quantities Sheet
- Removal Details Sheet
- Transverse Section Sheet
- Repair Details/Rebar List

Professional Services Fees

The scope, schedule, and fee for this project will depend on the results from Task 1 services. Task 1 services will be performed initially for a lump sum amount of \$38,600. Task 2A can be performed for a lump sum amount of \$20,100. Task 2B can be performed for a lump sum amount of \$41,100.

Phases	Department Team Hours				Sub-Totals	
	QA/QC	PM	Sr Engineer 2	Engineer 1	Hours	Dollars
Task 1						
Fishbeck Sub-Total	4	7	25	48	84	\$15,824
Rii Sub-Total - see Attachment A						\$17,876
A&A Sub-Total - see Attachment B						\$4,900
Total						\$38,600
Task 2A						
Fishbeck Sub-Total	12	0	36	64	112	\$20,100
Total						\$20,100
Task 2B - Additional Costs						
Fishbeck Sub-Total	22	0	59	84	165	\$30,500
Rii Sub-Total - see Attachment A						\$10,600
Total						\$41,100

We are available to discuss any of the information presented above and look forward to the opportunity to continue to partner with the City. If you have any questions or require additional information, please contact me at 513.247.8571 or jpcarroll@fishbeck.com.

Sincerely,



Jonathan P. Carroll, PE

Project Manager/Senior Bridge Engineer

Attachments

By email

**RESOURCE INTERNATIONAL, INC.**

6350 Presidential Gateway
Columbus, Ohio 43231
Ph: 614.823.4949
Fx: 614.823.4990

June 20, 2025

Proposal No. 25-W104

Jonathan P. Carroll, PE
Vice President | Senior Bridge Engineer
Fishbeck
One E. Campus View Blvd, Suite 310
Columbus OH 43235
D 513.247.8571 M 412.399.5265
jpcarroll@fishbeck.com

RE: Bridge Deck Condition Survey
Main Street Bridge over CSX Railroad
Montgomery County, Ohio

Dear Mr. Carrol:

Resource International, Inc. (Rii) is pleased to submit for your review and consideration, our cost proposal to provide professional services, consisting of InfraRed Thermography (IRT) and Ground Penetrating Radar (GPR) surveys to assess the condition of the Main Street Bridge deck over CSX Railroad in Montgomery County, Ohio. If the wearing surface needs replaced based on the GPR and IRT results, and if authorized, Rii will obtain 6 cores from the deck which will help to look for guidance on overlay removal depth.

We sincerely appreciate the opportunity to perform GPR, IRT testing, and coring (if authorized), and provide recommendations for this project. If you have any questions regarding the contents of this proposal, please call at 614-823-4949 or e-mail us.

RESOURCE INTERNATIONAL, INC.

Daniel Fisher

A handwritten signature in black ink that reads 'Daniel Fisher'.

NDE Specialist

Cherif Amer-Yahia, Ph.D., P.E.

A handwritten signature in blue ink that reads 'Cherif Amer-Yahia'.

Director – NDE & Technology Division

ISO 9001: 2015 QMS

Committed to providing a high quality,
accurate service in a timely manner

Planning

Engineering

Construction
Management

Technology



RESOURCE INTERNATIONAL, INC.

6350 Presidential Gateway

Columbus, Ohio 43231

Ph: 614.823.4949

Fx: 614.823.4990

STATEMENT OF WORK

Ground Penetrating Radar – Infrared Thermography - Coring Reinforced Concrete Bridge Deck Main Street Bridge over the CSX Railroad Montgomery County, Ohio June 20, 2025

Planning

Engineering

Construction
Management

Technology

1. INTRODUCTION

The proposed services will be to assist Fishbeck with a bridge deck inspection, by providing support services consisting of Ground Penetrating Radar (GPR), Infrared Thermography (IRT), visual inspection, and coring (if authorized) to evaluate the condition of the concrete bridge deck carrying Main St over the CSX Railroad in Montgomery County, Ohio.

Resource International, Inc. (Rii) will use a van-mounted GPR antennas and IR camera to scan the reinforced concrete bridge deck in a continuous loop without disruption to traffic, to determine the condition of the concrete deck and the concrete overlay. The GPR and IR results will be plotted on the bridge deck plans showing the locations and extent of the concrete deck deterioration and the concrete overlay delamination and debonding. If authorized, core data will help increase the accuracy of the GPR/IRT results and determine the overlay thickness currently in place. Visual inspection of the surface and floor of the deck will be performed. Estimates of partial-depth and full-depth repair quantities will be determined. The results of this inspection are meant to be used by Fishbeck in the development of a rehabilitation plan for the bridge deck under study.

Rii is proposing a professional, accessible and highly knowledgeable team that brings significant expertise in nondestructive testing (NDT) services, as well as familiarity with bridge inspections. Our staff surveyed and evaluated over 2,000 of bridge decks in the state of Ohio and in other states. Rii has in-house Structural Engineers that can assist with data interpretation for decks and superstructures of bridges, and can provide inputs and recommendations on rehabilitation of bridge decks.

2. GROUND PENETRATING RADAR (GPR)

Rii uses equipment manufactured by Geophysical Survey Systems, Inc. (GSSI) to conduct nondestructive testing of bridge decks at highway speed. This method includes two air-launched Model 4108 horn antennae, a SIR-30 - a powerful multi-

channel GPR data acquisition unit, a distance-measuring instrument (DMI), a GPS unit, and a three-camera alignment system. The GPR system that will be used in this evaluation is shown in Figure 1 below. GPR is the state-of-the-art method to evaluate pavement conditions, measure pavement thicknesses, detect bridge deck delamination, measure depth to rebar, and estimate quantities of concrete rehab or repair within bridge decks. Rii's survey vehicle is equipped with:

- GSSI SIR-30 radar system (Control Unit) and two 1 GHz air-launched antennas attached to the rear of the van on an adjustable mounting system
- Corrsys-Datron DMI wheel pulse encoder for accurate survey length measurements
- Trimble GPS system PROXH
- A three-camera alignment system for accurate survey width measurements
- A workstation inside the van for the operator during data collection
- An Inverter Generator
- Several hazard lights that comply with state and federal standards for this type of survey
- Rear facing arrow sticks lights
- Top mounted strobe light
- Red light at end of mounting system



Figure 1. Rii's van-mounted GPR air-launched antennae survey vehicle

The GPR bridge deck survey will be performed by making series of passes over the bridge deck in continuous loops. Survey scan lines will be spaced in 2 ft increments over the entire driving surface of the bridge deck between the curbs, and achieved

at intervals of 2-inch longitudinally. To accomplish this, six to seven lines of data will be collected from each lane (12 and 14-foot lanes). For calibration purposes, 4' x 4' metal plates will be placed beneath the antennae at a known height (19") to collect a "bumper jump" calibration file. This calibration file is processed and then used in the process of the raw data to correct for distortions, artifacts of data acquisition, removal of interferences, and to provide accurate calibrated positions in time and distance.

The deck inspection will be achieved in compliance with the Standard Test Method ASTM D 6087-8 (22) for evaluating asphalt-covered concrete bridge decks using GPR. Two air-launched horn antennae (1 GHz), mounted on booms, will be used so that the antennae scan on two different paths. It is probably the most common method of GPR bridge deck evaluation. It has been around the longest and provides good overall results. The survey method using two antennae has the advantage of covering more deck surface in a single day. The method provides fairly accurate deterioration quantity assessments that can be used to help decide identify locations that can best confirm that corrosion is taking place in predicted areas.

The GPR survey will be conducted at speed with no disruption to traffic or security risk. No traffic control during this GPR survey will be needed.

The GPR data collected from the field will be processed to evaluate the condition of the bridge deck. The software developed by the manufacturer of the GPR equipment, GSSI, called RADAN (Radar Data Analyzer for Windows NT), will be used to process the field data according to the procedure developed by GSSI and in compliance with ASTM D 6087-8 (22) specifications. Several processing functions such as data horizontal and vertical filtering, surface normalization, distance normalization, velocity correction, migration and background removal will be applied to the raw data to produce high quality data.

The collected data will be analyzed for areas of concrete deterioration by measuring the amplitude of the signal reflection from the top reinforcing mat. If the radar signal is strongly attenuated as a result of moisture, high chloride content, concrete delamination, rebar corrosion, or a combination of some or all of these factors within the concrete, the amplitude of the signal will be greatly reduced.

The results of GPR data analysis will be plotted on the plan sheets of the bridge decks using AutoCAD. These results, indicating the deterioration conditions of the decks will also be presented in tables, including the total percent deterioration of the deck areas.

3. INFRARED THERMOGRAPHY (IRT)

Thermography directly senses emitted infrared radiation, and what is detected is the strength and location of thermal anomalies. By directly measuring radiant emission, thermography detects differences in surface temperature of the top of the bridge decks. The concept behind the application of IR technology in concrete bridge deck evaluation is that subsurface delamination interrupts the heat transfer through the concrete and appears with different radiant temperatures on the IRT images compared to temperatures of sound concrete around them. During the day, as the ambient temperature increases, the concrete absorbs heat and starts emitting radiant energy. Delamination and de-bonding within the concrete overlay will resist the heat transfer and warm up at a faster rate than all the sound concrete around the defective concrete. Delamination will appear as hot spots on the IRT images. However, when the IRT survey is performed after sunset, the area of delamination loses heat at faster rate than areas of sound concrete as the ambient temperature decreases. Delamination will appear as cold spots on the IR images.

IR will be used on the bridge decks to collect data related to the condition of the deck concrete overlay. The deck will be surveyed after sunset. Videos of the deck surfaces will be collected during the day. The survey will be carried out at a highway speed using a high-resolution infrared camera (FLIR A6701sc). The IRT equipment that will be used in this evaluation is shown in Figure 2. Data will be collected within the 4 hours after sunset, to maximize the temperature differentials caused by delamination and de-bonding. Ambient and concrete temperatures will be monitored before and during IRT scanning to select appropriate temperature differentials for optimum detection of defective concrete. The temperature differential between delaminated and sound concrete appears when the difference between ambient and concrete temperature is relatively large to facilitate the heat transition from the concrete to air. Each pass that is made by the IRT survey vehicle covers 13 feet of deck width. Infrared and video images will be displayed on live video monitors and will be recorded for later office processing. The work will be completed in accordance with all applicable segments of ASTM Specification D 4788-03 (2022) *Standard Test Method for Detecting Delaminations in Bridge Deck Using Infrared Thermography*.



Figure 2. Infrared thermography bridge deck survey vehicle

Rii will exercise due caution to ensure the safety of the public during the testing procedures. **The survey vehicle, equipped with flashing lights, will be traveling at the posted speed, without requiring lane closures during the IR survey.**

IRT data collected from the field will be used to evaluate the condition of the bridge deck overlays. IRBAS Software will be used to process the field data in compliance with ASTM D 4788- 03 (2022) specifications.

Composite infrared images will be created for the bridge deck to determine concrete overlay delamination quantities. The results of IRT data analysis will be plotted on the plan sheets of the bridge deck and reported. A summary of these results, indicating the conditions of the bridge deck will be presented in Tables.

4. BRIDGE DECK VISUAL INSPECTION

GPR and IRT are best used with other methods such as visual inspection and/or coring, not as a stand-alone tool. Therefore, underside visual inspections together with GPR would identify areas of full-depth deck repair quantities. Rii will perform a visual inspection of the deck floor to use with GPR and IR data to help quantify full depth repair areas and percentages.

Videos of the deck surfaces will be collected. Areas of features unrelated to subsurface conditions, such as debris, paint, surface discoloration, and other features will be identified. These locations show as cold spots due to the temperature drop, as well.

5. DELIVERABLES

Following the conclusion of the work, Rii will provide a final report on the results of the GPR and IRT inspections of the bridge deck. The report shall describe the work completed, the techniques and equipment used, the results obtained, including schematic layouts, and interpretation of the results based upon GPR and IRT, visual inspection, and core data (if authorized). The analysis will identify and summarize concrete deterioration as a percentage of the total area surveyed from the completed GPR and IRT investigations. The condition report shall consist of an executive summary and a general description including narrative, supporting graphs, pictures, charts and deterioration maps of the structure. The report will provide plan view maps of the bridge deck showing the areas of deteriorated concrete and overlay. It will also show the estimate of the required full-depth and partial-depth bridge deck repair quantities, and the estimate of the average depth to the top map of deck reinforcing.

6. CORE DATA (IF AUTHORIZED)

If authorized, Rii will obtain six 4-inch diameter and 5-inch-deep cores from the bridge deck. Core holes will be patched in accordance with ODOT procedures. Visual inspection and logging of each retained core, including photos and condition of the cores, overlay thickness, overall thickness, and rebar depth measurements (if visible), will be performed. RoadSafe will provide traffic control during the coring operation.

7. COST ESTIMATE AND TIME SCHEDULE

The estimated cost to perform the subsurface exploration for the subject project, as presented in the scope of services is **\$17,876.00. The details of the cost are reported in the pages below.** The cost for the “if authorized” coring work is **\$10,600.00**

Should conditions be encountered during field operations that indicate additional exploration and/or special testing or analysis are required, Rii will contact your office for approval prior to proceeding.

The field work can be completed by the end of August if the authorization to proceed is given before then. The final report will be submitted within four (4) weeks of field work completion. Preliminary information can be made available throughout the project, and can be supplied upon request.

	A	B	C	D	E	F	G	H	I	J	K
1	COST SUMMARY GPR-IRT Cost										
2											
3	SFN No.	576605									
4											
5	Project Name	Main Street Bridge over CSX Railroad						Average Overhead Rate=	159.98% (Net Fee Calc.)		
6								Overhead Percentage =	147.94%		
7	CONSULTANT:	Resource International, Inc.						Net Fee Percentage =	11.00%		
8								Cost of Money =	0.48%		
9	DATE:	06/20/25									
10											
11											
12	Task	Hourly	Total	Direct	Overhead	Cost	Other	Subcon.	Net	Total	
13	Description	Rate	Hours	Labor	Costs	of	Direct	Costs	Fee	Cost	
14											
15	Survey										
16	Project Management	\$59.50	6	\$357	\$528	\$2	\$0	\$0	\$102	\$989	
17	Planning	\$89.00	2	\$178	\$263	\$1	\$0	\$0	\$51	\$493	
18	Mobilization/Demobilization	\$89.00	4	\$356	\$527	\$2	\$501	\$0	\$102	\$1,487	
19	GPR/IRT Field Testing	\$89.00	16	\$1,424	\$2,107	\$7	\$3,000	\$0	\$407	\$6,945	
20	Data Analysis & Reporting	\$51.32	56	\$2,874	\$4,252	\$14	\$0.00	\$0	\$822	\$7,962	
21											
22											
23											
24	Survey	Subtotal	\$61.77	84	\$5,189	\$7,677	\$25	\$3,501	\$0	\$1,484	\$17,876
25	Avg. Rate										

	A	B	C	D	E	F	G	H	I	J	K	L	M	
1	AVERAGE HOURLY RATE			GPR-IRT Cost		Legend and Estimated Houly Rate								
2							Personnel Category		Salary					
3	SFN No.	576605					Project Manager		\$59.50					
4							Field Engineer (2-man crew)		\$89.00					
5	Project Name:	Main Street Bridge over CSX Railroad						Project Engineer		\$44.50				
6							Bridge Engineer		\$65.00					
7	CONSULTANT:	Resource International, Inc.												
8														
9	DATE:	06/20/25												
10														
11														
12	Task		Project	Field	Project	Bridge						TOTAL	TOTAL	AVG
13	Description		Manager	Engineer	Engineer	Engineer						HOURS	COST	RATE
14														
15	Survey													
16	Project Management		6	0	0	0						6	\$357	\$59.50
17	Planning		0	2	0	0						2	\$178	\$89.00
18	Mobilization/Demobilization		0	4	0	0						4	\$356	\$89.00
19	GPR Field Testing		0	16	0	0						16	\$1,424	\$89.00
20	Data Analysis & Reporting		20	0	32	4						56	\$2,874	\$51.32
21														
22														
23														
24														
25	Survey	Subtotal	26	22	32	4	0	0	0	0	84	\$5,189	\$61.77	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	FINAL DEVELOPMENT PHASE DIRECT COSTS			GPR-IRT Cost										
2														
3	SFN No.	576605												
4														
5	Project Name	Main Street Bridge over CSX Railroad												
6														
7	CONSULTANT:	Resource International, Inc.												
8														
9	DATE:	06/20/25												
10														
11			MILEAGE	GPR Equip.	IRT Equip.	Lodging & Perdiem								
12	Task		COST	Air-Launched	& Software rental	(2-man crew)								TOTAL
13	Description		@ \$.58/ MI	@\$1500/ Day	@\$1500/ Day	@\$356/night								COST
14														
15	Survey													
16	Project Management													\$0
17	Planning													\$0
18	Mobilization/Demobilization	250				1								\$501
19	GPR & IRT Field Testing			1		1								\$3,000
20	Data Analysis & Reporting													\$0
21														\$0
22														\$0
23														
24														
25	Survey	Subtotal	\$ 145	\$ 1,500	\$ 1,500	\$ 356	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$3,501

	A	B	C	D	E	F	G	H	I	J	K
1	COST SUMMARY Coring (If Authorized)										
2											
3	SFN No.	576605									
4											
5	Project Name	Main Street Bridge over CSX Railroad						Average Overhead Rate=		159.98% (Net Fee Calc.)	
6								Overhead Percentage =		147.94%	
7	CONSULTANT:	Resource International, Inc.						Net Fee Percentage =		11.00%	
8								Cost of Money =		0.48%	
9	DATE:	06/20/25									
10											
11											
12	Task	Hourly	Total	Direct		Cost	Other				
13	Description	Rate	Hours	Labor	Overhead	of	Direct	Subcon.	Net	Total	
14				Costs	Costs	Money	Costs	Costs	Fee	Cost	
15	Survey										
16	Project Management	\$59.50	2	\$119	\$176	\$1	\$0	\$0	\$34	\$330	
17	Planning	\$89.00	1	\$89	\$132	\$0	\$0	\$0	\$25	\$247	
18	Mobilization/Demobilization	\$89.00	4	\$356	\$527	\$2	\$116	\$0	\$102	\$1,102	
19	Coring	\$89.00	8	\$712	\$1,053	\$3	\$6,030	\$0	\$204	\$8,002	
20	Data Analysis & Reporting	\$41.50	8	\$332	\$491	\$2	\$0.00	\$0	\$95	\$920	
21											
22											
23											
24	Survey	Subtotal	\$69.91	23	\$1,608	\$2,379	\$8	\$6,146	\$0	\$460	\$10,600
25		Avg. Rate									

	A	B	C	D	E	F	G	H	I	J	K	L	M	
1	AVERAGE HOURLY RATE			Coring (If Authorized)		Legend and Estimated Houly Rate								
2							Personnel Category			Salary				
3	SFN No.	576605					Project Manager			\$59.50				
4							Field Engineer (2-man crew)			\$89.00				
5	Project Name:	Main Street Bridge over CSX Railroad						Project Engineer			\$44.50			
6							Lab Technician			\$31.00				
7	CONSULTANT:	Resource International, Inc.												
8														
9	DATE:	06/20/25												
10														
11														
12	Task		Project	Field							TOTAL	TOTAL	AVG	
13	Description		Manager	Engineer	Project	Lab					HOURS	COST	RATE	
14														
15	Survey													
16	Project Management		2	0	0	0					2	\$119	\$59.50	
17	Planning		0	1	0	0					1	\$89	\$89.00	
18	Mobilization/Demobilization		0	4	0	0					4	\$356	\$89.00	
19	Coring		0	8	0	0					8	\$712	\$89.00	
20	Data Analysis & Reporting		2	0	2	4					8	\$332	\$41.50	
21														
22														
23														
24														
25	Survey	Subtotal	4	13	2	4	0	0	0	0	23	\$1,608	\$69.91	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	FINAL DEVELOPMENT PHASE DIRECT COSTS													
2	Coring (If Authorized)													
3	SFN No.	576605												
4	Project Name	Main Street Bridge over CSX Railroad												
5	CONSULTANT:	Resource International, Inc.												
6	DATE:	06/20/25												
7														
8														
9														
10														
11														
12	Task		MILEAGE	Coring	Traffic	Lodging & Perdiem								
13	Description		COST	Equipment	Control	(2-man crew)								TOTAL
14			@ \$.58/ MI	@\$500/ Day	@\$5530/ Day	@\$356/night								COST
15	Survey													
16	Project Management													\$0
17	Planning													\$0
18	Mobilization/Demobilization		200			0								\$116
19	Coring			1	1									\$6,030
20	Data Analysis & Reporting													\$0
21														\$0
22														\$0
23														
24														
25	Survey	Subtotal	\$ 116	\$ 500	\$ 5,530	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$6,146



Cincinnati (513) 943-6100
Dayton (937) 912-9590
Cleveland (216) 283-8040

To: Fishbeck	Contact: Jonathan P. Carroll, PE
Address: 10856 Reed Hartman Hwy, Suite 175 Cincinnati, OH 45242	Phone: (513) 469-2370
	Fax:
Project Name: Main Street Bridge Lane Closures Moraine	Bid Number: 2025-1836
Project Location: Montgomery County, Moraine	Bid Date: 6/6/2025
Addendum #: 0	

COMPLETION DATE: 2025

Please Reference Bid Number Above (2025-####) When Calling About Quote Or Writing A PO/Contract For Pricing Below

Item #	Item Description	Estimated Quantity	Unit	Unit Price
614	LANE CLOSURES PER ODOT MT-95.31 Price Per Day *See Details Below	1.000	DY	\$4,895.84

Notes:

- LANE CLOSURE DETAILS:**
 - *A&A Safety To Provide Crew For Lane Closures In Each Direction
 - *Crews Will Flip Zones To Other Lanes When Contractor Ready
 - *Crew Will Have All Equipment Necessary Per MT-95.31
 - *Project Manager Will Work Closely w/ Contractor To Project Manager Best Strategy For Each Day's Work Helping Reduce Days On Project
 - *Price Includes (1) Impact Attenuator Truck To Assist w/ Closure Setups & Contractor Protection
 - *A&A Safety Needs Sufficient Time To Remove Lane Closures Before Restrictions Are Enforced. A&A Safety Will Not Be Held Liable For Liquidated Damages Caused By Getting Off Road Late Due To Insufficient Time To Remove Materials
 - *Price Based On Monday-Friday. Sat-Sun Premium Time Will Be Billed Accordingly
 -
 - *All Traffic Control Materials Provided By A&A Safety Are In Compliance With NCHRP-350 Regulations
 -
- EXCLUSIONS FROM TRAFFIC CONTROL PRICE:**
 - *Price Does Not Include Advance Notification To Project Owner, Residents Or Businesses
 - *Price Does Not Include LEO's Coordination Or Associated Costs
- CLICK LINK FOR STANDARD BID CONDITIONS 02/04/2025**
https://aasafetyinc.com/2025_02_05_standardconditions/

Payment Terms:

Payment due thirty (30) days after invoicing, if existing credit terms are already established. If not, payment is due upon completion of the work. A&A Safety reserves the right to charge interest of twenty-four percent (24%) annum, two percent (2% monthly), cost and attorney fees in the event that a violation of the prompt payment law is established.

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: A&A Safety, Inc  Authorized Signature: Estimator: Keith Gibson (513) 943-6100 estimating@aasafetyinc.com
---	---