SIGNING OF LEGISLATION

Unless otherwise noted, all legislation listed in this bulletin was signed by Council President on the night of the Council meeting, by the Acting Mayor on the following day, Tuesday, and attested by the City Clerk prior to Bulletin publishing.
MONDAY, DECEMBER 8, 2003

ROLL CALL

Absent: 1 - Ms. Thomas
Present: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

READING AND DISPOSAL OF THE JOURNAL

A motion was made by President Pro-Tem Mentel, seconded by Mr. Sensenbrenner, to Dispense with the reading of the Journal and Approve. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE CITY CLERK'S OFFICE AS OF WEDNESDAY, DECEMBER 3, 2003:

New Type: C2
To: 4440 Indianola Inc
DBA Clintonville Market
4440-2 Indianola Av
Columbus Ohio 43214

Transfer Type: D1, D2, D3, D3A
To: Westgate 3 Gen Inc
DBA Westgate Lounge
575-77 Wedgewood Dr
Columbus Ohio 43228
From: George A Stirpe
DBA Westgate Cocktail Lounge
575-77 Wedgewood Dr
Columbus Ohio 43228

Transfer Type: D5
To: 4955 Arbor Village Drive Thru
DBA Zueys Roundback Bar
4955 Arbor Village Dr
Columbus Ohio 43214
From: Odd Couple LLC  
   DBA Zueys Roundback Bar  
   4955 Arbor Village Dr  
   Columbus Ohio 43214

Transfer Type: C1, C2  
To: Alja Stores Inc  
   DBA Kent Street Market  
   1656 Kent St 1st Fl  
   Columbus Ohio 43205

From: Napaly Inc  
   DBA Kent Carryout  
   1656 Kent St 1st Fl  
   Columbus Ohio 43205

Transfer Type: D1, D2, D3, D6  
To: Cozymel #11 LLC  
   DBA Cozymels Coastal Grill  
   Patio & Courtyard  
   6100 Parkcenter Circle  
   Columbus Ohio 43017

From: Brinker Ohio Inc  
   DBA Cozymels A Very Mexican Grill  
   Patio & Courtyard  
   6100 Parkcenter Circle  
   Columbus Ohio 43017

Transfer Type: C1, C2  
To: Sullivant Ave Inc  
   DBA Certified  
   3172 E Livingston Av  
   Columbus Ohio 43227

From: Certified Oil Corp  
   DBA Certified Oil 420  
   3172 E Livingston Av  
   Columbus Ohio 43227

Transfer Type: C1, C2  
To: Sullivant Ave Inc  
   DBA Certified  
   3034 E Broad St  
   Columbus Ohio 43209

From: Certified Oil Corp  
   DBA Certified Oil 370  
   3034 E Broad St  
   Columbus Ohio 43209

Stock Type: D5, D6  
To: Flannagans Dublin Inc  
   DBA Flannagans  
   6835 Caine Rd & Patios  
   Columbus Ohio 43235
NOTICE:

TO THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

The undersigned, a Board of Revision, appointed and acting in the pursuance of Resolution No. 380X-2003 adopted November 3, 2003, respectfully approve the estimated assessment of the cost and expense of improving McDannald Estates Area by constructing sanitary sewers as made by the Division of Sewerage and Drainage and hereby adopts said report as its own.

Walter R. Cates, Sr., Chair
Darrin Wasniewski
Fred K. Parker

NOTICE:

TO THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

The undersigned, a Board of Revision, appointed and acting in the pursuance of Resolution No. 380X-2003 adopted November 3, 2003, respectfully approve the estimated assessment of the cost and expense of improving Longview Avenue Area by installing underground wiring and ornamental street lighting as made by the Electricity Division and hereby adopts said report as its own.

Walter R. Cates, Sr., Chair
Fred K. Parker
Darrin Wasniewski

ADVERTISE  12/13/03
RETURN  12/24/03
Read and Filed

RESOLUTIONS OF EXPRESSIONS

O'SHAUGHNESSY

402X-2003

To endorse the Central Ohio Transit Authority's participation in the United We Ride program and to declare December 2, 2003 as United We Ride Day in Columbus.

Sponsors: Maryellen O'Shaughnessy

A motion was made by Ms. O'Shaughnessy, seconded by President Pro-Tem Mentel, that this matter be Adopted. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

THOMAS
399X-2003  To recognize and honor the Nigerian Friendship Association in celebration of their 10th Annual Banquet.

  *Sponsors:*  Patsy Thomas

  *A motion was made by Ms. Tavares, seconded by Mr. Sensenbrenner, that this matter be Adopted. The motion carried by the following vote:*

  *Absent: 1 - Ms. Thomas*

  *Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash*

**ADDITIONS OR CORRECTIONS TO THE AGENDA**

**FIRST READING OF 30-DAY LEGISLATION**

**FINANCE:** SENSENBRENNER, CHR. O'SHAUGHNESSY TAVARES HABASH

2699-2003  **FR**  To amend Management Compensation Plan, Ordinance No. 2944-99, as amended, by providing no increases in salaries to City Council President (E) and City Councilman (E) in 2004 and setting a wage scale for the succeeding three years contingent upon acceptance by the members of City Council.

  *Read for the First Time*

**SAFETY & JUDICIARY:** MENTEL, CHR. BOYCE THOMAS HABASH

2591-2003  **FR**  To authorize the City Attorney to modify an agreement for special legal counsel services with representatives of the law firm of Squire, Sanders & Dempsey, LLP and to authorize the expenditure of the sum of One Hundred Twenty Thousand Dollars and no/cents ($120,000.00).

  *Read for the First Time*

**DEVELOPMENT:** O'SHAUGHNESSY, CHR. BOYCE TAVARES HABASH

2638-2003  **FR**  To adopt an update to the Rocky Fork-Blacklick Accord as the city's official policy document for development, infrastructure improvements, and future land use within the planning area.

  *Read for the First Time*

2641-2003  **FR**  To adopt the Indianola Avenue Corridor Plan as the city's official policy document for development, infrastructure improvements, and future land use within the planning area.

  *Read for the First Time*

2646-2003  **FR**  To adopt the South Linden Neighborhood Plan as a guide for future improvements, investments and actions within the South Linden neighborhood.

  *Read for the First Time*

**PUBLIC SERVICE & TRANSPORTATION:** O'SHAUGHNESSY, CHR.

SENSENBRENNER TAVARES HABASH

2605-2003  **FR**  To accept the plat titled THE WILLOWS AT PRESERVE CROSSING, from VILLAGE COMMUNITIES, L.L.C., an Ohio limited liability corporation, by R. S. TRE' GILLER, III, President.

  *Read for the First Time*

2614-2003  **FR**  To accept the plat titled THE RESERVE AT LINWORTH, from THE KING
GROUP, LTD. By its President, DENIS R. KING, JR., Managing General Partner.

**Read for the First Time**

2645-2003  **FR**  To authorize the Director of the Public Service Department to execute those documents required to grant an encroachment easement for a ramp that will provide ADA compliant access to the building located at 2439 North High Street.

**Read for the First Time**

**UTILITIES: THOMAS, CHR. MENTEL O'SHAUGHNESSY HABASH**

2052-2003  **FR**  To authorize the Director of Public Utilities to enter into lease agreements for property in Franklin, Delaware and Pickaway Counties, for the Division of Water.

**Read for the First Time**

2317-2003  **FR**  To authorize the Director of Public Utilities to modify the professional engineering services agreement with Burgess & Niple, Limited for the Jackson Pike Wastewater Treatment Plant New Headworks; to authorize the appropriation, transfer and expenditure of $343,075.00 from the Sewerage System Reserve Fund to the Ohio Water Pollution Control Loan Fund; and to amend the 2003 Capital Improvements Budget, for the Division of Sewerage and Drainage. ($343,075.00)

**Read for the First Time**

**RULES & REFERENCE: HABASH, CHR. MENTEL SENSENBRENNER TAVARES**

1908-2003  **FR**  To amend various sections of Chapter 329 of the Columbus City Codes, 1959 by establishing distinct provisions for specific services procurement, including additional quality factors for City agency directors to consider when making a contract award, and renumbering various other sections as required.

**Sponsors:** Maryellen O'Shaughnessy

**Read for the First Time**

2121-2003  **FR**  To amend Section 2107.06 of the Columbus City Codes, 1959, pertaining to impounding fees and storage charges.

**Sponsors:** Michael C. Mentel

**Read for the First Time**

**ZONING: MENTEL, CHR. BOYCE HABASH O'SHAUGHNESSY SENSENBRENNER TAVARES THOMAS**

0750-2003  **FR**  To rezone 3715 WEST DUBLIN-GRANVILLE ROAD (43017), being 0.71± acres located on the south side of West Dublin-Granville Road, 522± feet east of Sawmill Road, From: C-3, Commercial District, To: L-C-4, Limited Commercial District (Rezoning Z02-071).

**Read for the First Time**

2217-2003  **FR**  To rezone 4505 EAST DUBLIN-GRANVILLE ROAD (43081), being 2.3± acres located on the south side of East Dublin-Granville Road, 400± feet west of Conifer Drive, From: R, Rural District, To: L-I, Limited Institutional District. (Rezoning # Z03-052)
Read for the First Time

2346-2003 FR  To rezone 2150 EAST POWELL ROAD (43240), being 12.71± acres located on the south side of East Powell Road, 2000± feet east of South Old State Road, From: R, Rural District, To: L-AR-12, Limited Apartment Residential District. (Rezoning # Z03-053)

Read for the First Time

2617-2003 FR  To rezone 1800 WALCUTT ROAD (43228), being 11.21± acres on the east side of Walcutt Road, 1530± feet north of Trabue Road, From: M-1, Manufacturing District, To: L-M Limited Manufacturing District. (Rezoning # Z03-032)

Read for the First Time

2631-2003 FR  To rezone 8754 NORTH HIGH STREET (43215), being 47.55± acres located on the east side of North High Street, 1540± feet north of Lazelle Road, From: R, Rural District, To: CPD, Commercial Planned Development and PUD-8, Planned Unit Development Districts.

Read for the First Time

CONSENT ACTIONS

ADMINISTRATION: BOYCE, CHR. SENSENBRENNER MENTEL HABASH

2456-2003 CA  To authorize the Director of the Department of Technology to modify a contract with Unisys Corporation for software license support and services for the Department of Technology Information Services Division, to authorize the expenditure of $57,035.00 from the Information Services Fund, and to declare an emergency. ($57,035.00)

This Matter was Approved on the Consent Agenda.

2551-2003 CA  To authorize the City Clerk to enter into a contract with Daystar Computer Systems, Inc. for the support and maintenance of Legistar, the city's established citywide electronic system for creating and submitting legislation; and to authorize the expenditure of $22,515.00 from the General Fund, and to declare an emergency. ($22,515.00)

This Matter was Approved on the Consent Agenda.

2583-2003 CA  To authorize the Director of Finance, to enter into the fifth year of a five year lease agreement with Xerox Corporation for the lease of a large volume copier; and to authorize the expenditure of $30,000.00 from the 2003 operating budget of the City Clerk and City Council, and to declare an emergency. ($30,000.00)

This Matter was Approved on the Consent Agenda.

RECREATION & PARKS: BOYCE, CHR. SENSENBRENNER THOMAS HABASH

2478-2003 CA  To authorize and direct the Director of Recreation and Parks to modify the contract with Miles McClellan for additional professional services in conjunction with the North Bank Park Project, to authorize the expenditure of $51,000.00 from the Recreation and Parks Grant Fund, and to declare an emergency. ($51,000.00)

This Matter was Approved on the Consent Agenda.

SAFETY & JUDICIARY: MENTEL, CHR. BOYCE THOMAS HABASH
396X-2003  CA  To declare the necessity and intent to appropriate fee simple title in and to real estate in connection with the Sidewalk Installation Phase IV Project, and to declare an emergency.

This Matter was Adopted on the Consent Agenda.

PUBLIC SERVICE & TRANSPORTATION: O'SHAUGHNESSY, CHR. SENSENBRENNER TAVARES HABASH

2517-2003  CA  To authorize the Public Service Director to render payment to the Mid-Ohio Regional Planning Commission for staff support services rendered in connection with the State Capital Improvement Program and Local Transportation Improvement Program for the Transportation Division; to expend $46,121.00 from the Municipal Motor Vehicle License Tax Fund for this purpose, and to declare an emergency.  ($46,121.00)

This Matter was Approved on the Consent Agenda.

2541-2003  CA  To appropriate $150,000.00 within the Federal-State Highway Engineering Fund; to authorize the Public Service Director to pay ownership-related expenses including but not limited to grounds upkeep, maintenance, cleaning, rental expenses, utilities and property taxes for occupied and unoccupied properties acquired by the city as a result of advanced acquisition for the Hard Road Improvement project for the Transportation Division; to authorize the expenditure of $150,000.00 from the Federal-State Highway Engineering Fund, and to declare an emergency.  ($150,000.00)

This Matter was Approved on the Consent Agenda.

2586-2003  CA  To appropriate monies in the amount of  $2,545.17 from the General Permanent Improvement Fund and authorize the expenditure of $3,042.95 from the Voted 1995, Voted 1999 Streets and Highways Fund and $2,545.17 from the General Permanent Improvement Fund to pay the State of Ohio, Department of Transportation for an outstanding invoice in connection with the Broad Street Bridge over Alum Creek project for the Transportation Division, and to declare an emergency.  ($5,588.12)

This Matter was Approved on the Consent Agenda.

2640-2003  CA  To authorize the Public Service Director to modify and increase an existing contract with The Shelly Company for the construction of the Neil Avenue Traffic Islands and Resurfacing project for the Transportation Division; to authorize the expenditure of $41,324.32 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency.  ($41,324.32)

This Matter was Approved on the Consent Agenda.

2665-2003  CA  To authorize the Public Service Director to modify and extend agreements with the Mid-Ohio Regional Planning Commission and the Ohio Department of Transportation for continued operation of the Paving the Way program through July 31, 2004, and to declare an emergency.  ($0.00)

This Matter was Approved on the Consent Agenda.

HEALTH, HOUSING & HUMAN SERVICES: TAVARES, CHR. BOYCE THOMAS HABASH

2392-2003  CA  To authorize the Board of Health to modify and increase a contract with Ron Suprenant, DBA Med2Order for medical billing consulting services; to
authorize an expenditure of $20,000 from the Health Department Special Revenue Fund, and to declare an emergency. ($20,000).

This Matter was Approved on the Consent Agenda.

2563-2003 CA To authorize and direct the Board of Health to accept grants from the Central Ohio Breathing Association and the Ohio Commission on Minority Health in the amount of $39,030.00; to authorize the appropriation of $39,030.00 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. ($39,030.00)

This Matter was Approved on the Consent Agenda.

UTILITIES: THOMAS, CHR. MENTEL O'SHAUGHNESSY HABASH

2526-2003 CA To authorize the Finance Director to establish an additional Blanket Purchase Order, for water meters and appurtenances, from an established Universal Term Contract with Badger Meters, Inc., for the Division of Water, to authorize the expenditure of $49,800.00 from Water Systems Operating Fund, and to declare an emergency. ($49,800.00)

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by President Pro-Tem Mentel, seconded by Mr. Sensenbrenner, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

EMERGENCY, TABLED AND 2ND READING OF 30-DAY LEGISLATION

FINANCE: SENSENBRENNER, CHR. O'SHAUGHNESSY TAVARES HABASH

2576-2003 To authorize and direct the Human Resources Director to enter into an contract with the consulting firm of Watson Wyatt for the purchase of compensation consulting services to continue to design and implement the CMAGE/CWA pay plan; to authorize the expenditure of $57,700.00; to waive the competitive bid requirements of the Columbus City Codes; and to declare an emergency ($57,700).

A motion was made by Mr. Sensenbrenner, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2584-2003 To grant an extension of injury leave to Dennis Hammond, Fire Fighter, for a period of six (6) months beginning April 18, 2003 as recommended by the Board of Industrial Relations; and to declare an emergency.

A motion was made by Mr. Sensenbrenner, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

ADMINISTRATION: BOYCE, CHR. SENSENBRENNER MENTEL HABASH

2212-2003
To authorize the Director of the Department of Finance to establish purchase orders with Cingular Wireless in the amount of $27,360.00 and Nextel Communications in the amount of $152,940.00 for the purchase of wireless and communication services, for the Department of Technology, on behalf of citywide agencies; to authorize the expenditure of $145,800.00 from the Telecommunications Division Cable Fund; $34,500.00 from the Technology Director's Office Internal Service Fund; and to declare an emergency. ($180,300.00)

TABLED UNTIL 12/15/03

A motion was made by Mr. Boyce, seconded by Mr. Sensenbrenner, that this matter be Tabled to Certain Date. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

RECREATION & PARKS: BOYCE, CHR. SENSENBRENNER THOMAS HABASH

2267-2003
To authorize the Director of the Department of Recreation and Parks to execute and grant a quitclaim deed of easement to Abigail E. Sheard through a certain portion of that City owned property known as Antrim Park, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.

A motion was made by Mr. Boyce, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2485-2003
To authorize and direct the Director of Recreation and Parks to enter into contract with George J. Igel & Company for the North Bank Park - Issue B Project, to authorize the expenditure of $1,266,315.00 from the Recreation and Parks Grant Fund and $1,000,000.00 from the Voted 1995 and 1999 Street and Highway Bond Fund, and to declare an emergency. ($2,266,315.00)

A motion was made by Mr. Boyce, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2522-2003
To authorize an appropriation in the amount of $3,675,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for continued operation of the Central Ohio Area Agency on Aging during 2003 and 2004, and to declare an emergency. ($3,675,000.00)
A motion was made by Mr. Boyce, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

SAFETY & JUDICIARY: MENTEL, CHR. BOYCE THOMAS HABASH

2588-2003
To authorize the City Attorney to modify an agreement for special legal counsel services with representatives of the law firm of Porter, Wright, Morris & Arthur and to authorize the expenditure of the sum of One Hundred Twenty Thousand Dollars and no/cents ($120,000.00).

A motion was made by President Pro-Tem Mentel, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2590-2003
To authorize the City Attorney to modify an agreement for special legal counsel services with representatives of the law firm of Carlile, Patchen & Murphy, L.L.P. and to authorize the expenditure of the sum of One Hundred Five Thousand Dollars and no/cents ($105,000.00).

A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2592-2003
To authorize the City Attorney to modify an agreement for special legal counsel services with representatives of the law firm of Schottenstein, Zox & Dunn Co. LPA and to authorize the expenditure of the sum of Twenty Thousand Dollars and no/cents ($20,000.00).

TABLED UNTIL 12/15/03

A motion was made that this matter be Tabled to Certain Date. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

DEVELOPMENT: O'SHAUGHNESSY, CHR. BOYCE TAVARES HABASH

1816-2003
To adopt interim guidelines proposed by the Italian Village Commission addressing the use of artificial siding materials on new construction projects within the Italian Village Historic District; to waive Section 3116.03 of the Columbus City Codes, 1959; and to declare an emergency.

A motion was made that this matter be Taken from the Table. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash
A motion was made by Ms. O'Shaughnessy, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion failed by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 0
Negative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Director of Development to dissolve the existing Enterprise Zone Agreement (EZA) with Value City Department Stores and to end the inventory tax abatement provided for in the EZA, with or without the written consent of Value City Department Stores; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Director of Development to dissolve the existing Jobs Creation Tax Credit Agreement (JCTCA) with Daifuku America Corporation with or without the written consent of Daifuku America Corporation; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Director of Development to terminate the existing Enterprise Zone Agreement and Jobs Creation Tax Credit with Buckeye Steel Castings Company with or without the written consent of Buckeye Steel Castings Company; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Director of Development to dissolve the Enterprise Zone Agreement and the Tax Credit Agreement with International Business Machines Corporation (IBM), and to end the related property tax exemptions and tax credit, with or without the written consent of IBM; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Director of the Department of Development to amend the existing Enterprise Zone Agreement with the City of Columbus and Shonac Corporation to reflect approximately 203 (two hundred and three) of the 355
(three hundred and fifty five) retained jobs transferring to the Value City Northland site also known as Retail Ventures, Inc.; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2507-2003

To authorize the Director of the Department of Development to amend the Weiler-Bowen/City Park Place Enterprise Zone Agreement to acknowledge multiple tenants at the facility, to require the retention and/or creation of 150 jobs, to designate Weiler-Bowen Ltd. to be responsible for the job retention/creation being achieved and to be responsible for the annual report the City requires to fulfill its Enterprise Zone obligations; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2508-2003

To authorize the Director of Development to terminate the existing Jobs Creation Tax Credit with Leadscope Inc, with or without the written consent of Leadscope Inc.; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2509-2003

To authorize the Director of the Department of Development to amend the Enterprise Zone Agreement between the City and Brooks Beverage Management, Inc., changing the tax exemption on real property improvements for the period of 2005 through 2014 and altering the job creation from 115 to 69 full time employees; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2547-2003

To amend Ordinance 1793-03, passed July 28, 2003, in order to correct the legal description contained in the original ordinance designating the Continent as a Community Entertainment District and to declare an emergency.

A motion was made by Ms. O'Shaughnessy that this matter be Amended to Emergency. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash
A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved as Amended. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2548-2003
To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with Cornerstone Home Financial as provided in Columbus City Council Resolution 144X-02 adopted July 22, 2002.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2552-2003
To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with Midwest Communications and Media as provide in Columbus City Council Resolution 144X-02 adopted July 22, 2002.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2553-2003
To accept the application (AN03-025) of Rockford Homes, Inc. for the annexation of certain territory containing 15.0 ± Acres in Jefferson Township.

Tabled until 01/12/04

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Tabled to Certain Date. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2573-2003
To authorize the acceptance and disposition of a deed for a parcel of land to be included in the Land Bank inventory.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2628-2003
An ordinance declaring improvements to certain parcels of real property to be a public purpose, requiring the owners thereof to make service payments in lieu of taxes, establishing an urban redevelopment tax increment equivalent fund for the deposit of such service payments, describing the improvements to be made, and authorizing the Director of Development to execute the TIF and Development Agreement; and to declare an
emergency.

TABLED UNTIL 12/15/03

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Tabled to Certain Date. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

An Ordinance declaring the improvement to certain parcels of real property to be a public purpose, requiring the owners thereof to make service payments in lieu of taxes, providing for the payment to the Columbus City School District of its portion of those service payments, establishing a municipal public improvement tax equivalent fund for the deposit of the remainder of those service payments with the City and authorizing the Director of the Department of Development to execute a Tax Increment Financing and Development Agreement for infrastructure improvements to benefit the development of West Edge Business Center; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Director of the Department of Development to execute documents to allow the City to accept title to certain property generally known as West Edge Business Center; to transfer the property back to the original owners; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Development Director to dissolve the existing Enterprise Zone Agreement (EZA) and Jobs Creation Tax Credit Agreement (JCTCA) with Distribution Fulfillment Services (DFS) and to end the related tax incentives; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To authorize the Public Service Director to enter into an agreement with the Director of the Ohio Department of Transportation to grant consent and propose cooperation with the State of Ohio for a roadway improvement project to resurface a portion of U. S. Route 23D (Third Street) for the Transportation Division and to declare an emergency.  ($-0-)
A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2647-2003
To authorize the Director of Development to terminate the existing Enterprise Zone Agreement with Edwards Companies and to end the related property tax exemptions; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Tabled to Certain Date. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Abstained: 1 - Mr. Boyce
Affirmative: 5 - Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2648-2003
To authorize the Development Director to amend the Enterprise Zone Agreement (EZA) with USIR, eliminating the personal property tax abatement and the requirement for investment in personal property; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2652-2003
To authorize the Director of the Department of Development to amend the Central Ohio Welding Industries, Inc. Enterprise Zone Agreement to reduce the number of jobs retained/created from 148 to 38 and to extend the period of time to meet this requirement to 12/31/05; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2653-2003
To authorize the Director of the Department of Development to amend the Commodity Logistics Enterprise Zone Agreement to extend the period of time for meeting the job creation goal to 12/31/05; and to declare an emergency.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2656-2003
An Ordinance declaring improvements to certain parcels of real property within the Rocky Fork Blacklick Accord Economic Development Plan Area to be a public purpose, requiring the owners thereof to make service payments in lieu of taxes, providing for the payment to the Columbus City School
District of its portion of those service payments, establishing a municipal public improvement tax equivalent fund for the deposit of the remainder of those service payments with the City and authorizing the Director of the Department of Development to execute one or more Tax Increment Financing and Development Agreement for infrastructure improvements to benefit the development of Rocky Fork Blacklick Accord Economic Development Plan Area; and to declare an emergency.

**A motion was made by Ms. O'Shaughnessy, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Ms. Thomas  
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

**2657-2003**  
To authorize the Director of Development to amend the existing Enterprise Zone Agreement (EZA) with Coca-Cola Fountain, Inc. and to reduce the requirement of machinery and equipment, extend the allowable time of investment, eliminate the requirement for job creation and reduce the job retention requirement; and to declare an emergency.

**A motion was made by Ms. O'Shaughnessy, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Ms. Thomas  
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

**2659-2003**  
To authorize the Director of the Department of Development to amend the amendment for Roxane Laboratories and to amend the amended agreement to the Enterprise Zone Agreement between the City of Columbus and Roxane Laboratories Inc. and its affiliates; and to declare an emergency.

**A motion was made by Ms. O'Shaughnessy, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Ms. Thomas  
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

**2547-2003**  
To amend Ordinance 1793-03 1759-2003, passed July 28, 2003, in order to correct the legal description contained in the original ordinance designating the Continent as a Community Entertainment District and to declare an emergency.

**A motion was made by Ms. O'Shaughnessy, seconded by President Pro-Tem Mentel, that this matter be Reconsidered. The motion carried by the following vote:**

Absent: 1 - Ms. Thomas  
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

**A motion was made by Ms. O'Shaughnessy, seconded by President Pro-Tem Mentel, that this matter be Amended. The motion carried by the following vote:**
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

A motion was made by Ms. O'Shaughnessy, seconded by President Pro-Tem Mentel, that this matter be Approved as Amended. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

PUBLIC SERVICE & TRANSPORTATION: O'SHAUGHNESSY, CHR.
SENSENBRENNER TAVARES HABASH

2226-2003
To authorize the Public Service Director to enter into a contract with Evans, Mechwart, Hamilton and Tilton (EMH&T) for a feasibility study and preliminary engineering work for the possible realignment of the westbound IR-670 off-ramp at North Fourth Street for the Transportation Division; to authorize the expenditure of $20,000.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. ($20,000.00)

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2556-2003
To authorize the Public Service Director to enter into a contract with Shelly and Sands, Inc. for the Main Street Wheelchair Ramps project for the Transportation Division; to authorize the expenditure of $269,101.30 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. ($269,101.30)

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2564-2003
To authorize the Public Service Director to execute those documents required to grant an underground encroachment easement into Children's Drive for The Children's Hospital.

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2579-2003
To authorize the appropriation of $500,000.00 within the Municipal Motor Vehicle License Tax Fund; to authorize the Public Service Director to reimburse the Street Construction, Maintenance and Repair Fund for force account alley rehabilitation, permanent pavement marking, traffic signal, and sign installation work performed by and for the Transportation Division; to authorize the expenditure of $500,000.00 from the Municipal Motor Vehicle
License Tax Fund for this purpose and to declare an emergency. ($500,000.00)

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2580-2003
To authorize the Public Service Director to enter into a one year agreement with Computran Systems Corporation for software maintenance for the Transportation Division's downtown signal system processor per the sole-source provisions of the Columbus City Codes, 1959; to authorize the expenditure of $20,000.00 or so much thereof as may be needed for this purpose from the Municipal Motor Vehicle License Tax Fund, and to declare an emergency. ($20,000.00)

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2581-2003
To accept the plat titled SUNBURY PLACE, from BENCHMARK LAND TRUST, an Ohio trust, by DANIEL P. REIDEL, Trustee.

A motion was made by Ms. O'Shaughnessy, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

2608-2003
To authorize the transfer of $800,000.00 in existing appropriation authority between divisions and major expenditure categories within the Development Services Fund ($100,000.00) and the Street Construction, Maintenance and Repair Fund ($700,000.00) and to authorize the appropriation of $90,000.00 within the Development Services Fund for anticipated expenditures for the balance of 2003 within the Transportation Division, Public Service Department, all of which are consistent with third quarter review projections, and to declare an emergency. ($890,000.00)

A motion was made by Ms. O'Shaughnessy, seconded by Mr. Sensenbrenner, that this matter be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

UTILITIES: THOMAS, CHR. MENTEL O'SHAUGHNESSY HABASH

2315-2003
To authorize the Director of Public Utilities to enter into a cooperative agreement with the Geological Survey, United States Department of Interior, for Investigation of Water Resources in Central Ohio, and Ground Water Levels in Franklin County for the Division of Water, and the Scioto River at Columbus for the Division of Sewerage and Drainage, and to authorize the expenditure of $232,450.00 ($232,450.00).
A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

**2499-2003**
To authorize the Finance Director to enter into a contract with Thomas W. Ruff & Co., for office workstations, for the Division of Water, to waive the provisions of competitive bidding, to authorize the expenditure of $24,332.12 from Water Systems Operating Fund, and to declare an emergency.
($24,332.12)

A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

**2501-2003**
To authorize the Director of Finance to establish a Blanket Purchase Order for the Rental of Construction Equipment with Operator from a Universal Term Contract with Travco Construction Company for the Division of Sewerage and Drainage; to authorize the expenditure of $430,000.00 from the Sewerage System Operating Fund, and to declare an emergency.
($430,000.00)

A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

**RULES & REFERENCE: HABASH, CHR. MENTEL SENSENBRENNER TAVARES**

**2120-2003**
To amend Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, 2173, 2301, 2303, and 2307 of the Columbus City Codes, 1959, and to create new Chapter 2141 of the Columbus City Codes, 1959, to reflect recent changes to Title 29 and Title 45 of the Ohio Revised Code as a result of the passage of Senate Bill 123 and House Bill 490 by the Ohio Legislature as well as to address existing discrepancies between Title 21 of the Columbus City Codes, 1959, and Title 45 of the Ohio Revised Code.

**Sponsors:** Michael C. Mentel

A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, that this matter be Taken from the Table. The motion carried by the following vote:
Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash
A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, that this matter be Amended. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, that this matter be Approved as Amended. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

To supplement Chapter 4113 of the Columbus City Codes, 1959, by amending existing Section 4113.505 of the Columbus Building Code by eliminating archaic home improvement limited license classifications and by augmenting the current qualifications of an applicant for any home improvement license classification to include an Ohio registered design professional that is experienced in residential design and construction.

Sponsors: Maryellen O'Shaughnessy

A motion was made by Ms. O'Shaughnessy, seconded by Ms. Tavares, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

RECESS: 6:30 P.M.

A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, to Motion to Recess the Regular Meeting. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

RECONVENCED: 6:47 P.M.

A motion was made by President Pro-Tem Mentel, seconded by Ms. Tavares, to Motion to Reconvene the Regular Meeting. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash

ADJOURNMENT

ADJOURNED: 6:48 P.M.
A motion was made by Mr. Sensenbrenner, seconded by Ms. Tavares, to adjourn this Regular Meeting. The motion carried by the following vote:

Absent: 1 - Ms. Thomas
Affirmative: 6 - Mr. Boyce, Ms. Tavares, Ms. O'Shaughnessy, Mr. Sensenbrenner, President Pro-Tem Mentel and President Habash
REGULAR MEETING NO.53 OF CITY COUNCIL (ZONING), DECEMBER 8, 2003 AT 6:30 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

Absent: Thomas
Present: Chair Mentel; Mr. Boyce; President Habash; Ms. O'Shaughnessy; Sensenbrenner and Tavares

READING AND DISPOSAL OF THE JOURNAL

A motion was made by Chair Mentel, seconded by Boyce, to Dispense with the reading of the Journal and Approve. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: MENTEL, CHR. BOYCE HABASH O'SHAUGHNESSY SENSENBRENNER TAVARES THOMAS

2340-2003  To rezone 2270 EAKIN ROAD (43223), being 0.62± acres located at the northwest corner of Eakin Road and Midland Avenue, From: R-2, Residential District, To: L-C-4, Limited Commercial District (Rezoning # Z03-051).

A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Approved. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

2497-2003  To rezone 2764 FREEDOM TRAIL (43068), being 0.92± acres located on the east side of Freedom Trail, 190± feet south of Tusning Road, From: CPD, Commercial Planned Development District, To: L-ARLD, Limited Apartment Residential District (Rezoning #Z03-065).

A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Approved. The motion carried by the following vote:
Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

**2559-2003**

To rezone 3614 LIFESTYLES BOULEVARD (43219), being 122.7± acres located west of the terminus of Lifestyles Boulevard and 950± feet north of Agler Road, From: PUD-8, Planned Unit Development District, To: PUD-8, Planned Unit Development District and to declare an emergency. (Rezoning # Z03-021).

**A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Amended to Emergency. The motion carried by the following vote:**

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

**A motion was made by Chair Mentel, seconded by O'Shaughnessy, that this matter be Amended. The motion carried by the following vote:**

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

**A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Approved as Amended. The motion carried by the following vote:**

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

**2432-2003**

To grant a Variance from the provisions of Sections 3332.037, Residential District; 3332.25, Minimum side yard; 3332.26, Maximum side yard; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces for the property located at 121 THURMAN AVENUE (43206), to permit office, restaurant, and non-accessory parking uses in the R-2F, Residential District, and to repeal Ordinance 572-73, passed April 16, 1973. (Council Variance # CV03-032)

**A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Amended to Emergency. The motion carried by the following vote:**

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

**A motion was made by Chair Mentel, seconded by O'Shaughnessy, that this matter be Approved as Amended. The motion carried by the following vote:**

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares
2015-2003

To rezone 211 OAK STREET (43235), being 2.07± acres located on the south side of Oak Street, 115± feet west of Station Street, From: R, Rural District To: L-M, Limited Manufacturing District. (Z03-013)

A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Amended. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

A motion was made by Chair Mentel, seconded by O'Shaughnessy, that this matter be Approved as Amended. The motion failed by the following vote:

Absent: Thomas
Affirmative: Chair Mentel and Ms. O'Shaughnessy
Negative: Mr. Boyce, President Habash, Sensenbrenner and Tavares

A motion was made by Habash, seconded by Sensenbrenner, that this matter be Reconsidered. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

2447-2003

To grant a Variance from the provisions of Sections 3342.15, Maneuvering; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; for the property located at 211 OAK STREET (43235), to permit a office/warehouse and storage units with reduced development standards in the L-M, Limited Manufacturing District. (Council Variance # CV03-035)

A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

2125-2003

To rezone 7909 STATION STREET (43235), being 1.25± acres located at the northwest corner of Station and Oak Streets, From: R, Rural District To: L-M Limited Manufacturing District. (Rezoning Z03-014)

A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares
To grant a Variance from the provisions of Sections 3342.11, Landscaping; 3342.15, Maneuvering; 3342.17, Parking lot screening, 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3363.24, Building lines in an M-manufacturing district; for the property located at 7909 STATION STREET (43235), to permit a commercial/office/warehouse and storage units with reduced development standards in the L-M, Limited Manufacturing District. (Council Variance # CV03-007)

A motion was made by Chair Mentel, seconded by Sensenbrenner, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares

adjourned: 7:43 P.M.

A motion was made by Chair Mentel, seconded by Boyce, to adjourn this Regular Meeting. The motion carried by the following vote:

Absent: Thomas
Affirmative: Chair Mentel, Mr. Boyce, President Habash, Ms. O'Shaughnessy, Sensenbrenner and Tavares
BACKGROUND: This legislation will amend Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, and 2173 of Title 21, and Chapters 2301, 2303 and 2307 of Title 23 of the Columbus City Codes, 1959 by enacting new Sections and new Chapter 2141 in order to harmonize city traffic ordinances with changes made to Title 29 and Title 45 of the Ohio Revised Code as a result of the passage of Senate Bill 123 and House Bill 490 both of which go into effect January 1, 2004. In addition, this legislation constitutes a comprehensive overhaul of the Traffic Code, designed to address conflicts that exist between city ordinances and state law due to prior amendments of the Ohio Revised Code.

To amend Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, 2173, 2301, 2303, and 2307 of the Columbus City Codes, 1959, and to create new Chapter 2141 of the Columbus City Codes, 1959, to reflect recent changes to Title 29 and Title 45 of the Ohio Revised Code as a result of the passage of Senate Bill 123 and House Bill 490 by the Ohio Legislature as well as to address existing discrepancies between Title 21 of the Columbus City Codes, 1959, and Title 45 of the Ohio Revised Code.

WHEREAS, the City of Columbus has the ability to enforce all local police, sanitary, and other similar regulations as are not in conflict with the general laws of the State of Ohio pursuant to Article XVIII, Section 3 of the Ohio Constitution, and

WHEREAS, the Ohio General Assembly has enacted Senate Bill 123 which consists of a comprehensive revision of state traffic laws that is scheduled to go into effect January 1, 2004; and

WHEREAS, the Ohio General Assembly has enacted House Bill 490, a law designed to overhaul misdemeanor sentencing, that is likewise scheduled to go into effect January 1, 2004; and

WHEREAS, the enactment of SB 123 and HB 490 has created disparity between existing city ordinances and general laws of the State of Ohio, which inconsistencies, in many instances, will cause the city ordinances to be in conflict with the general laws of the State of Ohio and will thereby be unenforceable as of January 1, 2004; and

WHEREAS, there is currently incongruity between various other provisions of the
Columbus City Traffic Code and the prohibitions found in Title 45 of the Ohio Revised Code; and

WHEREAS, it is desirable to have consistency between the Traffic Code and Title 45 of the Ohio Revised Code; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

Section 1. That Chapters 2101, 2105, 2107, 2109, 2113, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, 2173, 2301, 2303, and 2307 of the Columbus City Codes, 1959, are hereby amended through the enactment of new Sections 2101.05, 2101.09, 2101.11, 2101.17, 2101.19, 2101.20, 2101.201, 2101.251, 2101.27, 2101.311, 2101.32, 2101.341, 2101.35, 2101.45, 2101.51, 2105.16, 2107.01, 2107.04, 2107.06, 2109.01, 2109.02, 2109.03, 2109.031, 2109.06, 2109.08, 2113.01, 2113.04, 2113.041, 2113.05, 2113.06, 2113.07, 2113.08, 2113.09, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.20, 2131.21, 2131.215, 2131.216, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26, 2131.27, 2131.271, 2131.28, 2131.29, 2131.30, 2131.31, 2131.32, 2131.33, 2131.34, 2131.36, 2131.38, 2131.39, 2131.40, 2131.41, 2131.42, 2131.43, 2133.01, 2133.011, 2133.012, 2133.02, 2133.03, 2133.04, 2133.05, 2133.06, 2133.07, 2133.071, 2135.06, 2135.07, 2135.08, 2135.09, 2135.10, 2135.11, 2135.12, 2137.01, 2137.02, 2137.03, 2137.04, 2137.05, 2137.06, 2137.08, 2137.09, 2137.10, 2137.11, 2137.12, 2137.13, 2137.14, 2137.15, 2137.16, 2137.17, 2137.18, 2137.19, 2137.20, 2137.21, 2137.22, 2137.221, 2137.23, 2137.24, 2137.25, 2137.26, 2137.27, 2139.01, 2139.02, 2139.03, 2139.04, 2139.05, 2139.06, 2139.07, 2139.10, 2139.11, 2139.12, 2139.29, 2139.31, 2139.32, 2139.34, 2139.35, 2139.36, 2139.99, 2141.01, 2141.02, 2141.03, 2141.04, 2141.05, 2141.06, 2141.11, 2141.12, 2141.14, 2141.16, 2141.18, 2141.21, 2150.01, 2150.03, 2150.04, 2150.05, 2150.06, 2150.10, 2151.01, 2151.02, 2151.03, 2151.04, 2151.06, 2151.07, 2151.08, 2151.09, 2151.10, 2151.105, 2151.11, 2151.12, 2151.13, 2151.14, 2151.15, 2151.16, 2151.17, 2151.18, 2151.19, 2151.20, 2151.21, 2151.22, 2151.23, 2155.01, 2155.02, 2155.04, 2155.05, 2155.055, 2155.06, 2155.07, 2155.08, 2157.01, 2157.02, 2157.04, 2157.05, 2171.01, 2171.02, 2171.03, 2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.07, 2171.08, 2171.09, 2171.10, 2173.01, 2173.02, 2173.03, 2173.04, 2173.05, 2173.07, 2173.08, 2173.09, 2173.10, 2173.105, 2173.12, 2173.13, 2301.02, 2301.25, 2303.06, 2307.01, and 2307.24.

2101.05 Bus.

"Bus" means every motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

2101.09 Crosswalk.

"Crosswalk" means:
(1) (a) That part of a roadway or alley at intersections, ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the transversible roadway;

(b) If the service director authorizes curb ramps which are outside the crosswalk established by subsection (a) but within fifteen (15) feet of that crosswalk, the crosswalk shall be extended to encompass the pathway between two (2) opposed ramps; and

(c) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(2) Notwithstanding subsections (a), (b) and (c) of this section, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (ORC 4511.01(LL))

2101.11 Emergency Vehicle

"Emergency Vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety, safety director, or other local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

2101.17 Intersection

"Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;

(2) Where a street highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street or highway by an intersecting street or highway shall be regarded as a separate intersection. If an intersecting street or highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such street or highways shall be regarded as a separate intersection;

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection. (ORC 4511.01(KK))

2101.19 Motorcycle

"Motorcycle" means every motor vehicle other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to motor vehicles known as "motor-driven
cycles," "motor scooter," or "motorcycle" without regard to weight or brake horsepower. (ORC 4511.01(C))

2101.20 Motor vehicle.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed of twenty-five (25) miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products, and trailers designed and used exclusively to transport a boat between a place of storage and a marina when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))

2101.201 Operate.

"Operate" means to cause or have caused movement of a vehicle, on any public or private property used by the public for purposes of vehicular travel or parking. (ORC 4511.01(HHH))

2101.251 Predicate motor vehicle offense or traffic offense.

"Predicate motor vehicle offense or traffic offense" means any of the following:
(1) A violation of any of the following provisions of the Ohio Revised Code:
(a) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.66, 4511.67, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code;
(b) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code;
(c) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated;
(2) A violation of any of the following provisions of the Columbus City Code:
(a) A violation of section 2109.06, 2109.08, 2113.01, 2113.04, 2113.041, 2113.07, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.20, 2131.215, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26,
2131.27, 2131.271, 2131.28, 2131.29, 2131.30, 2131.31, 2131.34, 2131.40, 2131.42,
2131.43, 2133.01, 2133.02, 2133.04, 2133.05, 2133.071, 2171.01, 2171.02, 2171.03,
2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.08, 2173.02, 2173.03, 2173.04,
2173.05, 2173.07, 2173.08, or 2173.105;
(b) A violation of division (a)(2) of section 2113.08.
(3) A violation of a municipal ordinance that is substantially similar to any section or
provision set forth or described in paragraph (1)(a), (b) or (c) of this section. (ORC
4511.01(III))
2101.27 Public safety vehicle.

"Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal
corporation, township, or county, and private ambulances and nontransport vehicles
bearing license plates issued under Section 4503.49 of the Ohio Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to
enforce the criminal and traffic laws of the State;

(3) Any motor vehicle when properly identified as required by the Ohio Director of
Public Safety, when used in response to fire emergency calls or to provide emergency
medical service to ill or injured persons, and when operated by a duly qualified person
who is a member of a volunteer rescue service or a volunteer fire department, and who
is on duty pursuant to the rules or directives of that service. The State Fire Marshal
shall be designated by the Ohio Director of Public Safety as the certifying agency for all
public safety vehicles described in this division.

(4) Vehicles used by fire department, including motor vehicles when used by volunteer
firemen responding to emergency calls in the fire department service when identified as
required by the Ohio Director of Public Safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured
person, when certified as a public safety vehicle, shall be considered a public safety
vehicle when transporting an ill or injured person to a hospital regardless of whether
such vehicle has already passed a hospital.

(5) Vehicles used by the commercial motor vehicle safety enforcement unit for the
enforcement of orders and rules of the Public Utilities Commission as specified in
Section 5503.34 of the Ohio Revised Code. (ORC 4511.01(E))

2101.311 Ridesharing arrangement.

"Ridesharing arrangement" means the transportation of persons in a motor vehicle
where the transportation is incidental to another purpose of a volunteer driver and
includes ridesharing arrangements known as carpools, vanpools, and buspools. (ORC
4511.01(EE))

2101.32 Right of way.
"Right of way" means either of the following, as the context requires:

1. The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;

2. A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))

2101.341 School

"School" mean any school chartered under section 3301.16 of the Ohio Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupil certifying that the school meets Ohio minimum standards for nonchartered, nontaxsupported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. (ORC 4511.21(B)(1)(b))

2101.35 School bus.

"School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the City, or within such limits and the territorial limits of municipal corporations immediately contiguous to the City, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

"Child day-care center" and "type A family day care home" have the same meaning as in Section 5104.01 of the Ohio Revised Code. (ORC 4511.01(F))

2101.45 Traffic.

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices either singly or together, while using any street or highway
for purposes of travel. (ORC 4511.01(TT))

2101.51 Vehicle.

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, or any device that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

2105.16 Individual parking spaces.

The service director shall designate and mark off individual parking spaces at points or places to be approved by resolution of council in certain sections of the downtown area and outlying districts, such parking spaces to be established along the curb of streets in such sections and to be approximately twenty-three (23) feet in length along side curbs. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.

A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2107.01 Reasons for impounding.

Any law enforcement officer as defined in Section 2301.01(K), is authorized to remove or cause removal from the streets, highways, sidewalks, or other property open to the public for the purpose of vehicular traffic or parking:

(a) Any vehicle parked, left standing or abandoned thereon in violation of any of the specific terms of this Traffic Code, subject to the provisions of Section 2150.02.

(b) Any vehicle that has been reported stolen.

(c) Any vehicle from which the driver has been arrested, or any vehicle operated by a person who refused to obey the instruction of any police officer after such person has been placed under arrest.

(d) Any vehicle from which the driver or operator has been removed due to illness or injury.

(e) Any vehicle which, in the impounding authorities opinion, creates a condition which presents a risk of physical harm to persons or property including vehicles which, without authorization, release, discharge, or leak substances into or upon the environment.

(f) Any vehicle operated by a person while engaged in, or connected with, the commission of a crime.
(g) Any vehicle operated by a person without an operator's license, or during period of
suspension, cancellation, or revocation of such license.

(h) Any vehicle that has been involved in an accident and the driver/operator has failed
to stop after such accident.

(i) Any vehicle that fails to comply with the provisions of this Traffic Code relative to
equipment.

(j) Any vehicle abandoned after an accident on public or private property away from the
owner's residence.

2107.04 Expense of removal, clean up and storage.
The actual expense of removal or unloading of any vehicle including commercially
registered vehicles, attached vehicle, or its load will be assessed the owner or agent of
said vehicle or property. The city shall be reimbursed for all actual expense incurred for
use of service for special equipment, labor, security, traffic direction and clean-up
necessary for recovery of the vehicle or its load under Chapter 2107.01, 2107.02, and
2135.12 of Columbus City Codes, 1959.

Any law enforcement officer investigating an accident, a disabled vehicle or an
unauthorized spill, release or discharge of material into or upon the environment may
order the removal of the vehicle from the scene of the accident if such vehicle
constitutes a hazard to traffic flow or to safety. The officer may order any appropriate
equipment needed to move such vehicle or to remove its cargo or debris. The actual
expense for the removal or unloading of any vehicle and/or load will be assessed to the
owner or to the agent of the owner of said vehicle or property. The city shall be
reimbursed for all actual expense incurred for special equipment, labor, security, traffic
direction and clean-up necessary for recovery of the vehicle or its load under Chapters
2107.01, 2107.02, and 2135.12 of Columbus City Codes, 1959. Any person
responsible for causing or allowing an unauthorized spill, release or discharge of
material into or upon the environment shall reimburse the city for investigating,
mitigating, minimizing, removing, or abating any unauthorized spill, release, or
discharge of material into or upon the environment that requires emergency action to
protect the public health or safety of the environment. The city shall keep a detailed
record of its costs for investigating, mitigating, minimizing, removing, or abating the
unauthorized spill, release or discharge.

2107.06 Impounding fee and storage charge--Exceptions.

(a) No vehicle impounded under the provisions of this chapter, except as provided in
subsections (b) and (c) hereof, shall be removed from such vehicle pound except upon
the payment by the owner, chauffeur, driver or other person in charge of such vehicle,
of a service charge of seventy dollars ($70.00) to the parking violations bureau of the
city treasurer for any motor vehicle weighing not more than seven thousand (7,000)
pounds. There is no additional fee charged if a dolly or rollback is required to tow said
motor vehicle to the vehicle pound. A service charge of one hundred dollars ($100.00)
shall be paid to the parking violations bureau of the city treasurer for a motor vehicle
weighing more than seven thousand (7,000) pounds but not more than ten thousand
fifty (10,050) pounds. A service charge of one hundred forty-five dollars ($145.00) shall be paid to the parking violations bureau of the city treasurer for any motor vehicle weighing more than ten thousand fifty (10,050) pounds.

In addition to the rate set forth above for all motor vehicles, an additional hourly fee may be charged for extra services that are required in connection with towing said motor vehicles such as to upright an overturned vehicle, clean excessive debris from the roadway, recover a vehicle not on the traveled portion or berm of a highway, or to separate vehicles or pull a vehicle from an obstruction. This additional charge will be at the following rates:

1. Seventy dollars ($70.00) per hour for vehicles weighing seven thousand (7,000) pounds or less.

2. One hundred dollars ($100.00) per hour for vehicles weighing more than seven thousand (7,000) pounds, but not more than ten thousand fifty (10,050) pounds.

3. One hundred forty-five dollars ($145.00) per hour for vehicles weighing ten thousand fifty (10,050) pounds or more.

4. A fee of seventy dollars ($70.00) may be added if a trailer dolly is required due to the trailer not being attached to a tractor.

A storage fee of ten dollars ($10.00) per day for each twenty-four (24) hours, or fraction thereof, shall be charged for vehicles with a gross vehicle rating less than ten thousand fifty (10,050) pounds. A storage fee of fifteen dollars ($15.00) per day for each twenty-four (24) hours, or fraction thereof shall be charged per vehicle and per trailer with a gross vehicle rating of ten thousand fifty (10,050) pounds or more.

(b) Any stolen vehicles that have been recovered and impounded by the police pending notification of the legal owner or agent shall be subject to the impounding fee or storage charge. However, the storage shall be charged beginning the fourth day after impoundment, provided the legal owner or agent has been notified, or notification has been sent to the last known address of the owner or agent.

(c) Any vehicle weighing less than seven thousand (7,000) pounds which has been impounded for the sole purpose of "safekeeping" and from which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charge. However, the storage fee shall be charged beginning the fourth day after the date of impoundment. Any vehicle weighing seven thousand (7,000) pounds or more and/or a commercially registered vehicle which has been impounded for the sole purpose of "safekeeping" which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charges. Additional service fees incurred for all vehicles other than towing and storage will be assessed against the owner or agent thereof and shall be paid before the vehicle is released.

(d) The owner of a vehicle that has been removed from the streets, highways, sidewalks, or public grounds pursuant to Section 2107.01 and that has been
determined by the violations clerk to be a victim of violent crime against person or other special circumstance shall not be held liable for the payment of any fees associated with the towing and/or impounding of said vehicle.

2109.01 Failure to comply with order or signal of police officer

(A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.

(B) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(C) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer, a misdemeanor of the first degree.

If the offender previously has been found guilty of an offense under division (B) of this section, division (B) of former section 4511.02 of the Ohio Revised Code, or division (B) of section 2921.331 of the Ohio Revised Code, or a substantially similar municipal ordinance, then the court shall impose at least thirty (30) mandatory days imprisonment for violation of this section.

(D) This section shall not apply if:

(1) In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

(3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property, as set forth in Section 2921.331 of the Ohio Revised Code.

(E) (1) In addition to any other sanction imposed for a violation of division (A) of this section, the court shall impose a class six suspension from the range specified in division (A)(6) of section 4510.02 of the Revised Code.

(2) In addition to any other sanction imposed for a violation of division (B) of this section, the court shall impose a class two suspension from the range specified in division (A)(2) of section 4510.02 of the Ohio Revised Code. If the offender previously has been found guilty of an offense under section, former section 4511.02 of the Ohio Revised Code, or section 2921.331 of the Ohio Revised Code, or a substantially similar municipal ordinance, the court shall impose a class one suspension as described in division (A)(1) of section 4510.02 of the Ohio Revised Code. The court shall not grant limited driving privileges to the offender. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit, or privilege required by this division on any portion of the suspension under a class one
(F) As used in this section:

(1) "Moving violation" has the same meaning as in section 2743.70 of the Ohio Revised Code.

(2) "Police officer" has the same meaning as in section 2101.25.

2109.02 Traffic direction in emergencies--Obedience to school crossing guards.

(a) It shall be the duty of the police department to enforce the provisions of this Traffic Code. Police officers are authorized to direct all traffic, either in person or by means of visible or audible signal in conformance with the provisions of this Traffic Code, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire departments may direct traffic as conditions may require, notwithstanding the provisions of this Traffic Code. Police officers when directing traffic, either on foot or from any vehicle, shall station themselves wherever necessary to effectively regulate traffic upon the streets.

(b) The director of public safety or his designated representative is authorized to make temporary regulations because of emergencies, special conditions or special events which temporarily restrict access to certain designated sidewalks and streets or portions thereof, and which provide that the designated restricted area is to be conspicuously posted notifying the public that only authorized persons are permitted in the restricted area.

(c) No person shall fail to stop at a marked crosswalk in use by school children under the supervision of a trained crossing guard.

As used in this section, "trained crossing guard" is any person trained and certified by a school board of education in accordance with State regulations.

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

2109.03 Resisting enforcing official.

(a) No person shall resist, hinder, obstruct or abuse any official while such official is attempting to arrest offenders under this Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to public streets or highways.
(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.36)

2109.031 Providing false information during issuance of traffic citation.

(a) No person shall knowingly present, display, or orally communicate a false name, social security number, or date of birth to a law enforcement officer who is in the process of issuing the person a traffic ticket or complaint.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.361)

2109.06 Freeway use prohibited by pedestrians, bicycles and animals.

(a) No person, unless otherwise directed by a police officer, shall:

(1) As a pedestrian, occupy any space within the limits of the right of way of a freeway, except: in a rest area, on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use, in the performance of public works or official duties, as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance;

(2) Except in the performance of public works or official duty, occupy any space within the limits of the right of way of a freeway, with an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; or farm machinery;

(b) 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 4511.051)

2109.08 Placing injurious material or obstruction in street.

(a) No person shall place or knowingly drop upon any part of a street, highway, road, lane, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such street, highway, road, lane, or alley, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.
Any person authorized to remove a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle, streetcar, or trackless trolley.

No person shall place any obstruction in or upon a roadway without proper authority.

(b) No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a street, highway, road, lane, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling car along or upon such street, highway, road, lane, or alley except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(c) No person shall recklessly drop or throw any object which may induce an operator of a vehicle on any part of any street, highway, road, lane, or alley to take evasive action to avoid striking such object whether or not such object is actually capable of causing damage or injury.

(d)(1) Except as otherwise provided in this division, whoever violates division (a) of 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 division (a) of 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 division (a) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the first degree.

(3) Whoever violates division (c) of this section is guilty of a misdemeanor of the second degree. (ORC 4511.74)

2113.01 Obedience to traffic control devices.

(a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device, unless at the time otherwise directed by a police officer, or school crossing guard stationed in the vicinity of school buildings. When both traffic control signals and stop signs are erected at intersections, traffic shall be governed by the traffic control signal while it is in operation.

It is an affirmative defense to a charge under this section that the traffic control device was not placed in accordance with the provisions of this Traffic Code.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required,
such section shall be effective even though no signs are erected or in place.

(b) 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 4511.12)

2113.04 Signal to control lane direction of travel.

(a) Whenever it is necessary to indicate and control the direction of travel in a traffic lane or lanes of a street or highway for the purpose of reversing the direction of traffic in the lane, rectangular signal units shall be placed over each reversible lane and shall apply to operators of vehicles as follows:

(1) Rectangular signal unit with downward pointing illuminated green arrow: Traffic facing such signal may travel in the lane over which the green arrow is shown.

(2) Rectangular signal unit with an illuminated red "X": Traffic facing such signal shall not enter or travel in any lane over which the grade crossings "X" signal is shown.

(b) Failure to obey the requirement of this section constitutes a violations of section 2113.01. . (ORC 4511.131)

2113.041 Driver's duties upon approaching intersection with ambiguous or non-working traffic signal.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing him either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way:

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles, streetcars, or trackless trolleys in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;

(3) Exercise ordinary care while proceeding through the intersection.

(b) 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 4511.132)

2113.05 Pedestrian control signals.

Whenever special pedestrian signals exhibiting the words "walk," "don't walk" or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:

(a) "Walk" or the symbol of a walking person: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operator of all vehicles, streetcars, or trackless trolleys.

(b) "Don't walk" or the symbol of an upraised palm: No pedestrian shall start to cross the roadway in the direction of the signal.

(c) Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to the effective date of this ordinance.

(d) Failure to obey the requirements of this section constitutes a violation of Section 2113.01. (ORC 4511.14)

2113.06 Flashing traffic signals.

(a) Whenever an illuminated flashing red or yellow traffic signal is used in a traffic signal or with a traffic sign it shall require obedience as follows:

(1) Flashing red stop signal: Operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow caution signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Sections 2131.38 and 2131.39.

(b) Failure to obey the requirements of this section constitutes a violation of section 2113.01. (ORC 4511.15)

2113.07 Unauthorized signs and signals, hiding from view, advertising.
(a) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices.

Every such prohibited sign, signal, marking or device is a public nuisance, and the Service Director is authorized to remove the same or cause it to be removed.

(b) 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 4511.16)

2113.08 Tampering with traffic control devices prohibited.

(a) No person, without lawful authority, shall do any of the following:

(1) Knowingly move, deface, damage, destroy, or otherwise improperly tamper with any traffic control device; any railroad sign or signal; or any inscription, shield, or insignia on the device, sign or signal; or any part of the device, sign or signal;

(2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;

(3) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.

(b)(1) Except as otherwise provided in this division, whoever violates division (a)(1) or (3) of this section is guilty of a misdemeanor of the third degree. If the violation of division (a)(1) or (3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. This section shall not apply if a violation of division (a)(1) or (3) causes serious physical harm to property that is owned, leased, or controlled by a state or local authority.

(2) Except as otherwise provided in this division, whoever violates division (a)(2) of 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 division (a)(2) of 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 division (a)(2) of this section is guilty of a misdemeanor of
the third degree. (ORC 4511.17)

2113.09 Possession or sale of traffic control devices prohibited.

(a) As used in this section, "traffic control device" means any sign, traffic control signal,
or other device conforming to any placed or erected in accordance with the manual
adopted under Section 4511.09 of the Ohio Revised Code by authority of a public body
or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic,
including signs denoting the names of streets and highways, but does not mean any
pavement marking.

(b) No individual shall buy or otherwise possess, or sell, a traffic control device, except
when one of the following applies:

(1) In the course of the individual's employment by the State or a local authority for the
express or implied purpose of manufacturing, providing, erecting, moving, or removing
such a traffic control device;

(2) In the course of the individual's employment by any manufacturer of traffic control
devices other than a State or local authority;

(3) For the purpose of demonstrating the design and function of a traffic control device
to State or local officials;

(4) When the traffic control device has been purchased from the State or a local
authority at a sale of property that is no longer needed or is unfit for use;

(5) The traffic control device has been properly purchased from a manufacturer for use
on private property and the person possessing the device has a sales receipt for the
device or other acknowledgement of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding,
prosecution for theft in violation of Section 2913.02 of the Ohio Revised Code or
Section 2313.02 relating to theft, or for receiving stolen property in violation of Section
2913.51 of the Ohio Revised Code or Section 2313.51 relating to receiving stolen
property.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC
4511.18)

2131.01 Driving upon right side of roadway; exceptions.

(a) Upon all streets or highways of sufficient width, a vehicle shall be driven upon the
right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the street or highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (a)(2) of this section. This division shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

(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 4511.25)

2131.02 Passing to right when proceeding in opposite directions.

(a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b) 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 4511.26)

2131.03 Overtaking, passing to left; driver's duties.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) of this section, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 2131.31, a limited access highway as defined in Section 5511.02 of the Ohio Revised Code or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) 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 4511.27)

2131.04 Overtaking, passing to right or left.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by
driving off the roadway.

(c) 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 4511.28)

2131.05 Overtaking, passing to left of centerline.

(a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(b) 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 4511.29)

2131.06 Prohibitions against passing to left of centerline.

(a) No vehicle shall be driven upon the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the street or highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel;

(3) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing.

(b) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in division (a)(2) of Section 2131.01.
(c) 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 4511.30)

2131.07 Hazardous or no passing zones.

(a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel (to the right of the normal center line or marked lane line), no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal centerline or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distance set out in Section 2131.06.

(b) 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 4511.31)

2131.08 Driving within lanes or continuous lines of traffic.

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, or whenever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

1. A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

2. Upon a roadway which is divided into three lanes and provides for two-way
movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(b) 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 4511.33)

2131.09 Following too closely.

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, and the traffic upon and the condition of the street or highway.

(b) 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 4511.34)

2131.10 Turning at intersections.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that
portion of the right half of the roadway nearest the center line thereof and by passing to
the right of such center line where it enters the intersection and after entering the
intersection the left turn shall be made so as to leave the intersection to the right of the
center line of the roadway being entered. Whenever practicable the left turn shall be
made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the
roadways, the driver of a vehicle intending to turn left at any such intersection shall
approach the intersection in the extreme left-hand lane lawfully available to traffic
moving in the direction of travel of such vehicle, and after entering the intersection the
left turn shall be made so as to leave the intersection, as nearly as practicable, in the
left-hand lane of the roadway being entered lawfully available to the traffic moving in
that lane.

(b) Markers, buttons or signs may be placed within or adjacent to intersections and
thereby require and direct that a different course from that specified in this section be
traveled by vehicles turning at an intersection, and when such markers, buttons or
signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection
other than as directed and required by such markers, buttons, or signs.

(c) No operator shall turn a vehicle at any intersection where signs, signals or markings
prohibit such turn and have been erected or placed at such location.

It is an affirmative defense to a charge under this section that the sign, signal or
marking was not erected or placed in accordance with Chapter 2105.

(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 4511.36)

2131.11 Turning into private driveway, alley or building.

(a) The driver of a vehicle intending to turn into a private road or driveway, alley, or
building from a public street or highway shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to
the right-hand curb or edge of the roadway.

(2) Upon a roadway where traffic is proceeding in opposite directions, approach for a
left turn and a left turn shall be made from that portion of the right half of the roadway
nearest the center line thereof.

(3) Upon a roadway where traffic is restricted to one direction, approach for a left turn
and a left turn shall be made as close as practicable to the left-hand curb or edge of
the roadway.

It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the sidewalk or sidewalk area extending across any such roadway.

(b) 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.

2131.12 "U" turns prohibited.

(a) No vehicle shall be turned so as to proceed in the opposite direction upon any street or highway. Turns commonly known as "U" turns are hereby prohibited.

(b) 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.

2131.13 Starting and backing vehicles.

(a) No person shall start a vehicle that is stopped, standing, or parked until such movement can be made with reasonable safety and so as to yield the right of way to moving vehicles.

Before backing, operators of vehicles shall not move unless such movement can be made with reasonable safety and without interfering with other traffic and shall give ample warning, and while backing they shall exercise vigilance not to injure persons or property on the street or highway.

(b) No person shall back a motor vehicle on a freeway, except: in a rest area, in the performance of public works or official duties, as a result of an emergency caused by an accident, or as a result of a breakdown of a motor vehicle.

(c) No operator of a vehicle shall back such vehicle from any alley, private driveway, or building across the centerline of any street of sufficient width to allow two or more moving lanes of traffic in each direction.

(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 4511.38)

2131.14 Signals before changing course, turning, or stopping.

(a) No person shall turn a vehicle or move right or left upon a street or highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a street or highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b) 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 4511.39)

2131.15 Hand and arm signals.

(a) Except as provided in division (b) of this section, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in
the following manner, and such signals shall indicate as follows:

(1) Left turn: Hand and arm extended horizontally;

(2) Right turn: Hand and arm extended upward;

(3) Stop or decrease speed: Hand and arm extended downward.

(b) As an alternative to division (a)(2) of this section, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

(c) 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 4511.40)

2131.16 Right of way at intersections.

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in division (a) of this section is modified at through highways, T-intersections, and otherwise as stated in this Traffic Code.

(c) 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.

2131.161 Right of way at T-intersections.

(a) When two vehicles approach or enter a T-intersection from streets or highways at approximately the same time, the driver of the vehicle on the street or highway which dead-ends into the other street or highway shall yield the right of way to the vehicle on the other street or highway, unless a traffic control device is present at the T-intersection and otherwise as stated in this Traffic Code.

(b) 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.

2131.17 Right of way when turning left.

(a) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road, or driveway as to constitute an immediate hazard.

(b) 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 4511.42)

2131.18 Right of way at through streets; stop and yield right-of-way signs; merging into laned traffic.

(a) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle or pedestrian in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(b) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle or pedestrian in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle or pedestrian in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way.

(c) 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 4511.43)

2131.20 Emergency or public safety vehicles at stop signals or signs.

(a) The driver of any emergency vehicle or public safety vehicle, when responding to an
emergency call, upon approaching a red or stop signal or any stop sign shall slow down
as necessary for safety to traffic, but may proceed cautiously past such red or stop sign
or signal with due regard for the safety of all persons using the street or highway.

(b) 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 4511.03)

2131.21 Right of way of public safety vehicle.

(a) Upon the approach of a public safety vehicle or coroner's vehicle equipped with at
least one flashing, rotating, or oscillating light visible under normal atmospheric
conditions from a distance of 500 feet to the front of the vehicle and the driver is giving
an audible signal by siren, exhaust whistle, or bell, no driver of any other vehicle shall
fail to yield the right-of-way, immediately drive if practical to a position parallel to, and
as close as possible to, the right edge or curb of the street or highway clear of any
intersection, and stop and remain in that position until the public safety vehicle has
passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's
vehicle from the duty to drive with due regard for the safety of all persons and property
upon the street or highway.

(c) The section applies to a coroner's vehicle only when the vehicle is operated in
accordance with Section 4513.171 of the Ohio Revised Code. As used in this section,
"coroner's vehicle" means a vehicle used by a coroner, deputy coroner, or coroner's
investigator that is equipped with a flashing, oscillating, or rotating red or blue light and
a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this division, whoever violates division (a) of this
section is guilty of a misdemeanor of the fourth degree on a first offense. On a second
offense within one year after the first offense, the person is guilty of a misdemeanor of
the third degree, and, on each subsequent offense within one year after the first
offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)
2131.215 Pedestrian to yield to public safety vehicle.

(a) Upon the immediate approach of a public safety vehicle, as stated in Section 2131.21, every pedestrian shall yield the right-of-way to the public safety vehicle.

(b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(c) 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 4511.452)

2131.216 Emergency vehicle and public safety vehicle exceptions.
Sections 2113.01, 2113.03, 2113.04, 2113.041, 2113.06, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.17, 2131.18, 2131.21, 2131.22, 2131.225, 2131.29, 2131.30, 2131.31, 2131.33, 2131.38, 2131.39, 2133.04, 2133.05, 2131.01, 2151.03, 2151.04, 2151.06, 2151.10 and 2171.01(A) of the Columbus City Code do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

2131.22 Right-of-way at private driveway, alley or building.

(a) The operator of a vehicle about to enter or cross a street or highway from any place other than another roadway shall yield the right-of-way to all traffic approaching on the roadway to be entered or crossed.

(b) 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 4511.44)

2131.225 Emerging from private driveway, alley, or building; stop at sidewalk or sidewalk area.
(a) The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(b) 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 4511.431)

2131.23 Emerging from private driveway, alley or building.

(a) It shall be the duty of the driver of any vehicle emerging from a private road or driveway, alley, or building to yield the right of way to pedestrians using the sidewalk or sidewalk area extending across any such private roadway or driveway, alleyway, or building exitway. When conditions restrict a clear view of any approaching pedestrians, the driver shall stop the vehicle immediately prior to driving onto such sidewalk or sidewalk area, sound an audible approach signal, and yield the right of way to pedestrians as may be required.

(b) 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.

2131.24 Right-of-way of funeral procession.

(a) As used in this section, "funeral procession" means two or more vehicles accompanying the body of a deceased person in the daytime when each of such vehicles has its headlights lighted and is displaying a purple and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 2131.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle which is part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the
roadway.

No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted and without displaying a purple and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

No driver of any vehicle shall drive between the vehicles comprising a funeral procession while in motion.

(c) No funeral procession shall occupy High Street between Buttles Avenue and Mound Street, except to cross such street. However, Council may waive this prohibition by resolution.

(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 4511.451)

2131.25 Driver's view and control to be unobstructed by load, persons, or animals.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons or animals, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position, or by any manner of conduct, as to interfere with the driver's view ahead or to the sides of the vehicle, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(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 4511.70)

2131.26 Driving upon street posted as closed for repair.
(a) No person shall drive upon, along, or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction, or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(b) 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 4511.71)

2131.27 Following and parking near emergency or safety vehicles.

(a) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred (500) feet.

(b) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(c) Except as otherwise provided in this division, whoever violates division (a) of 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.

(d) A violation of division (b) of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150. (ORC 4511.72)

2131.271 Duties upon approaching stationary public safety vehicle displaying emergency light.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light, flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating combination blue and white light, shall do either of the
following:

(1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle.

(2) If the driver is not traveling on a street or highway of a type described in division (a)(1) of this section, or if the driver is traveling on a street or highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the street or highway.

(c) No person shall fail to drive a motor vehicle in compliance with division (a)(1) or (2) of this section when so required by division (a) of this section.

(d)(1) 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.

(2) Notwithstanding section 2929.21 of the Ohio Revised Code, upon a finding that a person operated a motor vehicle in violation of division (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

(e) As used in this section, "public safety vehicle" has the same meaning as in Chapter 2101.

2131.28 Driving over fire hose.

(a) No vehicle shall, without the consent of the fire department official in command, be driven over any unprotected hose of the fire department that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b) 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 4511.73)

2131.29 Driving through safety zone.

(a) No vehicle shall at any time be driven through or within a safety zone.

(b) 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 4511.60)

2131.30 One-way streets and rotary traffic islands.

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island. No operator shall drive on a roadway in a direction of travel in violation of signs, markings, or barriers erected or placed at such location.

(b) 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.

(c) It is an affirmative defense to a charge under this section that the sign, marking, or barrier was not erected or placed in accordance with Chapter 2105. (ORC 4511.32)

2131.31 Driving upon divided roadways.

(a) Whenever any street or highway has been divided into two (2) roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across, or within any such dividing space, barrier, or median section, except through an opening, crossover, or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier, or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b) 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 4511.35)

2131.32 Unnecessary sounding of horns.

(a) No person shall sound any horn or other signal device on any motor vehicle or motorcycle except as a warning of danger.

(b) Whoever violates this section is guilty of a minor misdemeanor.

2131.33 Failure to control.

(a) No person shall operate a motor vehicle upon any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle.

(b) Whoever violates this section is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor. (ORC 4511.202)

2131.34 Driving over sidewalks or curbs.

(a) No driver of any vehicle shall drive over or across any curb, upon a sidewalk, or within any sidewalk area except upon a permanent or duly authorized temporary driveway.

(b) 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 4511.711)

2131.36 Stopping for school bus; signals on bus

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.
(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Ohio Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(c) Where a street or highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) of this section.

(d) School buses operating on divided streets or highways or on streets or highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, and children attending programs offered by head start agencies on their residence side of the street or highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f)(1) Whoever violates division (a) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(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 section 4510.02 of the Ohio Revised Code. 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.

(g) As used in this section:

(1) "Head start agency" has the same meaning as in section 3301.31 of the Ohio Revised Code.

(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section 4511.77 of the Ohio Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Ohio Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

2131.38 Driving across grade crossings.

(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.

(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train.

(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.

(2) 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 divisions (A)(1)(a) to (e) 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.
(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.62)

2131.39 Stopping at grade crossings.

(a) The operator of any motor vehicle carrying passengers for hire, or of any school bus, or of any vehicle carrying explosives or flammable liquids as cargo, or as such part of a cargo as to constitute a hazard, before crossing at grade any track of a railroad, shall stop such vehicle, and while so stopped shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

This section does not apply to any of the following: street railway grade crossings, or to abandoned tracks, spur tracks, side tracks and industrial tracks when the Ohio Public Utilities Commission has authorized and approved the crossing of such tracks without making the stop required by this section. (ORC 4511.63)

(b) 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. (ORC 4511.61)

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or sections 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Ohio Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.61, 4511.63)

2131.40 Entering into intersection or marked crosswalk; entering onto railroad grade crossing.

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalks or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b) 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 4511.712)

2131.41 Motor vehicle bumper regulations.

(A) As used in this section:

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of ten thousand pounds or less.

(4) "Manufacturer" has the same meaning as in Section 4501.01 of the Ohio Revised Code.

(B) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section or to any applicable rule adopted pursuant to this section, or Section 4513.021 of the Ohio Revised Code or rules promulgated pursuant to Chapter 119 of the Ohio Revised Code.

(C) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system.

(D) Nothing contained in this section or in the rules adopted pursuant to this section, or Section 4513.021 of the Ohio Revised Code, shall be construed to prohibit either of the following:

(1) The installation upon a passenger car, multipurpose passenger vehicle, or truck registered in this State of heavy-duty equipment, including shock absorbers and overload springs;

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(E) This section and the rules adopted pursuant to it or Section 4513.021 of the Ohio Revised Code, do not apply to any specially designed or modified passenger car, multipurpose vehicle, or truck when operated off a street or highway in races and
similar events.

(G) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. (ORC 4513.021)

2131.42 Occupancy of a travel trailer.

(a) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) 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 4511.701)

2131.43 Prohibitions against earphones.

(a) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

(b) 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.

(c) 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)

2133.01 Operating a vehicle under the influence.

(A) No person shall operate any vehicle within this City, if, at the time of the operation, any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(3) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(4) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(5) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(6) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.

(7) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(8) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

(9) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(B) No person under twenty-one years of age shall operate any vehicle within this City, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within two hours of the time of the alleged violation.

When a person submits to a blood test at the request of a law enforcement officer under section 4511.191 of the Ohio Revised Code, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

The bodily substance withdrawn shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director pursuant to section 3701.143 of the Ohio Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(2), (3), (4), and (5) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer.
enforcement officer. The form to be read to the person to be tested, as required under section 4511.192 of the Ohio Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4)(a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic 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 division (A) or (B) of this section, 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:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) 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.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) 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) Division (D)(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 division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or (B)(1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any forensic laboratory certified by the Ohio Department of Health that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:
(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Ohio Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(G)(1) Whoever violates any provision of divisions (A)(1) to (9) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. The court shall sentence the offender under Chapter 2929. of the Ohio Revised Code, except as otherwise authorized or required by divisions (G)(1)(a) to (e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (c), (d), or (e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:
(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 3793.10 of the Ohio Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender on probation for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of probation and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Ohio Revised Code by the Ohio Director of Alcohol and Drug Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of probation that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Ohio Revised Code by the Ohio Director of Alcohol and Drug Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

(iii) In all cases, a fine of not less than three hundred and not more than one thousand dollars;
(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a driver's intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than four hundred and not more than one thousand five hundred dollars;
(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class four license 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)(4) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Ohio Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8) or (9) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than five hundred fifty and not more than two thousand five hundred dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class three license 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)(3) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.
(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Ohio Revised Code.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code, subject to division (I) of this section.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory term jail term of one hundred twenty consecutive days. The court shall impose the one hundred twenty day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the one hundred twenty day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class three license 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)(3) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Ohio Revised Code.
Revised Code.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code, subject to division (I) of this section.

(e) (i) If, within six years of the instant offense, the offender has been convicted of or pleaded guilty to three or more violations of divisions (A) or (B) of this section or other equivalent offenses, the offender is guilty of a felony to be prosecuted under appropriate state law.

(ii) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Ohio Revised Code under circumstances in which the violation was a felony, regardless of when the prior violation and the prior conviction or guilty plea occurred, the offender is guilty of a felony to be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Ohio Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii), (G)(1)(c)(i) or (ii), or (G)(1)(d)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of electronically monitored house arrest, as defined in section 2929.23 of the Ohio Revised Code.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of electronically monitored house arrest. The cumulative total of the five consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by division (G)(1)(b)(ii) of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of electronically monitored house arrest. The cumulative total of the ten consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by division
(G)(1)(c)(i) of this section, the court, under this division, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of electronically monitored house arrest. The cumulative total of the fifteen consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by division (G)(1)(c)(ii) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest 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.

As an alternative to a mandatory jail term of sixty consecutive days required by division (G)(1)(d)(i) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than seventy consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest 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.

As an alternative to the mandatory jail term of one hundred twenty consecutive days required by division (G)(1)(d)(ii) of this section, the court, under this division, may sentence the offender to sixty consecutive days in jail and not less than one hundred seventy consecutive days of electronically monitored house arrest. The cumulative total of the sixty consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The sixty 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 division (G) of this section and if section 4510.13 of the Ohio Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges only if the court imposes as one of the conditions 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 section 4503.231 of the Ohio Revised Code, except as provided in division (B) of that section.

(5) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c) or (d) of this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio Revised Code 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.

(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:
(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six 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)(6) of section 4510.02 of the Ohio Revised Code.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four 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)(4) of section 4510.02 of the Ohio Revised Code.

(I)(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 Chapter 3793. of the Ohio Revised Code by the Ohio Director of Alcohol and Drug Addiction Services.

(2) An offender who stays in a drivers' 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.

(J) 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.

(K) All terms defined in sections 4510.01 of the Ohio Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Ohio Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Ohio Revised Code, the term as defined in section 4510.01 of the Ohio Revised Code applies to this section.
of the Columbus City Code;

(3) A violation of section 2903.04 of the Ohio Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;

(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Ohio Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;

(5) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Ohio Revised Code, division (A)(2) of section 2903.08 of the Ohio Revised Code, or former section 2903.07 of the Ohio Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Ohio Revised Code;

(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Ohio Revised Code.

(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, sixty, or one hundred twenty days that must be imposed under division (G)(1)(a), (b), (c) or (d) of section 2133.01 upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(1) Except as specifically authorized under section 2133.01, the term must be served in a jail.

(2) Except as specifically authorized under section 2133.01, the term cannot be suspended, reduced, or otherwise modified pursuant to sections 2929.51, 2951.02, or any other provision of the Ohio Revised Code.

(C) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine.

(D) "Community residential sanction," "jail," "mandatory prison term," "mandatory term of local incarceration," "sanction," and "prison term" have the same meanings as in section 2929.01 of the Ohio Revised Code.

2133.012 Physical control.

(A) As used in this section, "physical control" means being in the driver's position of the
front seat of a vehicle or in the driver's position of a trackless trolley and having possession of the vehicle's or trackless trolley's ignition key or other ignition device.

(B) No person shall be in physical control of a vehicle or trackless trolley 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 division (A)(2), (3), (4), or (5) of section 2133.01.

(C) Whoever violates this section is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender 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 section 4510.02 of the Ohio Revised Code.

2133.02 Reckless operation on streets, public or private property.

(a) No person shall operate a vehicle on any street, highway, or on any public or private property other than streets or highways without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any street, highway, or on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

(c) Except as otherwise provided in this division, whoever violates division (a) of 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 or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree. Except as provided in this division, whoever violates division (b) of this section is guilty of a misdemeanor of the third degree. 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 division (b) of this section is guilty of a misdemeanor of the second degree.

(d) This section does not apply to the competitive operation of vehicles or public or private property, other than streets or highways, when the owner of such property knowingly permits such operation thereon. (ORC 4511.20)

2133.03 Maximum speed limits--assured clear distance ahead -- reasonable for conditions -- per se violation.

(A) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway, and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.
(B) It is prima facie lawful, in the absence of a lower limit declared pursuant to section 4511.21 of the Ohio Revised Code by the Ohio Director of Transportation or local authorities, for the operator of a motor vehicle to operate at a speed not exceeding the following:

(1) Fifteen (15) miles per hour on all alleys within the city;

(2) Twenty (20) miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty (20) miles per hour school speed limit signs are erected; except that, on controlled access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(5) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(6) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed is in effect;

(3) Twenty-five (25) miles per hour in all other portions of the city, except on state routes outside business districts, through streets outside business districts, and through highways outside business districts;

(4) Thirty-five (35) miles per hour on all state routes or through streets and through highways within the city outside business districts, except as provided in division (B)(5) of this section;

(5) Fifty (50) miles per hour on controlled-access highways and expressways within the city, and on state routes outside urban districts unless a lower prima facie speed is established as provided by section 4511.21 of the Ohio Revised Code;

(6) Fifty-five (55) miles per hour at all times on freeways with paved shoulders inside the city, other than freeways as provided in division (B)(7) of this section; and

(7) Sixty-five (65) miles per hour for operators of any motor vehicle weighing eight thousand (8,000) pounds or less empty weight and any commercial bus at all times on all portions of the following:

(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995.

(b) Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit
established under division (L) of section 4511.21 of the Ohio Revised Code.

(c) Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under division (M) of section 4511.21 of the Ohio Revised Code.

(C) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)-(7) of this section, or any declared pursuant to section 4511.21 of the Ohio Revised Code by the Ohio Director of Transportation or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding fifty-five (55) miles per hour, except upon a freeway as provided in division (B)(7) of this section.

(2) At a speed exceeding sixty-five (65) miles per hour upon a freeway as provided in division (B)(7) of this section.

(3) At a speed exceeding the posted speed limit upon a freeway for which the director of transportation has determined and declared a speed limit pursuant to division (I)(2), (L)(2) or (M) of section 4511.21 of the Ohio Revised Code.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1), (2), (3), (4), or (5) of, or a limit declared pursuant to, this section declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) Notwithstanding the above provisions, should the Ohio Director of Transportation or council under the authority of section 4511.21 of the Ohio Revised Code determine and declare a reasonable and safe prima facie speed limit different than those stated above, and appropriate signs giving notice thereof are erected in accordance with section 4511.21 of the Ohio Revised Code, it shall be prima facie lawful for the operator of a motor vehicle to operate the same at a speed not in excess of such designated speed, and it shall be prima facie unlawful for any person to exceed such speed.

(G) Except as provided in this division, a violation of any provision of this section is a minor misdemeanor
(1)(a) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to any provision of this section, a violation of any provision of this section is a misdemeanor of the fourth degree.

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to any provision of this section, a violation of any provision of this section is a misdemeanor of the third degree.

(2)(a) If the offender has not been previously convicted of or pleaded guilty to a violation of any provision of this section, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district, faster than fifty miles in other portions of the city, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a violation of any provision of this section is a misdemeanor of the fourth degree.

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of a provision of this section, section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district, faster than fifty miles an hour in other portions of the city, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a violation of any provision of this section is a misdemeanor of the third degree.

(3) Notwithstanding any other provision of division (G) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Ohio Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine. (ORC 4511.21)

2133.04 Slow speed; posted minimum speeds.

(a) No person shall stop or operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever it is determined by the Ohio Director of Transportation or City authorities
on the basis of an engineering and traffic investigation that slow speeds on any part of
a controlled access highway, expressway, or freeway consistently impede the normal
and reasonable movement of traffic, the Ohio Director of Transportation or City
authorities may declare a minimum speed limit below which no person shall operate a
motor vehicle, except when necessary for safe operation or in compliance with law. No
minimum speed limit established hereunder shall be less than thirty miles per hour,
greater than fifty miles per hour, nor effective until the provisions of Ohio section
4511.21 of the Ohio Revised Code, relative to appropriate signs, have been fulfilled
and City authorities have obtained the approval of the Ohio Director of Transportation.

(c) 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 as
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 4511.22)

2133.05 Speed limitations over bridges.

(a) No person shall operate a vehicle over any bridge or other elevated structure
constituting a part of a street or highway at a speed which is greater than the maximum
speed that can be maintained with safety to such bridge or structure, when such
structure is posted with signs as provided in this section.

The Ohio Department of Transportation upon request from any local authority shall, or
upon its own initiative may, conduct an investigation of any bridge or other elevated
structure constituting a part of a highway, and if it finds that such structure cannot with
safety withstand traffic traveling at the speed otherwise permissible under sections
4511.01 to 4511.85 and 4511.98 of the Ohio Revised Code, the department shall
determine and declare the maximum speed of traffic which such structure can
withstand, and shall cause or permit suitable signs stating such maximum speed to be
erected and maintained at a distance of at least one hundred feet before each end of
such structure.

Upon the trial of any person charged with a violation of this section, proof of said
determination of the maximum speed by the Ohio Department of Transportation and
existence of said signs shall constitute prima-facie evidence of the maximum speed
that can be maintained with safety to such bridge or structure.

(b) 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 4511.23)
2133.06 Speed exceptions for emergency or safety vehicles.

The prima-facie speed limitations set forth in Section 2133.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls, and are equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

2133.07 Street racing prohibited.

(a) As used in this section, "street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 2133.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(b) No person shall participate in a street race upon any public road, street, or highway in this City.

(c) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than one year three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division. (ORC 4511.251)

2133.071 Unnecessary squealing of tires.

(a) No person shall operate any motor vehicle or motorcycle unless necessary for safe operation or in compliance with the law, in such a manner as to cause a rapid acceleration, or a rapid deceleration, or an abrupt turn, resulting in unnecessary squealing of tires.

(b) 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.

2135.06 Operation or sale of motor vehicle without certificate of title.
(a) No person shall do any of the following:

(1) Operate in this City a motor vehicle for which a certificate of title is required without having such certificate in accordance with Chapter 4505. of the Ohio Revised Code or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this city knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, or a certificate of title, or an assignment of a certificate of title for it as provided in Chapter 4505 of the Ohio Revised Code;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the registrar of motor vehicles and notice of the cancellation as prescribed in Chapter 4505. of the Ohio Revised Code;

(4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Chapter 4505. of the Ohio Revised Code, in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules promulgated pursuant to Chapter 4505. of the Ohio Revised Code;

(6) Except as otherwise provided in Chapters 4505. and 4517. of the Ohio Revised Code, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Section 4505.06 of the Ohio Revised Code and subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(7) Operate in this City a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been cancelled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both. (ORC 4505.18)

2135.07 Registration marks, placards and stickers; display in plain view.
(a) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle the distinctive number and
registration mark, including any county identification sticker and any validation sticker issued under Sections 4503.19 and 4503.191 of the Ohio Revised Code, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in transit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, mobile home, trailer, or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker only on the rear license plate, except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Section 4503.182 of the Ohio Revised Code, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view in the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4503.21)

2135.08 Use of unauthorized plates.
(a) No person shall operate or drive a motor vehicle upon the streets and highways of this City if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

(1) Is fictitious;

(2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

(3) Belongs to another motor vehicle; provided that this section does not apply to a motor vehicle that is operated on the streets and highways in this City when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets and highways in this City, during the thirty-day period described in division (A)(4) of Section 4503.12 of the Ohio Revised Code;

(b) A person who fails to comply with the transfer of registration provisions of Section 4503.12 of the Ohio Revised Code and is charged with a violation of that section shall not be charged with a violation of this section.

(c) Whoever violates this section is guilty of a operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense; on each subsequent offense the offender is guilty of a misdemeanor of
2135.09 Operating without license plates.
(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays two placards, except as provided in Section 4503.21 of the Ohio Revised Code, issued by the Ohio Director of Public Safety, that bear the registration number of its manufacturer or dealer.

(b) Whoever violates this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.10)

2135.10 Operating with number of former owner.
(a) No person shall operate or drive upon the streets or highways of this City a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.

(b) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.11)

2135.11 Resident operating with number issued by foreign state.
(a) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the streets or highways of this City, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this State relating to the registration and identification of motor vehicles.

(b) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.12)

2135.12 Failure to stop after an accident or collision.
(a) Whenever a vehicle is involved in an accident or collision with either persons or property (including personal or real property) upon any public street or highway, or upon any public or private property, the operator of any such vehicle who has knowledge of the accident or collision shall do all of the following:

(1) Immediately stop the motor vehicle at the scene of the accident or collision.

(2) Remain at the scene of the accident or collision, until all requirements of this section have been met.

(3) Provide the operator's name and address to all other persons or operators involved in the accident or collision.

(4) If the operator of the vehicle involved in the accident or collision is not the owner of that vehicle, then the operator shall provide the name and address of the owner of the vehicle to all other persons or operators involved in the accident or collision.
(5) Upon request, the operator of the vehicle involved in the accident or collision shall exhibit or display the operator's driver's license or commercial drivers license to all other persons or operators involved in the accident or collision.

(6) The operator of the motor vehicle involved in the accident or collision shall provide the registration number of the operated vehicle involved in the accident or collision to all other persons or operators involved in the accident or collision.

(7) If any other person or operator involved in the accident or collision is unable to comprehend and record the information required to be provided by this section, then the other person or operator involved in the accident or collision shall immediately notify the Columbus Division of Police, or the nearest police authority, concerning the fact and location of the accident or collision, and such other person or operator making the notification shall remain at the scene of the accident or collision until a law enforcement officer arrives at the scene, unless the person or operator notifying the appropriate law enforcement agency is removed from the scene of the accident or collision by an emergency vehicle operated by a political subdivision.

(8) Upon request, provide the name and address of any business entity that provides an insurance liability policy or bond for the operator to be in compliance with the State Financial Responsibility law.

(9) The operator of a motor vehicle involved in an accident or collision shall provide all of the information required by this section to any law enforcement officer at the scene of such accident or collision.

(10) If the accident or collision is with an unoccupied or unattended vehicle, then the operator of the vehicle that was involved in the accident or collision shall remain at the scene of such accident or collision until the operator has securely attached the information required to be provided by this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle, and if available, a telephone number where the operator may be reached.

(11) If the damaged property involved in the accident or collision is not another vehicle, then the operator shall take all reasonable steps to locate the owner or person in charge of such property, including remaining at the scene of the accident or collision for a minimum of 30 minutes, unless transported for medical treatment. Once the owner or person in charge of such property is located, the operator shall provide the owner/person in charge with the information required in paragraphs (3), (4), (6), and (8) of division (a) of this section. If the owner or person in charge of such property is not present and cannot be located to provide the information required by this section, then the operator of the vehicle involved in such accident or collision shall notify the Columbus Division of Police, Accident Investigation Squad, within 24 hours, and in writing, of all information required by this section to be provided to the owner or person in control of the damaged property, together with the date, time, and location of the accident or collision.
(b) (1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privileges from the range specified in division (A)(5) of section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of the offender's license, permit, or privilege required by this division.

(2) If accident or collision in violation of this section results in serious physical harm or death to a person, failure to stop after an accident is a felony to be prosecuted under applicable state law. (ORC 4549.02, 4549.021, 4549.03)

2137.01 Driving unsafe vehicles; application.

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street or highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicles not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section, section 4513.02 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.02)

2137.02 Lighted lights; measurement of distance and heights.

(a) Every vehicle upon a street or highway during the time from sunset to sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the street at a distance of one thousand feet ahead, shall display lighted lights and illuminating devices as required by this chapter for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Section 4511.521(A) of the Ohio Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway using only parking lights as illumination.

Whenever in this Chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level.
unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in this Chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.03 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.03 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4513.03)

2137.03 Headlights on motor vehicles and motorcycles.

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlights.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.04 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.04 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4513.04)

2137.04 Tail light; illumination of rear license plate.

(a) Every motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one (1) tail light mounted on the rear which when lighted, shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty (50) feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year,
the offender previously has been convicted of a violation of this section, section 4513.05 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.05 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.05)

2137.05 Rear red reflectors.

(a) Every new motor vehicle sold after September 6, 1941, and operated on a street, other than a commercial tractor, to which a trailer or semitrailer is attached shall carry at the rear, either as a part of the tail lights or separately, two (2) red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in section 2137.06 shall be equipped with reflectors as required by the regulations provided for in said section

Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle.

(b) On every trailer or semitrailer, when operated upon the streets or highways of the city during the time specified in Section 2137.02, there shall be carried on each side thereof a red reflector located at or near the rear thereof so fixed as to be plainly visible to other drivers or pedestrians.

(c) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.06 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.06 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.06)

2137.06 Safety lighting on commercial vehicles.

(a) Buses, trucks, commercial tractors, trailers, semitrailers, and pole trailers, when operated upon any street or highway, shall be equipped with clearance lights, marker lights, reflectors, and stop lights as required by rules promulgated by the Ohio Director of Public Safety. Such equipment shall be lighted at all times mentioned in Section 2137.02 except that clearance lights and side marker lights need not be lighted on any such vehicle operated where there is sufficient light to reveal any person or substantial object on the street or highway at a distance of five hundred (500) feet.

Such equipment shall be in addition to all other lights specifically required by Sections 2137.02 to 2137.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.
(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.07 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.07 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.07)

2137.08 Red light or red flag on extended loads.

(a) Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 2137.02, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen (16) inches square.

No person shall operate any vehicle under conditions described herein, without displaying the red light or red flag on the extending load.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.09 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.09 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.09)

2137.09 Lights on parked or stopped vehicles.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in Section 2137.02, such vehicle shall be equipped with one (1) or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred (500) feet to the front of such vehicle, and a red light visible from a distance of five hundred (500) feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of five hundred (500) feet upon such street or highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150. (ORC 4513.10)
2137.10 Lights on slow-moving vehicles; emblem; animal-drawn vehicle

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (c) of section 2137.01, not specifically required to be equipped with lamps or other lighting devices by sections 2137.02 to 2137.09, shall, at the times specified in section 2137.02, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Ohio Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in division (b) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) No person shall sell, lease, rent, or operate any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (b) of this section.
(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (b) of this section, in addition to the use of the slow-moving vehicle emblem, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 2137.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 2137.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

1. With a slow-moving vehicle emblem complying with division (b) of this section;

2. With alternate reflective material complying with rules adopted under division (F) of section 4513.11 of the Ohio Revised Code;

3. With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The alternate reflective material referenced in division (2) may be black, gray, or silver in color, as determined by division (F) of section 4513.11 of the Ohio Revised Code. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 2137.02, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.11)

(h) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

2137.11 Spotlight and auxiliary lights.

(a) Any motor vehicle may be equipped with not more than one (1) spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no
part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than one hundred (100) feet ahead of the vehicle.

Any motor vehicle may be equipped with not more than three (3) auxiliary driving lights mounted on the front of the vehicle.

No person shall operate a vehicle with greater number of spotlights or auxiliary lights than is permitted under this section nor with a spotlight or auxiliary light focused or used in a manner prohibited by this section.

The Ohio Director of Public Safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.12 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.12 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.12)

2137.12 Cowl, fender and back-up lights.

(a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.13 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.13 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.13)

2137.13 Two lights displayed.

(a) At all times mentioned in Section 2137.02 at least two (2) lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.
The Ohio Director of Public Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.14 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.14 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.14)

2137.14 Use of headlight beams.

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 2137.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles, and substantial objects at a safe distance in advance of the vehicle subject to the following requirements:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) Every new motor vehicle registered in this
Background: Abigail E. Sheard (married) desires to install and maintain one (1) residential six (6") inch sanitary sewer line therein (the improvement) through a certain portion of that City owned real property known as Antrim Park and has therefore requested the City grant her a quitclaim deed of easement for said real property. After investigation it has been determined by the Department of Recreation and Parks that the granting of the easement will not adversely affect the City and should be granted. The Real Estate Division, Department of Law has established $1,325.00 as the value of the easement. The following ordinance authorizes the Director of the Department of Recreation and Parks to execute a quitclaim deed and any ancillary documents necessary for the granting of aforementioned quitclaim deed of easement. Fiscal Impact: The $1,325.00 to be received by the City of Columbus, Department of Recreation and Parks as consideration for said easement will be deposited into the appropriate fund, identified in the following legislation. Emergency Justification: Emergency action is requested as not to delay the installation of the sanitary sewer.

To authorize the Director of the Department of Recreation and Parks to execute and grant a quitclaim deed of easement to Abigail E. Sheard through a certain portion of that City owned property known as Antrim Park, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.

WHEREAS, the City of Columbus is owner of that real property known as the Antrim Park; and

WHEREAS, Abigail E. Sheard, has requested an easement through a certain portion of said real property in order to install and maintain one (1) residential six (6") inch sanitary sewer line; and

WHEREAS, the Department of Recreation and Parks has no objection to the granting of said quitclaim deed of easement, as it has been determined that its granting will not adversely affect the City; and

WHEREAS, the Real Estate Division, Department of Law has established $1,325.00 as the value of such easement right; and
WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Department of Recreation and Parks to execute a quitclaim deed of easement and any ancillary documents required to grant said quitclaim deed of easement for the immediate preservation of the public peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Department of Recreation and Parks be and hereby is authorized to execute a quitclaim deed of easement prepared by the Real Estate Division, Department of Law, and any ancillary documents necessary to grant Abigail E. Sheard (married) a certain utility easement through the following described real property, to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 3, Township 1, Range 18, United States Military Lands and being a strip of land fifteen feet in width, containing a 0.021 acre (900 square feet) in that 5.280 acre tract of land described in Exhibit "A" in the deed to James J. Baker and Hazel M. Baker of record in Instrument No. 200103160053538, Recorder's Office, Franklin County, Ohio, said 0.021 acre area of land being more particularly described as follows:

Beginning for reference at the centerline intersection of Olentangy River Road and Olen Drive (a fifty foot wide Ingress and Egress Easement), the same being the southwesterly corner of said 5.280 acre tract, said reference point of beginning also being the northwesterly corner of that 47.33 acre tract of land described in Journal Entry No. 237810 of the Franklin County Court of Common Pleas and conveyed to the City of Columbus, Ohio, of record in Deed Book 3093, Page 309, Recorder's Office, Franklin County, Ohio, thence S 86° 40' 55" E, with the centerline of said Olen Drive, with the southerly line of said 5.280 acre tract and with the northerly line of said 47.33 acre tract, a distance of 688.00 feet to a point at a corner of said 5.280 acre tract, the same being a northeasterly corner of said 47.33 acre tract; thence, with the common boundary of said 5.280 acre tract and said 47.33 acre tract, the following two (2) courses and distances: 1.) S 3º19' 05" W, a distance of 33.00 feet to a point; 2.) S 86º 40' 55" E, a distance of 159.88 feet to the True Place Of Beginning;

Thence, from said True Place Of Beginning, N 11º 28' 27" W, crossing a part of said 5.280 acre tract, a distance of 59.99 feet to a point in the northerly line of said 5.280 acre tract, the same being in the southerly line of that 0.660 acre tract of land described in Exhibit "A" in the deed to Abigail Ellen Sheard, of record in Instrument No. 200011140231178, Recorder's Office, Franklin County, Ohio;

Thence S 86º 40' 55" E, with a northerly line of said 5.280 acre tract and with the southerly line of said 0.660 acre tract, a distance of 15.51 feet to a point;

Thence S 11º 28' 27" E, crossing a part of said 5.280 acre tract, a distance of 59.99 feet to a point in the southerly line of said 5.280 acre tract, the same being in the northerly line of said 47.33 acre tract;

Thence N 86º 40' 55" W, with the southerly line of said 5.280 acre tract and with the northerly line of said 47.33 acre tract, a distance of 15.51 feet to the True Point Of Beginning, and containing a 0.021 acre (900 square feet) area of land, more or less.
The bearings given in the foregoing description are based upon the bearing of S 86° 40' 45" E as given for the centerline of Olen Drive in the deed to Abigail Ellen Sheard, of record in Instrument No. 20001140231178, Recorder's Office, Franklin County, Ohio.


Section 2. That the One Thousand Three Hundred Twenty Five Dollars. ($1,325.00), to be received by the City as consideration for the easement rights to be granted shall be deposited into the Recreation and Parks Special Purpose Fund #223; Dept./Div.51-01; Sub-Fund #025 for the aforesaid purpose is hereby authorized.

Section 3. That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Chapter 328 (Land Review Commission) and Section 329.25 (competitive bidding) to the extent that they may apply to this transaction with regards to this ordinance only.

Section 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of the Department of Development to dissolve the existing Enterprise Zone Agreement (EZA) with Value City Department Stores and to end the inventory tax abatement provided for in the EZA. Columbus City Council approved the EZA by Ordinance No. 0007-01 on January 22, 2001. The project site is a facility located at 4300 East Fifth Avenue in Columbus. Value City Department Store had created twenty-two (22) permanent jobs and invested $5,666,354 at this site as of December 2002 whereas the EZA called for three hundred new jobs and an investment of $57.9 million. After additional review and discussions with the company, the Development Department agrees that dissolving the EZA and the associated tax abatements on inventory is an appropriate course of action. The lack of job creation and investment at the facility is the result of depressed economic conditions.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to dissolve the existing Enterprise Zone Agreement (EZA) with Value City Department Stores and to end the inventory tax abatement provided for in the EZA, with or without the written consent of Value City Department Stores; and to declare an emergency.

WHEREAS, the Columbus City Council authorized the designation of the Enterprise Zone by Ordinance No. 779-85, dated April 25, 1985; and

WHEREAS, the Ohio Development Director approved this designation under State of Ohio Enterprise Zone law, by letter, dated June 12, 1985; and

WHEREAS, the Columbus City Council approved an Enterprise Zone Agreement (EZA) for Value City Department Stores January 22, 2001 by Ordinance No. 0007-01; and

WHEREAS, the City has determined that Value City Department Store has not met the job creation and investment called for in the EZA and will be unlikely to achieve those levels in the next several years; and

WHEREAS, the City has determined that the company's business needs and the EZA are no longer compatible;
WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to dissolve the existing Enterprise Zone Agreement (EZA) with Value City Department Stores and to end the inventory tax abatement provided for in the EZA, with or without the written consent of Value City Department Stores, all for the preservation of the public health, peace, property, safety and welfare; and NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Development is hereby authorized to dissolve the Enterprise Zone Agreement (EZA) between the City and Value City Department Stores and to end the inventory abatement provided for in the EZA, with or without the written consent of Value City Department Stores.

Section 2. That for the reasons stated in the preamble hereto, which hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of the Department of Development to dissolve the existing Jobs Creation Tax Credit Agreement (JCTCA) with Daifuku America Corporation. Columbus City Council approved the Jobs Creation Tax Credit Agreement (JCTCA) by Ordinance No. 1604-97 on June 30, 1997. The project site is a facility located 6700 Tussing Road. The Ohio Tax Credit Authority terminated Daifuku’s Jobs Tax Credit Agreement on July 31, 2000 due to lack of performance. The City of Columbus cannot maintain a Jobs Tax Credit Agreement with a company whose companion agreement has been terminated by the State of Ohio.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to dissolve the existing Jobs Creation Tax Credit Agreement (JCTCA) with Daifuku America Corporation with or without the written consent of Daifuku America Corporation; and to declare an emergency.

WHEREAS, pursuant to Section 718.08 O.R.C. (the "City Act") a municipal corporation is authorized to grant local income tax credits to taxpayers who have received tax credits from the State; and

WHEREAS, pursuant to Section 122.17 O.R.C., the State of Ohio is authorized to establish the Tax Credit Authority and to execute agreements with taxpayers of the State of Ohio for the purpose of granting taxpayers new job creation tax credits against the taxpayers corporate franchise or income tax which tax credits are provided to create new jobs in the State of Ohio; and

WHEREAS, the Columbus City Council approved a Jobs Creation Tax Credit Agreement (JCTCA) for Daifuku America Corporation on June 30, 1997 by Ordinance No. 1604-97; and

WHEREAS, the Ohio Tax Credit Authority terminated the Jobs Creation Tax Credit Agreement on July 31, 2000 of Daifuku America Corporation due to non-compliance; and

WHEREAS, the City has determined that Daifuku America Corporation has not met the job creation requirement as indicated in the Jobs Creation Tax Credit Agreement (JCTCA); and
WHEREAS, the City has determined that the company's business needs and the Jobs Creation Tax Credit Agreement (JCTCA) are no longer compatible;

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to dissolve the existing Jobs Creation Tax Credit Agreement (JCTCA) with Daifuku America Corporation with or without the written consent of Daifuku America Corporation, all for the preservation of the public health, peace, property, safety and welfare; and NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Development is hereby authorized to dissolve the Jobs Creation Tax Credit Agreement (JCTCA) between the City and Daifuku America Corporation with or without the written consent of Daifuku America Corporation.

Section 2. That for the reasons stated in the preamble hereto, which hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
The cooperative program of investigation by the U.S. Geological Survey has been continued for several years. It provides valuable water resource data to the City at much less than the cost of providing such data by other means. The program is sponsored by the Federal Government for forty percent (40%) of the cost for most of these projects. Their contract compliance number is 53-0196950.

The agreement will provide stream gauging, reservoir gauging, capture zone analysis, and Optimum Well Hydrology for Parsons Avenue Water Plant South Wellfield.

The Divisions of Water, and Sewerage and Drainage solicited a quotation from the U.S. Geological Survey in accordance with Section 329.07C.

FISCAL IMPACT: $236,000.00 has been budgeted for these services. The Divisions of Water, and Sewerage and Drainage have participated in a cooperative agreement with the U.S. Geological Survey in the amount of $226,100 in 2002-2003, $217,500.00 in 2001-2002, and $220,200.00 in 2000-2001.

To authorize the Director of Public Utilities to enter into a cooperative agreement with the Geological Survey, United States Department of Interior, for Investigation of Water Resources in Central Ohio, and Ground Water Levels in Franklin County for the Division of Water, and the Scioto River at Columbus for the Division of Sewerage and Drainage, and to authorize the expenditure of $232,450.00 ($232,450.00).

WHEREAS, It is necessary to continue the cooperative agreement with the Geological Survey, United States Department of Interior, for the Investigation of Water Resources at the following locations: Scioto River at Dublin, Mill Creek at Bellpoint, Bokes Creek near Warrensburg, Big Walnut Creek at Rees, Central College, Hellbranch and Sunbury, Reservoir Operations at O'Shaughnessy, Griggs, and Hoover Reservoirs, Hydrologic interaction between the Scioto River and the South Columbus Well Field, and Ground Water Levels for the Division of Water, and the Scioto River at Columbus for the Division of Sewerage and Drainage, for the period of October 1, 2002 to September 30, 2003, and

WHEREAS, it is necessary to authorize the Director of Public
Utilities to enter into a cooperative agreement between the Geological Survey, United States Department of Interior, and the City of Columbus, Department of Public Utilities, in order that the Investigations of Water Resources, Ground Water Levels, Hydrologic interaction between the Scioto River and the South Columbus Wellfield and the submitting of reports covering the results of said investigations by the Geological Survey may continue uninterrupted for the above mentioned locations for the preservation of public health, peace, property and safety now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Director of Public Utilities be and he is hereby authorized to enter into a cooperative agreement between the Geological Survey, United States Department of Interior, and the City of Columbus, Department of Public Utilities, for the Investigation of Water Resources at the following locations: Scioto River at Dublin, Mill Creek at Bellpoint, Bokes Creek near Warrensburg, Big Walnut Creek at Rees, Central College, Hellbranch and Sunbury, Reservoir Operations at O'Shaughnessy, Griggs, and Hoover Reservoirs, Hydrologic interaction between the Scioto River and the South Columbus Wellfield, and Ground Water Levels for the Division of Water, and the Scioto River at Columbus for the Division of Sewerage and Drainage, for the period of October 1, 2003 to September 30, 2004,

Section 2. That the expenditure of $23,150.00 be and the same hereby is authorized from Sewerage Fund 650, Department No. 60-05, OCA Code 605006, Object Level Three 3407; the expenditure of $10,000.00 be and the same hereby is authorized from Sewerage Fund 650, Department No. 60-05, OCA Code 606038, Object Level Three Code 3407; the expenditure of $38,600.00 be and the same hereby is authorized from Sewerage Fund 675, Department No. 60-15, OCA Code 675002, Object Level Three 3407; and the expenditure of $160,700.00 or as much as may be needed, and the same is hereby authorized from Waterworks Fund 600, Department No. 60-09, OCA Code 602029, Object Level Three 3407 to cover the proportionate share of these services.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
Rezoning Application Z03-051

APPLICANT: Jimmy E. and Cheryl Mcbee; c/o Charles Griffith, Atty.; 575 Copeland Mill Road, 2E; Westerville, Ohio 43081.

PROPOSED USE: Automobile sales.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on October 9, 2003.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Staff believes that a used car sales lot zoned in an L-C-4, Limited Commercial District that includes customary use restrictions and development standards is appropriate for this corner lot on Eakin Road. The limitation text includes development standards that address site access and provide buffering, screening and lighting restrictions in consideration of single-family dwellings located to the north.

To rezone 2270 EAKIN ROAD (43223), being 0.62± acres located at the northwest corner of Eakin Road and Midland Avenue, From: R-2, Residential District, To: L-C-4, Limited Commercial District (Rezoning # Z03-051).

WHEREAS, application #Z03-051 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.62± acres, From R-2, Residential District, To L-C-4, Limited Commercial District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of said zoning change because the proposed L-C-4, Limited Commercial District includes customary use restrictions and development standards appropriate for this corner lot on Eakin Road. The limitation text establishes development standards that address site access and
provide buffering, screening and lighting restrictions in consideration of single-family
dwellings located to the north; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by
Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is
hereby revised by changing the zoning of the property as follows:

2270 EAKIN ROAD (43223), being 0.62± acres located at the northwest corner of
Eakin Road and Midland Avenue, and being more particularly described as follows:

Situated in Franklin Township, Franklin County, Ohio, and being in Virginia Military
Survey No. 971, and further being part of a certain 5.70 Acre Tract conveyed to
Henrietta Detwiler by deed of record in Deed Book 1896, page 145, Recorder's Office,
Franklin County, Ohio, and being more particularly described as follows:

BEGINNING as an iron pin marking the northwest corner of the herein described tract
and the northwest corner of the above mentioned 5.70 Acre Tract, and in the centerline
of (OLD) EAKIN ROAD;

thence and with the northerly lines of said herein described tract and the 5.70 Acre
Tract, and said centerline, South 44 degrees 33 minutes East, 301.30 feet (deed call is
201.50 feet) to an iron pin marking angle point;

thence and continuing with said northerly lines and said centerline, South 22 degrees
41 minutes East, 64.13 feet to a P.K. Nail marking the northeasterly corner of the
herein described tract;

thence and with the easterly line of the herein described tract, South 14 degrees 43
minutes West, 66.20 feet to an iron pin marking the southeast corner of the herein
described tract; said iron pin being located in the northerly right-of-way line of the
(NEW) EAKIN ROAD;

thence and with the southerly line of the herein described tract and said northerly
right-of-say line of the (NEW) EAKIN ROAD, North 60 degrees 24 minutes West,
221.65 feet to an iron pin marking the southwest corner of the herein described tract in
the west line of the above mentioned 5.70 acre tract;

thence and with the westerly lines of the herein described tract and said 5.70 acre tract,
North 15 degrees 30 minutes East, 163.10 feet to the place of beginning, containing
0.619 acres, more or less, and subject to all legal roads and any former deeds of
easement.

To Rezone From:  R-2, Residential District,

To:  L-C-4, Limited Commercial District.
SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved L-C-4, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said text being titled, "LIMITATION OVERLAY TEXT DEVELOPMENT PLAN" signed by Charles R. Griffith, Attorney for the Applicant, dated October 10, 2003, and reading as follows:

LIMITATION OVERLAY TEXT DEVELOPMENT PLAN

PROPOSED DISTRICT: L-C-4, Limited Commercial District.

PROPERTY ADDRESS: 2270 Eakin Road, Columbus, OH 43223.

OWNER: Jimmy E. and Cheryl McBee.


APPLICATION NUMBER: Z03-051.

1. INTRODUCTION: The site is located at the intersection of New Eakin Road and Old Eakin Road. The site is currently zoned district R-2, but was previously used as a gasoline station. Upon rezoning, the site will be used for Commercial District uses and used vehicle sale.

2. PERMITTED USES: Those uses permitted in Section 3356.03 (C-4 Commercial) except the following:

Appliance Stores, Bars, Cabarets and Nightclubs, Blood and Organ Banks, Building Material and Supplies Dealers, check cashing and loans, card reading, community food pantry, consumer goods rental, discount department stores, electronics stores, floor covering stores, furniture and home furnishings stores, home centers, household and personal goods maintenance and repair, linen and uniform supply, missions/temporary shelters, pawn brokers, reupholster and furniture repair, sporting goods and outfitters stores, supermarket, used merchandise stores, warehouse club and super center, bowling center, drive-in motion picture theater, farm equipment and supply store, hotel and motel, hospital, lawn and garden equipment and supplies store, paint and wallpaper store, performing arts, spectator sports, and related industries, theaters, dance companies and dinner theater, animal shelter, amusement arcade, halfway house, veterinarians.
3. DEVELOPMENT STANDARDS:

Unless otherwise specified in the following Development Standards, the Development Standards shall be as specified in Chapter 3356 of Columbus City Code.

A. Density, Height, Lot and/or Setback commitments.

No new structures are planned for the site. Future structures, if any, shall be subject to minimum building setback of 30" from Eakin Road (new and old)

B. Access, Loading, parking and/or other Traffic related commitments.

There are two curb-cuts on New Eakin Road. Part of the premises was previously conveyed for future right-of-way expansion. Access to Old Eakin Road has been closed and will remain closed. Final site plan, for purpose of access, is subject to transportation division approval.

C. Buffering, Landscaping, Open Space and/or Screening commitments.

1. The existing 6' chain length fence with inserted buffering slats, which begins near the west property line and runs the entire North side of the property and ends within approximately 30' of the intersection of Old Eakin Rd. and New Eakin Rd, shall remain and be maintained.

2. Deciduous trees, of the same species, shall be planted along the existing fence referenced above in C(1), evenly spaced, at the rate thirty-five (35) feet on center, and shall continue to within 25 to 30 feet of the Midland Ave. intersection.

3. Entranceway on Old Eakin Road, shall be closed and returned to grass.

4. A 30" high, continuous hedge shall be planted from the end of the existing fence referenced in C(1) above, and shall run along the entire remaining Old Eakin Road frontage, extending to within 10 to 15 feet of the Midland Ave. intersection.

5. Buffering between the site and all adjacent residential uses as follows:

   a. A six-foot Board on Board fence shall be constructed on the West side of the property. Deciduous trees, of the same species and subject to the approval of the City Forester, shall be planted, evenly spaced, at the ratio of one tree per Forty (40) lineal feet on center, along the fence.

   b. All trees shall meet the following minimum size at the time of planting and shall be subject to approval of the City Forester: shade trees, 2.5" caliper; ornamental trees, 1.5" caliper; and evergreen trees, 5' in height. Caliper shall be measured 6" above grade.

   c. All trees and landscaping, existing or new, shall be well maintained. Dead items shall be removed and replaced within six months or the next planting season, which
ever occurs first.

D. Building Design and/or Interior-Exterior Treatment commitments.

1. No bay doors shall face residentially zoned property.

2. Auto maintenance and storage of parts shall be interior only.

3. There will be no elevated display of Automobiles.

E. Dumpsters, Lighting, Outdoor display areas and/or other Environmental commitments.

1. Lighting

a. Lighting under the existing canopy or poles shall be down-cut or recessed. Any existing lighting under the canopy or poles, which does not meet this requirement, shall be altered or removed and replaced in order to comply.

b. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer type to insure aesthetic compatibility. All signage shall be internally illuminated. No uplighting shall be used on the premises.

c. Lighting shall not exceed 14 feet in height within 100 feet of residentially zoned property.

d. Accent lighting shall be permitted provided such light source is concealed.

F. Graphics and/or Signage Commitments.

All graphics and signage shall be as otherwise indicated for C-4 uses in the City Graphics Code. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
There is a need to modify and increase a contract with Ron Suprenant, DBA Med2Order, for medical billing consulting services. The Health Department is in the process of significantly expanding third-party medical billing and Med2Order has provided assistance with this process, however, a need exists to expand the scope of services beyond what was originally anticipated. This ordinance authorizes the Board of Health to modify and increase contract DE044137 for $20,000 for a total contract amount of $40,000.

The contract compliance number of Ron Suprenant, DBA Med2Order is 38-4622627.

Emergency action is required to avoid delays in implementing third-party billings.

FISCAL IMPACT: Monies are available within the Health Department Special Revenue Fund, Fund No. 250.

To authorize the Board of Health to modify and increase a contract with Ron Suprenant, DBA Med2Order for medical billing consulting services; to authorize an expenditure of $20,000 from the Health Department Special Revenue Fund, and to declare an emergency. ($20,000).

WHEREAS, the Health Department has a need to modify and increase DE044137 for medical billing consulting services for the Columbus Health Department; and,

WHEREAS, Ron Suprenant, DBA Med2Order can provide these needed services for the Health Department; and,

WHEREAS, an emergency exists in the usual daily operation of the Columbus Health Department in that it is immediately necessary to modify and increase a contract with Ron Suprenant, DBA Med2Order for medical billing consulting services for the preservation of the public health, peace, property, safety and welfare; Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Board of Health is hereby authorized to modify and increase a
contract with Ron Suprenant, DBA Med2Order for medical billing consulting services for the period April 1, 2003 through March 31, 2004.

SECTION 2. That the expenditure of $20,000 is hereby authorized from the Health Department Special Revenue Fund, Fund No. 250, Health Department, Division No. 50, Object Level One 03, Object Level Three 3346, OCA No. 502823.

SECTION 3. That the modification is in compliance with Section 329.16 of the Columbus City Code.

SECTION 4. That for the reasons state in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of Development to terminate the existing Enterprise Zone Agreement and Jobs Creation Tax Credit Agreement with Buckeye Steel Castings Company and end the associated incentives provided for in the related agreements. Columbus City Council approved the Enterprise Zone Agreement and the Jobs Creation Tax Credit Agreement by Ordinance No. 1452-01 on September 21, 2001. The project site is the historical Buckeye Steel Castings facility located at 2211 Parsons Avenue on the City's Southside.

The company filed for Chapter 11 Bankruptcy on 12/20/02. Buckeye Steel Castings Company notified the City by letters dated 12/03/02 and 1/24/03 that it would be unable to fulfill its obligations as defined by the terms of the agreements. After review and discussions with the company, both the Department of Development and the company agreed that terminating the Enterprise Zone Agreement and the Jobs Creation Tax Credit Agreement is the appropriate course of action.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to terminate the existing Enterprise Zone Agreement and Jobs Creation Tax Credit with Buckeye Steel Castings Company with or without the written consent of Buckeye Steel Castings Company; and to declare an emergency.

WHEREAS, the Columbus City Council approved an Enterprise Zone Agreement and a Jobs Creation Tax Credit Agreement for Buckeye Steel Castings Company on September 21, 2001 by Ordinance No.1452-01; and

WHEREAS, the City entered into a Enterprise Zone Agreement and a Jobs Creation Tax Credit Agreement with Buckeye Steel Castings Company on January 8, 2002; and

WHEREAS, Buckeye Steel Castings Company filed for Chapter 11 Bankruptcy on December 20, 2002 and the company has stated by letters to the City dated December 3, 2002 and January 24, 2003 that it will not be able to fulfill its obligations under the Agreements; and

WHEREAS, the City has determined that termination of the Enterprise Zone
Agreement and the Jobs Creation Tax Credit Agreement is the correct course of action; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the Development Director to terminate the existing Enterprise Zone Agreement and Jobs Creation Tax Credit with Buckeye Steel Castings Company with or without the written consent of Buckeye Steel Castings Company in order to preserve the public health, peace, property, safety, and welfare

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to terminate the Enterprise Zone Agreement and Jobs Creation Tax Credit Agreement for Buckeye Steel Castings Company with or without the written consent of Buckeye Steel Castings Company.

Section 2. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of Development to dissolve two tax incentive agreements with International Business Machines Corporation (IBM). IBM requested that the two agreements be terminated because it will be unable to comply with the required level of job retention and creation due to the loss of a key contract. The two tax incentives, which were granted in 1999, are a 60%/10-year Enterprise Zone abatement on real and personal property and a municipal jobs creation tax credit of 50%/10-years on new jobs. Both incentives were authorized by Columbus City Council Ordinance No. 774-99, which passed on March 29, 1999. The City granted the two tax incentives in order to capture a proposed expansion by IBM at its 4499 Fisher Road facility (west side). The expansion was based on an outsourcing contract IBM was awarded to operate the Bank One data center. After the City granted the incentives, IBM invested $98.4 million in real property improvements and new personal property and ran the data center for several years. This investment amount surpassed what the Enterprise Zone Agreement required ($84 million). Bank One decided in 2002 to take its data center back in-house. As a result, IBM will not be able to attain the required level of job retention and creation and, consequently, has requested that the City terminate the tax incentive agreements. IBM has approximately 391 jobs at the project site whereas the tax incentive agreements call for 670 jobs. IBM has not utilized its municipal tax credit but has saved $939,000 due to the Enterprise Zone property tax exemptions on new investment. However, during the same time period IBM paid taxes of over $5 million on the non-abated real and personal property at the project site.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to dissolve the Enterprise Zone Agreement and the Tax Credit Agreement with International Business Machines Corporation (IBM), and to end the related property tax exemptions and tax credit, with or without the written consent of IBM; and to declare an emergency.

WHEREAS, by authority of Columbus City Council Ordinance 774-99, the City entered into an Enterprise Zone Agreement (EZA) and a Tax Credit Agreement (TCA) with International Business Machines Corporation (IBM) on March 30, 1999; and

WHEREAS, the tax incentive agreements called for IBM to invest approximately $84 million in building improvements and new personal property at 4499 Fisher Road in
Columbus, and to retain 440 existing jobs and create 230 new jobs; and

WHEREAS, the EZA granted a 60%/10-year tax abatement on real property improvements and new personal property, and the TCA granted a 50%/10-year jobs creation tax credit on the jobs created and/or new to Columbus; and

WHEREAS, IBM’s plan to expand, invest and create/retain jobs at the Fisher Road project site depended on a outsourcing contract IBM received from Bank One to operate the bank’s data center and to provide other information-technology (I/T) services; and

WHEREAS, in 2002 Bank One decided to bring the data center back in house along with the other I/T services IBM had been contracted to supply; and

WHEREAS, IBM has been able to retain only 391 jobs and the company has determined that in the future it will not be able to attain the job retention and creation called for in the tax incentive agreements and has therefore requested the City to dissolve the EZA and the TCA; and

WHEREAS, since 1999, IBM invested $98.4 million at the project site, realized a tax savings of approximately $939,000 due to the EZA abatement, paid approximately $5.4 million in taxes on the non-exempt real and personal property, and did not utilize its municipal tax credit ($0); and

WHEREAS, the City recognizes that IBM has made substantial investment at the project site and also agrees that IBM will not be able to meet the job retention and creation levels called for in the EZA and the TCA;

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to dissolve the Enterprise Zone Agreement and the Tax Credit Agreement with International Business Machines Corporation (IBM), and to end the related property tax exemptions and tax credit, with or without the written consent of IBM, all for the preservation of the public health, peace, property, safety and welfare; and NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Development is hereby authorized to dissolve the Enterprise Zone Agreement (EZA) and the Tax Credit Agreement (TCA) between the City and International Business Machines Corporation (IBM) and to end the associated real and personal property tax exemptions and the municipal tax credits, with or without the written consent of IBM. The final year for the real and personal property to be exempt is tax year 2002 (collection year 2003). If IBM agrees in writing to the dissolutions, the Director of Development shall agree to not attempt to reclaim property taxes forgone in past years as a result of the EZA abatement.

Section 2. That for the reasons stated in the preamble hereto, which hereby made a
part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
Council Variance Application: CV03-032

APPLICANT: TTG Properties LLC; c/o Donald Plank, Atty.; 145 East Rich Street; Columbus, Ohio 43215.

PROPOSED USE: Office, Restaurant, Non-accessory Parking uses.

GERMAN VILLAGE RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance is for the former Engine House Number 5 and adjacent parking areas. The site is zoned in the R-2F, Residential District and was recently occupied by a restaurant, permitted by a 1972 Council Variance. The applicant requests a variance to add office uses and non-accessory parking to the permitted uses. The site lies within the boundaries of the German Village Commission, which recommends approval of the Council Variance. As stated in the enclosed Certificate of Appropriateness, the Commission's recommendation is conditioned on the Variance permitting both restaurant and office uses and allowing parking spaces not required by the principal use be used as non-accessory parking.

To grant a Variance from the provisions of Sections 3332.037, Residential District; 3332.25, Minimum side yard; 3332.26, Maximum side yard; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces for the property located at 121 THURMAN AVENUE (43206), to permit office, restaurant, and non-accessory parking uses in the R-2F, Residential District, and to repeal Ordinance 572-73, passed April 16, 1973 and to declare an emergency. (Council Variance # CV03-032)

WHEREAS, by application #CV03-032 the owner of property at 121 THURMAN AVENUE (43206), is requesting a Council Variance for an office or restaurant and parking lot in the R-2F, Residential District; and

WHEREAS, City Council Ordinance Number 572-73, Council Variance Application #CV72-052, established restaurant use as the only permitted use for the former Engine House No. 5 Fire Station, while the Applicant requests to replace this existing Council Variance to add office and non-accessory parking uses as permitted uses for the site; and
WHEREAS, Section 3332.25, Maximum side yard required, requires the sum of the widths of each side yard shall equal or exceed twenty (20) percent of the width of the lot, provided that not more than sixteen (16) feet need be so devoted, while the applicant proposes to no side yards; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes no side yard, excepting the landscaping beds as shown on the site plan; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes no rear yard; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires 40 parking spaces for a general office use or 48 parking spaces for medical office uses, while the applicant proposes to provide 20 parking spaces on the parcel containing the former Engine House No. 5 Fire Station and additional 20 off-site parking spaces for a general office use or 28 off-site parking spaces for medical office uses, as shown on site plan; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires 160 parking spaces for a restaurant use, while the applicant proposes to provide 20 parking spaces on the parcel containing the former Engine House No. 5 Fire Station and additional 54 off-site parking spaces for a restaurant use, as shown on site plan; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because the area is developed with both residential and non-residential land-uses within an area zoned exclusively within the R-2F, Residential District. Preserving the residential zoning and addressing proposed non-residential uses on a case by case basis is protective of the neighborhood and sensitive to the zoning pattern and to historical zoning policies within German Village; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and
WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to submit for building permits for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 121 THURMAN AVENUE (43206), in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3332.037, Residential District; 3332.25, Minimum side yard; 3332.26, Maximum side yard; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces, for the property located at 121 THURMAN AVENUE (43206), insofar as said sections prohibit the establishment of office and restaurant uses and parking lots with both accessory and non-accessory parking in a residential district; and to remove the required side and rear yard requirements, reduce the required number of parking spaces for a restaurant use from 160 to 74 spaces, and allow parking spaces located off-site to count toward the parking requirements of the building located on another parcel, said property being more particularly described as follows:

121 THURMAN AVENUE (43206), being 1.13± acres located at the southeast and southwest corner of Thurman Avenue and South Fourth Street, and being more particularly described as follows:

LEGAL DESCRIPTION
121 Thurman Avenue
CV03-032

Parcel One:

Situated in the State of Ohio, County of Franklin and City of Columbus, and bounded and described as follows:

Being Lot Number Four (4) of John X. Zuber's Subdivision of Parts of Lots Number 45, 46 and 47 of Deshler's, Thurman's and Bennett's Subdivision of Lots Number 47 to 83 inclusive of Deshler's and Thurman's Addition to the City of Columbus, Ohio, as said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 7, page 171, Recorder's Office, Franklin County, Ohio.

Parcel Two:

Situated in the State of Ohio, County of Franklin and City of Columbus, and bounded and described as follows:

Being Lot Number Two (2) of John X. Zuber's Subdivision of parts of lots numbers 45, 46 and 47 of Deshler's, Thurman's and Bennett's Subdivision of Lots Numbers 47 to 83, inclusive of Deshler's and Thurman's Addition to the City of Columbus, Ohio, as
said Lot Number Two (2) is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 7, page 171, Recorder's Office, Franklin County, Ohio.

Parcel Three:

Situated in the State of Ohio, County of Franklin and City of Columbus, and bounded and described as follows:

Being 103 feet off of the north end of Lots Number Forty-Five (45) and Forty-Six (46) of Deshler, Thurman and Bennett's Subdivision of a part of Deshler and Thurman's Addition to the City of Columbus, Ohio, as shown on the plat of said subdivision recorded in Plat Book Number 3, page 158, Recorder's Office, Franklin County, Ohio. Said 103 feet hereby conveyed is bounded and described as follows:

Beginning at the intersection of the south line of Thurman Street in said City with the west line of Mozart Street, being the northeast corner of Lot Number 45, aforesaid, and running thence with the south line of Thurman Street westerly 83 feet to the northwest corner of Lot Number 46 aforesaid;

Thence with the west line of said Lot 46, southerly 103 feet to a point in said line;

Thence easterly parallel with the south line of Thurman Street 83 feet to the west line of Mozart Street;

Thence northerly with the west line of Mozart Street 103 feet to the place of beginning.

Parcel Four:

Situated in the State of Ohio, County of Franklin and City of Columbus and bounded and described as follows:

Being Lot Number One (1) of John X. Zuber's Subdivision of parts of Lots Numbers 45, 46 and 47 of Deshler's, Thurman's and Bennett's Subdivision of Lots Numbers 47 to 83 inclusive, of Deshler's and Thurman's Addition to the City of Columbus, Ohio, as said Lot Number One (1) is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 7, page 171, Recorder's Office, Franklin County, Ohio.

Parcel Five:

Situated in the State of Ohio, County of Franklin, and City of Columbus and founded and described as follows:

Being Lot Number Three (3) in Beck and Zuber's Subdivision of Lots Numbered 42, 43 and 44 in Deshler, Thurman and Bennett's Subdivision of Lots numbered 47 to 83 inclusive in Deshler and Thurman's Addition to said City of Columbus, Ohio, as the same in numbered and delineated on the recorded plat of said first named Subdivision of record in Plat Book No. 3, page 343, Recorder's Office, Franklin County, Ohio.

Parcel Six:
Situated in the State of Ohio, County of Franklin and City of Columbus and bounded and described as follows:

Being Lots Numbers One (1) and Two (2) in Beck and Zuber's Subdivision of Lots Numbered 42, 43 and 44 in Deshler, Thurman and Bennett's Addition to the City of Columbus as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 343, Recorder's Office, Franklin County, Ohio

Parcel Seven:

Situated in the State of Ohio, County of Franklin and City of Columbus and bounded and described as follows:

Being Lot Number Five (5) and north one-half (1/2) of Lot Number Six (6), of George Beck and John X. Zuber's Subdivision of Lots 42, 43 and 44 of Deshler, Thurman and Bennett's Subdivision of Lots 47 to 83 of Deshler and Thurman's Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 343, Recorder's Office, Franklin County, Ohio.

Parcel Eight:

Situated in the State of Ohio, County of Franklin and City of Columbus and bounded and described as follows:

Being Lot Number Seven (7) and the south one-half of Lot Number Six (6) of George Beck and John X. Zuber's Subdivision of Lots Numbers 42, 43 and 44 of Deshler, Thurman and Bennett's Subdivision of Lots Numbers 47 to 83 of Deshler and Thurman's Addition to the City of Columbus, Ohio as said Lots 6 and 7 are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 343, Recorder's Office, Franklin County, Ohio.

Parcel Nine:

Tract One:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being more particularly described as follows:

All of the alleys located in John Zuber Subdivision as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 171, Recorder's Office, Franklin County, Ohio.

Tract Two:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being more particularly described as follows:
All of the alleys located in Beck and Zuber Subdivision as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 343, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for office, restaurant, and a parking lot or those uses permitted in the R-2F, Residential district.

SECTION 3. That this ordinance is conditioned on the site being developed in general conformance with the plan titled "ENGINE HOUSE #5", dated October 27, 2003 and signed by Donald T. Plank, Attorney for the Applicant. This plan, while illustrative of the general location of parking, is schematic and may be adjusted to reflect engineering, topographical, or other site data developed at the time of development and engineering plans are completed.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That Ordinance 572-2003, passed April 16, 1973 is hereby repealed.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: The need exists to amend the Enterprise Zone Agreement with the City of Columbus and the Shonac Corporation as established under Ohio Enterprise Zone law, O.R.C. Section 5709.62 (3). The original agreement was approved under Columbus City Council Ordinance No. 0994-00, passed April 24, 2000. The agreement provided a 50%/7 year tax abatement on personal property. The project involved an investment of $25,381,711, the relocation of 355 jobs from Watkins Road and the creation of 73 new jobs at new project site located at 4150 East Fifth Avenue in Columbus. To date, the Shonac Corporation has exceeded both its job creation numbers and investment at this site.

Shonac Corporation will continue its operations and investment at the project site located at 4150 East Fifth Avenue. However, approximately 203 (two hundred and three) of the 355 (three hundred and fifty five) retained jobs will be transferred to the new $22 million Retail Ventures, Inc. Headquarters building located at the former Northland Mall. The transferred jobs are not new jobs to the City of Columbus but will be counted as retained jobs for the purposes of meeting the amended Enterprise Zone Agreement.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to amend the existing Enterprise Zone Agreement with the City of Columbus and Shonac Corporation to reflect approximately 203 (two hundred and three) of the 355 (three hundred and fifty five) retained jobs transferring to the Value City Northland site also known as Retail Ventures, Inc.; and to declare an emergency.

WHEREAS, the Columbus City Council authorized the designation of the Enterprise Zone Ordinance No.779-85, dated April 22, 1985; and

WHEREAS, the Ohio Department of Development approved this designation under State of Ohio Enterprise Zone law, by letter, dated June 12, 1985; and

WHEREAS, an Enterprise Zone Agreement was approved for Shonac Corporation, under Columbus City Council Ordinance No. 0994-00, passed April 24, 2000; and

WHEREAS, a need exists to amend the Enterprise Zone Agreement with Shonac
Corporation to reflect the transfer of 203 (two hundred and three) of the 355 (three hundred and fifty five) retained jobs to the Value City Northland site also known as Retail Ventures, Inc.; and

WHEREAS, the City desires to amend the existing Enterprise Zone Agreement with the City of Columbus and the Shonac Corporation, in order to foster economic growth and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to amend the existing Enterprise Zone Agreement with the City of Columbus and Shonac Corporation to reflect approximately 203 (two hundred and three) of the 355 (three hundred and fifty five) retained jobs transferring to the Value City Northland site also known as Retail Ventures, Inc., all for the preservation of the public health, peace, property, safety and welfare; and NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Development is hereby authorized to amend the Enterprise Zone Agreement between the City of Columbus and the Shonac Corporation, to reflect the transfer of approximately 203 (two hundred and three) of the 355 (three hundred and fifty five) retained jobs to the Value City Northland site also known as Retail Ventures, Inc.

Section 2. That for the reasons stated in the preamble hereto, which hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of the Department of Technology (DoT) to amend the Unisys Consolidated Agreement EL001384 for additional services as described herein. The purpose of the Consolidated Agreement is to satisfy the City’s on-going requirements for the acquisition of information processing equipment, various professional and support services, and/or other projects. At this time there is a need to amend the Consolidated Agreement to provide funding for new services including $23,730.00 for Software Support Services and $33,305.00 for non-recurring critical training needs related to new software currently being implemented.

These support and training services directly impact the reliability of daily DoT operations in support of Police Law Enforcement Agencies Data System (LEADS) application (having life-threatening consequences for police officers when unavailable) and the Performance Payroll System, a mission-critical application that directly impacts every City Department, Division, and Agency. The result of this legislation is to authorize the expenditure of funds in the total amount of $57,035.00 for the purposes stated above.

The Unisys Consolidated Agreement was executed effective June 1, 2001 and continues until terminated by either party. The Support Services funded herein items that are renewed are annually renewable items whose coverage terms begin effective August 1 and October 1, 2003. Said services terminate June 30, 2004 and will renew concurrently with all current support services beginning July 1, 2004.

FISCAL IMPACT: Earlier this year, DoT expended $97,135.48. This amount was comprised of (1) $71,598.48 for hardware and software support services from July 1, 2002 through June 30, 2003, (2) $18,661.00 for annual software license fees, and (3) $6,876.00 covering a 60-month license fee for TAD (Test And Debug System) Software.

Also DoT encumbered $88,153.00 via ordinance 1876-2003 for (1) ClearPath System Surety Support Services, $69,492.00 for the payment period of July 1, 2003 through June 30, 2004, and (2) ClearPath System Annual Software License, $18,661.00 for the payment period of July 31, 2003 through July 30, 2004.

An additional $57,035.00 is being authorized via this legislation for (1) ClearPath System Surety Support Services, $22,704.00 for the payment period of August 1, 2003 through June 30, 2004, and (2) ClearPath System Surety Support Services, $1,026.00 for the payment period of October 1, 2003 through June 30, 2004, and (3) $33,305.00 for critical in-service training to support.

Funding is available in the 2003 Information Services Fund.

EMERGENCY: There is an immediate need to modify and amend a contract with
Unisys Corporation in order to maintain uninterrupted support and services for the Police LEADS and Payroll applications.

**CONTRACT COMPLIANCE NUMBER:** 38-0387840 **Expires:** 03/14/2004

To authorize the Director of the Department of Technology to modify a contract with Unisys Corporation for software license support and services for the Department of Technology Information Services Division, to authorize the expenditure of $57,035.00 from the Information Services Fund, and to declare an emergency. ($57,035.00)

WHEREAS, This legislation authorizes the Director of the Department of Technology to modify contract EL001384, the Unisys Consolidate Agreement with Unisys Corporation for software support and training services, and

WHEREAS, The purpose of the Consolidated Agreement is to satisfy the City's on-going requirements for the acquisition of information processing equipment, various professional and support services, and/or other projects, and

WHEREAS, This contract, funded by this legislation, is required to continue daily operational support for the Auditor’s Office Payroll application and Public Safety Police LEADS (Law Enforcement Agencies Data System) applications that are maintained by the Department of Technology, and

WHEREAS, The result of this legislation is to authorize the expenditure of funds in the total amount of $57,035.00, and

WHEREAS, The services provided includes funding for (1) ClearPath System Surety Support Services, $23,730.00, and (2) $33,305.00 for critical in-service training to support, and

WHEREAS, There is an immediate need to modify a contract with Unisys Corporation in order to maintain uninterrupted support and services for the Police LEADS and Payroll applications.

WHEREAS, Funding is available in the 2003 Information Services Fund, and

WHEREAS, an emergency exits in the usual daily operation of the Information Services Division in that it is immediately necessary modify a Contract with Unisys Corporation for the purchase of a software license fees, now therefore,

**BE IT ORDAINED BY THE COUNCIL OF**

**THE CITY OF COLUMBUS:**

**SECTION 1:** That the Director of the Department of Technology be and is hereby authorized to modify EL001384 for software license hardware and software support and services from Unisys Corporation, related to operation of the ClearPath systems.
SECTION 2: That the expenditure of $57,035.00 or so much thereof as may be necessary is hereby authorized to be expended from:


SECTION 3: That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
Background:
A modification to Contract No. EL003602 is needed for additional professional services related to the North Bank Park Project.

Amount of additional funds to be expended $51,000.00. The original contract cost was $703,704.00; the total modified cost is $754,704.00.

Miles McClellan is providing construction management services for the North Bank Park Project. In addition to traditional services, Miles McClellan is overseeing an outreach program to encourage participation of MBE/FBE and DBE firms in the construction of the project. Services include education, registration, notifications, monitoring and tracking participation throughout the project.

The Contract Compliance Number for Miles McClellan is 31-0987415.

Emergency legislation is requested in order to allow work to continue along with the construction of the park.

Fiscal Impact:
$51,000.00 is required and budgeted in the Recreation and Parks Grant Fund to meet the financial obligation of this contract modification.

To authorize and direct the Director of Recreation and Parks to modify the contract with Miles McClellan for additional professional services in conjunction with the North Bank Park Project, to authorize the expenditure of $51,000.00 from the Recreation and Parks Grant Fund, and to declare an emergency. ($51,000.00)

WHEREAS, it is necessary to modify the contract with Miles McClellan for additional professional services in conjunction with the North Bank Park Project; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to modify said contract for the preservation of public health, peace, property and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:
SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to modify Contract No. EL003602 with Miles McClellan for additional professional services in conjunction with the North Bank Park Project, in accordance with plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the expenditure of $51,000.00, or so much thereof as may be necessary, be and is hereby authorized from the Recreation and Parks Grant Fund, as follows, to pay the cost thereof.

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Dept. No.</th>
<th>Fund No.</th>
<th>Grant No.</th>
<th>Grant Name</th>
<th>Object Level</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant</td>
<td>51-01</td>
<td>286</td>
<td>510206</td>
<td>Spring &amp; Long Development/ODNR</td>
<td>6680</td>
<td>510206</td>
<td>$51,000.00</td>
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</tbody>
</table>

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
Background:
Bids were received by the Recreation and Parks Department on October 30, 2003, for the North Bank Park - Issue B Project, as follows:

<table>
<thead>
<tr>
<th>Status</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>George J. Igel &amp; Company</td>
<td>$2,111,315.00</td>
</tr>
<tr>
<td>Kokosing Construction</td>
<td>$2,132,000.00</td>
</tr>
<tr>
<td>Trucco Construction</td>
<td>$2,336,000.00</td>
</tr>
<tr>
<td>Complete General</td>
<td>$2,339,000.00</td>
</tr>
</tbody>
</table>

Project description includes general conditions, temporary facilities, site demo, mass earthwork, river muck removal, sheet piling, walers, deadmen, auger cast pilings, pile caps, storm sewer, concrete walls, painting, pre-cast concrete cap, balance of bid pack and allowance.

The Contract Compliance Number for George J. Igel is #31-4214570.

The approximate cost of Recreation and Parks staff time on this project is $5,000.00 (03-025).

A contingency amount of $150,000.00 is being included in this project.

Emergency action is necessary to keep project on schedule with existing and future construction projects in this riverfront area.

Fiscal Impact:
$1,261,320.00 is required and budgeted within the Recreation and Parks Grant Fund

$1,000,000.00 is required and budgeted in the Voted 1995 and 1999 Street and Highway Bond Fund.

To authorize and direct the Director of Recreation and Parks to enter into contract with George J. Igel & Company for the North Bank Park - Issue B Project, to authorize the expenditure of $1,266,315.00 from the Recreation and Parks Grant Fund and $1,000,000.00 from the Voted 1995 and 1999 Street and Highway Bond Fund, and to declare an emergency. ($2,266,315.00)
WHEREAS, bids were received by the Recreation and Parks Department on October 30, 2003, and the contract for the North Bank Park - Issue B Project will be awarded on the basis of the lowest and best responsive and responsible bidder; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into said contract for the preservation of public health, peace, property and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to enter into contract with George J. Igel & Company for the North Bank Park - Issue B Project, in accordance with plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the expenditure of $2,266,315.00, or so much thereof as may be necessary, be and is hereby authorized from the Recreation and Parks Department Grant Fund and the Voted 1995 and 1999 Street and Highway Bond Fund, to pay the cost thereof, as follows:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Dept. No.</th>
<th>Project No.</th>
<th>Object No.</th>
<th>OCA Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cap. Proj.</td>
<td>51-01</td>
<td>286</td>
<td>510206</td>
<td>6621</td>
<td>510206</td>
</tr>
<tr>
<td>$1,261,315.00</td>
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</tr>
<tr>
<td>Cap. Proj.</td>
<td>51-01</td>
<td>286</td>
<td>510206</td>
<td>6680</td>
<td>510206</td>
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<tr>
<td>5,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cap. Proj.</td>
<td>59-09</td>
<td>704</td>
<td>590107</td>
<td>6621</td>
<td>644385</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$2,266,315.00</td>
</tr>
</tbody>
</table>

SECTION 3. That for the purpose of paying for any contingencies which may occur during this project, the amount of $150,000.00 has been included in Fund 286 in Section 2, above. This amount will be expended only after approval by the Director of the Recreation and Parks Department, certification by the City Auditor, and approval of the City Attorney.

SECTION 4. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure
and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
REZONING APPLICATION: Z03-065

APPLICANT: Remington Builders, Ltd.; c/o Randall M. Kohn; 24 East Frankfort Street; Columbus, Ohio 43206.

PROPOSED USE: Multi-family residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on October 9, 2003.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Staff supports deviation from the Brice/Tussing Area Plan (1990) because the proposed L-ARLD, Limited Apartment Residential District multi-family use is consistent with zoning and development in this area and will provide a transition between commercial and single-family uses. The limitation text provides development standards that address site access, street tree planting along Freedom Trail, landscaping in perimeter yards, building materials, and lighting and graphics restrictions.

To rezone 2764 FREEDOM TRAIL (43068), being 0.92± acres located on the east side of Freedom Trail, 190± feet south of Tussing Road, From: CPD, Commercial Planned Development District, To: L-ARLD, Limited Apartment Residential District (Rezoning #Z03-065).

WHEREAS, application #Z03-065 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.92± acres, From CPD, Commercial Planned Development District, To L-ARLD, Limited Apartment Residential District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change and deviation from the Brice/Tussing Area Plan (1990) because the proposed L-ARLD, Limited Apartment Residential District multi-family use is consistent with zoning and development in this area and will provide a transition between commercial and single-family uses. The limitation text provides development standards that address...
site access, street tree planting along Freedom Trail, landscaping in perimeter yards, building materials, and lighting and graphics restrictions; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179-03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

2764 FREEDOM TRAIL (43068), being 0.92± acres located on the east side of Freedom Trail, 190± feet south of Tussing Road, and being more particularly described as follows:

DESCRIPTION OF 0.918 ACRE OF LAND LOCATED EAST OF FREEDOM TRAIL AND SOUTH OF TUSSING ROAD, IN THE CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Half Section 44, Section 25, Township 12, Range 21, Refugee Lands, containing 0.918 acre of land, more or less, said 0.918 acre being out of that 108.385 acre tract of land conveyed to the Refugee Development Company by deed of record in Deed Book 3502, Page 501, Recorder's Office, Franklin County, Ohio, said 0.918 acre of land being more particularly described as follows:

Beginning at a 3/4-inch (I.D.) Iron pipe (set) at the northwesterly corner of Independence Village Section No. 1, the recorded plat of same being of record in Plat Book 50, Pages 94 and 95, Recorder's Office, Franklin County, Ohio, in the easterly right-of-way line of Freedom Trail (sixty feet in width);

Thence N-04°17'37"E, with the easterly right-of-way line of said Freedom Trail. a distance of 200.00 feet to a 3/4-inch (I.D.) iron pipe (found) at the southwesterly corner of a .916 acre tract of land described, in the deed to United Dairy Farmers, Inc., by deed of record in Official Record 10347E20, Recorder's Office, Franklin County, Ohio;

Thence S-85°42'23"E, with the southerly line of said 0.916 acre tract, a distance of 200.00 feet to a 3/4-Inch (I.D.) iron pipe (set) at the southeasterly corner of said 0.916 acre tract, said iron pipe also being in the westerly line of a tract of land designated as PHASE 1 in Exhibit "A" and conveyed to Independence Village, Ltd. by deed of record in Deed Book 3631, Page 652, Recorder's Office, Franklin County, Ohio;

Thence S-04°17'37"W, with the westerly line of said PHASE 1, a distance of 200.00 feet to a 3/4-inch (I.D.) iron pipe (found) in the northerly line of said Independence Village Section No. 1;

Thence N-85°42'23"W, with the northerly line of said Independence Village Section No.1, a distance of 200.00 feet to the point of beginning and containing 0.918 acre of land, more or less.
To Rezone From: CPD, Commercial Planned Development District,

To: L-ARLD, Limited Apartment Residential District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the
L-ARLD, Limited Apartment Residential District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby
authorized and directed to make the said changes on the said original zoning map in
the office of the Building Services Division and shall register a copy of the approved
L-ARLD, Limited Apartment Residential District and Application among the records of
the Building Services Division as required by Section 3370.03 of the Columbus City
Codes; said text being titled, "LIMITATION OVERLAY TEXT DEVELOPMENT PLAN,"
signed by Randall M. Kohn, Remington Builders, Ltd., dated November 6, 2003, and
reading as follows:

LIMITATION OVERLAY TEXT DEVELOPMENT PLAN

ZONING DISTRICT: L-ARLD

PROPERTY ADDRESS: 2764 Freedom Trail (43068)

OWNER: La Petite Academy, Inc.

APPLICANT: Remington Builders

DATE: November 6, 2003

APPLICATION NO.: Z03-065

I. INTRODUCTION: The property subject to this Limitation Overlay Text Development
Plan is a 0.918± acre site located on the east side of Freedom Trail, just south of
Tussing Road. The subject property has 200 feet of frontage on Freedom Trail and is
currently undeveloped. The property is presently zoned Commercial Planned
Development District ("CPD") and allows those uses governed by the C-2, Commercial
District and a freestanding child day care center. The proposed zoning of Apartment
Residential-Low Density ("L-ARLD") provides a transition from the high density
commercial uses located north of the site and across Freedom Trail, to the single
family residential to the south. The property north of and contiguous to the site is zoned
CPD and is developed with a United Dairy Farmers Store with gasoline pumps. The
property across Tussing Road and immediately to the north of the United Dairy
Farmers Store is zoned CPD and is developed with a 250,000± sq. ft. community
shopping center anchored by Kroger, Burlington Coat Factory and Babies "R" US,
various types of fast food uses, a vacant multiplex theatre complex and other heavy
retail uses. The properties across Freedom Trail to the west are zoned Commercial
("C-4") and ARLD, respectively. The property zoned C-4 fronts Tussing Road and is
developed with a 35,000± sq. ft. neighborhood shopping center, a one story office
building (formerly a bank branch office with drive through tellers) and a Burger King Restaurant. The property zoned ARLD is located directly south of and contiguous to the C-4 tract and is developed as single family residential. The property east of and contiguous to the site is zoned Apartment Residential-Office ("ARO") and is developed with 125 apartment units on 6.38± acres (19.59 units/acre). The property to the south is zoned Single Family Residential ("SR") and is developed as single family residential.

The subject property is the Southern Portion (Parcel "B") of a 1.84± acre parcel which was zoned CPD per Zoning Application Z87-1372 and Ordinance No. 1643-87 passed by the Columbus City Council, July 27, 1987. The Northern Portion (Parcel "A") fronting on Tussing Road and totaling 0.922± acres is developed with a United Dairy Farmers Store. On February 6, 1989, Columbus City Council approved an amendment to the CPD per Zoning Application Z88-3031 and Ordinance No. 177-89 permitting a freestanding child day care center on the Southern Portion (Parcel "B") of the parcel.

2. PERMITTED USES: Permitted uses for the Property are contained in Section 3333.02 of the Columbus City Code.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated within this limitation text, development standards applicable to the ARLD, Apartment Residential District contained in C.C. 3333 shall apply.

A. Density, Height, Lot and/or Setback Commitments.

1. No more than fifteen (15) dwelling units shall be built. This number of units was calculated by multiplying the gross acreage of 0.918± acres by 17.4 units per acre (one dwelling unit per 2,500 sq. ft.). This calculation is consistent with the density allowed in an ARLD apartment residential district pursuant to Chapter 3333 of the Columbus City Code.

B. Access, Loading, Parking and/or Other Traffic Related Commitments.

1. All circulation, curb cuts and access points shall be subject to the approval of the Transportation Division.

C. Buffering, Landscaping, Open Space and/or Screening Commitments.

1. Street trees shall be planted evenly spaced along Freedom Trail at a ratio of one tree per thirty-five (35) feet of frontage.

2. Trees and bushes shall be planted along the south, east and north side of the property at a ratio of one deciduous tree, one evergreen and 2 bushes per forty (40) linear feet. Bushes shall be combinations of burning bush, taxus, hetzi juniper and/or mugo or white pines. These trees may be evenly spaced or grouped.

3. Car headlights shall be screened from the adjacent single-family residences located along the south side of the property with a continuous 30" hedge.
4. Landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials at the next planting season or within six months, whichever occurs first. The size of the new materials shall equal the size of the original material when it was installed.

5. The minimum size of all trees at installation shall be 2 ½ inch caliper for deciduous, 1 ½ inch caliper for ornamental and 5 feet high for evergreen. Tree caliper is measured six (6) inches from the ground.

D. Building Design and/or Interior-Exterior Treatment Commitments.

1. Building Materials:

The buildings shall be constructed of any combination of the following: brick, brick veneer, block, split-faced block, real or synthetic stucco, real or synthetic stone, cementitious board, glass, wood (including cedar), wood shingles, stucco, or vinyl siding.

E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.

Lighting:

1. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane and to prevent offsite spillage.

2. Accent lighting shall be permitted provided such light source is concealed.

3. Any wall-mounted lighting shall be shielded to prevent offsite spillage.

4. Light standards shall not exceed 18 feet in height.

5. For aesthetic compatibility, lights shall be from the same or similar type and color.

6. Lighting shall not exceed .1 foot-candle anywhere along a property line, measured horizontally.

F. Graphic Commitments: All graphics shall conform to Columbus City Code Article 15 as it applies to the ARLD zoning district. Any variance to such requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments: N/A

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
BACKGROUND: The Purchasing Office received and opened bid number SA000558JB for office workstations on October 23, 2003. This furniture is needed by the Division of Water's Sales Office. Three bids were received and deemed complete, however, the Division made an error in the bid proposal. Two items, which are necessary for the completion of the workstations, were omitted from page five. Fortunately, all three vendors noticed the omission and bid the necessary items anyway. Thomas W. Ruff & Co. was the lowest bidder at $24,332.12. Therefore, in order to eliminate the need to rebid the contract to correct the Division's error in the bid proposal, and in order to enter into the contract prior to the close of the fiscal year, it is in the best interest of the City of Columbus, Division of Water to waive the provisions of competitive bidding, and to award this bid to Thomas W. Ruff & Co. for a grand total of $24,332.12. The Contract Compliance Number for Thomas W. Ruff & Co. is 31-4413101. They do not have MBE/FBE status. Thirteen companies of the 132 vendors solicited had certified MBE/FBE status.

It is requested that this Ordinance be handled in an emergency manner in order to have the contract established before the close of fiscal year 2003. These workstations were only budgeted for 2003.

FISCAL IMPACT: The Division of Water has allocated $29,000.00 for these workstations in the 2003 Budget.

$73,050.00 was expended by the Division for furniture in 2002.
$68,360.00 was expended by the Division for furniture in 2001.

To authorize the Finance Director to enter into a contract with Thomas W. Ruff & Co., for office workstations, for the Division of Water, to waive the provisions of competitive bidding, to authorize the expenditure of $24,332.12 from Water Systems Operating Fund, and to declare an emergency. ($24,332.12)

WHEREAS, the Purchasing Office did receive and open bid number SA000558JB for the purchase of office workstations on October 23, 2003, and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Finance Director to enter into a contract with Thomas W. Ruff & Co., for office workstations, needed by the Sales
Office, for the preservation of public health, peace, property and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Finance Director be and is hereby authorized to enter into a contract with Thomas W. Ruff & Co. for office workstations, for the Division of Water, Department of Public Utilities.

Section 2. That it is in the best interest of the City of Columbus to waive the provisions of Section 329.06 of the Columbus City Code, 1959 and such provisions are hereby waived.

Section 3. That the expenditure of $24,332.12 or as much thereof as may be needed, is hereby authorized from Water Works Fund 600, Department 60-09, OCA Code 602961, Object Level One 02, Object Level Three 2140, to pay the cost thereof.

Section 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
This legislation will enable the Division of Sewerage and Drainage to obtain Rental of Construction Equipment with Operator from a Universal Term Contract. This contract is utilized for the rental of large equipment for various projects beyond the scope of the Division's personnel. It will be utilized by the Sewer Maintenance Operations Center.

The Purchasing Office has established a Universal Term Contract for the option to obtain Rental of Construction Equipment with Operator with Travco Construction Company. Items required by the Division of Sewerage and Drainage will be obtained in accordance with this contract.

SUPPLIER: Travco Construction Company (31-1771566)

FISCAL IMPACT: $430,000.00 is needed and budgeted for this expenditure. The amount requested is to pay for projects through Fiscal Year 2003.

$2,180,000.00 has been certified in 2003
$1,488,020.20 was spent in 2002

Emergency action is requested to insure the continued provision of necessary sewer maintenance and rehabilitation services. Furthermore, wet weather conditions has increased the need for sewer maintenance projects for the Sewer Maintenance Operations Center.

To authorize the Director of Finance to establish a Blanket Purchase Order for the Rental of Construction Equipment with Operator from a Universal Term Contract with Travco Construction Company for the Division of Sewerage and Drainage; to authorize the expenditure of $430,000.00 from the Sewerage System Operating Fund, and to declare an emergency. ($430,000.00)

WHEREAS, the Purchasing Office has established a Universal Term Contract for the Rental of Construction Equipment with Operator, with Travco Construction Company., and

WHEREAS, due to increase sewer maintenance projects additional funds are needed by the Division of Sewerage and Drainage, Sewer Maintenance Operations Center, and
WHEREAS, an emergency exists in the usual daily operations of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to establish Blanket Purchase Order in order to provide the Division of Sewerage & Drainage with sufficient funding to meet daily demands for the preservation of the public health, property, peace and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Finance Director be and is hereby authorized to establish Blanket Purchase Order with Travco Construction Company, based on a Universal Term Contract for the Division of Sewerage and Drainage on file in the Purchasing Office.

Section 2. That the purpose of paying the cost thereof, the expenditure of $430,000.00 or so much thereof as may be needed, is hereby authorized from the Sewerage System Operating Fund, Fund No. 650, OCA: 605089, Object Level One: 03, Object Level Three: 3299.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of Development to amend the existing Weiler-Bowen/City Park Place Enterprise Zone Agreement (EZA). Columbus City Council approved the EZA by Ordinance No. 2329-97, adopted September 29, 1997. The project is located at 79 E. Thurman Avenue near the intersection with City Park Avenue. The property owner, Weiler-Bowen Ltd., proposed to renovate/restore two derelict industrial/commercial structures into 54,000 square feet of Class A office space. The tax abatement would allow lease rates in the renovated structure to be competitive with office space in suburban areas, where development typically enjoys a cost advantage.

CallTech was to be the primary tenant and it was anticipated that 150 jobs would be created. However, CallTech grew much faster than expected and had outgrown the size of the facility prior to the construction even being completed. Thus, the space was leased to other tenants while CallTech moved to a larger facility within the city of Columbus and has continued to create jobs ever since. The project has attained an investment of $6.2 million in real property improvements and new personal property (97% of the EZA goal) and has 132 retained jobs. The 10-yr/75% tax abatement is on real property only, and will run through 2009. The rate and years of the tax abatement will not be modified.

The EZA will be modified to acknowledge that multiple tenants occupy the facility, that the tenants will collectively retain and/or create 150 jobs, that the property owner is responsible for the job retention/creation being achieved and for the annual detailed reporting on the tenant jobs, payroll, real & personal property and other information the City requires to fulfill its obligations associated with the granting of Enterprise Zone tax abatements.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to amend the Weiler-Bowen/City Park Place Enterprise Zone Agreement to acknowledge multiple tenants at the facility, to require the retention and/or creation of 150 jobs, to designate Weiler-Bowen Ltd. to be responsible for the job retention/creation being achieved and to be responsible for the annual report the City requires to fulfill its Enterprise Zone obligations; and to declare an emergency.
WHEREAS, the Columbus City Council approved the Weiler-Bowen/City Park Place Enterprise Zone Agreement (EZA) on September 29, 1997 by Ordinance No. 2329-97; and

WHEREAS, the real and personal property investment goals called for in the EZA have been largely met and the renovated office space is now an asset to the core central city and adds to its competitiveness for retaining and/or attracting businesses and jobs; and

WHEREAS, the City desires the EZA to reflect the changes that have occurred in the project and also to protect the City’s ability to obtain necessary annual reporting information; and

WHEREAS, the City believes it is in the best interest of job preservation and economic development to amend the EZA;

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to amend the Weiler-Bowen/City Park Place Enterprise Zone Agreement to acknowledge multiple tenants at the facility, to require the retention and/or creation of 150 jobs, to designate Weiler-Bowen Ltd. to be responsible for the job retention/creation being achieved and to be responsible for the annual report the City requires to fulfill its Enterprise Zone obligations, all for the preservation of the public health, peace, property, safety and welfare; and NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to amend the Weiler-Bowen Ltd./City Park Place Enterprise Zone Agreement (EZA) by acknowledging that the facility has multiple tenants and eliminating references to CallTech, by allowing the job requirement to be 150 job retained and/or created and eliminating the specific payroll amount, by making the property owner responsible for the project attaining the job retention/creation, and for providing the detailed annual project status information the City requires in order to fulfill its obligations associated with the granting of Enterprise Zone tax abatements.

Section 2. That for the reasons stated in the preamble hereeto, which hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of the Department of Development to dissolve the existing Jobs Creation Tax Credit Agreement (JCTCA) with Leadscope Inc. Columbus City Council approved the Jobs Creation Tax Credit Agreement (JCTCA) by Ordinance No. 0730-01 on May 14, 2001. The project site is a facility located at 1224 Kinnear Road in the Science and Technology Campus. Leadscope Inc. has requested to withdraw from the State of Ohio and the City of Columbus Job Creation Tax Credit programs, effective immediately. Leadscope is currently involved in a lawsuit with the American Chemical Society and they don't have the resources available to grow the company the way they intended when they joined the program.

After additional review and discussions with the company, the Development Department agrees that dissolving the Jobs Creation Tax Credit is an appropriate course of action.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to terminate the existing Jobs Creation Tax Credit with Leadscope Inc, with or without the written consent of Leadscope Inc.; and to declare an emergency.

WHEREAS, pursuant to Section 122.17 of the Ohio Revised Code, the State of Ohio is authorized to establish the Tax Credit Authority and to execute agreements with taxpayers of the State of Ohio for the purpose of granting these taxpayers job creation tax credits against their corporate franchise or income tax, which tax credits are provided to create new jobs in the State of Ohio; and

WHEREAS, the State of Ohio Tax Credit Authority has granted Leadscope Inc a 65% 7 year Jobs Creation Tax Credit; and

WHEREAS, pursuant to Section 718.08 of the Ohio Revised Code (the "City Act") a municipal corporation is authorized to grant local income tax credits to taxpayers who have received tax credits from the State; and

WHEREAS, the City has determined that Leadscope Inc. has not met the job creation and investment called for in the Jobs Creation Tax Credit Agreement and will be
unlikely to achieve those levels in the next several years; and

WHEREAS, the City has determined that the company's business needs and the Jobs Creation Tax Credit are no longer compatible; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to terminate the existing Jobs Creation Tax Credit with Leadscope Inc, with or without the written consent of Leadscope Inc., all for the preservation of the public health, peace, property, safety and welfare; and NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Development is hereby authorized to terminate the Jobs Creation Tax Agreement between the City and Leadscope Inc, with or without the written consent of Leadscope Inc.

Section 2. That for the reasons stated in the preamble hereto, which hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: The need exists to do an additional amendment of the Enterprise Zone Agreement with Brooks Beverage Management, Inc., as established under Ohio Enterprise Zone law, O.R.C. Section 5709.62(3). The original Agreement was approved under Columbus City Council Ordinance No. 2991-98, passed November 16, 1998. Columbus City Council authorized the First Amendment on May 15, 2000, by Ordinance No. 1159-00.

The original Agreement provided a 50%/10-year tax abatement for new machinery & equipment and a new warehouse to be constructed at the project site (950 Stelzer Rd). The new machinery & equipment had been purchased and installed, but the new warehouse construction scheduled for 1999 was delayed due to unexpected wetlands issue which has now been rectified Construction is scheduled to begin in late 2003 and end in 2004.

The company has requested a delay in its tax abatement on real property improvements due to the delay in construction of the new warehouse. This Amendment will shift the allowable period of tax exemption from 2000-2009 (original Agreement) to 2005-2014 (2nd Amendment) on real property improvements only. The Amendment will not change the percent of the tax exemption (50%) or the maximum number of years of the exemption (10 years).

Since the first agreement was signed in 1998 Brooks Beverage has also increased its automated technology thereby reducing the number of employees it needs to operate the warehouse. Subsequently, they are requesting to alter the job creation number from 115 to 69. The Economic Development Division would recommend offering the same incentive today in order to create 69 new jobs.

The Columbus Public School District has been advised of this proposed Amendment.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to amend the Enterprise Zone Agreement between the City and Brooks Beverage Management, Inc., changing the tax exemption on real property improvements for the period of 2005 through 2014 and altering the job creation from 115 to 69 full time employees; and to declare an emergency.
WHEREAS, the Columbus City Council authorized the designation of the Enterprise Zone Ordinance No. 779-85, dated April 22, 1985; and

WHEREAS, the Ohio Development Director approved this designation under State of Ohio Enterprise Zone law, by letter, dated June 12, 1985; and

WHEREAS, an Enterprise Zone Agreement was approved for Brooks Beverage Management, Inc., under Columbus City Council Ordinance No. 2991-98, passed November 16, 1998; and

WHEREAS, unforeseen manufacturing difficulties, corporate acquisitions and production consolidations have resulted in a delay in the new warehouse construction which is part of the tax exemption package provided for in the existing Agreement with Brooks Beverage Management, Inc.; and

WHEREAS, Brooks Beverage Management, Inc. has requested a delay in the tax exemption period, for real property improvements and a reduction in job creation from 115 to 69, thus requiring an amendment to the existing Agreement; and

WHEREAS, the City desires to amend the existing Enterprise Zone Agreement with Brooks Beverage Management, Inc., in order to foster economic growth; and

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is immediately necessary to amend the Enterprise Zone Agreement between the City and Brooks Beverage Management, Inc. in order to preserve the public health, peace, property, safety, and welfare; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to amend the Enterprise Zone Agreement between the City and Brooks Beverage Management, Inc., by delaying the tax exemption to 2004-2013.

Section 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
The Mid-Ohio Regional Planning Commission (MORPC) serves as staff to the District Three Public Works Integrating Committee. This committee provides input and makes recommendations to the Ohio Public Works Commission for fund distribution for the State Capital Improvement Program and the Local Transportation Improvement Program. MORPC’s costs for Round 16 are prorated to local jurisdictions based on the total funds ultimately awarded to each jurisdiction. The Public Service Department, Transportation Division, was awarded a total of $7,400,751.00 (ADA Curb Ramp Installation, $4,389,627.00; Hard Road-Linworth Road to Smoky Row Road, $3,011,124.00). The division's administrative cost billing as determined by MORPC is .6232 percent of this total, or $46,121.00.

A separate appropriation ordinance within the Municipal Motor Vehicle License Tax Fund is making funds available for MORPC's costs and other expenses. The Public Utilities Department is billed separately for its administrative costs.

Emergency action is requested to expedite payment to MORPC.

To authorize the Public Service Director to render payment to the Mid-Ohio Regional Planning Commission for staff support services rendered in connection with the State Capital Improvement Program and Local Transportation Improvement Program for the Transportation Division; to expend $46,121.00 from the Municipal Motor Vehicle License Tax Fund for this purpose, and to declare an emergency. ($46,121.00)

WHEREAS, the Mid-Ohio Regional Planning Commission (MORPC) renders staff support services to the District Three Public Works Integrating Committee in connection with the State Capital Improvement Program and the Local Transportation Improvement Program, Round 16; and

WHEREAS, the cost of these services is assessed as a percentage of funds awarded to the City of Columbus, Transportation Division; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to authorize payment of this obligation as soon as possible, thereby preserving the public health, peace, property, safety and welfare; now, therefore,
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Public Service Director be and hereby is authorized to render payment of $46,121.00 to the Mid-Ohio Regional Planning Commission for staff support services rendered in connection with the State Capital Improvement Program and Local Transportation Improvement Program for the Transportation Division.

SECTION 2. That for the purposes of making this payment, the expenditure of $46,121.00 or so much thereof as may be necessary, is hereby is authorized from the Municipal Motor Vehicle License Tax Fund, Fund 266, Department No. 59-09, Transportation Division, Object Level One Code 03, Object Level Three Code 3407 and OCA Code 599104.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
Background:
This legislation will authorize an appropriation in grant funds to carry on various services in 2003 and 2004, which are funded by a variety of state, federal, and local grants.

Emergency action is requested in order so that there is no lapse in services as stipulated in the various grant requirements.

Fiscal Impact:
The fiscal impact of this ordinance will be to reduce the Recreation and Parks Grant Fund's unappropriated balance by $3,675,000.00. This appropriation will enable the Central Ohio Area Agency on Aging to continue those programs as required by the granting agencies in 2003.

To authorize an appropriation in the amount of $3,675,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for continued operation of the Central Ohio Area Agency on Aging during 2003 and 2004, and to declare an emergency. ($3,675,000.00)

WHEREAS, it is necessary to appropriate year end 2003 carryover and 2004 new grant funds so that the Central Ohio Area Agency on Aging of the Recreation and Parks Department can provide services throughout 2004; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to appropriate said funds for the preservation of public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That from the unappropriated monies in the Recreation and Parks Grant Fund and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2003, the sume of $3,675,000.00 is appropriated to the Recreation and Parks Department, Fund 286, Department No. 51, as follows:

Grant Title: Congregate Housing
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<tr>
<th>Project Grant No.: 518002</th>
<th>OCA: 514273</th>
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Grant Title: Service Coordination

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Grant Title: Volunteer Guardian

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Grant Title: Franklin County Senior Options

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Grant Title: Title IIIC

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Grant Title: Title VII

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Grant Title: Long Term Care Ombudsman
Project Grant No.: 518308  OCA: 514547  Object Level One: 03  Amount: $25,000.00
Total Project 518308 Total By Index: $25,000.00

Grant Title: Title IIIB

Project Grant No.: 518301  OCA: 514505  Object Level One: 02  Amount: $25,000.00
Total Project 518301 Total By Index: $25,000.00

Grant Title: Title IIIE

Project Grant No.: 518307  OCA: 518307  Object Level One: 02  Amount: $10,000.00
Total Project 518307 Total By Index: $10,000.00

Grant Title: Title IV

Project Grant No.: 518310  OCA: 518310  Object Level One: 01  Amount: $75,000.00
Project Grant No.: 518310  OCA: 518310  Object Level One: 02  Amount: $25,000.00
Project Grant No.: 518310  OCA: 518310  Object Level One: 03  Amount: $25,000.00
Total Project 518310 Total By Index: $125,000.00

Total Appropriation: $3,675,000.00

Section 2. That the monies in the foregoing Section 1 shall be paid upon the order of the Director of Recreation and Parks; and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: The Purchasing Office has established Universal Term Contract FL001329, for water meters and appurtenances, with Badger Meters, Inc. This contract will expire December 31, 2003. The Division of Water has already encumbered $195,000.00 against this contract and would like to establish an additional Blanket Purchase Order. These additional funds will cover purchases for the remainder of the year. The Contract Compliance Number for Badger Meters, Inc. is 39-0143280. They do not have MBE/FBE status.

It is requested that this Ordinance be handled in an emergency manner, in order to have the purchase order established before the contract expires December 31, 2003.

FISCAL IMPACT: The Division of Water has allocated $1,104,155.00 in the 2003 Budget for water meters and appurtenances.

$ 1,120,347.00 was expended for water meters and appurtenances during 2002.
$ 956,686.66 was expended for water meters and appurtenances during 2001.

To authorize the Finance Director to establish an additional Blanket Purchase Order, for water meters and appurtenances, from an established Universal Term Contract with Badger Meters, Inc., for the Division of Water, to authorize the expenditure of $49,800.00 from Water Systems Operating Fund, and to declare an emergency. ($49,800.00)

WHEREAS, the Purchasing Office has established Universal Term Contract FL001329 with Badger Meters, Inc. for water meters and appurtenances, and

WHEREAS, the Division of Water has already encumbered $195,000.00 against this contract, thus, legislation is required to encumber additional funds, and

WHEREAS, an emergency exists in the usual daily operation of the Division of Water, Department of Public Utilities, in that it is immediately necessary to authorize the Finance Director to establish an additional Blanket Purchase Order, for water meters and appurtenances, based on the above mentioned Universal Term Contract, for the immediate preservation of public health, peace, property and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:
Section 1. That the Finance Director be and is hereby authorized to establish an additional Blanket Purchase Order, for water meters and appurtenances, from an established Universal Term Contract with Badger Meters, Inc., for the Division of Water, Department of Public Utilities.

Section 2. That the expenditure of $49,800.00 or as much thereof as may be needed, is hereby authorized from Water Works Fund 600, Department 60-09, OCA Code 602672, Object Level One 02, Object Level Three 2246, to pay the cost thereof.

Section 3. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
The City of Columbus Transportation Division has been selectively acquiring properties ultimately necessary to accommodate the widening of Hard Road between State Route 315 and Linworth Road as these become available for purchase. Such "advanced" acquisitions may result in the city paying less for the properties than what it would later and may serve to mitigate owner hardships incurred in selling properties that will ultimately be condemned. It is the division's intent to allow the homes on these properties to be leased until they must be demolished for the roadway improvement. Rental income from the leases is deposited into the Federal-State Highway Engineering Fund and is used to offset the city's cost of ownership such as grounds upkeep, maintenance, cleaning, rental expenses, utilities and property taxes.

Ordinance #3360-1998 passed December 14, 1998, and Ordinance #2329-2000 passed October 23, 2000, provided $33,000.00 and $50,000.00, respectfully, for this purpose. These previous authorizations have been exhausted. Ownership-related expenses have been incurred and paid by the division's operating fund, the Street Construction, Maintenance and Repair Fund; this Fund should be reimbursed for these expenses. This ordinance authorizes an additional $150,000.00 for ownership-related expenses, some of which will be used to reimburse the operating fund.

Funds for this purpose have been identified in the unappropriated balance of the Federal-State Highway Engineering Fund.

Emergency action is requested to provide for timely payment of ownership-related expenses and reimbursement of the operating fund.

To appropriate $150,000.00 within the Federal-State Highway Engineering Fund; to authorize the Public Service Director to pay ownership-related expenses including but not limited to grounds upkeep, maintenance, cleaning, rental expenses, utilities and property taxes for occupied and unoccupied properties acquired by the city as a result of advanced acquisition for the Hard Road Improvement project for the Transportation Division; to authorize the expenditure of $150,000.00 from the Federal-State Highway Engineering Fund, and to declare an emergency. ($150,000.00)

WHEREAS, the City of Columbus is engaged in advanced acquisition of select parcels for the Hard Road Improvement (Phase C) project; and

WHEREAS, the Public Service Department intends that the homes located on these
properties be leased until the project demands their demolition; and

WHEREAS, rental income from the leases is deposited into the Federal-State Highway Engineering Fund; and

WHEREAS, income derived from leasing these properties is used to offset the costs of city ownership including but not limited to grounds upkeep, maintenance, cleaning, rental expenses, utilities and property taxes; and

WHEREAS, ownership-related expenses have been incurred and paid by the division's operating fund, the Street Construction, Maintenance and Repair Fund and this Fund should be reimbursed for these expenses; and

WHEREAS, monies are available within the unappropriated balance of the Federal-State Highway Engineering Fund for this purpose; and

WHEREAS, these monies must be appropriated; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to appropriate and authorize the expenditure of the funds required for ownership-related purposes, thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That $150,000.00 be and hereby is appropriated within the Federal-State Highway Engineering Fund, Fund 765, and from any and all monies estimated to come into said Fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2003, to the Transportation Division, Department No. 59-09, Object Level One Code 06, Object Level Three Code 6606, OCA Code 561001 and Grant 561001.

SECTION 2. That the monies appropriated in the foregoing Section 1 be paid by order of the Public Service Director and that no order shall be drawn or monies paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 3. That the Public Service Director be and hereby is authorized to expend those funds necessary to pay for ownership-related costs incurred as a result of advanced acquisition of select parcels required for the Hard Road Improvement project including but not limited to grounds upkeep, maintenance, cleaning, rental expenses, utilities and property taxes, including these expenses that have been incurred by the Street Construction, Maintenance and Repair Fund.

SECTION 4. That for the purpose of paying said ownership-related costs, the sum of $150,000.00 or so much thereof as may be needed, is hereby authorized to be expended from Fund 765, the Federal-State Highway Engineering Fund, Transportation Division, Department No. 59-09, Object Level One Code 06, Object
Level Three Code 6606, OCA Code 561001 and Grant 561001.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND:
This ordinance corrects an incorrect bearing in the legal description contained in Ordinance 1793-03  1759-2003, passed July 28, 2003, designating the Continent as a Community Entertainment District. All other text of the original ordinance remains unchanged. The original ordinance was submitted to Council for the purpose of approving the application of Continent Commercial 1, LLC and Continent French Quarter, LLC in order to designate the Continent as a Community Entertainment District.

FISCAL IMPACT:
No funding is required for this legislation.

To amend Ordinance 1793-03  1759-2003, passed July 28, 2003, in order to correct the legal description contained in the original ordinance designating the Continent as a Community Entertainment District and to declare an emergency.

WHEREAS, Ordinance 1793-03  1759-2003, passed on July 28, 2003, designated the Continent as a Community Entertainment District as allowed under Section 4301.80 of the Ohio Revised Code; and

WHEREAS, the legal description contained in that ordinance contained an incorrect bearing resulting in a legal description that did not close; and

WHEREAS, Continent Commercial 1, LLC and Continent French Quarter, LLC, had otherwise properly filed an application to designate the Continent as a Community Entertainment District; and

WHEREAS, a public hearing was held on June 19, 2003, at which there was no opposition to the original application; and

WHEREAS, this ordinance corrects the incorrect bearing by amending the original legal description contained in Ordinance 1793-03  1759-2003, while leaving the balance of the original ordinance unchanged; now, therefore, and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an
emergency measure because of the need to allow development to proceed as soon as possible for the preservation of the public health, peace, property, safety, and welfare; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND:
The City of Columbus currently has an excessive amount of vacant office space in our downtown market. This high vacancy rate is having a negative impact on all business activity downtown and throughout the city. Cornerstone Home Financial, a regional leader in the mortgage industry, is currently exploring downtown Columbus as a potential site for their relocation. They anticipate the creation of 10 new positions downtown. This job creation is estimated to generate $350,000 of payroll and $7,000 annually in City income tax revenue. Based on this estimate, they would qualify for the Columbus Downtown Office Incentive of an amount equal to 50% of the payroll taxes paid or $3,500 each year for three years. The Downtown Development Office recommends granting the Columbus Downtown Office Incentive Program to Cornerstone Home Financial.

FISCAL IMPACT:
No funding is required for this legislation.

To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with Cornerstone Home Financial as provided in Columbus City Council Resolution 144X-02 adopted July 22, 2002.

WHEREAS, the City desires to increase employment opportunities and encourage establishment of new jobs in the City in order to improve the overall economic climate of the City and its citizens; and

WHEREAS, Resolution 144X-02, adopted July 22, 2002, authorizing the Department of Development to establish the Columbus Downtown Office Incentive Program; and

WHEREAS, The Department of Development has received a completed application for the Columbus Downtown Office Incentive Program from Cornerstone Home Financial; and

WHEREAS, Cornerstone Home Financial estimates that it will create 10 new jobs at 471 East Broad Street, with a projected payroll of $350,000 generating estimated City of Columbus income tax revenue of $7,000 annually; NOW, THEREFORE:
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to enter into the Columbus Downtown Office Incentive Program agreement with Cornerstone Home Financial, pursuant to Columbus City Council Resolution 144X-02, for an annual cash payment equal to 50% of the total income tax withholding for the new positions located in downtown Columbus for a term of three (3) years based on the estimated addition of 10 jobs at 471 East Broad Street.

Section 2. This employment at Cornerstone Home Financial is the result of relocating 10 new jobs to the Downtown as defined in Columbus City Code Title 33 Section 3359.03 downtown district boundary.

Section 3. As provided in the program guidelines the proposed five and one half (5.5) year lease qualifies Cornerstone Home Financial for a three (3) year incentive term. The term beginning in calendar year 2004, with the incentive payment made in the first quarter of the following year based on actual City of Columbus income tax withholding paid by employees for the preceding year.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
This legislation authorizes the City Clerk to enter into a contract with Daystar Computer Systems, Inc. for the continued support and maintenance of Legistar, the city's established citywide electronic system for creating and submitting legislation.

FISCAL IMPACT: This item was reflected in the third quarter financial review.

To authorize the City Clerk to enter into a contract with Daystar Computer Systems, Inc. for the support and maintenance of Legistar, the city's established citywide electronic system for creating and submitting legislation; and to authorize the expenditure of $22,515.00 from the General Fund, and to declare an emergency. ($22,515.00)

WHEREAS, in December 2001, the City entered into a contract with Daystar Computer Systems, Inc. for the planning, design and installation of the Legistar software application, and

WHEREAS, the duties of the City Clerk include receiving, processing and maintaining all legislation submitted to her office for consideration by City Council, and

WHEREAS, the City Clerk desires to enter into this contract with Daystar Computer Systems, Inc. for the support and maintenance of Legistar, the city's established citywide electronic system for creating and submitting legislation, creating and maintaining Council Agendas and Journals, recording Council votes, and assisting in the production of the City Bulletin, and

WHEREAS, the City has seen a great benefit to using the application and has translated into real dollar savings totaling over $120,000 per year for the Clerk's Office alone,

WHEREAS, all City departments and offices have benefited greatly from using the application and have realized considerable time savings in processing legislation, and

WHEREAS, entering into the said contract with Daystar will allow the City to continue to receive support and quarterly updates and/or upgrades for the Legistar software application, and
WHEREAS, this Legistar support and maintenance contract between the City and Daystar Computer Systems, Inc. will last for a one year period from December 1, 2003 until November 30, 2004, and

WHEREAS, the Legistar software is proprietary and requires unique support and maintenance that is offered by a sole-source provider, Daystar Computer Systems, Inc., and

WHEREAS, an emergency exists in the daily operation of the City Clerk's Office in that it is immediately necessary to enter into a service and maintenance contract with Daystar Computer Systems, Inc., thereby preserving the public health, peace, property, safety, and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the City Clerk be and is hereby authorized to enter into an agreement with Daystar Computer Systems, Inc. for the support and maintenance of Legistar.

SECTION 2. That the sum of $22,515.00 be and hereby is authorized to be expended from City Council, Department 20-01, OCA Code 200105, Object Level One 03, Object Level Three 3372.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND:
The City of Columbus currently has an excessive amount of vacant office space in our downtown market. This high vacancy rate is having a negative impact on all business activity downtown and throughout the city. Midwest Communications and Media, a regional leader in advertising, is currently exploring downtown Columbus as a potential site for their expansion. They anticipate the creation of 10 new positions downtown. This job creation is estimated to generate $350,000 of payroll and $7,000 annually in City income tax revenue. Based on this estimate, they would qualify for the Columbus Downtown Office Incentive of an amount equal to 50% of the payroll taxes paid or $3,500 each year for five years. The Downtown Development Office recommends granting the Columbus Downtown Office Incentive Program to Midwest Communications and Media.

FISCAL IMPACT:
No funding is required for this legislation.

To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with Midwest Communications and Media as provide in Columbus City Council Resolution 144X-02 adopted July 22, 2002.

WHEREAS, the City desires to increase employment opportunities and encourage establishment of new jobs in the City in order to improve the overall economic climate of the City and its citizens; and

WHEREAS, Resolution 144X-02, adopted July 22, 2002, authorized the Department of Development to establish the Columbus Downtown Office Incentive Program; and

WHEREAS, The Department of Development has received a completed application for the Columbus Downtown Office Incentive Program from Midwest Communications and Media; and

WHEREAS, Midwest Communications and Media estimates that it will create 10 new jobs at 49 South Grant Street, with a projected payroll of $350,000 generating estimated City of Columbus income tax revenue of $7,000 annually; NOW, THEREFORE,
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to enter into a Columbus Downtown Office Incentive Program agreement with Midwest Communications and Media, pursuant to Columbus City Council Resolution 144X-02, for an annual cash payment equal to 50% of the total income tax withholding for the new positions located in downtown Columbus for a term of five (5) years based on the estimated addition of 10 jobs at 49 South Grant Street.

Section 2. This employment at Midwest Communications and Media is the result of relocating 10 new jobs to the Downtown as defined in Columbus City Code Title 33 Section 3359.03 downtown district boundary.

Section 3. As provided in the program guidelines the proposed purchase of the building located at 49 South Gay Street by Midwest Communications and Media qualifies for a five (5) year incentive term. The term beginning in calendar year 2004, with the incentive payment made in the first quarter of the following year based on actual City of Columbus income tax withholding paid by employees for the preceding year.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
This legislation authorizes the Public Service Director to enter into a contract for the Main Street Wheelchair Ramps project in accordance with plans, specifications, and estimates for the improvement. This project will provide for the construction of 88 curb ramps on Main Street between the Bexley and Whitehall corporation limits and between the Whitehall and Reynoldsburg corporation limits. This project also includes retrofitting 19 compliant curb ramps with detectable warning features. This project is necessary to construct the required curb ramps in advance of a joint ODOT/City urban paving project scheduled for 2004. ODOT requires that the local municipality construct the curb ramps at 100% local cost. This project was advertised on-line on the City Bulletin web-page. In addition, bids were solicited from ten vendors. Five bids were opened on November 13, 2003, and were tabulated as follows:

Contractor / Bid Amount

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelly and Sands, Inc.</td>
<td>$244,101.30</td>
</tr>
<tr>
<td>Miller Pavement Maintenance</td>
<td>$271,496.86</td>
</tr>
<tr>
<td>McDaniels Construction Corp.</td>
<td>$292,213.39*</td>
</tr>
<tr>
<td>Columbus Asphalt Paving</td>
<td>$334,567.78</td>
</tr>
<tr>
<td>Decker Construction Company</td>
<td>$349,722.13</td>
</tr>
</tbody>
</table>

*MUBE

The Transportation Division recommends the bid award to Shelly and Sands, Inc., in the amount of $244,101.30, Contract Compliance Number 31-4351261 (expires January 28, 2005) as the lowest, best, most responsive, and most responsible bidder. This legislation also authorizes expenditure for construction inspection costs up to $25,000.00.

Funds are budgeted in the Resurfacing project within the 1995, 1999 Voted Streets and Highways Fund.

Emergency action is requested for immediate execution of the construction contract for the earliest possible start of construction so that the improvement may be completed by May 14, 2004.

To authorize the Public Service Director to enter into a contract with Shelly and Sands, Inc. for the Main Street Wheelchair Ramps project for the Transportation Division; to
authorize the expenditure of $269,101.30 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. ($269,101.30)

WHEREAS, bids were received and tabulated on November 13, 2003 for the Main Street Wheelchair Ramps project; and

WHEREAS, a satisfactory and responsible bid was received; and

WHEREAS, it is necessary to provide funds for construction inspection costs; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that the contract should be awarded immediately so that the work may proceed without delay, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Public Service Director be and hereby is authorized to enter into a contract with Shelly and Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio 43216 for the Main Street Wheelchair Ramps project in the amount of $244,101.30 in accordance with the plans and specifications on file in the office of the City Engineer, which are hereby approved, and to provide for necessary construction inspection costs up to a maximum of $25,000.00.

SECTION 2. That for the purpose of paying the cost of the Main Street Wheelchair Ramps project contract and inspection costs, the sum of $269,101.30 or so much thereof as may be needed, is hereby authorized to be expended from Fund 704, the 1995, 1999 Voted Streets and Highways Fund, Department No. 59-09, Transportation Division, Object Level One Code 06, Object Level Three Code 6631, OCA Code 644385 and Project 530282.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
REZONING APPLICATION: Z03-021.

APPLICANT: Triangle Properties Inc.; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: Multi-family and single-family development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on June 12, 2003.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant's request for the PUD-8, Planned Unit Development District to develop 130 single-family lots at a density of 4.5 units per acre is consistent with existing zoning that allowed single-family development east of the park, with the recommendations of the Northwest Area Plan, and with a recent rezoning to allow single-family development to the south across Lifestyles Boulevard. Staff recognizes this as a down zoning because the maximum number of dwelling units allowed in this sub-area will be reduced from 1310 units to 1088 units.

To rezone 3614 LIFESTYLES BOULEVARD (43219), being 122.7± acres located west of the terminus of Lifestyles Boulevard and 950± feet north of Agler Road, From: PUD-8, Planned Unit Development District, To: PUD-8, Planned Unit Development District and to declare an emergency. (Rezoning # Z03-021).

WHEREAS, application #Z03-021 is on file with the Building Services Division of the Department of Development requesting rezoning of 122.7± acres from PUD-8, Planned Unit Development District, to PUD-8, Planned Unit Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the North East Area Commission recommends approval of said zoning change; and
WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the City Departments recommend approval of said zoning change because applicant's request for the PUD-8, Planned Unit Development District to develop 130 single-family lots at a density of 4.5 units per acre is consistent with existing zoning that allowed single-family development east of the park, with the recommendations of the Northwest Area Plan, and with a recent rezoning to allow single-family development to the south across Lifestyles Boulevard. Staff recognizes this as a down zoning because the maximum number of dwelling units allowed in this sub-area will be reduced from 1310 units to 1088 units; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179-03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

3614 LIFESTYLES BOULEVARD (43219), being 122.7± acres located west of the terminus of Lifestyles Boulevard and 950± feet north of Agler Road, and being more particularly described as follows:

SUBAREA 3E - 122.67± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 2, Township 1, Range 17, United States Military Lands and being 122.67 acres out of those tracts of land as conveyed to David S. Gutridge, Trustee of Benchmark Land Trust by deed of record in Official Record 16546G03, all references being to records of the Recorder's Office, Franklin County, and being more particularly bounded and described as follows:

Beginning at a point in the westerly right-of-way line of Stelzer Road in the northerly line of that tract as conveyed to Constance E. Baker by deed of record in Official Record 26990D19, part of the unrecorded plat of Julia E. White Farm;

thence North 89 deg. 32' West, with said northerly line, a distance of 349.39 feet to the northwesterly corner thereof;

thence South 0 deg. 37' 00" West, with the westerly line of said Baker tract, a distance of 170.06 feet to a point in the westerly line of that tract as conveyed to Robert A. & Brenda L. Wilson of record in Deed Book 3687, Page 678;

thence with a new division line across said Gutridge tract, the following courses and distances:

North 89 deg. 35' 06" West, a distance of 280.00 feet to a point;
South 0 deg. 24' 54" West, a distance of 434.36 feet to a point on a curve;

With a curve to the right (Delta = 24 deg. 15' 29", Radius = 370.00 feet) a chord bearing and distance of South 78 deg. 17' 09" West, 155.48 feet to a point of tangency;

North 89 deg. 35' 06" West, a distance of 666.01 feet to a point;

South 40 deg. 23' 01" West, a distance of 480.00 feet to a point in the easterly line of that tract as conveyed to BenchMark Enterprises, Inc. of record in Official Record 28756C06;

thence North 60 deg. 22' 28" West, with the easterly line of said BenchMark Enterprises, Inc. tract a distance of 208.82 feet to a point of curvature;

With a curve to the right (Delta = 43 deg. 26' 27", Radius = 420.00 feet), a chord bearing and distance North 38 deg. 39' 14" West, 310.87 feet to the northeasterly corner thereof;

thence North 89 deg. 19' 45" West, being with the northerly line of said BenchMark Enterprises, Inc. tract and also with the northerly line of that tract as conveyed to Efficient Property Management, Inc. of record in Official Record 27087G02 and the northerly line of that tract as conveyed to Green Agler Township, Inc. of record in Deed Book 3391, Page 75, a distance of 1540.90 feet to a point in the easterly right-of-way line of Gatewood Road, said point being on the arc of a curve to the right;

thence leaving the northerly line of said Green Agler tract and being with said easterly right-of-way line, the following courses and distances:

With a curve to the right (Delta = 5 deg. 41' 39", Radius = 600.00 feet), a chord bearing and distance North 18 deg. 49' 36" East, 59.60 feet to a point of tangency;

North 21 deg. 40' 25" East, a distance of 213.30 feet to a point of curvature;

With a curve to the left (Delta = 20 deg. 40' 25", Radius = 502.62 feet), a chord bearing and distance of North 11 deg. 20' 13" East, 180.37 feet to a point of tangency:

North 1 deg. 00' 00" East, a distance of 1014.99 feet to a point at the southwesterly corner of Lot 367 of that subdivision entitled ASOMERSET 1" of record in Plat Book 37, Pages 88 through 91:

thence South 89 deg. 00' 00" East, with the southerly lines of Lots 367 through 373 of said "SOMERSET 1" passing the southeasterly corner of said Lot 373 at 435.00 feet and thus making a new division line across said Gutridge tract, a distance of 582.66 feet to a point;

thence continuing with said new division line the following courses and distances:

North 1 deg. 00' 00" East, a distance of 120.00 feet to a point;
North 27 deg. 33' 55" East, a distance of 55.90 feet to a point;

North 1 deg. 00' 00" East, a distance of 120.01 feet to a point in the southerly line of Lot 361 of said "SOMERSET 1";

thence South 89 deg. 00' 00" East, with the southerly line of Lots 353 through 361 of said "SOMERSET 1", a distance of 551.46 feet to the southeasterly corner of said Lot 353;

thence North 35 deg. 18' 57" East, with the easterly line of Lots 351 through 353 of said "SOMERSET 1", a distance of 227.12 feet to the northeasterly corner of said Lot 351;

thence with a new division line across said Gutridge tracts the following courses and distances:

South 77 deg. 18' 48" East, a distance of 298.13 feet to a point;

North 80 deg. 14' 12" East, a distance of 398.10 feet to a point;

North 19 deg. 37' 55" East, a distance of 93.33 feet to a point;

South 89 deg. 00' 00" East, a distance of 137.15 feet to the northwesterly corner of Lot 982 of that subdivision entitled "SOMERSET 4", of record in Plat Book 37, Pages 98 through 101;

thence with the perimeter of said "SOMERSET 4" the following courses and distances:

South 1 deg. 00' 00" West, a distance of 120.00 to the southwesterly corner of said Lot 982 and the northerly right-of-way line of Glenbar Drive;

North 89 deg. 00' 00" West, with said northerly right-of-way line, a distance of 24.51 feet to a point, said point being the westerly terminus of said Glenbar Drive;

South 1 deg. 00' 00" West, with said Glenbar Drive terminus and with the westerly line of Lot 1223 of said "SOMERSET 4", a distance of 170.00 feet to the southwesterly corner thereof, being in the northerly line of Lot 1204;

North 89 deg. 00' 00" West, a distance of 45.00 feet to northwesterly corner of said Lot 1204:

South 1 deg. 00' 00" West, with the westerly lines of Lots 1199 through 1204, a distance of 474.43 feet to the southwesterly corner of said Lot 1199;

South 89 deg. 00' 00" East, with the southerly lines of Lots 1197 through 1199, a distance of 290.00 feet to a southeasterly corner of said Lot 1197;
North 1 deg. 00' 00" East, with the easterly lines of Lots 1193 through 1199, a distance of 392.00 feet to the northeasterly corner of said Lot 1193;

North 47 deg. 21' 00" East, with the southerly lines of Lots 1187 through 1189, a distance of 380.08 feet to the southeasterly corner of said Lot 1187;

South 89 deg. 00' 00" East, with the southerly lines of Lots 957 through 959, a distance of 135.00 feet to southeasterly corner of said Lot 957 and being in the westerly right-of-way terminus of Langdon Road;

South 82 deg. 01' 42" East, with said Langdon Road terminus, a distance of 50.38 feet to the southwest corner of Lot 956 and being in the easterly right-of-way terminus of Langdon Road;

South 89 deg. 41' 30" East, with the southerly line of Lots 955 and 956, a distance of 119.25 feet to a point in the southerly line of said Lot 955 and being the northwesterly corner of that tract as conveyed to George Jr. & Joann Dixon of record in Deed Book 3377, Page 204, part of the unrecorded plat of Julia F. White Farm.

thence South 0 deg. 02' 58" East, with a westerly line of Julia E. White Farm, a distance of 695.71 feet to a southwesterly corner of that tract as conveyed to Abbott Laboratories by deed or record in Instrument Number 199707080043060;

thence South 89 deg. 41' 30" East, with a southerly line of said Abbott tract, a distance of 353.12 feet to a point in the said westerly right-of-way line of Stelzer Road;

thence South 0 deg. 42' 53" West, with said right-of-way line and a new division line across said Gutridge tract, a distance of 530.30 feet to the true point of beginning and containing 122.67 acres of land, more or less.

This description was prepared by Evans, Mechwart, Hambleton & Tilton, Inc. from existing records and is for zoning purposes only.

To Rezone From: PUD-8, Planned Unit Development District,

To: PUD-8, Planned Unit Development District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the PUD-8, Planned Unit Development District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved PUD-8, Planned Unit Development District and Application among the records of the Building Services Division as required by Section 3311.09 of the Columbus City Codes; said plans being titled, "EXHIBIT A" dated 9/5/03; "EXHIBIT G (1 OF 2)" dated 7/15/98; "EXHIBIT G (2 of 2)" dated 7/15/98; "EXHIBIT H" dated 5/16/01; "EXHIBIT I" dated 11/21/03; "EXHIBIT J (1 of 6)" dated 5/16/01; "EXHIBIT J (2 of 6)" dated 5/16/01;
PLANNED UNIT DEVELOPMENT AND LIMITATION TEXT

PROPOSED DISTRICT: PUD-8

PROPERTY ADDRESS: 3614 Lifestyle Boulevard

OWNER: Triangle Properties, Inc.

APPLICANT: Triangle Properties, Inc.

DATE OF TEXT: 8/21/03

APPLICATION NUMBER: Z03-021

INTRODUCTION: Sub area 3E is currently developed with two multi-family complexes with the remaining vacant ground located east of the City's park. The applicant wants to develop the remaining acreage with single-family homes, a portion of which will have alley access. The overall density in this sub area is being reduced with the development of these single-family homes.

SUBAREA 3E: PUD-8 (122.7± ACRES)

1. PERMITTED USES: The permitted uses shall be those contained in Section 3333.02 (AR-12) of the Columbus City Code and single family dwelling units. Density may be allocated to individual tax parcels in excess of AR-12 density so long as the overall density of the entire 122.67 acre sub area does not exceed AR-12.

2. DEVELOPMENT STANDARDS: Unless otherwise indicated in the text, the applicable development standards are found in Chapter 3333 (AR12) of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements.

1. Maximum number of multi-family (apartment or condominium) and single family dwelling units shall be 1088. Additionally, the area east of the 20± acre park (as shown on Exhibit A) shall be developed with single family homes as shown on the submitted PUD plan titled "Albany Park”.

2. Setback from widened Stelzer Road shall be 100 feet (i.e. 160 feet distance from current centerline of Stelzer Road) for all buildings and parking/maneuvering areas except for a reception building (less than 100 sq. ft. in size) which may have a 75 foot setback from Stelzer Road.
B. Access, Loading, Parking and/or other Traffic Related Commitments.

1. Unless otherwise approved by the Division of Traffic Engineering there shall be only one access point to Stelzer Road.

2. A 5 foot wide, paved, public sidewalk/bike path system shall be installed from the east side of the park to Stelzer Road to permit pedestrian travel without using Agler or McCutcheon Road.

3. If a public street is constructed east of the 20 acre park in Sub area 3E for single family lots then the multi-family development in Sub area 3E shall have no driveway access to said public street except for a driveway which is within 1,000 feet of Agler Road.

4. If required by the applicable governmental authority, a left turn lane shall be installed on Stelzer Road at its intersection with Lifestyle Boulevard and at the driveway across from Codet Road.

5. The developer may count the area in front of an attached garage as a parking space for any multi-family development (i.e. a stacked parking space). There shall be a distance of twenty feet from the edge of the driveway pavement to the face of the garage for a stacked space.

6. There may be a public street connection north of the park between Sub area 3C2 and 3E only if single family lots are developed east of the park in Sub area 3E.

7. Prior to obtaining a zoning clearance, the property owner shall dedicate at no cost to the City of Columbus sixty feet from centerline of Stelzer Road as additional right-of-way.

C. Buffering, Landscaping, Open Space and/or Screening Requirements.

1. As shown on Exhibit A, there shall be a 50 foot buffer area adjacent to Lot Numbers 351 through 361, inclusive of the Sommerset Subdivision, Section 1 as the same is numbered and delineated on the recorded plat thereof, of record in the Recorder's Office, Franklin County, Ohio:

   a. All trees in excess of 5" caliper measured at a height of 2 feet above ground, which are located in the 25 northernmost feet of such buffer area shall be preserved.

   b. For that portion of the 50 foot buffer area adjacent to Lots 357 through 361, inclusive, no underbrush located within the 25 northernmost feet of such buffer area shall be removed.

   c. For that portion of the 50 foot buffer area adjacent to Lots 356 through 361 inclusive, beginning at a point 5 feet beyond the drip-line of all trees preserved in accordance with subparagraph (a) above, if there are any gaps in the lateral distance
between these existing trees, then the developer shall planted white pine evergreens (minimum height of 5 feet at installation) spaced 10 feet apart center-to-center in the gap areas.

d. No mounding shall be constructed within this 50 foot buffer area. In the event the developer desires to erect a fence within this area, such fence shall be a cedar wood fence, finished side facing the single family lots within the buffer area 6 feet in height and located along a line which is 25 feet southerly from and parallel to the north and northwest boundary line of the sub area. If installed the property owner shall maintain the wood fence.

e. The 50 foot buffer shall only be required as indicated on the submitted plan for Sub area 3E when multi-family uses abut existing single-family lots.

2. The developer shall install three trees per fifty linear feet of the common property line between the park and Sub area 3E. These trees shall be located within the building setback along said common property line. There shall be a mixture of evergreens and deciduous trees which may be equally spaced or grouped in clusters for visual interest.

3. Within the setback area along Stelzer Road one tree for every thirty feet of frontage shall be planted. Trees may be grouped or evenly spaced along Agler Road, but shall be evenly spaced along proposed Road A.

4. All parking lots adjacent to Stelzer Road shall have headlight screening of minimum thirty (30) inches height parallel to such road frontage as measured from the elevation of the nearest section of the adjacent parking area.

5. If single family is developed east of the proposed 20 acre park then there shall be a pedestrian access way between the single family lots to the park in accordance with the requirements of the Recreation and Parks Department.

6. The PUD zoning classification requires 750 square feet of open space per dwelling unit. Exhibit A shows over 40 +/- acres of open space/park. The final amount of open space will be determined by the total number of dwelling units developed in the PUD. Additional open space may be required within this sub area to meet the overall open space requirement for the PUD. Recreational facilities for the individual developments and detention/retention areas all count toward satisfying the PUD open space requirement.

7. Landscaping shall be maintained in a healthy condition and dead material shall be replaced with new landscaping which meets the size requirements contained in the text within a reasonable time period weather permitting.

8. Minimum tree sizes at installation: street trees, 2 inch caliper, ornamental 1 inch caliper and evergreens five feet.

9. The park areas for the development are shown on the submitted drawing.
D. Building Design and/or Interior/Exterior Treatment Commitments.

1. The percentage of multi-family units with more than two bedrooms shall not exceed fifteen percent (15%) for any individual development in this sub area, and the average number of bedrooms per unit in an individual development shall not exceed two. Prior to issuance of a certificate of zoning clearance for any multi-family development in this sub area the builder shall submit a notarized list detailing the number of bedrooms in each unit and state that said development complies with the above written requirement. Only rooms labeled as bedrooms in building plans shall be included in this bedroom calculation.

2. For those units which are shown on Exhibit H, the following restrictions shall apply:

   a. The structures shall conform to submitted building elevations, attached hereto as Exhibit G. These elevations may be slightly adjusted to reflect final architectural detailing. Any slight adjustment to these elevations shall be reviewed and approved by the Director, Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment. The general building elevations and building materials shall however conform to the building elevations.

   The building layout shall correspond to that shown on Exhibit H to this limitation text. This plan may be slightly adjusted to reflect engineering, topographical, or other data developed at the time final development and engineering plans are completed. Any slight adjustment to this site plan shall be reviewed and approved by the Director, Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment. The general layout and site concept shall however conform to the site plan (Exhibit H).

3. The building elevations for the sides of the marked buildings as indicated on the Exhibit I attached hereto shall conform to submitted building elevations attached hereto as Exhibit J. These elevations may be slightly adjusted to reflect final architectural detailing. Any slight adjustment to these elevations shall be reviewed and approved by the Director, Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment. For the rest of the buildings the total building elevation area (the sum of all four building sides minus stairways) shall be at least twenty-five percent brick. The maximum height of any building shown on Exhibit I shall not exceed two stories.

4. The building layout shall correspond to that shown on Exhibit I of the submitted plan. This plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to this site plan shall be reviewed and approved by the Director, Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment. The applicant reserves the right to eliminate the garages shown on Exhibit I and replace them with parking spaces.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental
commitments.

1. Dumpsters shall be screened on three sides by a solid fence, wall, building and/or landscaping to a minimum height of six (6) feet with the fourth side being a gate.

2. The maximum height of the light poles shall be 18 feet.

F. Graphics and Signage commitments.

N/A

G. Miscellaneous commitments.

1. The 20 +/- acre park shown on Exhibit A has already been transferred to the City of Columbus.

2. This park ground shown on Exhibit A shall be included in the calculation of the open space requirements and density under the PUD zoning classification.

3. A sidewalk shall be installed along the west side of Stelzer Road unless the sidewalk is included in the Stelzer Road improvement plan.

4. A sidewalk shall be installed along the west side of Stelzer Road unless the sidewalk is included in the Stelzer Road improvement plan.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: The Board of Health has been awarded grants from the Central Ohio Breathing Association and the Ohio Commission on Minority Health. This ordinance is needed to accept and appropriate $37,030.00 in grant money to fund the Quit for Good Tobacco Cessation program for the period November 1, 2003 through October 31, 2004 and $2,000 for the Minority Health Month program for the period November 1, 2003 through April 30, 2004.

This ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible given the grant start date of November 1, 2003. Up to date financial posting promotes accurate accounting and financial management.

FISCAL IMPACT: These programs are funded by the Central Ohio Breathing Association and the Ohio Commission on Minority Health. They do not generate revenue. The Central Ohio Breathing Association grant requires 10% matching funds which are budgeted in the Health Special Revenue Fund.

To authorize and direct the Board of Health to accept grants from the Central Ohio Breathing Association and the Ohio Commission on Minority Health in the amount of $39,030.00; to authorize the appropriation of $39,030.00 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. ($39,030.00)

WHEREAS, $37,030.00 in grant funds have been made available through the Central Ohio Breathing Association; and,

WHEREAS, $2,000.00 in grant funds have been made available through the Ohio Commission on Minority Health; and,

WHEREAS, this ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management; and,

WHEREAS, an emergency exists in the usual daily operation of the Columbus Health Department in that it is immediately necessary to accept these grants from the Central Ohio Breathing Association and the Ohio Commission on Minority Health and to
appropriate these funds to the Health Department for the immediate preservation of the public health, peace, property, safety, and welfare; Now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Board of Health is hereby authorized and directed to accept a grant award of $37,030.00 from the Central Ohio Breathing Association for the period November 1, 2003 through October 31, 2004.

SECTION 2. That the Board of Health is hereby authorized and directed to accept a grant award of $2,000.00 from the Ohio Commission on Minority Health for the period November 1, 2003 through April 30, 2004.

SECTION 3. That from the unappropriated monies in the Health Department Grants Fund, Fund No. 291 and 251 respectively, and from all monies estimated to come into said Fund from any and all sources during the twelve months ending December 31, 2004, the sum of $39,030 is hereby appropriated to the Health Department, Division No. 50, as follows:

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SECTION 4. That the monies appropriated in the foregoing Section 2 shall be paid upon the order of the Health Commissioner, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 5. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
The Public Service Department, Transportation Division, recently received a request from The Children's Hospital asking that the City grant an underground encroachment easement into Children's Drive. The granting of the requested encroachment easement will allow footings and a portion of the basement for the Children's Hospital clinical expansion to encroach into this right-of-way. After investigation it has been determined that the granting of the requested encroachment easement will not adversely affect the City's continued use of Children's Drive and that the requested encroachment easement should be granted. A value of $1,790.25 has been established for the granting of this easement.

The City will receive a total of $1,790.25, to be deposited in Fund 748, Project 537650, as consideration for the granting of the requested easement.

To authorize the Public Service Director to execute those documents required to grant an underground encroachment easement into Children's Drive for The Children's Hospital.

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, recently received a request from The Children's Hospital asking that the City grant an underground encroachment easement into Children's Drive; and

WHEREAS, the granting of the requested encroachment easement will allow footings and a portion of the basement for the Children's Hospital clinical expansion to encroach into this right-of-way; and

WHEREAS, after investigation it has been determined that there are no objections to the granting of the requested underground encroachment easement; and

WHEREAS, a value of $1,790.25 has been established for the granting of the requested encroachment easement; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Public Service Director be and is hereby authorized to execute those documents necessary to grant the following described exclusive underground encroachment easement into children's Drive to The children's Hospital, an Ohio
corporation not for profit; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus and being more particularly described as follows:
Being part of Parcel 12, and in the right-of-way of Children's Drive as shown in Children's Hospital Urban Renewal Area Plat "A" as recorded in Plat Book 43, Page 17, Recorder's Office, Franklin County, Ohio and bounded and described as follows:
Beginning at a point on the existing northerly right of way line of Children's Drive, said point being at the northeasterly corner of a 0.458 acre portion of the original Children's Drive right-of-way transferred to Children's Hospital by Ordinance number 1124-2003 and described in Instrument No. 200308270271677 as recorded in the records of the Recorder's Office, Franklin County, Ohio, said point to be monumented by an iron pin upon completion of the Children's Hospital Clinical Expansion project, and being the point of beginning of the easement herein described;
Thence along the northerly line of Parcel 12 and the existing northerly right of way line of Children's Drive, South 86 degrees 32 minutes 47 seconds East a distance of 46.50 feet to a point;
Thence along the proposed easement line South 03 degrees 27 minutes 13 seconds West a distance of 7.00 feet to a point;
Thence North 86 degrees 32 minutes 47 seconds West a distance of 46.50 feet to a point on the existing westerly right-of-way line of Children's Drive;
Thence along the westerly line of Children's Drive North 03 degrees 27 minutes 13 seconds East a distance of 7.00 feet to the point of beginning and containing 0.0075 acres, more or less.
The above description and attached Exhibit "A" was prepared from a survey conducted by Korda/Nemeth Engineering, Inc. under the direction of Michael D. Weeks, Professional Surveyor No. 7357.
Monuments referred to as iron pins found are ¾ inch diameter X 30 inch long iron bars with a plastic cap marked "KNE7357"
The bearings used herein are based on the centerline of Children's Drive being North 86 degrees 32 minutes 47 seconds West as recorded in Plat Book 43, Page 17.

Section 2. That the $1790.25 to be received by the City as consideration for the granting of the requested encroachment easement shall be deposited in Fund 748, Project 537650.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
BACKGROUND: Council adopted a Land Reutilization Program (ORC 5722) by
Ordinance 2161-93 to facilitate effective reutilization of nonproductive land and
buildings with the City's boundaries and to foster either the return of such land to tax
revenue generating status or retention for public use. These properties are held and
managed in the Land Bank until prepared to be sold. In order to have an effective
Land Reutilization Program, it is necessary from time to time to acquire other vacant
and underutilized properties. 547-549 Parkwood Avenue was acquired by Columbus
Urban Growth and will be held in the City's Land Bank and managed in accordance
with the policies and procedures of the Land Reutilization Program. The Land Bank
will transfer ownership back to Columbus Urban Growth once there is an acceptable
redevelopment plan submitted for the parcel. This transfer of property will be done by
virtue of a deed, which will be recorded in the Official Records of the County Recorder's
Office.

FISCAL IMPACT: The maintenance of this parcel will be provided by the Environmental
Blight Abatement unit.

To authorize the acceptance and disposition of a deed for a parcel of land to be
included in the Land Bank inventory.

WHEREAS, Columbus Urban Growth Corporation, is the owner of the said real estate;
and

WHEREAS, by virtue of said deed to the city of Columbus will be recorded in the
Franklin County, Ohio, Recorder's Office; and

WHEREAS, the City desires to accept this deed for said property which will be held
in the Land Bank Program and managed in accordance with the Land Reutilization
Program's policies and procedures until such time that a redevelopment plan has been
provided, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City of Columbus hereby accepts the property described herein as:
Columbus Urban Growth Corp.  010-011815  547-549 Parkwood

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
Background:
A. Need:
This ordinance authorizes the Human Resources Director to enter into an agreement for the purchase of compensation consulting service to continue to design and implement a new pay plan for CMAGE/CWA. This continues work begun in the 2002 contract negotiations. The purpose of this initiative is to improve the City's ability to recruit and retain the key talent required to provide consistent, high-quality services to the constituents of the City of Columbus.

B. Bid Information:
A previous purchase order (EL001782) was issued in December 2001 with Watson Wyatt who performed the initial market analysis work for this pay plan.

C. Contract Compliance No: 530181291-1 is Watson Wyatt's number.

D. Emergency Designation: Emergency legislation is requested because the 2002 CMAGE/CWA factfinder's decision directs the parties to continue discussions relative to establishing a new pay plan with guidelines and time limits, culminating in final and binding arbitration in the event the parties cannot secure agreement. The parties have targeted January 1, 2004 for completion of the designed pay plan.

Fiscal Impact: Not to exceed $57,700.00

To authorize and direct the Human Resources Director to enter into an contract with the consulting firm of Watson Wyatt for the purchase of compensation consulting services to continue to design and implement the CMAGE/CWA pay plan; to authorize the expenditure of $57,700.00; to waive the competitive bid requirements of the Columbus City Codes; and to declare an emergency ($57,700).

WHEREAS, Human Resources needs to purchase compensation consulting services in the amount not to exceed $57,700.00 in order to continue design and implementation of the CMAGE/CWA pay plan.

WHEREAS, an emergency exists in the usual operation of the Human Resources Department in that the 2002 CMAGE/CWA factfinder's decision directs the parties to continue discussions relative to establishing a new pay plan with guidelines and time
limits, culminating in final and binding arbitration in the event the parties cannot secure agreement. The parties have targeted January 1, 2004 for completion of the designed pay plan.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Human Resources Director be and is hereby authorized and directed to issue a purchase order in the amount of $57,700.00 for the purchase of compensation consulting services to design and implement the CMAGE/CWA pay plan.

Section 2. That the expenditure of $57,700.00 or so much thereof as may be needed be and the same is hereby authorized as follows:

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<th>DIV</th>
<th>FD</th>
<th>OBJ LEV (1)</th>
<th>OBJ LEV (3)</th>
<th>OCA</th>
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<td>502</td>
<td>Character 1</td>
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Section 3. That in accordance with Section 329.27 of the Columbus City Code, this Council finds the best interest of the City is served by waiving, and does hereby waive Sections 329.06 (Formal Competitive Bidding) of the Columbus City Code.

Section 4. That for the reason stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
Transportation Division crews have performed alley rehabilitation, permanent pavement marking, traffic signal, and sign installation work citywide. The expenses incurred in connection with such work are carefully tracked. These are capital assets and their costs can and should be capitalized. This legislation authorizes reimbursing the Street Construction, Maintenance and Repair Fund, the division's operating fund, for this capital improvement work.

Funds for this reimbursement are available within the Municipal Motor Vehicle License Tax Fund and constitute an eligible expense for this Fund. This ordinance authorizes the appropriation of $500,000.00 within the Municipal Motor Vehicle License Tax Fund and subsequent reimbursement of up to this amount in eligible expenses to the Street Construction, Maintenance and Repair Fund.

Emergency action is requested to allow for prompt completion of these transactions; such timely transactions contribute to accurate and efficient accounting.

To authorize the appropriation of $500,000.00 within the Municipal Motor Vehicle License Tax Fund; to authorize the Public Service Director to reimburse the Street Construction, Maintenance and Repair Fund for force account alley rehabilitation, permanent pavement marking, traffic signal, and sign installation work performed by and for the Transportation Division; to authorize the expenditure of $500,000.00 from the Municipal Motor Vehicle License Tax Fund for this purpose and to declare an emergency. ($500,000.00)

WHEREAS, the Transportation Division has performed force account alley rehabilitation, permanent pavement marking, traffic signal, and sign installation work; and

WHEREAS, these are capital assets and their costs should be capitalized; and

WHEREAS, it is necessary to reimburse the Street Construction, Maintenance and Repair Fund for the cost of this work; and

WHEREAS, monies for this reimbursement are available within the Municipal Motor Vehicle License Tax Fund; and
WHEREAS, these monies must be appropriated within this Fund to provide for the reimbursement; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to provide for this reimbursement prior to the close of the calendar year, thereby preserving the public health, peace, property, safety and welfare, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the sum of $500,000.00 be and hereby is appropriated from the unappropriated balance of the Municipal Motor Vehicle License Tax Fund, Fund 266, and from all monies estimated to come into said Fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2003, to the Transportation Division, Department No. 59-09, Object Level One Code 06, Object Level Three Code 6631 and OCA Code 599115.

SECTION 2. That the monies appropriated in Section 1 shall be paid upon order of the Public Service Director and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 3. That the Public Service Director be and hereby is authorized to reimburse the Street Construction, Maintenance and Repair Fund for force account alley rehabilitation, permanent pavement marker, traffic signal, and sign installation expenses incurred by and for the Transportation Division.

SECTION 4. That for the purpose of paying for said force account alley rehabilitation, permanent pavement marking, traffic signal, and sign installation expenses, the sum of $500,000.00 or so much thereof as may be needed by and hereby is authorized to be expended from the Municipal Motor Vehicle License Tax Fund, Fund 266, Department No. 59-09, Transportation Division, Object Level One Code 06, Object Level Three Code 6631 and OCA Code 599115.

SECTION 5. That for the reasons stated in the preamble hereeto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
The Transportation Division operates several specialized traffic control computers. These computers expedite vehicular traffic flow and maximize pedestrian safety by synchronizing and coordinating traffic signals and interpreting information forwarded from buried loop detectors, overhead cameras and the like, allowing the signals to operate in either an automatic mode or manually as directed by traffic engineers from a central location. The software utilized by the downtown signal system processor (computer) is proprietary and requires unique maintenance that is offered by a sole-source provider, Computran Systems Corporation. This ordinance authorizes the Public Service Director to execute a one-year maintenance agreement for this purpose and authorizes the expenditure of $20,000.00 to pay for said agreement. Computran System Corporation's contract compliance number is 22-1890707 and expires May 29, 2006. The agreement is being entered per the sole-source provisions of the Columbus City Code, 1959.

This expenditure is budgeted within the Municipal Motor Vehicle License Tax Fund as a normal operating expense of the Transportation Division. Recent legislation provided for a supplemental appropriation within this Fund.

Emergency action is requested in order to have the maintenance agreement become effective as soon as possible in order to limit the division's financial liabilities for maintenance of this critical system.

To authorize the Public Service Director to enter into a one year agreement with Computran Systems Corporation for software maintenance for the Transportation Division's downtown signal system processor per the sole-source provisions of the Columbus City Codes, 1959; to authorize the expenditure of $20,000.00 or so much thereof as may be needed for this purpose from the Municipal Motor Vehicle License Tax Fund, and to declare an emergency. ($20,000.00)

WHEREAS, the Transportation Division operates several specialized traffic control computers; and

WHEREAS, the software utilized by the downtown signal system computer is proprietary and requires unique maintenance that is offered by a sole-source provider, Computran Systems Corporation; and
WHEREAS, a one-year maintenance agreement is needed for this purpose; and

WHEREAS, an emergency exists in the usual daily operation of the Transportation Division, Public Service Department, in that it is immediately necessary to authorize the Public Service Director to enter such an agreement per the sole source provisions of the Columbus City Code, thereby preserving the public health, peace, property, safety and welfare, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Public Service Director be and hereby is authorized to enter into a one year agreement with Computran Systems Corporation, 100 First Street, Hackensack, New Jersey 07601 for software maintenance for the downtown signal system processor for the Transportation Division.

SECTION 2. That for the purpose of paying for the services provided under this agreement the expenditure of $20,000.00, or so much thereof as may be needed, is hereby authorized to be expended from Fund 266, Municipal Motor Vehicle License Tax Fund, Department No. 59-09, Transportation Division, Object Level One Code 03, Object Level Three Code 3375, OCA Code 599115.

SECTION 3. That this expenditure be made per the sole source provisions of the Columbus City Codes, 1959.

SECTION 4. That for the reasons stated in the preamble hereeto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
BENCHMARK LAND TRUST, an Ohio trust, by DANIEL P. REIDEL, Trustee, has submitted the plat titled SUNBURY PLACE to the City Engineer's Office for review and approval. This plat has been reviewed and approved by the City Engineer. The following legislation allows the City to accept said plat for property located off of Sunbury Road and north of Cassady Avenue.

To accept the plat titled SUNBURY PLACE, from BENCHMARK LAND TRUST, an Ohio trust, by DANIEL P. REIDEL, Trustee.

WHEREAS, the plat titled SUNBURY PLACE (hereinafter "plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, BENCHMARK LAND TRUST, an Ohio trust, by DANIEL P. REIDEL, Trustee, owner of the platted land, desires to dedicate to the public use all or such parts of the Road shown on said plat and not heretofore so dedicated; and

WHEREAS, after examination, it has been found to be in the best interest of the City to accept said plat; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the plat titled SUNBURY PLACE on file in the office of the City Engineer, Transportation Division, be and the same is hereby accepted.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
BACKGROUND: This legislation authorizes the Finance Department to enter into year five of a five-year lease agreement with the Xerox Corporation for the City Clerk’s Office 5800 copier. This lease agreement will be for one more year only and will be re-evaluated based upon Legistar by August of next year (2004). The 5800 copier is used during the weekly copying/preparation of legislation and the agenda for City Council meetings. FISCAL IMPACT: This item was reflected in the 2003-operating budget of the City Clerk and City Council.

To authorize the Director of Finance, to enter into the fifth year of a five year lease agreement with Xerox Corporation for the lease of a large volume copier; and to authorize the expenditure of $30,000.00 from the 2003 operating budget of the City Clerk and City Council, and to declare an emergency. ($30,000.00)

WHEREAS, the duties of the City Clerk includes responsibility for all books, papers and documents pertaining to his office; and

WHEREAS, the City Clerk desires the Finance Director to enter into the fifth year of a five year lease agreement for the copier used during the weekly copy/preparation of legislation and the agenda for City Council meetings; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Finance Director be and is hereby authorized to enter into an agreement with Xerox Corporation for the fifth year of a five year lease of a copier.

SECTION 2. That the sum of $30,000.00 be and hereby is authorized to be expended from City Council, Department 20-01, OCA Code 200105, Object Level One 03, Object Level Three 3303.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
Fire Fighter Dennis Hammond was injured in an on-duty accident on July 15, 2002. He suffered complications from the injuries he received and exhausted his initial injury leave as provided in Article 24 of the collective bargaining contract between the City and IAFF, Local 67.

Fire Fighter Hammond requested an extension of injury leave through the Board of Industrial Relations as provided in Rule 5 of the Rules of the Board of Industrial Relations. At the November 10, 2003 Industrial Relations Board meeting, and at the recommendation of the Fire Chief and Director of Public Safety, the Board voted to recommend to City Council the approval of an extension of injury leave for a period of six (6) months beginning April 18, 2003 to Fire Fighter Dennis Hammond.

To grant an extension of injury leave to Dennis Hammond, Fire Fighter, for a period of six (6) months beginning April 18, 2003 as recommended by the Board of Industrial Relations; and to declare an emergency.

WHEREAS, Fire Fighter Hammond was injured on July 15, 2002 and has had complications from his injuries requiring him to exhaust injury leave as provided in Article 24 of the collective bargaining contract between the City and IAFF, Local 67; and

WHEREAS, Dennis Hammond, Fire Fighter, Division of Fire, Department of Public Safety requested an injury leave extension; and

WHEREAS, the request for an extension was reviewed by the Board of Industrial Relations in accordance with Rule 5 of the Industrial Relations Board Rules; and

WHEREAS, the Board of Industrial Relations recommends to City Council the approval of an extension of injury leave to Fire Fighter Dennis Hammond for a period of six (6) months beginning April 18, 2003, when the initial injury leave period expired; and

WHEREAS, it is immediately necessary to grant an extension of injury leave to Fire Fighter Dennis Hammond as recommended by the Industrial Relations Board, thereby preserving the public health, peace, property, safety and welfare; Now, Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:
Section 1. That Fire Fighter Dennis Hammond exhausted his initial injury leave and requested an extension of injury leave through the Board of Industrial Relations pursuant to Rule 5 of the Rules of the Board of Industrial Relations.

Section 2. That the Board of Industrial Relations reviewed the request at its meeting of November 10, 2003 and voted unanimously to recommend to City Council the approval of an extension of injury leave to Fire Fighter Dennis Hammond.

Section 3. That City Council hereby approves the recommendation of the Industrial Relations Board to provide an extension of injury leave to Fire Fighter Dennis Hammond, Division of Fire, Department of Public Safety, for a period of six (6) months beginning April 18, 2003, provided appropriate medical documentation is submitted.

Section 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure which shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
Background: This legislation will provide final payment to the Ohio Department of Transportation (ODOT) for the Broad Street Bridge over Alum Creek reconstruction project. This project was completed in February of 2002 and provided for the reconstruction of this structure and widening of the approach. Consent Ordinance for this project, 1689-98 passed on July 13, 1998.

The total cost to the City of Columbus was $191,492.00 minus credits for inspection costs of $25,138.25 and advance payments in the amounts of $56,600.00, $89,369.00 and $14,796.63, which leaves the final amount payable to ODOT as $5,588.12.

Fiscal Impact: The balance of the City's share for this project is $5,588.12 and is presently due to the State of Ohio, Department of Transportation. Funds for this project are available in the Voted 1995, Voted 1999 Streets and Highways Fund and the General Permanent Improvement Fund.

Emergency action is requested in order to reimburse the Ohio Department of Transportation for costs incurred for this project.

To appropriate monies in the amount of $2,545.17 from the General Permanent Improvement Fund and authorize the expenditure of $3,042.95 from the Voted 1995, Voted 1999 Streets and Highways Fund and $2,545.17 from the General Permanent Improvement Fund to pay the State of Ohio, Department of Transportation for an outstanding invoice in connection with the Broad Street Bridge over Alum Creek project for the Transportation Division, and to declare an emergency. ($5,588.12)

WHEREAS, the Ohio Department of Transportation has determined the final cost settlement of the Broad Street Bridge over Alum Creek project; and

WHEREAS, it is now necessary to compensate the Ohio Department of Transportation for its final invoice on this project; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That monies in the amount of $2,545.17 be appropriated from the General Permanent Improvement Fund.
Section 2. That the monies appropriated in Section 1 shall be paid upon order of the Public Service Director and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

Section 3. That the expenditure of $5,588.12 is hereby authorized to be made to the Ohio Department of Transportation for the final cost settlement due for the Broad Street Bridge over Alum Creek project.

Section 4. That for the purpose of making payment, the sum of $3,042.95 is hereby authorized to be expended from the Voted 1995, Voted 1999 Streets and Highways Fund no. 704, for the Transportation Division, Dept./Div. 59-09, OCA code 644385, Object Level Three 6631, project 530301 and $2,545.17 is hereby authorized to be expended from the General Permanent Improvement Fund no. 748, for the Transportation Division, Dept./Div. 59-09, OCA code 644385, Object Level Three 6631 and project 537650.

Section 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
This legislation authorizes the City Attorney to modify an agreement for special legal counsel services with representatives of the law firm of Porter, Wright, Morris & Arthur and to expend the sum of $120,000.00 from the General Fund.

FISCAL IMPACT: Sufficient appropriation is available in Object Level One 03 for this requested expenditure.

To authorize the City Attorney to modify an agreement for special legal counsel services with representatives of the law firm of Porter, Wright, Morris & Arthur and to authorize the expenditure of the sum of One Hundred Twenty Thousand Dollars and no/cents ($120,000.00).

WHEREAS, funds are available in the General Fund within the office of the City Attorney for various legal expenses, and

WHEREAS, the City of Columbus has been named a party in certain litigation pending in the Franklin County Common Pleas Court and the United States District Court for the Southern District of Ohio; and

WHEREAS, it has been necessary for the City to obtain special legal counsel services to assist it in the defense of such litigation and to that end Council on November 24, 1997, by Ordinance No. 2834-97 did authorize the City Attorney to enter into an agreement with representatives of the law firm of Porter, Wright, Morris & Arthur to provide for such services; and now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. That the City Attorney be and hereby is authorized to modify Contract No. CT-19249 with representatives of the law firm of Porter, Wright, Morris & Arthur for special legal counsel services in connection with litigation pending in the Franklin County Common Pleas Court and the United States District Court for the Southern District of Ohio; and

SECTION 2. That the City Attorney be and hereby is authorized and approved to expend One Hundred Twenty Thousand Dollars and no/cents ($120,000.00), or so much thereof as may be necessary, in accordance with the terms and conditions of
such agreement as follows:

Div/Dept 24-01  
Fund General  
Fund # 010  
Object level 1 03  
Object level 3 3324  
OCA Code 240101  
Amount $120,000.00

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period by law.
To authorize the City Attorney to modify an agreement for special legal counsel services with representatives of the law firm of Carlile, Patchen & Murphy, L.L.P. and to authorize the expenditure of the sum of One Hundred Five Thousand Dollars and no/cents ($105,000.00).

WHEREAS, funds are available in the General Fund within the office of the City Attorney for various legal expenses, and

WHEREAS, the City of Columbus has been named a party in certain litigation pending in the Franklin County Common Pleas Court and the United States District Court for the Southern District of Ohio; and

WHEREAS, it has been necessary for the City to obtain special legal counsel services to assist it in the defense of such litigation and to that end Council on November 24, 1997, by Ordinance No. 2833-97 did authorize the City Attorney to enter into an agreement with representatives of the law firm of Carlile, Patchen & Murphy, L.L.P. to provide for such services; and now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. That the City Attorney be and hereby is authorized to modify Contract No. PC-19248 with representatives of the law firm of Carlile, Patchen & Murphy, L.L.P. for special legal counsel services in connection with litigation pending in the Franklin County Common Pleas Court and the United States District Court for the Southern District of Ohio.

SECTION 2. That the City Attorney be and hereby is authorized and approved to expend One Hundred Five Thousand Dollars and no/cents ($105,000.00), or so much thereof as may be necessary, in accordance with the terms and conditions of such agreement as follows:

<table>
<thead>
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<th>Div/Dept</th>
<th>24-01</th>
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<tr>
<td>Fund</td>
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<td>Object level 1</td>
<td>03</td>
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<td>Object level 3</td>
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<td>OCA Code</td>
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<td>Amount</td>
<td>$105,000.00</td>
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</table>
SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
This ordinance transfers and appropriates monies within two different operating funds, the Development Services Fund and the Street Construction, Maintenance and Repair Fund, for the Transportation Division. Consistent with third quarter financial review projections, these transfers/appropriations will provide for the fiscal needs of the division through the end of the year. In some cases, existing appropriation authority is being transferred to the division from the Public Service Director's Office.

Within the Development Services Fund, Fund 240, $100,000.00 in existing appropriation authority is being transferred from the Service Director's Office to the Transportation Division for projected personnel expenditure needs. An additional $90,000.00 is being appropriated for the same purpose within the Transportation Division from this Fund's unappropriated balance.

Within the Street Construction, Maintenance and Repair Fund, Fund 265, $260,000.00 in existing appropriation authority is being transferred from the Service Director's Office to the Transportation Division for projected service expenditure needs. In addition, $440,000.00 is being transferred within the Transportation Division's existing appropriation authority from material and supply and capital outlay categories in order to provide for projected services expenditure needs.

The authorization for intra-fund transfers is $100,000.00 within the Development Services Fund and $700,000.00 within the Street Construction, Maintenance and Repair Fund. These intra-fund transfers total $800,000.00.

The authorization for a supplemental appropriation within the Development Services Fund totals $90,000.00.

Emergency action is requested to make these funds available to the division as soon as possible to meet pending and anticipated 2003 expenses.

To authorize the transfer of $800,000.00 in existing appropriation authority between divisions and major expenditure categories within the Development Services Fund ($100,000.00) and the Street Construction, Maintenance and Repair Fund ($700,000.00) and to authorize the appropriation of $90,000.00 within the Development Services Fund for anticipated expenditures for the balance of 2003 within the Transportation Division, Public Service Department, all of which are consistent with third quarter review projections, and to declare an emergency. ($890,000.00)

WHEREAS, the Transportation Division has identified pending and anticipated
expenses that will be incurred by the Development Services Fund and the Street Construction, Maintenance and Repair Fund; and

WHEREAS, these figures were reported in the third quarter financial review; and

WHEREAS, intradepartmental and interdepartmental transfers and the appropriation of monies is necessary to allow payments to be made without delay; and

WHEREAS, an emergency exists in the usual daily operation of the Transportation Division, Public Service Department, in that it is immediately necessary to transfer and appropriate said monies, thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the transfer of monies between divisions and expenditure categories within the Development Services Fund, Fund 240, be and hereby is authorized as follows:

Transfer From:
Department No./ Department/ O.L. 01/O.L.03 Codes/ OCA Code/Amount
59-01/ Public Service Director's Office/ 01/1000/ 590159/ $100,000.00

Total Transfer From: $100,000.00

Transfer To:
Department No./ Department/ O.L. 01/O.L.03 Codes/ OCA Code/ Amount
59-09/ Transportation Division/ 01/1000/ 599002/ $100,000.00

Total Transfer To: $100,000.00

SECTION 2. That the sum of $90,000.00 be and hereby is appropriated from the unappropriated balance of the Development Services Fund, Fund 240, and from all monies estimated to come into said Fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2003, to the Transportation Division, Department No. 59-09, Object Level One Code 01, Object Level Three Code 1000 and OCA Code 599002.

SECTION 3. That the monies appropriated in Section 2 shall be paid upon order of the Public Service Director and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 4. That the transfer of monies between divisions and expenditure categories within the Street Construction, Maintenance and Repair Fund, Fund 265, be and hereby is authorized as follows:
Transfer From:
Department No./ Department/ O.L. 01/O.L.03 Codes/ OCA Code/ Amount
59-01/ Public Service Director's Office/ 01/1000/ 590135/ $260,000.00
59-09/ Transportation Division/ 02/2000/ 599109/ $190,000.00
59-09/ Transportation Division/ 06/6000/ 599114/ $250,000.00

Total Transfer From:  $700,000.00

Transfer To:
Department No./ Department/ O.L. 01/O.L.03 Codes/ OCA Code/ Amount
59-09/ Transportation Division/ 03/3000/ 599001/ $700,000.00

Total Transfer To:  $700,000.00

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: West Edge Business Center has been in operation for 3 years since the former Sullivant Gardens housing site was acquired and converted for business use. It is anticipated that up to 1,200 jobs will be located at the site at the end of its 7 year build out period.

The City of Columbus and Columbus Urban Growth Corporation desire to create a Tax Increment Financing (TIF) District under Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 to pay for certain public infrastructure improvements and to otherwise support the West Edge development while protecting the Columbus City School District from any loss of tax revenues.

The payments in lieu of taxes provides for payment to the Columbus City School District for its portion of service payments, establishes the City Municipal Improvement Tax Equivalent Fund for the deposit of the remainder of service payments and authorizes the Director of Development to execute the Tax Increment Financing and Development Agreement between the City of Columbus and the developer.

FISCAL IMPACT: No funding is required for this legislation.

An Ordinance declaring the improvement to certain parcels of real property to be a public purpose, requiring the owners thereof to make service payments in lieu of taxes, providing for the payment to the Columbus City School District of its portion of those service payments, establishing a municipal public improvement tax equivalent fund for the deposit of the remainder of those service payments with the City and authorizing the Director of the Department of Development to execute a Tax Increment Financing and Development Agreement for infrastructure improvements to benefit the development of West Edge Business Center; and to declare an emergency.

WHEREAS, Ohio Revised Code Section 5709.40(B) authorizes the legislative authority of a municipal corporation, by ordinance, to declare improvements to parcels of real property located in the municipal corporation to be a public purpose; and

WHEREAS, the parcels of real property shown in Exhibit A hereto are located in the State of Ohio, County of Franklin and City of Columbus (collectively, the "Property"); and
WHEREAS, it is anticipated by the City of Columbus (the "City") that the Property will undergo certain "improvements" (as defined in Ohio Revised Code Section 5709.40(A)), including commercial uses and other improvements which may be permitted from time to time under applicable zoning regulations (collectively, the "Project"); and

WHEREAS, the City has determined that such proposed improvements to the Property are or, upon completion, will be a public purpose under Ohio Revised Code Section 5709.40; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interest of the City to exempt the Property and proposed improvements from taxation as permitted and provided in Ohio Revised Code Section 5709.40(B) and to simultaneously direct and require the current and future owner(s) of parcels of the Property and the Projects thereon to make annual service payments in lieu of taxes to the Franklin County Treasurer on or before the final dates for payment of real property taxes; and

WHEREAS, Ohio Revised Code Section 5709.43(A) requires a municipal corporation that grants a tax exemption under Ohio Revised Code Section 5709.40(B) to establish a municipal public improvement tax increment equivalent fund, by ordinance of its legislative authority, into which the Franklin County Treasurer shall deposit such service payments in lieu of taxes to be received by the City and the City desires to establish that municipal public improvement tax increment equivalent fund to receive such service payments in lieu of taxes; and

WHEREAS, Ohio Revised Code Section 5709.40(D) provides that an ordinance adopted by the legislative authority of a municipal corporation pursuant to Ohio Revised Code Section 5709.40(B) shall designate specific public improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels of real property located in the municipal corporation and identified in the ordinance; and

WHEREAS, attached hereto as Exhibit B is a description of public improvements for or on behalf of the City that directly benefit or, once made, will directly benefit the Property (collectively, the "Public Improvements"); and

WHEREAS, the City has determined that the proposed improvements to the Property shall, during construction and upon completion, place direct, additional demand on the Public Improvements or, to the extent the Public Improvements have not been constructed, will place direct, additional demand on the Public Improvements when completed; and

WHEREAS, Ohio Revised Code Section 5709.40(B) requires the legislative authority of a municipal corporation to specify, in the ordinance adopted pursuant to Ohio Revised Code Section 5709.40(B), the percentage of the proposed improvements to be exempted from taxation; and
WHEREAS, the City has determined that it is appropriate and in the best interest of the City to exempt 100% of the Property and the proposed improvements from taxation to the extent permitted by Ohio Revised Code Section 5709.40; and

WHEREAS, the City has determined that payments in lieu of real property taxes provided for in Ohio Revised Code Section 5709.42 shall be paid to the Columbus City School District (the "School District") in the amount of the real property taxes that the School District would have been paid if the Improvement (defined in Section 1, below) had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, the City has determined that it may, from time to time and only when the provision of additional tax incentives will be required to facilitate the development of the Project, designate some or all of the Property as a Community Reinvestment Area (each a "Community Reinvestment Area") within the meaning of Sections 3735.65 through 3735.70 of the Ohio Revised Code (collectively, the "CRA Statute") and provide qualifying structures constructed within any such Community Reinvestment Area with real property tax exemptions pursuant to the terms of the CRA Statute (each qualifying structure is referred to herein as a "CRA Exempted Improvement" for so long and to the extent that it is exempted from real property taxation pursuant to the CRA Statute); and

WHEREAS, the City has determined that it may, from time to time and only when the provision of additional tax incentives will be required to facilitate the development of the Project, cause the creation of certain Enterprise Zones (each an "Enterprise Zone") within the meaning of Sections 5709.61 through 5709.69 of the Ohio Revised Code (collectively, the "Enterprise Zone Statute") and provide qualifying real property located within any such Enterprise Zone with real property tax exemptions pursuant to the terms of the Enterprise Zone Statute (each qualifying real property is referred to herein as an "Enterprise Zone Exempted Property" for so long and to the extent that it is exempted from real property taxation pursuant to the Enterprise Zone Statute); and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the School District in accordance with and within the time period prescribed in Ohio Revised Code Sections 5709.40(D)(2) and 5709.83; and

WHEREAS, the current and future owner(s) of the Property (each individually an "Owner" and collectively the "Owners") (i) shall be required to make service payments in lieu of the real property tax payments they would have made except for the exemption provided by this Ordinance, (ii) shall prepare and file with the Franklin County Recorder a declaration against the Property which shall be covenants running with the Property and which shall require the current and future owner(s) to make those service payments in lieu of real property tax payments, and (iii) will agree, pursuant to such declaration, that the service payments in lieu of real property taxes shall constitute a lien on the Property having the same priority and effect as the lien on real property taxes; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to create a Tax Increment Financing
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1: That in accordance with Ohio Revised Code Section 5709.40, the City hereby finds and determines that the increase in the assessed value of the Property subsequent to the effective date of this Ordinance is and shall be a public purpose, which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Ohio Revised Code Section 5709.40(A), but which Improvement shall not include the increase in assessed value of any CRA Exempted Improvement located upon the Property for so long and to the extent that such CRA Exempted Improvement is exempt from real property taxation pursuant to the CRA Statute nor shall the Improvement include the increase in assessed value of any parcel located on the Property for so long and to the extent that such parcel is an Enterprise Zone Exempted Property.

Section 2. That the City hereby exempt 100% of the Improvement from taxation (the "Exemption"), as and when the exemption is claimed and allowed in the manner provided by law, for the period set forth in this Ordinance.

Section 3. That the City hereby directs and requires Owners of the Property to make annual service payments in lieu of real property taxes to the Franklin County Treasurer on or before the final dates for payment of real property taxes. Each payment shall be in the same amount as the real property taxes that would have been charged and payable against the Improvements (after credit for any other payments received by the City under Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, hereinafter referred to as the "Property Tax Rollback Payments") had an exemption for taxation not been granted, and shall otherwise be in accordance with the Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time (the payment of penalties and interest, along with the payments in lieu of taxes are collectively referred to herein as the "Service Payments"). The Service Payments and the Property Tax Rollback Payments shall be allocated and deposited in accordance with Sections 5 and 7 of this Ordinance. This Council further hereby authorizes and directs the Director of the Department of Development, the City Auditor, the Director of Law, or other appropriate officers of the City, to make such arrangements as are necessary and proper for collection from the owners of the Service Payments, including the preparation and filing of any necessary exemption applications.

Section 4. The City hereby directs and requires the Owners to prepare and file with the Franklin County Recorder a declaration against the Property which shall be covenants running with the Property and which shall: (i) require the current and future Owners of the Property to make the Service Payments, and (ii) make the current and future Owners acknowledge and agree that the Service Payments are payments in lieu of real
property taxes and shall constitute a lien on the Property having the same priority and effect as the lien of real property taxes.

Section 5. In accordance with Ohio Revised Code Sections 5709.40 and 5709.42 and this Ordinance, the Franklin County Treasurer shall make payments to the School District in lieu of the real property taxes it would have received in the amount of the real property taxes that the School District would have received if the Improvement had not been exempted from taxation pursuant to this Ordinance from the Service Payments and any Property Tax Rollback Payments.

Section 6. The Public Improvements described in Exhibit B hereto made, to be made, or in the process of being made, by the City are hereby designated as Public Improvements that directly benefit, or that once made will directly benefit, the Property.

Section 7. The City hereby establishes a Municipal Public Improvement Tax Equivalent Fund (the "Fund") into which shall be deposited all of the Service Payments and any Property Tax Rollback Payments and hereby provides that all such Service Payments and any Property Tax Rollback Payments to be deposited into the Fund shall be used to pay costs of the Public Improvements as defined in Ohio Revised Code Section 133.15(B). The Service Payments and Property Tax Rollback Payments to be paid to the School District pursuant to this Ordinance and Ohio Revised Code Sections 5709.40 and 5709.42 shall be paid directly to the School District by the Franklin County Treasurer. Any expenditure of Service Payments deposited in the Fund is subject to the expenditure restrictions and appropriation requirements of Section 27 through 31 of the Charter of the City. The Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, after which the Fund shall be dissolved in accordance with Ohio Revised Code Section 5709.43.

Section 8. The Exemption granted in this Ordinance shall commence on the Effective Date of this Ordinance and shall end no later than 30 years from the Effective Date of this Ordinance.

Section 9. Pursuant to Ohio Revised Code Section 5709.40(E), the City Clerk is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen days after its effective date. Further, and on or before March 31 of each year that the Exemption remains in effect, the City Clerk or other authorized officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(E).

Section 10. The City hereby authorizes the Director of the Department of Development to enter into a Tax Increment Financing and Development Agreement implementing this Ordinance with each Owner.

Section 11. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meeting open to the public in compliance with the law.
Section 12. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: West Edge Business Center has been in operation for 3 years since the former Sullivant Gardens housing site was acquired and converted for business use. It is anticipated that up to 1,200 jobs will be located at the site at the end of its 7 year build out period.

The City of Columbus and the Columbus Urban Growth Corporation, desire to create a Tax Increment Financing (TIF) District under Ohio Revised Code Section 5709.41 to pay for certain public infrastructure improvements and to otherwise support the West Edge development while protecting the Columbus Public School District from any loss of tax revenues.

Revised Code § 5709.41 requires that the City own the property at some time prior to passing an ordinance to establish the TIF. Therefore, this legislation is necessary to authorize the City to accept title to the land comprising the West Edge Business Center project, and then to transfer the property back to the owners. The TIF ordinance will then be submitted for consideration by the City Council within the next 30 days.

This ordinance is submitted as an emergency to facilitate creation of the TIF.

FISCAL IMPACT: There is no expenditure of City funds associated with the transfer of the property.

To authorize the Director of the Department of Development to execute documents to allow the City to accept title to certain property generally known as West Edge Business Center; to transfer the property back to the original owners; and to declare an emergency.

WHEREAS, the City of Columbus (the "City") is committed to improving existing neighborhoods and providing quality commercial development; and

WHEREAS, Columbus Urban Growth Corporation ("Columbus Urban Growth") proposes to provide commercial uses through the urban redevelopment of the former Sullivant Gardens housing site now commonly referred to as West Edge Business Center (the "Project"); and

WHEREAS, the City desires to support and facilitate the urban redevelopment of the
Project by passing an Ordinance under Ohio Revised Code §5709.41 (the "TIF Ordinance") declaring the development of the Project to be a public purpose; and

WHEREAS, the City of Columbus must hold fee title to the real estate comprising the Project site prior to enacting the TIF Ordinance; and

WHEREAS, it is necessary for the City to execute certain documents to accomplish the acceptance and subsequent transfer back to the current owners of title to the real estate comprising the Project site, all prior to the City's enactment of the TIF Ordinance; and

WHEREAS, it is necessary to complete these actions as quickly as possible so that the Project may proceed; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary to proceed as quickly as possible with the transfer of the property described herein to facilitate without delay the urban redevelopment of the property through the Project for the preservation of the public health, peace, property, safety and welfare; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized and directed to accept on behalf of the City of Columbus title to the real property comprising the Project site and cause such ownership interest to be transferred according to State of Ohio law; provided, however, that no interest in that real property shall be accepted without execution of an agreement providing indemnification on terms acceptable to the City for any liability that may arise from the City holding title to that property.

Section 2. That the Director of the Department of Development is hereby authorized and directed to execute in accordance with this ordinance all documents necessary, and to take any other required measures to cause the transfer back to the current owners of the City's ownership interest in the real property constituting the Project site, which transfer thereof shall occur immediately following the City's acceptance of the fee simple interest in that property.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect (the "Effective Date") and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves or vetoes this Ordinance.
BACKGROUND: This legislation authorizes the Development Director to dissolve the City's Enterprise Zone Agreement (EZA) and Jobs Creation Tax Credit Agreement (JCTCA) with Distribution Fulfillment Services, Inc. (DFS). City Council approved the incentives on May 24, 1994 by Ordinance No. 1080-94 (EZA) and Ordinance No. 1081-94 (JCTCA). The jobs tax credits could be used through 2004 or 2005 and the personal property tax exemptions could be used as late as 2009, depending on how the eligible investments were timed. The Tax Incentive Review Council recommended (11/12/2003) that the City dissolve the EZA with DFS because the job goals are not being met. The City concurs with the TIRC's recommendation and wishes also to dissolve the JCTCA.

In 1994, DFS, a subsidiary of Spiegel, Inc., wanted to expand its distribution capacity and became interested in a vacant 4 million square foot facility at 4545 Fisher Road (west side). Columbus granted DFS tax incentives to occupy, renovate and create/retain jobs at the facility: a 100%/10-year abatement on real property improvements, a 50% (avg)/10-year abatement on personal property (sliding scale, 100% in the first year decreasing to 10% in the final year), and a 50%/10-year municipal tax credit based on the creation of new jobs. DFS agreed to invest $58.5 million (of which $55 million was for fixed assets including site/facility acquisition costs, real property improvements and M & E) and create 375 new jobs plus retain 375 existing jobs relocated to the site from other local DFS operations (i.e., 750 jobs in total). By the end of 2002, DFS reported 626 jobs at the Fisher Road site and an investment of $83.5 million, of which $51 million was in M & E and other personal property.

The DFS parent corporation, Spiegel, filed for bankruptcy in March of 2003. To streamline and gain efficiency, DFS/Spiegel has elected to consolidate jobs and operations at the DFS facility in Groveport. Jobs have been reduced and/or moved out of the Fisher Road facility and DFS is currently looking to sell (or lease) that facility. The number of DFS jobs at the Fisher Road facility is expected to dwindle to 50 by the end of 2003.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Development Director to dissolve the existing Enterprise Zone Agreement (EZA) and Jobs Creation Tax Credit Agreement (JCTCA) with Distribution Fulfillment Services (DFS) and to end the related tax incentives; and to declare an
WHEREAS, Columbus City Council on May 24, 1994 approved Ordinance No. 1080-94 to enter into an Enterprise Zone Agreement (EZA) with Distribution Fulfillment Services, Inc. (DFS) and Ordinance No. 1081-94 to enter into a Jobs Creation Tax Credit Agreement (JCTCA) with DFS; and

WHEREAS, the City on June 28, 1994 entered into an EZA and a JTCTA with DFS granting DFS a 100%/10-year real property tax abatement (EZA), a 50%/10-year personal property tax abatement (EZA) and a 50%/10 year jobs creation tax credit (JCTCA); and

WHEREAS, DFS agreed in the two tax incentive agreements to occupy and renovate the project site at 4545 Fisher Road, to invest $58.5 million in real and personal property, to create 375 new jobs and to retain 375 existing jobs (750 in total); and

WHEREAS, in March of 2003 the parent corporation of DFS, Spiegel, Inc., filed for bankruptcy and DFS is streamlining and consolidating its operations to gain efficiency; and

WHEREAS, in connection with its streamlining and consolidating, DFS has moved jobs out of the Fisher Road facility and out of city of Columbus, only 50 DFS are anticipated to be at the facility by the end of 2003, and DFS/Spiegel currently has the facility for sale; and

WHEREAS, the Columbus Tax Incentive Review Council (TIRC) unanimously voted on November 12, 2003 to recommend that the City dissolve the EZA with DFS and end the property tax abatements; and

WHEREAS, the City concurs with the TIRC recommendation to dissolve the EZA and to end the property tax abatements and also the City desires to dissolve the JCTCA and to end the municipal tax credits;

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the Development Director to dissolve the existing Enterprise Zone Agreement and Jobs Creation Tax Credit Agreement with Distribution Fulfillment Services (DFS) and to end the related tax incentives in order to preserve the public health, peace, property, safety, and welfare NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Development Director is hereby authorized to dissolve the Enterprise Zone Agreement (EZA) and the Jobs Creation Tax Credit Agreement (JCTCA) between the City and Distribution Fulfillment Services, Inc. (DFS) and to end the associated tax incentives. The final year for the property tax exemptions and tax credits shall be tax return year 2003.
Section 2. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
This legislation modifies and increases an existing construction contract with The Shelly Company for the Neil Avenue Traffic Islands and Resurfacing project in the amount of $41,324.32. The project limits are from Goodale Street to Eleventh Avenue. The plan details the construction median islands near Poplar, First and Sixth Avenues and the resurfacing of Neil Avenue. This contract is being modified to account for overruns principally due to the addition of new City standard curb ramps to the project. Prices were obtained through negotiations with The Shelly Company using existing unit prices for items already bid and past project prices for new items. Modifications for this project exceed the total bid price by 5.8 percent.

The Shelly Company's contract compliance number is 31-1279704, which expires November 7, 2004.

The original contract amount was for $712,218.99. This is the first and only modification to this contract. The total of all modifications is $41,324.32. The contract amount including all modifications is $753,543.31.

Funds for this modification exist in the resurfacing project of the 1995, 1999 Voted Streets and Highways Fund.

Emergency action is requested for the immediate closure of this construction contract.

To authorize the Public Service Director to modify and increase an existing contract with The Shelly Company for the construction of the Neil Avenue Traffic Islands and Resurfacing project for the Transportation Division; to authorize the expenditure of $41,324.32 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. ($41,324.32)

WHEREAS, Contract EA026068 was authorized by Ordinance #1930-00, passed July 31, 2000; and

WHEREAS, this contract was executed on August 10, 2000, and approved by the City Attorney on August 14, 2000; and

WHEREAS, it necessary to modify this contract to provide for additional work for the Neil Avenue Islands and Resurfacing project; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service
Department, Transportation Division, in that the contract should be modified and increased immediately so the work may proceed without delay, thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Public Service Director be and hereby is authorized to modify and increase Contract EA026068 with The Shelly Company, 80 Park Drive, P.O. Box 266, Thornville, OH 43076 by $41,324.32 for additional work for the Neil Avenue Traffic Islands and Resurfacing project in accordance with the terms as shown on the modification on file in the office of the City Engineer, which are hereby approved.

SECTION 2. That the sum of $41,324.32, or so much thereof as may be needed, is hereby authorized to be expended from the 1995, 1999 Voted Streets and Highways Fund, Fund 704, Department No. 59-09, Object Level One Code 06, Object Level Three Code 6631, OCA Code 644385 and Project 530282.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
The Ohio Department of Transportation (ODOT) intends to resurface a portion of U. S. Route 23D (Third Street) within the City of Columbus as part of its Urban Pavement Program. Project limits extend on US23D from south of the bridge over Nationwide Boulevard/Naughten Street to the junction of Fulton Street. The project proposes to perform partial depth asphalt repairs, plane and resurface pavement with asphalt concrete and replace pavement markings and loop detectors. Work will also be performed on the Front Street over IR70, High Street over IR70, Third Street over IR70 and Grant Avenue over IR70 bridge structures that will include repairing/replacing sidewalks, patching bridge decks, overlaying bridge decks with asphalt concrete and installation of pedestrian safety barriers/planters, decorative light poles and banner fixtures and vinyl fencing. This is consent legislation to permit the State of Ohio to undertake said work and is necessary since the project limits are within the City of Columbus. FRA-US23D-3.22, PID Number 24942.

Eighty percent (80%) of the total roadway surface treatment costs of this project will be funded by ODOT. Columbus must contribute twenty percent (20%) of this cost and one hundred percent (100%) of the cost of non-surface related items such as curbs, gutters, utility relocation expenses and partial and full-depth asphalt repairs and an amount for construction inspection. No financial obligation to the City of Columbus is necessary at this time but will be required later, subsequent to the determination of costs. This legislation also authorizes the Public Service Director to enter into the necessary agreement(s) to complete this project.

Funding for Columbus' share has not been specifically identified at this time, however, these costs are budgeted within the federal/state match portion of the Transportation Division's 1995, 1999 Voted Streets and Highways Fund. Future legislation will be submitted to request approval of the expenditure of the necessary funds.

Emergency action is requested to expedite this highway project and promote motorist and pedestrian safety at these locations as quickly as possible.

To authorize the Public Service Director to enter into an agreement with the Director of the Ohio Department of Transportation to grant consent and propose cooperation with the State of Ohio for a roadway improvement project to resurface a portion of U. S. Route 23D (Third Street) for the Transportation Division and to declare an emergency. ($-0-)

The following is an ordinance enacted by the City of Columbus, Franklin County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated
described project.

SECTION 1 - Project Description

WHEREAS, the State of Ohio has identified the need for the described project:

This project proposes to perform partial depth asphalt repairs; plane and resurface pavement with asphalt concrete; and replace pavement markings and loop detectors. Work will also be performed on the following structures: Front Street over IR70; High Street over IR70; Third Street over IR70; and Grant Avenue over IR70. Structure work for each location will include repairing/replacing sidewalks; patching bridge decks; overlaying bridge decks with asphalt concrete; installation of pedestrian safety barriers/planters; installation of decorative light poles and banner fixtures; and installation of vinyl fencing. This is a District Six Urban Paving project.

Project limits extend on US23D (North/South Third Street) from south of the bridge over Nationwide Boulevard/Naughten Street to the junction of Fulton Street, and

WHEREAS, an emergency exists in the usually daily operation of the Transportation Division, Public Service Department, in that it is immediately necessary to proceed with this roadway improvement as soon as possible in order to promote and enhance motorist and pedestrian safety, thereby preserving the public health, peace, property, safety and welfare, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 2 - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

SECTION 3 - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

That prior to the construction commencement date of the above-referenced project, the LPA shall install and/or repair all curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act and the LPA agrees to assume and bear one hundred percent (100%) of the cost of such installation and/or repair of curb ramps.

The City agrees to assume and bear one hundred percent (100%) of the total cost of Preliminary Engineering.

The City will assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration. The City will assume and bear one hundred
percent (100%) of the cost of curbs, gutters, utility relocations, partial- and full depth pavement repairs and other non-surface related items. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director of the Ohio Department of Transportation.

In the event that the City requests certain features or appurtenances be included within the highway improvement project's design and construction, and which features and appurtenances are determined by the State and the Federal Highway Administration to be not necessary for the State's highway improvement project, the City shall, prior to the project being advertised for construction contract bidding purposes, provide appropriate documentation that its Council has appropriated, and its Auditor has certified as being available for such specific purposes, funds sufficient in amount to cover one hundred percent of the costs of incorporating such additional features or appurtenances within the State’s project, including preliminary engineering, final design, right-of-way, construction and construction engineering expenses as may be directly related thereto.

SECTION 4 - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5 - Maintenance

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6 - Authority to Sign

The Public Service Director is hereby empowered on behalf of the City of Columbus to enter into a contract(s) with the Director of Transportation necessary to complete the above-described project.
SECTION 7 - That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Development Director to amend the Enterprise Zone Agreement (EZA) with US Industrial REIT (USIR), successor in interest to Rickenbacker III LLC (an assignee of Pizzuti Franklin II Limited). Council approved the EZA by Ordinance No. 2195-95 on September 25, 1995 and approved transfer of the EZA to USIR by Ordinance No. 903-02 on June 10, 2002. The amendment will eliminate the personal property tax abatement and the requirement for personal property investment. The real property investment has been made and the tax abatement on real property will remain intact.

The project is a 340,000 square foot multi-tenant warehouse constructed at 2250 Spiegel Drive in Columbus (Rickenbacker area). The EZA provided a 75%/10-yr tax abatement on real property improvements and a 25%/10-yr tax abatement on the M & E of the anchor tenant, Marriott Distribution Services, Inc. The project investment was to be $11 million in real property improvements, $4.4 million in tenant M & E and $3 million in tenant inventory. Marriott Distribution Services closed its operations and moved out of the facility in 1998. The property owner subsequently secured three new tenants.

While the investment requirement in the real property has been met, we are not able to determine if the personal property investment has been met because only one of the three current tenants has been willing to report information personal property investment at the project site. The current tenants are not using the personal property tax abatement. The Columbus Tax Incentive Council voted unanimously on November 13, 2003, to recommend that the City amend the EZA to eliminate the personal property tax abatement as well as the requirement for personal property investment.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Development Director to amend the Enterprise Zone Agreement (EZA) with USIR, eliminating the personal property tax abatement and the requirement for investment in personal property; and to declare an emergency.

WHEREAS, on September 25, 1995 Columbus City Council passed Ordinance No. 2195-95 approving an Enterprise Zone Agreement (EZA) with Pizzuti Franklin II Limited and on June 10, 2002 passed Ordinance No. 903-02 approving transfer of the EZA to USIR; and
WHEREAS, the EZA required a real property investment of $11 million and granted the project's real property owner a 75%/10-yr tax abatement on real property improvements and this investment level has now been attained; and

WHEREAS, the EZA required a tenant investment of $4.4 million in M & E and a $3 million investment in inventory and granted the original tenant, Marriott Distribution Services, Inc., a 25%/10-yr tax abatement on the M & E; and

WHEREAS, the original tenant, Marriott Distribution Services, Inc., no longer occupies the project facility; and

WHEREAS, compliance with the required level of personal property investment cannot be determined because two of the three replacement tenants have not been willing to report their personal property investment level at the project site; and

WHEREAS, the replacement tenants have not been using the personal property tax abatement; and

WHEREAS, the Tax Incentive Review Council (TIRC) voted unanimously on November 13, 2003 to recommend that the EZA with USIR be amended to eliminate the personal property tax abatement and also the requirement for personal property investment; and

WHEREAS, the City concurs with the TIRC's recommendation to amend the EZA with USIR; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to amend the Enterprise Zone Agreement with USIR, eliminating the personal property tax abatement and the requirement for investment in personal property in order to preserve the public health, peace, property, safety, and welfare NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Development Director be authorized to amend the EZA with USIR to eliminate the personal property tax abatement and the requirement for personal property investment. The real property tax abatement will be left intact.

Section 2. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of Development to amend the existing Central Ohio Welding Industries, Inc. Enterprise Zone Agreement (EZA). Columbus City Council approved the EZA by Ordinance No. 35-00, adopted January 10, 2000. The project is located at 1875 Progress Avenue. The Columbus Tax Incentive Review Council recommended on November 13, 2003 that the City amend the EZA to reduce the job requirement and to extend the period of time to meet the job requirement.

The tax incentive is 50% on real and personal property tax for five (5) taxable years. The City granted the tax incentive in order for Central Ohio Welding Industries, Inc. to invest $550,000 in real property improvements and $1.3 million in personal property. The company has met its investment commitment.

Due to the economic recession and subsequent loss of customer base, Central Ohio Welding Industries, Inc. has not been able to fulfill its job retention and creation goals. The EZA states that 118 jobs would be retained and 30 would be created. At the end of 2002 the total number of retained employees was 23 and jobs created were 0.

The 5-yr/50% tax abatement is on real property improvements and personal property and will run through 2005. The rate and years of the tax abatement will not be modified.

The EZA will be modified to reduce the number of jobs retained/created to 38 (thirty-eight) and extend the period of time to meet this requirement to 12/31/05.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to amend the Central Ohio Welding Industries, Inc. Enterprise Zone Agreement to reduce the number of jobs retained/created from 148 to 38 and to extend the period of time to meet this requirement to 12/31/05; and to declare an emergency.

WHEREAS, the Columbus City Council approved the Central Ohio Welding Industries, Inc. Enterprise Zone Agreement (EZA) on January 10, 2000 by Ordinance No. 35-00; and
WHEREAS, the EZA called for Central Ohio Welding Industries, Inc. to invest $1.85 million in real property improvements and personal property at 1875 Progress Avenue, and to retain/create 148 jobs; and

WHEREAS, the EZA granted a 50%/5 year tax abatement on real property improvements and new personal property; and

WHEREAS, as of the end of 2002 Central Ohio Welding Industries, Inc. had met its real and personal investment requirement, but been able to retain/create only 23 of the 148 jobs committed; and

WHEREAS, the Columbus Tax Incentive Review Council (TIRC) voted on November 13, 2003 to recommend that the City reduce the required job retention/creation number and extend the period of time for the retention/creation, and

WHEREAS, the City concurs with the TIRC recommendation concerning Central Ohio Welding Industries, Inc. and desires to amend the EZA; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to amend the Central Ohio Welding Industries, Inc. Enterprise Zone Agreement to reduce the number of jobs retained/created from 148 to 38 and to extend the period of time to meet this requirement to 12/31/05 in order to preserve the public health, peace, property, safety, and welfare NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to amend the Central Ohio Welding Industries, Inc. Enterprise Zone Agreement (EZA) by reducing the number of retained/created jobs from 148 to 38 (thirty-eight) and by extending the period of time to attain the jobs to 12/31/05.

Section 2. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of Development to amend the existing Enterprise Zone Agreement (EZA) with Commodity Logistics and CIVFI-OH1BO1, LLC. Columbus City Council approved Ordinance No. 36-00, adopted January 10, 2000 to grant an EZA to Commodity Logistics (tenant), and Commodity One and CalEast Industrial Investors (investors). On 7/28/03 Council approved Ordinance No. 1920-2003 assigning the interests of Commodity One and CalEast Industrial Investors in the EZA to CIVFI-OH1BO1, LLC. The project is located at 1518 London-Groveport Road. The Columbus Tax Incentive Review Council recommended on November 13, 2003 that the City amend the EZA to extend the period of time to meet the job creation requirement.

The tax incentive is 60% on real property tax for seven (7) taxable years and will run through 2007. The project investment was to be $9.8 million in real and personal property. The project has met its investment commitment.

Due to the economic recession and subsequent reduction of customer base, Commodity Logistics has not been able to fulfill its job creation goal. The EZA states that 200 jobs would be created within 3 years. At the end of 2002 the total number of new jobs was 58 (fifty-eight). The EZA will be modified to extend the period of time to meet the job creation goal to 12/31/2005. The rate and years of the tax abatement will not be modified.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to amend the Commodity Logistics Enterprise Zone Agreement to extend the period of time for meeting the job creation goal to 12/31/05; and to declare an emergency.

WHEREAS, Columbus City Council approved the EZA by Ordinance No. 36-00, adopted January 10, 2000 and by old Ordinance No. 1920-2003 assigned the original landowners interests in the EZA to CIVFI-OH1BO1, LLC; and

WHEREAS, the EZA calls for the project to invest $9.8 million in real property improvements and personal property at 1518 London-Groveport Road, and to create 200 jobs; and
WHEREAS, the EZA granted a 60%/7 year tax abatement on real property improvements; and

WHEREAS, as of the end of 2002 the project had met its real and personal investment requirement, but has been able to create only 58 of the 200 jobs committed; and

WHEREAS, the Columbus Tax Incentive Review Council (TIRC) voted on November 13, 2003 to recommend that the City extend the period of time for the job creation, and

WHEREAS, the City concurs with TIRC recommendation concerning Commodity Logistics and desires to extend the period of time to create the jobs to 12/31/05; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to amend the Commodity Logistics Enterprise Zone Agreement to extend the period of time for meeting the job creation goal to 12/31/05 in order to preserve the public health, peace, property, safety, and welfare NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to amend the Commodity Logistics Enterprise Zone Agreement (EZA) by extending the period of time to create the new jobs to 12/31/05.

Section 2. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: The Economic Development Plan, resulting from the Rocky Fork-Blacklick Accord, was created to address public infrastructure needs in the affected planning area. The properties within the planning area have been targeted for development and public improvements will be necessary to ensure that development within the area is adequately served by utilities, roadways and other forms of infrastructure.

The City of Columbus desires to create Tax Increment Financing (TIF) Districts under Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 to pay for certain public infrastructure improvements and to otherwise support the Rocky Fork Blacklick Accord Economic Development Plan while protecting the Columbus City School District from any loss of tax revenues.

The payments in lieu of taxes provide for payment to the Columbus City School District for its portion of service payments, establishes the City Municipal Improvement Tax Equivalent fund for the deposit of the remainder of service payments and authorizes the Director of Development to execute one or more Tax Increment Financing and Development Agreements between the City of Columbus and developers or owners.

FISCAL IMPACT: No funding is required for this legislation.

An Ordinance declaring improvements to certain parcels of real property within the Rocky Fork Blacklick Accord Economic Development Plan Area to be a public purpose, requiring the owners thereof to make service payments in lieu of taxes, providing for the payment to the Columbus City School District of its portion of those service payments, establishing a municipal public improvement tax equivalent fund for the deposit of the remainder of those service payments with the City and authorizing the Director of the Department of Development to execute one or more Tax Increment Financing and Development Agreement for infrastructure improvements to benefit the development of Rocky Fork Blacklick Accord Economic Development Plan Area; and to declare an emergency.

WHEREAS, Section 5709.40(C) of the Ohio Revised Code ("R.C.") authorizes the legislative authority of a municipal corporation, by ordinance, to declare improvements to parcels of real property located in the municipal corporation, and which comprise an "incentive district", as that term is defined in R.C. Section 5709.40(A)(5), to be a public
purpose; and

WHEREAS, the parcels of real property depicted and described in Exhibit A hereto (collectively, the "Property") are located in the State of Ohio, County of Franklin and City of Columbus (the "City"), with the boundaries of the Property as delineated on Exhibit A being the boundaries of the proposed incentive district; and

WHEREAS, the City finds that the Property does not contain more than three hundred acres and is enclosed by a continuous boundary; and

WHEREAS, it is anticipated by the City that the Property will undergo certain "improvements" (as defined in R.C. Section 5709.40(A)), including residential uses and other improvements which may be permitted from time to time under applicable zoning regulations (collectively, the "Project"); and

WHEREAS, the City, by and through the City Engineer's Office, and as required by R.C. Section 5709.40(A), finds that the Project may include residential real estate, and in order to declare such improvements to be a public purpose under R.C. Section 5709.40, public infrastructure must be inadequate to meet the development needs of the incentive district as evidenced by an economic development plan adopted by this Council; and

WHEREAS, an economic development plan for the area comprising the Property (the "Plan") was adopted by this Council by its passage on December 1, 2003 of its Ordinance No. 2534-2003; and

WHEREAS, the City Engineer has certified that the public infrastructure serving the proposed incentive district is inadequate to meet the development needs of the district as evidenced by and reflected in the Plan (the "Certificate"); and

WHEREAS, the City has determined that such proposed improvements to the Property are or, upon completion, will be a public purpose under R.C. Section 5709.40; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interest of the City to exempt the Property and proposed improvements from taxation as permitted and provided in R.C. Section 5709.40(C) and to simultaneously direct and require the current and future owner(s) of parcels of the Property and the Project thereon to make annual service payments in lieu of taxes to the Franklin County Treasurer on or before the final dates for payment of real property taxes; and

WHEREAS, R.C. Section 5709.43(A) requires a municipal corporation that grants a tax exemption under R.C. Section 5709.40(C) to establish a municipal public improvement tax increment equivalent fund, by ordinance of its legislative authority, into which the Franklin County Treasurer shall deposit such service payments in lieu of taxes to be received by the City and the City desires to establish that municipal public improvement tax increment equivalent fund to receive such service payments in lieu of taxes; and

WHEREAS, R.C. Section 5709.40(D) provides that an ordinance adopted by the
legislative authority of a municipal corporation pursuant to R.C. Section 5709.40(B) shall designate specific public improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels of real property located in the municipal corporation and identified in the ordinance; and

WHEREAS, attached hereto as Exhibit B is a description of public improvements for or on behalf of the City that directly benefit or, once made, will directly benefit the Property (collectively, the "Public Improvements"); and

WHEREAS, the City has determined that the proposed improvements to the Property shall, during construction and upon completion, place direct, additional demand on the Public Improvements or, to the extent the Public Improvements have not been constructed, will place direct, additional demand on the Public Improvements when completed; and

WHEREAS, R.C. Section 5709.40(C) requires the legislative authority of a municipal corporation to specify, in the ordinance adopted pursuant to R.C. Section 5709.40(C), the percentage of the proposed improvements to be exempted from taxation; and

WHEREAS, the City has determined that it is appropriate and in the best interest of the City to exempt 100% of the Property and the proposed improvements from taxation to the extent permitted by R.C. Section 5709.40; and

WHEREAS, the City has determined that payments in lieu of real property taxes provided for in R.C. Section 5709.42 shall be paid to the Columbus City School District (the "School District") in the amount of the real property taxes that the School District would have been paid if the Improvement had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the School District in accordance with and within the time period prescribed in R.C. Sections 5709.40(D)(2) and 5709.83; and

WHEREAS, the current and future owner(s) of the Property (each individually an "Owner" and collectively the "Owners"), contingent upon execution of a Tax Increment Financing Agreement with the City, (i) shall be required to make service payments in lieu of the real property tax payments they would have made except for the exemption provided by this Ordinance, (ii) shall prepare and file with the Franklin County Recorder a declaration against the Property which shall be covenants running with the Property and which shall require the current and future owner(s) to make those service payments in lieu of real property tax payments, and (iii) shall agree, pursuant to such declaration, that the service payments in lieu of real property taxes shall constitute a lien on the Property having the same priority and effect as the lien on real property taxes; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to create a Tax Increment Financing
(TIF) District under Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 to pay for certain public infrastructure improvements and to otherwise support the Rocky Fork Blacklick Accord Economic Development Plan, all for the preservation of the public health, peace, property, safety, and welfare NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1: That based on the Plan and the Certificate, the Property and Project qualify as an Incentive District as that term is defined in R.C. Section 5709.40(A)(5).

Section 2. In accordance with R.C. Section 5709.40, the City hereby finds and determines that the increase in the assessed value of the Property and the Project subsequent to the effective date of this Ordinance is and shall be a public purpose, which increase in assessed value is hereinafter referred to as the "Improvement," as defined in R.C. Section 5709.40(A).

Section 3. The City hereby exempts 100% of the Improvement from taxation (the "Exemption"), as and when the exemption is claimed and allowed in the manner provided by law, for the period set forth in this Ordinance.

Section 4. The City hereby directs and requires the current and future owner(s) of the Property to make annual service payments in lieu of real property taxes to the Franklin County Treasurer on or before the final dates for payment of real property taxes.

Section 5. The City hereby shall, contingent upon the execution of a Tax Increment Financing Agreement with an Owner as contemplated by Section 11 of this Ordinance, direct and require such Owner to prepare and file with the Franklin County Recorder a declaration against the Property which shall be covenants running with the Property and which shall: (i) require the current and future Owners of the Property to make service payments in lieu of the real property tax payment they would have made absent the exemption provided by this Ordinance, and (ii) make the current and future Owners acknowledge and agree that the service payments are payments in lieu of real property taxes and shall constitute a lien on the Property having the same priority and effect as the lien of real property taxes.

Section 6. In accordance with R.C. Sections 5709.40 and 5709.42 and this Ordinance, the Franklin County Treasurer shall make payments to the School District in lieu of the real property taxes it would have received in the amount of the real property taxes that the School District would have received if the Improvement had not been exempted from taxation pursuant to this Ordinance.

Section 7. The Public Improvements described in Exhibit B hereto made, to be made, or in the process of being made, by the City are hereby designated as Public Improvements that directly benefit, or that once made will directly benefit, the Property.

Section 8. The City hereby establishes a Municipal Public Improvement Tax Equivalent Fund (the "Special Fund") into which shall be deposited all of the service payments
made in lieu of real property taxes to the Franklin County Treasurer and distributed to the City with respect to the Improvement and hereby provides that all such payments in lieu of taxes deposited or to be deposited into the Special Fund shall be used to pay costs of the Public Improvements as defined in R.C. Section 133.15(B). That portion of the payments in lieu of real property taxes to be paid to the School District pursuant to this Ordinance and R.C. Sections 5709.40 and 5709.42 shall be paid directly to the School District by the Franklin County Treasurer. Any expenditure of service payments deposited in the Special Fund is subject to the expenditure restrictions and appropriation requirements of Section 27 through 31 of the Charter of the City. The Special Fund shall remain in existence so long as such service payments are collected and used for the aforesaid purposes, except as provided in Section 9, after which the Fund shall be dissolved in accordance with R.C. Section 5709.43.

Section 9. The Exemption granted in this Ordinance shall commence on the Effective Date of this Ordinance shall end no later than 30 years from the Effective Date of this Ordinance, and the Incentive District shall exist for the term of the exemption.

Section 10. Pursuant to R.C. Section 5709.40(G), the City Clerk is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen days after its effective date. Further, on or before March 31 of each year that the Exemption set forth in Section 3 hereof remains in effect as provided in Section 9 hereof, the City Clerk or other authorized officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under R.C. Section 5709.40(G).

Section 11. The City hereby authorizes the Director of the Department of Trade and Development to enter into a Tax Increment Financing Agreement with each Owner implementing this Ordinance.

Section 12. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: This legislation authorizes the Director of Development to amend the existing Enterprise Zone Agreement (EZA) with Coca-Cola Fountain, Inc. Columbus City Council approved the EZA by Ordinance No. 1154-96 on May 20, 1996. The Columbus Tax Incentive Review Council (TIRC) recommended on November 13, 2003 that the City amend the EZA because the company was not able to achieve the machinery and equipment investment as well as the job creation/retention goals. The City concurs with the TIRC's recommendation.

The tax incentive, which was granted in 1996, is a 50%/5 year incentive with staggered investment.

After additional review and discussions with the company, the Development Department agrees that the EZA should be amended as follows: (1) reduce the machinery and equipment investment from $37 million to $25 million; (2) extend the allowable time of investment to 12/31/05 (the machinery and equipment investment was originally to have been completed by 2001. The machinery and equipment investment made in 2003-2005 is not eligible for the incentive); (3) eliminate the requirement for creating 10 new jobs and (4) reduce the job retention requirement from 138 jobs retained to 132 jobs retained. Coca-Cola Fountain, Inc. has not met the investment requirement for machinery and equipment and job creation because of the economic slowdown experienced by many manufacturing companies and the decrease of demand for their product in the travel and tourism industry. The job retention reduction reflects retirement and attrition.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to amend the existing Enterprise Zone Agreement (EZA) with Coca-Cola Fountain, Inc. and to reduce the requirement of machinery and equipment, extend the allowable time of investment, eliminate the requirement for job creation and reduce the job retention requirement; and to declare an emergency.

WHEREAS, the Columbus City Council approved an Enterprise Zone Agreement (EZA) for Coca-Cola Fountain, Inc. on May 20, 1996 by Ordinance No. 1154-96; and

WHEREAS, the Enterprise Zone Agreement (EZA) granted a 50%/5 year incentive on
machinery and equipment with staggered investment; and

WHEREAS, the EZA required Coca-Cola Fountain, Inc. to invest $37.2 million in machinery and equipment by 2001, create 10 new jobs and retain 138 employees; and

WHEREAS, in its review of 2002 performance, the City's Tax Incentive Review Council determined that Coca-Cola Fountain, Inc. had not met the machinery and equipment investment requirement and the job creation/retention requirement as stipulated in the EZA and recommended that the EZA be amended; and

WHEREAS, the City has determined that Coca Cola Fountain, Inc. has not met the machinery and equipment investment requirement and the job creation/retention requirement as stipulated in the EZA because of the economic slowdown and the decrease in demand for the use of their product in the travel and tourism industry; and

WHEREAS, the EZA should be amended to reduce the machinery and equipment investment from $37.2 million to $25 million, extend the period of time to make the investment to 12/31/05, eliminate the requirement of creating 10 new jobs and reduce the requirement of job retention requirement from 138 job to 132 jobs; and

WHEREAS, the City concurs with the TIRC recommendations concerning Coca-Cola Fountain, Inc. to amend the EZA; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to amend the existing Enterprise Zone Agreement (EZA) with Coca-Cola Fountain, Inc. and to reduce the requirement of machinery and equipment, extend the allowable time of investment, eliminate the requirement for job creation and reduce the job retention requirement in order to preserve the public health, peace, property, safety, and welfare NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Development is hereby authorized to amend the Enterprise Zone Agreement (EZA) between the City and Coca-Cola Fountain, Inc. and to reduce the investment requirement for machinery and equipment from $37.2 million to $25 million, extend the period of time to make the investment in machinery and equipment to 12/31/2005, eliminate the requirement of creating 10 new jobs and reduce the job retention requirement from 138 jobs to 132 jobs.

Section 2. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.
BACKGROUND: The need exists to amend Ordinance Number 1915-03 passed by Columbus City Council on July 28, 2003 and to amend the agreement with Roxane Laboratories Inc. and its affiliates. Ordinance Number 1195-02, passed by Council on July 29, 2002, authorized the Director of the Department of Development to enter into an Enterprise Zone Agreement with Roxane Laboratories Inc, and its affiliates for a tax abatement of seventy five percent (75%) on the value of personal property and real property improvements for ten (10) taxable years. Roxane Laboratories, Inc's plans include the expansion of its current facility on Wilson Road with the addition of new manufacturing lines. The expansion includes an investment of over $224 million, the creation of ninety-five (95) permanent full-time jobs, and the retention of over nine hundred (900) full-time jobs. On July 28, 2003, Columbus City Council passed Ordinance No. 1915-03 to authorize the Director of the Department of Development to amend the Enterprise Zone Agreement with Roxane Laboratories, Inc. Due to the growth of Roxane Laboratories, there was insufficient space to complete the project on Wilson Road as described in the agreement. Additional space was needed at 700 Manor Park Road Columbus, Ohio. The additional space added $3.2 million to the project expansion. The company is requesting an additional amendment because additional renovation is needed at 700 Manor Park Drive. The additional renovation will add an additional $10 million to the project expansion. The total cost of the project, including all additions, is $237 million.

The Southwestern School District has been advised of this project.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to amend the amendment for Roxane Laboratories and to amend the amended agreement to the Enterprise Zone Agreement between the City of Columbus and Roxane Laboratories Inc. and its affiliates; and to declare an emergency.

WHEREAS, the Columbus City Council authorized the designation of the Enterprise Zone by legislation, Ordinance No. 779-85, dated April 22, 1985; and

WHEREAS, the Columbus City Council, on July 29, 2002 passed Ordinance Number 1195-02 authorizing the Director of Development to enter into an Enterprise Agreement with Roxane Laboratories, Inc. and its affiliates for a tax abatement of 75% (seventy
five percent) for 10 (ten) taxable years in consideration of Roxane Laboratories Inc. investing $224 million, creating 95 (ninety-five) permanent full-time jobs, and the retention of over 900 (nine hundred) full-time jobs; and

WHEREAS, the Columbus City Council, on July 28, 2003 passed Ordinance Number 1915-03 authorizing the Director of Development to amend the Enterprise Zone Agreement with Roxane Laboratories Inc. to include the 700 Manor Park Road an additional investment of $3.2 million; and

WHEREAS, Roxane Laboratories, Inc is requesting the Department of Development to amend the amendment and the amended agreement to reflect an additional investment of $10 million in real property improvement at 700 Manor Park Drive; and

WHEREAS, the City desires to enter into such an agreement in order to foster economic growth; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to amend the amendment and the amended agreement for Roxane Laboratories, Inc and its affiliates for the preservation of public health, peace, property and safety; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City hereby finds and determines that the project will (1) create jobs in the State and City; (2) the project is economically sound and will benefit the people of the State and City by increasing opportunities for employment and strengthening the economy of the State and City; and (3) receiving the aforementioned incentive is a critical factor in the decision by Roxane Laboratories, Inc. to go forward with the project.

Section 2. That the City Council hereby finds and determines that the project meets all the requirements of the City Act.

Section 3. That the Director of the Department of Development is hereby authorized to amend the amendment and the amended agreement with Roxane Laboratories, Inc. and its affiliates to include an additional investment of $10 million in real property improvement at 700 Manor Park Drive.

Section 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, the ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
The Public Service Department, Transportation Division, has operated the Paving the Way program since 1990. This program provides up-to-date roadway construction information to the public and to the media, including information on road closures, detours and alternative routes, technical advice for construction-related activities and safety tips. A website (www.pavingtheway.org) is updated daily.

Partial funding for the program is provided by the Mid-Ohio Regional Planning Commission (MORPC) and the federal government [latter funding passed through the Ohio Department of Transportation (ODOT)]. Ordinance #1654-2000 passed by City Council on July 10, 2000 authorized the Public Service Director to execute agreements necessary for this purpose.

This legislation authorizes the Public Service Director to extend these agreements as appropriate through July 31, 2004. No additional funding is required at this time.

Emergency action is requested to provide for agreements being extended as soon as possible to memorialize present working arrangements.

To authorize the Public Service Director to modify and extend agreements with the Mid-Ohio Regional Planning Commission and the Ohio Department of Transportation for continued operation of the Paving the Way program through July 31, 2004, and to declare an emergency. ($0.00)

WHEREAS, the Public Service Department, Transportation Division (or its predecessor division) has operated the Paving the Way program since 1990; and

WHEREAS, partial funding for the program is provided by the Mid-Ohio Regional Planning Commission (MORPC) and the federal government [latter funding is passed through the Ohio Department of Transportation (ODOT)]; and

WHEREAS, Ordinance #1654-2000 passed by City Council on July 10, 2000, authorized the Public Service Director to execute agreements necessary for this purpose; and

WHEREAS, it is necessary to extend these agreements through July 31, 2004 with no increase in funding being required; and

WHEREAS, an emergency exists in the usual daily operation of the Transportation Division, Public Service Department, in that it is immediately necessary to extend said...
agreements, thereby preserving the public health, peace, property, safety and welfare, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Public Service Director be and hereby is authorized to modify and extend existing agreements with the Mid-Ohio Regional Planning Commission and the Ohio Department of Transportation for the continued operation of the Paving the Way program through July 31, 2004.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force form and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.
Background: The following is a resolution to declare the necessity and intent to appropriate fee simple title in and to real estate in connection with the Sidewalk Installation Phase IV Project.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to continue construction within this year's construction season.

To declare the necessity and intent to appropriate fee simple title in and to real estate in connection with the Sidewalk Installation Phase IV Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the Sidewalk Installation Phase IV Project; and,

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Division of Transportation, in that it is immediately necessary to declare the necessity and intent to appropriate fee simple title in and to the hereinbefore described real estate necessary for the aforementioned project so that there will be no delay in the project thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That this Council hereby declares the necessity and intent to appropriate fee simple title in and to the following described real estate necessary for the Sidewalk Installation Phase IV Project, Project #530790, pursuant to and in accordance with the Charter of the City of Columbus, Columbus City Code (1959) Revised, Chapter 909, the Constitution of the State of Ohio and Ohio Revised Code, Chapter 719; to-wit:

DESCRIPTION OF 0.001 ACRE
FOR RIGHT OF WAY

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lot Number 1 of "THE HAAG ADDITION" a subdivision of record in Plat Book 10, Pages 356 and 357 as conveyed to Commercial Land Development LTD. (Auditor's Parcel No. 010-019024) by deed of record in Instrument No. 200008250171261, all records from the Recorder's Office, Franklin County, Ohio, and being more particularly
described as follows:

Begin for reference at the centerline intersection of Lockbourne Road (60 feet in width) and Frebis Avenue (50 feet in width);

Thence North 86°05'15" West, a distance of 29.86 feet, along the centerline of said Frebis Avenue (50 feet in width);

Thence South 03°54'45" West, a distance of 25.00 feet, to a magnail set on the intersection of the southerly right of way line of Frebis Avenue and the westerly right of way line of Lockbourne Road, and being the POINT OF BEGINNING;

Thence South 03° 35'24" West, a distance of 10.00 feet along said westerly right of way line of Lockbourne, to a magnail set;

Thence North 41°14'55" West, a distance of 14.18 feet, crossing said Lot Number 1, to a magnail set on the southerly right of way line of said Frebis Avenue;

Thence South 86° 05'15" East, a distance of 10.00 feet, along said southerly right of way line of said Frebis Avenue to the POINT OF BEGINNING, containing 0.001 acre, more or less.

Bearings in the above description are based on a series of GPS observations (NAD 83) made on July 19, 2002 by ADR & Associates, Ltd.

Robert J. Sands, Registered Surveyor #8053

Section 2. That the City Attorney be and hereby is authorized to cause a written notice of the adoption of this resolution to be served upon the owners, persons in possession of or persons having a real or possible interest of record in the above described premises in the manner provided by law.

Section 3. That for the reasons state in the preamble hereof, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.
To recognize and honor the Nigerian Friendship Association in celebration of their 10th Annual Banquet.

WHERAS, The Nigerian Friendship Association was founded in 1993 by six members to bring together Nigerian professionals for cultural exchange and to establish an outreach vehicle to the Columbus community; and

WHEREAS, The 10th annual banquet will be held on December 13, 2003 at the Haimerl Center; and

WHEREAS, The theme of this year's banquet is "In The Cause Of Our Children"; and

WHEREAS, The guest speaker will be Dr. Gene Harris, Superintendent of Columbus Public Schools; and

WHEREAS, The Nigerian Friendship Association has hosted various events for the youth such as an annual spelling bee, cultural exchanges, and salutes high school and college graduates; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

That this Council does hereby recognize and applaud the Nigerian Friendship Association for their outstanding commitment and outreach to the youth of the City of Columbus.
To endorse the Central Ohio Transit Authority's participation in the United We Ride program and to declare December 2, 2003 as United We Ride Day in Columbus.

WHEREAS the Federal Transportation Administration’s United We Ride program is a five-part initiative to assist communities make the best use of public transportation dollars; and

WHEREAS through effective partnerships and identifying mutual goals, Columbus can leverage our public transportation resources to meet the needs of certain population groups including older adults, the differently-abled and those with lower than average incomes; and

WHEREAS good, reliable public transit removes barriers to employment, health care and many aspects of community participation; and

WHEREAS the United States Department of Transportation and the Federal Transit Administration have taken the lead to develop better and more effective coordination of transit dollars by eliminating duplication of services and enhancing mobility through better coordination; and

WHEREAS the Central Ohio Transit Authority will host a December 2nd visit with Federal Transit Administrator Jenna Dorn, who will unveil the United We Ride program in Columbus; and

WHEREAS the Columbus City Council supports United We Ride, a five-part initiative to assist communities to effectively coordinate human services transportation needs and delivery of services in the most modern, efficient ways,

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

That this council hereby declares December 2, 2003 as United We Ride Day in Columbus and affirms the efforts of the Central Ohio Transit Authority in their efforts to deliver effective, efficient transit options to all segments of our community.

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to COTA for United We Ride Day on December 2, 2003.
30-Day

File Number: 2120-2003  File Type: Ordinance  Status: Second Reading
Version: 2  Controlling Body: Rules and Reference Committee
Requester: Atty Drafter  Cost:  Final Action:

Auditor Cert #:  Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Lara Baker 645-6361

Floor Action (Clerk’s Office Only)

Mayor's Action  Council Action

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Title:
To amend Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, 2173, 2301, 2303, and 2307 of the Columbus City Codes, 1959, and to create new Chapter 2141 of the Columbus City Codes, 1959, to reflect recent changes to Title 29 and Title 45 of the Ohio Revised Code as a result of the passage of Senate Bill 123 and House Bill 490 by the Ohio Legislature as well as to address existing discrepancies between Title 21 of the Columbus City Codes, 1959, and Title 45 of the Ohio Revised Code.

Sponsors: Michael C. Mentel

Indexes:

Attachments: Final Legistar 123.doc
BACKGROUND: This legislation will amend Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, and 2173 of Title 21, and Chapters 2301, 2303 and 2307 of Title 23 of the Columbus City Codes, 1959 by enacting new Sections and new Chapter 2141 in order to harmonize city traffic ordinances with changes made to Title 29 and Title 45 of the Ohio Revised Code as a result of the passage of Senate Bill 123 and House Bill 490 both of which go into effect January 1, 2004. In addition, this legislation constitutes a comprehensive overhaul of the Traffic Code, designed to address conflicts that exist between city ordinances and state law due to prior amendments of the Ohio Revised Code.

To amend Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, 2173, 2301, 2303, and 2307 of the Columbus City Codes, 1959, and to create new Chapter 2141 of the Columbus City Codes, 1959, to reflect recent changes to Title 29 and Title 45 of the Ohio Revised Code as a result of the passage of Senate Bill 123 and House Bill 490 by the Ohio Legislature as well as to address existing discrepancies between Title 21 of the Columbus City Codes, 1959, and Title 45 of the Ohio Revised Code.

WHEREAS, the City of Columbus has the ability to enforce all local police, sanitary, and other similar regulations as are not in conflict with the general laws of the State of Ohio pursuant to Article XVIII, Section 3 of the Ohio Constitution, and

WHEREAS, the Ohio General Assembly has enacted Senate Bill 123 which consists of a comprehensive revision of state traffic laws that is scheduled to go into effect January 1, 2004; and

WHEREAS, the Ohio General Assembly has enacted House Bill 490, a law designed to overhaul misdemeanor sentencing that is likewise scheduled to go into effect January 1, 2004; and
WHEREAS, the enactment of SB 123 and HB 490 has created disparity between existing city ordinances and general laws of the State of Ohio, which inconsistencies, in many instances, will cause the city ordinances to be in conflict with the general laws of the State of Ohio and will thereby be unenforceable as of January 1, 2004; and

WHEREAS, there is currently incongruity between various other provisions of the Columbus City Traffic Code and the prohibitions found in Title 45 of the Ohio Revised Code; and

WHEREAS, it is desirable to have consistency between the Traffic Code and Title 45 of the Ohio Revised Code; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

Section 1. That Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, 2173, 2301, 2303, and 2307 of the Columbus City Codes, 1959, are hereby amended through the enactment of new Sections 2101.05, 2101.09, 2101.11, 2101.17, 2101.19, 2101.20, 2101.201, 2101.251, 2101.27, 2101.311, 2101.32, 2101.341, 2101.35, 2101.45, 2101.51, 2105.16, 2107.01, 2107.04, 2107.06, 2109.01, 2109.02, 2109.03, 2109.031, 2109.06, 2109.08, 2113.01, 2113.04, 2113.041, 2113.05, 2113.06, 2113.07, 2113.08, 2113.09, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.20, 2131.21, 2131.215, 2131.216, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26, 2131.27, 2131.271, 2131.28, 2131.29, 2131.30, 2131.31, 2131.32, 2131.33, 2131.34, 2131.36, 2131.38, 2131.39, 2131.40, 2131.41, 2131.42, 2131.43, 2133.01, 2133.011, 2133.012, 2133.02, 2133.03, 2133.04, 2133.05, 2133.06, 2133.07, 2133.071, 2135.06, 2135.07, 2135.08, 2135.09, 2135.10, 2135.11, 2135.12, 2137.01, 2137.02, 2137.03, 2137.04, 2137.05, 2137.06, 2137.07, 2137.08, 2137.09, 2137.10, 2137.11, 2137.12, 2137.13, 2137.14, 2137.15, 2137.16, 2137.17, 2137.18, 2137.19, 2137.20, 2137.21, 2137.22, 2137.221, 2137.23, 2137.24, 2137.25, 2137.26, 2137.27, 2137.28, 2137.29, 2137.30, 2137.31, 2137.32, 2137.33, 2137.34, 2137.35, 2137.36, 2137.39, 2137.99, 2141.1, 2141.02, 2141.03, 2141.04, 2141.05, 2141.06, 2141.11, 2141.12, 2141.14, 2141.16, 2141.18, 2141.21, 2150.01, 2150.03, 2150.04, 2150.05, 2150.06, 2150.10, 2151.01, 2151.02, 2151.03, 2151.04, 2151.06, 2151.07, 2151.08, 2151.09, 2151.10, 2151.105, 2151.11, 2151.12, 2151.13, 2151.14, 2151.15, 2151.16, 2151.17, 2151.18, 2151.19, 2151.20, 2151.21, 2151.22, 2151.23, 2155.01, 2155.02, 2155.04, 2155.05, 2155.055, 2155.06, 2155.07, 2155.08, 2157.01, 2157.02, 2157.04, 2157.05, 2171.01, 2171.02, 2171.03, 2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.07, 2171.08, 2171.09, 2171.10, 2173.01, 2173.02, 2173.03, 2173.04, 2173.05, 2173.07, 2173.08, 2173.09, 2173.10, 2173.105, 2173.12, 2173.13, 2301.02, 2301.25, 2303.06, 2307.01, and 2307.24.

2101.05 Bus.

"Bus" means every motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

2101.09 Crosswalk.

"Crosswalk" means:

(1) (a) That part of a roadway or alley at intersections, ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the transverseable roadway;

(b) If the service director authorizes curb ramps which are outside the crosswalk established by subsection (a) but within fifteen (15) feet of that crosswalk, the crosswalk shall be extended to encompass the pathway between two (2) opposed ramps; and

(c) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(2) Notwithstanding subsections (a), (b) and (c) of this section, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (ORC 4511.01(LL))
2101.11 Emergency Vehicle

“Emergency Vehicle” means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety, safety director, or other local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

2101.17 Intersection.

"Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;

(2) Where a street highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street or highway by an intersecting street or highway shall be regarded as a separate intersection. If an intersecting street or highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such street or highways shall be regarded as a separate intersection;

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection. (ORC 4511.01(KK))

2101.19 Motorcycle

“Motorcycle” means every motor vehicle other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to motor vehicles known as “motor-driven cycles,” “motor scooter,” or “motorcycle” without regard to weight or brake horsepower. (ORC 4511.01(C))

2101.20 Motor vehicle.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed of twenty-five (25) miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products, and trailers designed and used exclusively to transport a boat between a place of storage and a marina when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))

2101.201 Operate.

"Operate" means to cause or have caused movement of a vehicle on any public or private property used by the public for purposes of vehicular travel or parking. (ORC 4511.01(HHH))

2101.251 Predicate motor vehicle offense or traffic offense.

"Predicate motor vehicle offense or traffic offense" means any of the following:

(1) A violation of any of the following provisions of the Ohio Revised Code:

(a) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.51, 4511.511, 4511.512, 4511.513, 4511.52, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code;
(b) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code;

(c) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated;

(2) A violation of any of the following provisions of the Columbus City Code:

(a) A violation of section 2109.06, 2109.08, 2113.01, 2113.04, 2113.041, 2113.07, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.20, 2131.215, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26, 2131.27, 2131.271, 2131.28, 2131.29, 2131.30, 2131.31, 2131.34, 2131.40, 2131.42, 2131.43, 2133.01, 2133.02, 2133.03, 2133.04, 2133.05, 2133.071, 2171.01, 2171.02, 2171.03, 2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.08, 2173.02, 2173.03, 2173.04, 2173.05, 2173.07, 2173.08, or 2173.105;

(b) A violation of division (a)(2) of section 2113.08.

(3) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in paragraph (1)(a), (b) or (c) of this section. (ORC 4511.01(III))

**2101.27 Public safety vehicle.**

"Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under Section 4503.49 of the Ohio Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State;

(3) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this division.

(4) Vehicles used by fire department, including motor vehicles when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(5) Vehicles used by the commercial motor vehicle safety enforcement unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Section 5503.34 of the Ohio Revised Code. (ORC 4511.01(E))

**2101.311 Ridesharing arrangement.**

"Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpool, vanpool, and buspool. (ORC 4511.01(EE))

**2101.32 Right of way.**

"Right of way" means either of the following, as the context requires:
(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual’s path;

(2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))

2101.341 School

“School” mean any school chartered under section 3301.16 of the Ohio Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school’s report for the parents of the school’s pupil certifying that the school meets Ohio minimum standards for nonchartered, nontaxsupported schools and presents evidence of this filing to the jurisdiction from which is it requesting the establishment of a school zone. (ORC 4511.21(B)(1)(b))

2101.35 School bus.

"School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function; or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the City, or within such limits and the territorial limits of municipal corporations immediately contiguous to the City, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

"Child day-care center" and "type A family day care home" have the same meaning as in Section 5104.01 of the Ohio Revised Code. (ORC 4511.01(F))

2101.45 Traffic.

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices either singly or together, while using any street or highway for purposes of travel. (ORC 4511.01(TT))

2101.51 Vehicle.

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, or any device that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

2105.16 Individual parking spaces.

The service director shall designate and mark off individual parking spaces at points or places to be approved by resolution of council in certain sections of the downtown area and outlying districts, such parking spaces to be established along the curb of streets in such sections and to be approximately twenty-three (23) feet in length along side curbs. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.

A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2107.01 Reasons for impounding.
Any law enforcement officer as defined in Section 2301.01(K), is authorized to remove or cause removal from the streets, highways, sidewalks, or other property open to the public for the purpose of vehicular traffic or parking:

(a) Any vehicle parked, left standing or abandoned thereon in violation of any of the specific terms of this Traffic Code, subject to the provisions of Section 2150.02.

(b) Any vehicle that has been reported stolen.

(c) Any vehicle from which the driver has been arrested, or any vehicle operated by a person who refused to obey the instruction of any police officer after such person has been placed under arrest.

(d) Any vehicle from which the driver or operator has been removed due to illness or injury.

(e) Any vehicle which, in the impounding authorities opinion, creates a condition which presents a risk of physical harm to persons or property including vehicles which, without authorization, release, discharge, or leak substances into or upon the environment.

(f) Any vehicle operated by a person while engaged in, or connected with, the commission of a crime.

(g) Any vehicle operated by a person without an operator's license, or during period of suspension, cancellation, or revocation of such license.

(h) Any vehicle that has been involved in an accident and the driver/operator has failed to stop after such accident.

(i) Any vehicle that fails to comply with the provisions of this Traffic Code relative to equipment.

(j) Any vehicle abandoned after an accident on public or private property away from the owner's residence.

2107.04 Expense of removal, clean up and storage.

The actual expense of removal or unloading of any vehicle including commercially registered vehicles, attached vehicle, or its load will be assessed the owner or agent of said vehicle or property. The city shall be reimbursed for all actual expense incurred for use of service for special equipment, labor, security, traffic direction and clean-up necessary for recovery of the vehicle or its load under Chapter 2107.01, 2107.02, and 2135.12 of Columbus City Codes, 1959.

Any law enforcement officer investigating an accident, a disabled vehicle or an unauthorized spill, release or discharge of material into or upon the environment may order the removal of the vehicle from the scene of the accident if such vehicle constitutes a hazard to traffic flow or to safety. The officer may order any appropriate equipment needed to move such vehicle or to remove its cargo or debris. The actual expense for the removal or unloading of any vehicle and/or load will be assessed to the owner or to the agent of the owner of said vehicle or property. The city shall be reimbursed for all actual expense incurred for special equipment, labor, security, traffic direction and clean-up necessary for recovery of the vehicle or its load under Chapters 2107.01, 2107.02, and 2135.12 of Columbus City Codes, 1959. Any person responsible for causing or allowing an unauthorized spill, release or discharge of material into or upon the environment shall reimburse the city for investigating, mitigating, minimizing, removing, or abating any unauthorized spill, release, or discharge of material into or upon the environment that requires emergency action to protect the public health or safety of the environment. The city shall keep a detailed record of its costs for investigating, mitigating, minimizing, removing, or abating the unauthorized spill, release or discharge.

2107.06 Impounding fee and storage charge--Exceptions.

(a) No vehicle impounded under the provisions of this chapter, except as provided in subsections (b) and (c) hereof, shall be removed from such vehicle pound except upon the payment by the owner, chauffeur, driver or other person in charge of such vehicle, of a service charge of seventy dollars ($70.00) to the parking violations bureau of the city treasurer for any motor vehicle weighing not more than seven thousand (7,000) pounds. There is no additional fee charged if a dolly or rollback is required to tow said motor vehicle to the vehicle pound. A service charge of one hundred dollars ($100.00) shall be paid to
the parking violations bureau of the city treasurer for a motor vehicle weighing more than seven thousand (7,000) pounds but not more than ten thousand fifty (10,050) pounds. A service charge of one hundred forty-five dollars ($145.00) shall be paid to the parking violations bureau of the city treasurer for any motor vehicle weighing more than ten thousand fifty (10,050) pounds.

In addition to the rate set forth above for all motor vehicles, an additional hourly fee may be charged for extra services that are required in connection with towing said motor vehicles such as to upright an overturned vehicle, clean excessive debris from the roadway, recover a vehicle not on the traveled portion or berm of a highway, or to separate vehicles or pull a vehicle from an obstruction. This additional charge will be at the following rates:

1. Seventy dollars ($70.00) per hour for vehicles weighing seven thousand (7,000) pounds or less.

2. One hundred dollars ($100.00) per hour for vehicles weighing more than seven thousand (7,000) pounds, but not more than ten thousand fifty (10,050) pounds.

3. One hundred forty-five dollars ($145.00) per hour for vehicles weighing ten thousand fifty (10,050) pounds or more.

4. A fee of seventy dollars ($70.00) may be added if a trailer dolly is required due to the trailer not being attached to a tractor.

A storage fee of ten dollars ($10.00) per day for each twenty-four (24) hours, or fraction thereof, shall be charged for vehicles with a gross vehicle rating less than ten thousand fifty (10,050) pounds. A storage fee of fifteen dollars ($15.00) per day for each twenty-four (24) hours, or fraction thereof shall be charged per vehicle and per trailer with a gross vehicle rating of ten thousand fifty (10,050) pounds or more.

(b) Any stolen vehicles that have been recovered and impounded by the police pending notification of the legal owner or agent shall be subject to the impounding fee or storage charge. However, the storage shall be charged beginning the fourth day after impoundment, provided the legal owner or agent has been notified, or notification has been sent to the last known address of the owner or agent.

(c) Any vehicle weighing less than seven thousand (7,000) pounds which has been impounded for the sole purpose of "safekeeping" and from which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charge. However, the storage fee shall be charged beginning the fourth day after the date of impoundment. Any vehicle weighing seven thousand (7,000) pounds or more and/or a commercially registered vehicle which has been impounded for the sole purpose of "safekeeping" which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charges. Additional service fees incurred for all vehicles other than towing and storage will be assessed against the owner or agent thereof and shall be paid before the vehicle is released.

(d) The owner of a vehicle that has been removed from the streets, highways, sidewalks, or public grounds pursuant to Section 2107.01 and that has been determined by the violations clerk to be a victim of violent crime against person or other special circumstance shall not be held liable for the payment of any fees associated with the towing and/or impounding of said vehicle.

2109.01 Failure to comply with order or signal of police officer

(A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.

(B) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(C) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer, a misdemeanor of the first degree.

If the offender previously has been found guilty of an offense under division (B) of this section, division (B) of former section 4511.02 of the Ohio Revised Code, or division (B) of section 2921.331 of the Ohio Revised Code, or a substantially similar municipal ordinance, then the court shall impose at least thirty (30) mandatory days imprisonment for violation of this section.
(D) This section shall not apply if:

(1) In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

(3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property, as set forth in Section 2921.331 of the Ohio Revised Code.

(E) (1) In addition to any other sanction imposed for a violation of division (A) of this section, the court shall impose a class six suspension from the range specified in division (A)(6) of section 4510.02 of the Revised Code.

(2) In addition to any other sanction imposed for a violation of division (B) of this section, the court shall impose a class two suspension from the range specified in division (A)(2) of section 4510.02 of the Ohio Revised Code. If the offender previously has been found guilty of an offense under section, former section 4511.02 of the Ohio Revised Code, or section 2921.331 of the Ohio Revised Code, or a substantially similar municipal ordinance, the court shall impose a class one suspension as described in division (A)(1) of section 4510.02 of the Ohio Revised Code. The court shall not grant limited driving privileges to the offender. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit, or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

(F) As used in this section:

(1) "Moving violation" has the same meaning as in section 2743.70 of the Ohio Revised Code.

(2) "Police officer" has the same meaning as in section 2101.25.

2109.02 Traffic direction in emergencies--Obedience to school crossing guards.

(a) It shall be the duty of the police department to enforce the provisions of this Traffic Code. Police officers are authorized to direct all traffic, either in person or by means of visible or audible signal in conformance with the provisions of this Traffic Code, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire departments may direct traffic as conditions may require, notwithstanding the provisions of this Traffic Code. Police officers when directing traffic, either on foot or from any vehicle, shall station themselves wherever necessary to effectively regulate traffic upon the streets.

(b) The director of public safety or his designated representative is authorized to make temporary regulations because of emergencies, special conditions or special events which temporarily restrict access to certain designated sidewalks and streets or portions thereof, and which provide that the designated restricted area is to be conspicuously posted notifying the public that only authorized persons are permitted in the restricted area.

(c) No person shall fail to stop at a marked crosswalk in use by school children under the supervision of a trained crossing guard.

As used in this section, "trained crossing guard" is any person trained and certified by a school board of education in accordance with State regulations.

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

2109.03 Resisting enforcing official.
(a) No person shall resist, hinder, obstruct or abuse any official while such official is attempting to arrest offenders under this Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to public streets or highways.

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.36)

2109.031 Providing false information during issuance of traffic citation.

(a) No person shall knowingly present, display, or orally communicate a false name, social security number, or date of birth to a law enforcement officer who is in the process of issuing the person a traffic ticket or complaint.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.361)

2109.06 Freeway use prohibited by pedestrians, bicycles and animals.

(a) No person, unless otherwise directed by a police officer, shall:

(1) As a pedestrian, occupy any space within the limits of the right of way of a freeway, except: in a rest area, on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use, in the performance of public works or official duties, as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance;

(2) Except in the performance of public works or official duty, occupy any space within the limits of the right of way of a freeway, with an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; or farm machinery;

(b) 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 4511.051)

2109.08 Placing injurious material or obstruction in street.

(a) No person shall place or knowingly drop upon any part of a street, highway, road, lane, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such street, highway, road, lane, or alley, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.

Any person authorized to remove a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle, streetcar, or trackless trolley.

No person shall place any obstruction in or upon a roadway without proper authority.

(b) No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a street, highway, road, lane, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling car along or upon such street, highway, road, lane, or alley except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(c) No person shall recklessly drop or throw any object which may induce an operator of a vehicle on any part of any street, highway, road, lane, or alley to take evasive action to avoid striking such object whether or not such object is actually capable of causing damage or injury.
(d)(1) Except as otherwise provided in this division, whoever violates division (a) of 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 division (a) of 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 division (a) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the first degree.

(3) Whoever violates division (c) of this section is guilty of a misdemeanor of the second degree. (ORC 4511.74)

2113.01 Obedience to traffic control devices.

(a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device, unless at the time otherwise directed by a police officer, or school crossing guard stationed in the vicinity of school buildings. When both traffic control signals and stop signs are erected at intersections, traffic shall be governed by the traffic control signal while it is in operation.

It is an affirmative defense to a charge under this section that the traffic control device was not placed in accordance with the provisions of this Traffic Code.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(b) 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 4511.12)

2113.04 Signal to control lane direction of travel.

(a) Whenever it is necessary to indicate and control the direction of travel in a traffic lane or lanes of a street or highway for the purpose of reversing the direction of traffic in the lane, rectangular signal units shall be placed over each reversible lane and shall apply to operators of vehicles as follows:

(1) Rectangular signal unit with downward pointing illuminated green arrow: Traffic facing such signal may travel in the lane over which the green arrow is shown.

(2) Rectangular signal unit with an illuminated red “X”: Traffic facing such signal shall not enter or travel in any lane over which the grade crossings “X” signal is shown.

(b) Failure to obey the requirement of this section constitutes a violations of section 2113.01. (ORC 4511.131)

2113.041 Driver's duties upon approaching intersection with ambiguous or non-working traffic signal.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing him either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way:

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
(2) Yield the right-of-way to all vehicles, streetcars, or trackless trolleys in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;

(3) Exercise ordinary care while proceeding through the intersection.

(b) 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 4511.132)

2113.05 Pedestrian control signals.

Whenever special pedestrian signals exhibiting the words "walk," "don't walk" or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:

(a) "Walk" or the symbol of a walking person: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operator of all vehicles, streetcars, or trackless trolleys.

(b) "Don't walk" or the symbol of an upraised palm: No pedestrian shall start to cross the roadway in the direction of the signal.

(c) Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to the effective date of this ordinance.

(d) Failure to obey the requirements of this section constitutes a violation of Section 2113.01. (ORC 4511.14)

2113.06 Flashing traffic signals.

(a) Whenever an illuminated flashing red or yellow traffic signal is used in a traffic signal or with a traffic sign it shall require obedience as follows:

(1) Flashing red stop signal: Operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow caution signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Sections 2131.38 and 2131.39.

(b) Failure to obey the requirements of this section constitutes a violation of section 2113.01. (ORC 4511.15)

2113.07 Unauthorized signs and signals, hiding from view, advertising.

(a) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices.
Every such prohibited sign, signal, marking or device is a public nuisance, and the Service Director is authorized to remove
the same or cause it to be removed.

(b) 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 4511.16)

2113.08 Tampering with traffic control devices prohibited.

(a) No person, without lawful authority, shall do any of the following:

(1) Knowingly move, deface, damage, destroy, or otherwise improperly tamper with any traffic control device; any railroad
sign or signal; or any inscription, shield, or insignia on the device, sign or signal; or any part of the device, sign or signal;

(2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the
marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;

(3) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.

(b)(1) Except as otherwise provided in this division, whoever violates division (a)(1) or (3) of this section is guilty of a
misdemeanor of the third degree. If the violation of division (a)(1) or (3) of this section creates a risk of physical harm to any
person, the offender is guilty of a misdemeanor of the first degree. This section shall not apply if a violation of division
(a)(1) or (3) causes serious physical harm to property that is owned, leased, or controlled by a state or local authority.

(2) Except as otherwise provided in this division, whoever violates division (a)(2) of 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 division (a)(2) of 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 division (a)(2) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.17)

2113.09 Possession or sale of traffic control devices prohibited.

(a) As used in this section, "traffic control device" means any sign, traffic control signal, or other device conforming to any
placed or erected in accordance with the manual adopted under Section 4511.09 of the Ohio Revised Code by authority of a
public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting
the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess, or sell, a traffic control device, except when one of the following applies:

(1) In the course of the individual's employment by the State or a local authority for the express or implied purpose of
manufacturing, providing, erecting, moving, or removing such a traffic control device;

(2) In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local
authority;

(3) For the purpose of demonstrating the design and function of a traffic control device to State or local officials;

(4) When the traffic control device has been purchased from the State or a local authority at a sale of property that is no
longer needed or is unfit for use;

(5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person
possessing the device has a sales receipt for the device or other acknowledgement of sale issued by the manufacturer.
(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Section 2913.02 of the Ohio Revised Code or Section 2313.02 relating to theft, or for receiving stolen property in violation of Section 2913.51 of the Ohio Revised Code or Section 2313.51 relating to receiving stolen property.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.18)

2131.01 Driving upon right side of roadway; exceptions.

(a) Upon all streets or highways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the street or highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (a)(2) of this section. This division shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

(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 4511.25)

2131.02 Passing to right when proceeding in opposite directions.

(a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b) 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 4511.26)

2131.03 Overtaking, passing to left; driver's duties.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:
(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) of this section, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 2131.31, a limited access highway as defined in Section 5511.02 of the Ohio Revised Code or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) 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 4511.27)

2131.04 Overtaking, passing to right or left.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.

(c) 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 4511.28)

2131.05 Overtaking, passing to left of centerline.

(a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(b) 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 4511.29)

2131.06 Prohibitions against passing to left of centerline.

(a) No vehicle shall be driven upon the left side of the roadway under the following conditions:
(1) When approaching the crest of a grade or upon a curve in the street or highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel;

(3) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing.

(b) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in division (a)(2) of Section 2131.01.

(c) 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 4511.30)

2131.07 Hazardous or no passing zones.

(a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel (to the right of the normal center line or marked lane line), no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal centerline or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distance set out in Section 2131.06.

(b) 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 4511.31)

2131.08 Driving within lanes or continuous lines of traffic.

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, or whenever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

(1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
(b) 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 4511.33)

2131.09 Following too closely.

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, and the traffic upon and the condition of the street or highway.

(b) 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 4511.34)

2131.10 Turning at intersections.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(b) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(c) No operator shall turn a vehicle at any intersection where signs, signals or markings prohibit such turn and have been erected or placed at such location.

It is an affirmative defense to a charge under this section that the sign, signal or marking was not erected or placed in accordance with Chapter 2105.

(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 4511.36)

2131.11 Turning into private driveway, alley or building.
(a) The driver of a vehicle intending to turn into a private road or driveway, alley, or building from a public street or highway shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.

(3) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the sidewalk or sidewalk area extending across any such roadway.

(b) 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.

2131.12 "U" turns prohibited.

(a) No vehicle shall be turned so as to proceed in the opposite direction upon any street or highway. Turns commonly known as "U" turns are hereby prohibited.

(b) 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.

2131.13 Starting and backing vehicles.

(a) No person shall start a vehicle that is stopped, standing, or parked until such movement can be made with reasonable safety and so as to yield the right of way to moving vehicles.

Before backing, operators of vehicles shall not move unless such movement can be made with reasonable safety and without interfering with other traffic and shall give ample warning, and while backing they shall exercise vigilance not to injure persons or property on the street or highway.

(b) No person shall back a motor vehicle on a freeway, except: in a rest area, in the performance of public works or official duties, as a result of an emergency caused by an accident, or as a result of a breakdown of a motor vehicle.

(c) No operator of a vehicle shall back such vehicle from any alley, private driveway, or building across the centerline of any street of sufficient width to allow two or more moving lanes of traffic in each direction.

(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 4511.38)

2131.14 Signals before changing course, turning, or stopping.
(a) No person shall turn a vehicle or move right or left upon a street or highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a street or highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b) 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 4511.39)

2131.15 Hand and arm signals.

(a) Except as provided in division (b) of this section, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(1) Left turn: Hand and arm extended horizontally;

(2) Right turn: Hand and arm extended upward;

(3) Stop or decrease speed: Hand and arm extended downward.

(b) As an alternative to division (a)(2) of this section, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

(c) 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 4511.40)

2131.16 Right of way at intersections.

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in division (a) of this section is modified at through highways, T-intersections, and otherwise as stated in this Traffic Code.

(c) 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.

2131.161 Right of way at T-intersections.

(a) When two vehicles approach or enter a T-intersection from streets or highways at approximately the same time, the driver of the vehicle on the street or highway which dead-ends into the other street or highway shall yield the right of way to the vehicle on the other street or highway, unless a traffic control device is present at the T-intersection and otherwise as stated in this Traffic Code.

(b) 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.

2131.17 Right of way when turning left.

(a) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road, or driveway as to constitute an immediate hazard.

(b) 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 4511.42)

2131.18 Right of way at through streets; stop and yield right-of-way signs; merging into laned traffic.

(a) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle or pedestrian in the intersection or junction of roadways.

(b) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle or pedestrian in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(c) 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 4511.43)

2131.20 Emergency or public safety vehicles at stop signals or signs.
(a) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(b) 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 4511.03)

2131.21 Right of way of public safety vehicle.

(a) Upon the approach of a public safety vehicle or coroner's vehicle equipped with at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and the driver is giving an audible signal by siren, exhaust whistle, or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive if practical to a position parallel to, and as close as possible to, the right edge or curb of the street or highway clear of any intersection, and stop and remain in that position until the public safety vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street or highway.

(c) The section applies to a coroner's vehicle only when the vehicle is operated in accordance with Section 4513.171 of the Ohio Revised Code. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner, or coroner's investigator that is equipped with a flashing, oscillating, or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

2131.215 Pedestrian to yield to public safety vehicle.

(a) Upon the immediate approach of a public safety vehicle, as stated in Section 2131.21, every pedestrian shall yield the right-of-way to the public safety vehicle.

(b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(c) 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 4511.452)

2131.216 Emergency vehicle and public safety vehicle exceptions.

Sections 2113.01, 2113.03, 2113.04, 2113.041, 2113.06, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.17, 2131.18, 2131.21, 2131.22, 2131.225, 2131.29, 2131.30, 2131.31, 2131.33, 2131.38, 2131.39, 2133.04, 2131.04, 2131.05, 2151.01, 2151.03, 2151.04, 2151.06, 2151.10 and 2171.01(A) of the Columbus City Code do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or
2131.22 Right-of-way at private driveway, alley or building.

(a) The operator of a vehicle about to enter or cross a street or highway from any place other than another roadway shall yield the right-of-way to all traffic approaching on the roadway to be entered or crossed.

(b) 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 4511.44)

2131.225 Emerging from private driveway, alley, or building; stop at sidewalk or sidewalk area.

(a) The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(b) 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 4511.431)

2131.23 Emerging from private driveway, alley or building.

(a) It shall be the duty of the driver of any vehicle emerging from a private road or driveway, alley, or building to yield the right of way to pedestrians using the sidewalk or sidewalk area extending across any such private roadway or driveway, alleyway, or building exitway. When conditions restrict a clear view of any approaching pedestrians, the driver shall stop the vehicle immediately prior to driving onto such sidewalk or sidewalk area, sound an audible approach signal, and yield the right of way to pedestrians as may be required.

(b) 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.

2131.24 Right-of-way of funeral procession.

(a) As used in this section, "funeral procession" means two or more vehicles accompanying the body of a deceased person in the daytime when each of such vehicles has its headlights lighted and is displaying a purple and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 2131.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle which is part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted and without displaying a purple and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.
No driver of any vehicle shall drive between the vehicles comprising a funeral procession while in motion. 

(c) No funeral procession shall occupy High Street between Buttles Avenue and Mound Street, except to cross such street. However, Council may waive this prohibition by resolution.

(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 4511.451)

2131.25 Driver's view and control to be unobstructed by load, persons, or animals.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons or animals, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position, or by any manner of conduct, as to interfere with the driver's view ahead or to the sides of the vehicle, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(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 4511.70)

2131.26 Driving upon street posted as closed for repair.

(a) No person shall drive upon, along, or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction, or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(b) 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 4511.71)

2131.27 Following and parking near emergency or safety vehicles.

(a) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred (500) feet.

(b) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(c) Except as otherwise provided in this division, whoever violates division (a) of 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.
(d) A violation of division (b) of this section constitutes the commission of a parking infraction to be handled pursuant to and
governed by the provisions of Chapter 2150. (ORC 4511.72)

2131.271 Duties upon approaching stationary public safety vehicle displaying emergency light.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light,
flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white
light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating
combination blue and white light, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in
the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and
with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the
stationary public safety vehicle.

(2) If the driver is not traveling on a street or highway of a type described in division (a)(1) of this section, or if the driver is
traveling on a street or highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver
shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and
traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of
all persons and property upon the street or highway.

(c) No person shall fail to drive a motor vehicle in compliance with division (a)(1) or (2) of this section when so required by
division (a) of this section.

(d)(1) 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.

(2) Notwithstanding section 2929.21 of the Ohio Revised Code, upon a finding that a person operated a motor vehicle in
violation of division (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two
times the usual amount imposed for the violation.

(e) As used in this section, "public safety vehicle" has the same meaning as in Chapter 2101.

2131.28 Driving over fire hose.

(a) No vehicle shall, without the consent of the fire department official in command, be driven over any unprotected hose of
the fire department that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b) 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 4511.73)

2131.29 Driving through safety zone.

(a) No vehicle shall at any time be driven through or within a safety zone.

(b) 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, 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 4511.60)

2131.30 One-way streets and rotary traffic islands.

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island. No operator shall drive on a roadway in a direction of travel in violation of signs, markings, or barriers erected or placed at such location.

(b) 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.

(c) It is an affirmative defense to a charge under this section that the sign, marking, or barrier was not erected or placed in accordance with Chapter 2105. (ORC 4511.32)

2131.31 Driving upon divided roadways.

(a) Whenever any street or highway has been divided into two (2) roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across, or within any such dividing space, barrier, or median section, except through an opening, crossover, or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier, or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b) 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 4511.35)

2131.32 Unnecessary sounding of horns.

(a) No person shall sound any horn or other signal device on any motor vehicle or motorcycle except as a warning of danger.

(b) Whoever violates this section is guilty of a minor misdemeanor.

2131.33 Failure to control.

(a) No person shall operate a motor vehicle upon any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle.

(b) Whoever violates this section is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor. (ORC 4511.202)

2131.34 Driving over sidewalks or curbs.

(a) No driver of any vehicle shall drive over or across any curb, upon a sidewalk, or within any sidewalk area except upon a permanent or duly authorized temporary driveway.

(b) 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 4511.711)

2131.36 Stopping for school bus; signals on bus

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Ohio Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(c) Where a street or highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) of this section.

(d) School buses operating on divided streets or highways or on streets or highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, and children attending programs offered by head start agencies on their residence side of the street or highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f)(1) Whoever violates division (a) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(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 section 4510.02 of the Ohio Revised Code. 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.

(g) As used in this section:

(1) "Head start agency" has the same meaning as in section 3301.31 of the Ohio Revised Code.
(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section 4511.77 of the Ohio Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Ohio Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

2131.38 Driving across grade crossings.

(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.

(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train.

(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.

(2) 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 divisions (A)(1)(a) to (e) 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.

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.62)

2131.39 Stopping at grade crossings.

(a) The operator of any motor vehicle carrying passengers for hire, or of any school bus, or of any vehicle carrying explosives or flammable liquids as cargo, or as such part of a cargo as to constitute a hazard, before crossing at grade any track of a railroad, shall stop such vehicle, and while so stopped shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

This section does not apply to any of the following: street railway grade crossings, or to abandoned tracks, spur tracks, side tracks and industrial tracks when the Ohio Public Utilities Commission has authorized and approved the crossing of such tracks without making the stop required by this section. (ORC 4511.63)

(b) 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. (ORC 4511.61)

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or sections 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Ohio Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.61, 4511.63)
2131.40 Entering into intersection or marked crosswalk; entering onto railroad grade crossing.

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalks or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b) 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 4511.712)

2131.41 Motor vehicle bumper regulations.

(A) As used in this section:

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of ten thousand pounds or less.

(4) "Manufacturer" has the same meaning as in Section 4501.01 of the Ohio Revised Code.

(B) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section or to any applicable rule adopted pursuant to this section, or Section 4513.021 of the Ohio Revised Code or rules promulgated pursuant to Chapter 119 of the Ohio Revised Code.

(C) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system.

(D) Nothing contained in this section or in the rules adopted pursuant to this section, or Section 4513.021 of the Ohio Revised Code, shall be construed to prohibit either of the following:

(1) The installation upon a passenger car, multipurpose passenger vehicle, or truck registered in this State of heavy-duty equipment, including shock absorbers and overload springs;

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(E) This section and the rules adopted pursuant to it or Section 4513.021 of the Ohio Revised Code, do not apply to any specially designed or modified passenger car, multipurpose vehicle, or truck when operated off a street or highway in races and similar events.

(G) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. (ORC 4513.021)

2131.42 Occupancy of a travel trailer.
(a) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) 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 4511.701)

**2131.43 Prohibitions against earphones.**

(a) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

(b) 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.

(c) 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)

**2133.01 Operating a vehicle under the influence.**

(A) No person shall operate any vehicle within this City, if, at the time of the operation, any of the following apply:

1. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
2. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
3. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
4. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
5. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.
6. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
7. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
(8) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

(9) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(B) No person under twenty-one years of age shall operate any vehicle within this City, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within two hours of the time of the alleged violation.

When a person submits to a blood test at the request of a law enforcement officer under section 4511.191 of the Ohio Revised Code, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

The bodily substance withdrawn shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director pursuant to section 3701.143 of the Ohio Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(2), (3), (4), and (5) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. The form to be read to the person to be tested, as required under section 4511.192 of the Ohio Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.
(4)(a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic 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 division (A) or (B) of this section, 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:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) 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.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) 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) Division (D)(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 division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or (B)(1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any forensic laboratory certified by the Ohio Department of Health that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Ohio Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at
which blood is withdrawn from a person pursuant to this section, is immune from criminal liability and civil liability based on a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(G)(1) Whoever violates any provision of divisions (A)(1) to (9) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. The court shall sentence the offender under Chapter 2929. of the Ohio Revised Code, except as otherwise authorized or required by divisions (G)(1)(a) to (e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (c), (d), or (e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days, and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, or if the jail at which the offender is to serve the jail term cannot provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

(iii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a fine of not less than three hundred and not more than one thousand dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a driver's intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a driver's intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than four hundred and not more than one thousand five hundred dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class four license 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)(4) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Ohio Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than five hundred fifty and not more than two thousand five hundred dollars;
(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class three license 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)(3) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Ohio Revised Code.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code, subject to division (I) of this section.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory term jail term of one hundred twenty consecutive days. The court shall impose the one hundred twenty day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the one hundred twenty day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class three license 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)(3) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Ohio Revised Code.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code, subject to division (I) of this section.

(e) (i) If, within six years of the instant offense, the offender has been convicted of or pleaded guilty to three or more violations of divisions (A) or (B) of this section or other equivalent offenses, the offender is guilty of a felony to be prosecuted under appropriate state law.

(ii) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Ohio Revised Code under circumstances in which the violation was a felony, regardless of when the prior violation and the prior conviction or guilty plea occurred, the offender is guilty of a felony to be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Ohio Revised Code.
(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii), (G)(1)(c)(i) or (ii), or (G)(1)(d)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of electronically monitored house arrest, as defined in section 2929.23 of the Ohio Revised Code.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than twenty-five consecutive days of electronically monitored house arrest. The cumulative total of the five consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by division (G)(1)(b)(ii) of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of electronically monitored house arrest. The cumulative total of the twenty consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The twenty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of thirty consecutive days required by division (G)(1)(c)(i) of this section, the court, under this division, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by division (G)(1)(c)(ii) of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than one hundred ten consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of sixty consecutive days required by division (G)(1)(d)(i) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than seventy consecutive days of electronically monitored house arrest. The cumulative total of the sixty consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The sixty 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 division (G) of this section and if section 4510.13 of the Ohio Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges only if the court imposes as one of the conditions of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio Revised Code 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.

(5) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c) or (d) of this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio Revised Code 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.

(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:
(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six 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)(6) of section 4510.02 of the Ohio Revised Code.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four 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)(4) of section 4510.02 of the Ohio Revised Code.

(I)(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 Chapter 3793. of the Ohio Revised Code by the Ohio Director of Alcohol and Drug Addiction Services.

(2) An offender who stays in a drivers' 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.

(J) 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.

(K) All terms defined in sections 4510.01 of the Ohio Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Ohio Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Ohio Revised Code, the term as defined in section 4510.01 of the Ohio Revised Code applies to this section.

2133.011 Definitions.

As used in Chapter 2133:

(A) "Equivalent offense" means any of the following:

(1) A violation of division (A) or (B) of section 4511.19 of the Ohio Revised Code;

(2) A violation of any municipal OVI ordinance, including divisions (A) or (B) of 2133.01 of the Columbus City Code;

(3) A violation of section 2903.04 of the Ohio Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;

(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Ohio Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;

(5) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Ohio Revised Code, division (A)(2) of section 2903.08 of the Ohio Revised Code, or former section 2903.07 of the Ohio Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Ohio Revised Code;

(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Ohio Revised Code.
(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, sixty, or one hundred twenty days that must be imposed under division (G)(1)(a), (b), (c) or (d) of section 2133.01 upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(1) Except as specifically authorized under section 2133.01, the term must be served in a jail.

(2) Except as specifically authorized under section 2133.01, the term cannot be suspended, reduced, or otherwise modified pursuant to sections 2929.51, 2951.02, or any other provision of the Ohio Revised Code.

(C) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine.

(D) "Community residential sanction," "jail," "mandatory prison term," "mandatory term of local incarceration," "sanction," and "prison term" have the same meanings as in section 2929.01 of the Ohio Revised Code.

2133.012 Physical control.

(A) As used in this section, "physical control" means being in the driver's position of the front seat of a vehicle or in the driver's position of a trackless trolley and having possession of the vehicle's or trackless trolley's ignition key or other ignition device.

(B) No person shall be in physical control of a vehicle or trackless trolley 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 division (A)(2), (3), (4), or (5) of section 2133.01.

(C) Whoever violates this section is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender 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 section 4510.02 of the Ohio Revised Code.

2133.02 Reckless operation on streets, public or private property.

(a) No person shall operate a vehicle on any street, highway, or on any public or private property other than streets or highways without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any street, highway, or on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

(c) Except as otherwise provided in this division, whoever violates division (a) of 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 or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree. Except as provided in this division, whoever violates division (b) of this section is guilty of a misdemeanor of the third degree. 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 division (b) of this section is guilty of a misdemeanor of the second degree.

(d) This section does not apply to the competitive operation of vehicles or public or private property, other than streets or highways, when the owner of such property knowingly permits such operation thereon. (ORC 4511.20)

2133.03 Maximum speed limits--assured clear distance ahead -- reasonable for conditions -- per se violation.

(A) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway, and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.
(B) It is prima facie lawful, in the absence of a lower limit declared pursuant to section 4511.21 of the Ohio Revised Code by the Ohio Director of Transportation or local authorities, for the operator of a motor vehicle to operate at a speed not exceeding the following:

(1) Fifteen (15) miles per hour on all alleys within the city;

(2) Twenty (20) miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty (20) miles per hour school speed limit signs are erected; except that, on controlled access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(5) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(6) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed is in effect;

(3) Twenty-five (25) miles per hour in all other portions of the city, except on state routes outside business districts, through streets outside business districts, and through highways outside business districts;

(4) Thirty-five (35) miles per hour on all state routes or through streets and through highways within the city outside business districts, except as provided in division (B)(5) of this section;

(5) Fifty (50) miles per hour on controlled-access highways and expressways within the city, and on state routes outside urban districts unless a lower prima facie speed is established as provided by section 4511.21 of the Ohio Revised Code;

(6) Fifty-five (55) miles per hour at all times on freeways with paved shoulders inside the city, other than freeways as provided in division (B)(7) of this section; and

(7) Sixty-five (65) miles per hour for operators of any motor vehicle weighing eight thousand (8,000) pounds or less empty weight and any commercial bus at all times on all portions of the following:

(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995.

(b) Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under division (L) of section 4511.21 of the Ohio Revised Code.

(c) Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under division (M) of section 4511.21 of the Ohio Revised Code.

(C) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)-(7) of this section, or any declared pursuant to section 4511.21 of the Ohio Revised Code by the Ohio Director of Transportation or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding fifty-five (55) miles per hour, except upon a freeway as provided in division (B)(7) of this section.

(2) At a speed exceeding sixty-five (65) miles per hour upon a freeway as provided in division (B)(7) of this section.

(3) At a speed exceeding the posted speed limit upon a freeway for which the director of transportation has determined and declared a speed limit pursuant to division (I)(2), (L)(2) or (M) of section 4511.21 of the Ohio Revised Code.
(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1), (2), (3), (4), or (5) of, or a limit declared pursuant to, this section declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits pursuant to which a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) Notwithstanding the above provisions, should the Ohio Director of Transportation or council under the authority of section 4511.21 of the Ohio Revised Code determine and declare a reasonable and safe prima facie speed limit different than those stated above, and appropriate signs giving notice thereof are erected in accordance with section 4511.21 of the Ohio Revised Code, it shall be prima facie lawful for the operator of a motor vehicle to operate the same at a speed not in excess of such designated speed, and it shall be prima facie unlawful for any person to exceed such speed.

(G) Except as provided in this division, a violation of any provision of this section is a minor misdemeanor

(1)(a) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to any provision of this section, a violation of any provision of this section is a misdemeanor of the fourth degree.

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to any provision of this section, a violation of any provision of this section is a misdemeanor of the third degree.

(2)(a) If the offender has not been previously convicted of or pleaded guilty to a violation of any provision of this section, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district, faster than fifty miles in other portions of the city, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a violation of any provision of this section is a misdemeanor of the fourth degree.

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of a provision of this section, section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district, faster than fifty miles an hour in other portions of the city, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a violation of any provision of this section is a misdemeanor of the fourth degree.

(3) Notwithstanding any other provision of division (G) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Ohio Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation of an offense if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine. (ORC 4511.21)

2133.04 Slow speed; posted minimum speeds.

(a) No person shall stop or operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever it is determined by the Ohio Director of Transportation or City authorities on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled access highway, expressway, or freeways safely impede the normal and reasonable movement of traffic, the Ohio Director of Transportation or City authorities may declare a minimum speed limit below which no person shall operate a motor vehicle, except when necessary for safe operation or in
compliance with law. No minimum speed limit established hereunder shall be less than thirty miles per hour, greater than fifty miles per hour, nor effective until the provisions of Ohio section 4511.21 of the Ohio Revised Code, relative to appropriate signs, have been fulfilled and City authorities have obtained the approval of the Ohio Director of Transportation.

(c) 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 4511.22)

2133.05 Speed limitations over bridges.

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street or highway at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with signs as provided in this section.

The Ohio Department of Transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety withstand traffic traveling at the speed otherwise permissible under sections 4511.01 to 4511.85 and 4511.98 of the Ohio Revised Code, the department shall determine and declare the maximum speed of traffic which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of at least one hundred feet before each end of such structure.

Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by the Ohio Department of Transportation and existence of said signs shall constitute prima-facie evidence of the maximum speed that can be maintained with safety to such bridge or structure.

(b) 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 4511.23)

2133.06 Speed exceptions for emergency or safety vehicles.

The prima-facie speed limitations set forth in Section 2133.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls, and are equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

2133.07 Street racing prohibited.

(a) As used in this section, "street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 2133.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(b) No person shall participate in a street race upon any public road, street, or highway in this City.
(c) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than one year. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division. (ORC 4511.251)

2133.071 Unnecessary squealing of tires.

(a) No person shall operate any motor vehicle or motorcycle unless necessary for safe operation or in compliance with the law, in such a manner as to cause a rapid acceleration, or a rapid deceleration, or an abrupt turn, resulting in unnecessary squealing of tires.

(b) 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.

2135.06 Operation or sale of motor vehicle without certificate of title.

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

(1) Operate in this City a motor vehicle for which a certificate of title is required without having such certificate in accordance with Chapter 4505. of the Ohio Revised Code or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this city knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, or a certificate of title, or an assignment of a certificate of title for it as provided in Chapter 4505 of the Ohio Revised Code;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the registrar of motor vehicles and notice of the cancellation as prescribed in Chapter 4505. of the Ohio Revised Code;

(4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Chapter 4505. of the Ohio Revised Code, in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules promulgated pursuant to Chapter 4505. of the Ohio Revised Code;

(6) Except as otherwise provided in Chapters 4505. and 4517. of the Ohio Revised Code, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Section 4505.06 of the Ohio Revised Code and subchapter IV of the “Motor Vehicle Information and Cost Savings Act,” 86 Stat. 961 (1972), 15 U.S.C. 1981.

(7) Operate in this City a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been cancelled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both. (ORC 4505.18)
2135.07 Registration marks, placards and stickers; display in plain view.

(a) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Sections 4503.19 and 4503.191 of the Ohio Revised Code, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in transit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, mobile home, trailer, or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker only on the rear license plate, except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Section 4503.182 of the Ohio Revised Code, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view in the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4503.21)

2135.08 Use of unauthorized plates.

(a) No person shall operate or drive a motor vehicle upon the streets and highways of this City if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

(1) Is fictitious;

(2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

(3) Belongs to another motor vehicle; provided that this section does not apply to a motor vehicle that is operated on the streets and highways in this City when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets and highways in this City, during the thirty-day period described in division (A)(4) of Section 4503.12 of the Ohio Revised Code;

(b) A person who fails to comply with the transfer of registration provisions of Section 4503.12 of the Ohio Revised Code and is charged with a violation of that section shall not be charged with a violation of this section.

(c) Whoever violates this section is guilty of a operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense; on each subsequent offense the offender is guilty of a misdemeanor of the third degree. (ORC 4549.08)

2135.09 Operating without license plates.

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays two placards, except as provided in Section 4503.21 of the Ohio Revised Code, issued by the Ohio Director of Public Safety, that bear the registration number of its manufacturer or dealer.

(b) Whoever violates this section is guilty of illegal operation of a manufacturer’s or dealer’s motor vehicle, a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.10)
2135.10 Operating with number of former owner.

(a) No person shall operate or drive upon the streets or highways of this City a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.

(b) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.11)

2135.11 Resident operating with number issued by foreign state.

(a) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the streets or highways of this City, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this State relating to the registration and identification of motor vehicles.

(b) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.12)

2135.12 Failure to stop after an accident or collision.

(a) Whenever a vehicle is involved in an accident or collision with either persons or property (including personal or real property) upon any public street or highway, or upon any public or private property, the operator of any such vehicle who has knowledge of the accident or collision shall do all of the following:

(1) Immediately stop the motor vehicle at the scene of the accident or collision.

(2) Remain at the scene of the accident or collision, until all requirements of this section have been met.

(3) Provide the operator’s name and address to all other persons or operators involved in the accident or collision.

(4) If the operator of the vehicle involved in the accident or collision is not the owner of that vehicle, then the operator shall provide the name and address of the owner of the vehicle to all other persons or operators involved in the accident or collision.

(5) Upon request, the operator of the vehicle involved in the accident or collision shall exhibit or display the operator’s driver’s license or commercial drivers license to all other persons or operators involved in the accident or collision.

(6) The operator of the motor vehicle involved in the accident or collision shall provide the registration number of the operated vehicle involved in the accident or collision to all other persons or operators involved in the accident or collision.

(7) If any other person or operator involved in the accident or collision is unable to comprehend and record the information required to be provided by this section, then the other person or operator involved in the accident or collision shall immediately notify the Columbus Division of Police, or the nearest police authority, concerning the fact and location of the accident or collision, and such other person or operator making the notification shall remain at the scene of the accident or collision until a law enforcement officer arrives at the scene, unless the person or operator notifying the appropriate law enforcement agency is removed from the scene of the accident or collision by an emergency vehicle operated by a political subdivision.

(8) Upon request, provide the name and address of any business entity that provides an insurance liability policy or bond for the operator to be in compliance with the State Financial Responsibility law.

(9) The operator of a motor vehicle involved in an accident or collision shall provide all of the information required by this section to any law enforcement officer at the scene of such accident or collision.
(10) If the accident or collision is with an unoccupied or unattended vehicle, then the operator of the vehicle that was
involved in the accident or collision shall remain at the scene of such accident or collision until the operator has securely
attached the information required to be provided by this section, in writing, to a conspicuous place in or on the unoccupied or
unattended motor vehicle, and if available, a telephone number where the operator may be reached.

(11) If the damaged property involved in the accident or collision is not another vehicle, then the operator shall take all
reasonable steps to locate the owner or person in charge of such property, including remaining at the scene of the accident or
collision for a minimum of 30 minutes, unless transported for medical treatment. Once the owner or person in charge of such
property is located, the operator shall provide the owner/person in charge with the information required in paragraphs (3), (4),
(6), and (8) of division (a) of this section. If the owner or person in charge of such property is not present and cannot be
located to provide the information required by this section, then the operator of the vehicle involved in such accident or
collision shall notify the Columbus Division of Police, Accident Investigation Squad, within 24 hours, and in writing, of all
information required by this section to be provided to the owner or person in control of the damaged property, together with
the date, time, and location of the accident or collision.

(b) (1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of failure to stop
after an accident, a misdemeanor of the first degree. The court, in addition to any other penalties provided by law, shall
impose upon the offender a class five suspension of the offender’s driver’s license, commercial driver’s license, temporary
instruction permit, probationary license, or nonresident operating privileges from the range specified in division (A)(5) of
section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of the offender’s license,
permit, or privilege required by this division.

(2) If accident or collision in violation of this section results in serious physical harm or death to a person, failure to stop after
an accident is a felony to be prosecuted under applicable state law. (ORC 4549.02, 4549.021, 4549.03)

2137.01 Driving unsafe vehicles; application.

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street or highway any vehicle
or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicles
not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road
machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the
offender previously has been convicted of a violation of this section, section 4513.02 of the Ohio Revised Code, or a
substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC
4513.02)

2137.02 Lighted lights; measurement of distance and heights.

(a) Every vehicle upon a street or highway during the time from sunset to sunrise, and at any other time when there are
unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and
substantial objects on the street at a distance of one thousand feet ahead, shall display lighted lights and illuminating devices
as required by this chapter for different classes of vehicles; except that every motorized bicycle shall display at such times
lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Section 4511.521(A) of the Ohio
Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway using only parking lights as
illumination.

Whenever in this Chapter a requirement is declared as to the distance from which certain lights and devices shall render
objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level
unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in this Chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the
center of such light or device to the level ground upon which the vehicle stands.
(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.03 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.03 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.03)

2137.03 Headlights on motor vehicles and motorcycles.

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlights.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.04 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.04 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.04)

2137.04 Tail light; illumination of rear license plate.

(a) Every motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one (1) tail light mounted on the rear which when lighted, shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty (50) feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.05 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.05 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.05)

2137.05 Rear red reflectors.

(a) Every new motor vehicle sold after September 6, 1941, and operated on a street, other than a commercial tractor, to which a trailer or semitrailer is attached shall carry at the rear, either as a part of the tail lights or separately, two (2) red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in section 2137.06 shall be equipped with reflectors as required by the regulations provided for in said section.

Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle.

(b) On every trailer or semitrailer, when operated upon the streets or highways of the city during the time specified in Section 2137.02, there shall be carried on each side thereof a red reflector located at or near the rear thereof so fixed as to be plainly visible to other drivers or pedestrians.
(c) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.06 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.06 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.06)

2137.06 Safety lighting on commercial vehicles.

(a) Buses, trucks, commercial tractors, trailers, semitrailers, and pole trailers, when operated upon any street or highway, shall be equipped with clearance lights, marker lights, reflectors, and stop lights as required by rules promulgated by the Ohio Director of Public Safety. Such equipment shall be lighted at all times mentioned in Section 2137.02 except that clearance lights and side marker lights need not be lighted on any such vehicle operated where there is sufficient light to reveal any person or substantial object on the street or highway at a distance of five hundred (500) feet. Such equipment shall be in addition to all other lights specifically required by Sections 2137.02 to 2137.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.07 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.07 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.07)

2137.08 Red light or red flag on extended loads.

(a) Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 2137.02, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen (16) inches square.

No person shall operate any vehicle under conditions described herein, without displaying the red light or red flag on the extending load.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.09 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.09 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.09)

2137.09 Lights on parked or stopped vehicles.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in Section 2137.02, such vehicle shall be equipped with one (1) or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred (500) feet to the front of such vehicle, and a red light visible from a distance of five hundred (500) feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of five hundred (500) feet upon such street or highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150. (ORC 4513.10)
2137.10 Lights on slow-moving vehicles; emblem; animal-drawn vehicle

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (c) of section 2137.01, not specifically required to be equipped with lamps or other lighting devices by sections 2137.02 to 2137.09, shall, at the times specified in section 2137.02, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Ohio Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in division (b) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) No person shall sell, lease, rent, or operate any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (b) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (b) of this section.

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (b) of this section, in addition to the use of the slow-moving vehicle emblem, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 2137.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 2137.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1) With a slow-moving vehicle emblem complying with division (b) of this section;

(2) With alternate reflective material complying with rules adopted under division (F) of section 4513.11 of the Ohio Revised Code;

(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The alternate reflective material referenced in division (2) may be black, gray, or silver in color, as determined by division (F) of section 4513.11 of the Ohio Revised Code. The alternate reflective material shall be mounted on the animal-drawn
vehicle so as to be visible, at all times specified in section 2137.02, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.11)

(h) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

2137.11 Spotlight and auxiliary lights.

(a) Any motor vehicle may be equipped with not more than one (1) spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than one hundred (100) feet ahead of the vehicle.

Any motor vehicle may be equipped with not more than three (3) auxiliary driving lights mounted on the front of the vehicle.

No person shall operate a vehicle with greater number of spotlights or auxiliary lights than is permitted under this section nor with a spotlight or auxiliary light focused or used in a manner prohibited by this section.

The Ohio Director of Public Safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.12 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.12 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.12)

2137.12 Cowl, fender and back-up lights.

(a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.13 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.13 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.13)

2137.13 Two lights displayed.

(a) At all times mentioned in Section 2137.02 at least two (2) lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

The Ohio Director of Public Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.
(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.14 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.14 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.14)

2137.14 Use of headlight beams.

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 2137.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles, and substantial objects at a safe distance in advance of the vehicle subject to the following requirements:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) Every new motor vehicle registered in this state, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.15 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.15 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.15)

2137.15 Lights of less intensity on slow-moving vehicles.

(a) Any motor vehicle may be operated under the conditions specified in Section 2137.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 2137.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.16)

2137.16 Number of lights permitted; limitations on red and flashing lights

(a) Whenever a vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a street or highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(c)(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition
not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line stripers, snow plows, rural mail delivery vehicles, vehicles as provided in section 4513.182 of the Ohio Revised Code, department of transportation maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light, but shall not display a flashing, oscillating, or rotating light of any other color, nor to vehicles or machinery permitted by section 2137.10 to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in division (c)(1) of this section does not apply to such machinery or vehicles. Farm machinery also may display the lights described in section 2137.10.

(d) Except a person operating a public safety vehicle, as defined in section 2101.07, or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) No person shall drive or move any vehicle upon any street or highway with any light or device thereon displaying a blue light, or alternate red and blue flashing light mounted on such vehicle. This subsection does not apply to police public safety vehicles.

(f) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(g) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.17 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.17 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.17)

2137.17 Focus and aim of headlights.

(a) No person shall use any lights mentioned in Sections 2137.02 to 2137.16, inclusive, upon any motor vehicle, trailer, or semitrailer unless said lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the Ohio Director of Public Safety.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.19 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.19 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.19)

2137.18 Brake equipment

(A) The following requirements govern as to brake equipment on vehicles:

(1) Every vehicle, other than a motorcycle, when operated upon a street or highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such vehicles manufactured or assembled after January 1, 1942, they shall be so
constructed that failure of any one part of the operating mechanism shall not leave the vehicle without brakes on at least two wheels.

(2) Every motorcycle, when operated upon a street or highway shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

(3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under section 4511.521 of the Ohio Revised Code.

(4) When operated upon the streets or highways of this state, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:

(a) Every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;

(b) Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.

(5) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.

(6) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than two thousand pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(7) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(8) Every vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

(a) Vehicles or combinations of vehicles having brakes on all wheels shall come to a stop in thirty feet or less from a speed of twenty miles per hour.

(b) Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in forty feet or less from a speed of twenty miles per hour.

(9) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the trackless trolley or vehicle.

(B) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.20 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.20 of the Ohio Revised Code, or a
substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.20)

2137.19 Horn, siren and theft alarm signal.

(a) Every motor vehicle when operated upon a street or highway shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Department of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.21 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.21 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.21)

2137.20 Mufflers; excessive smoke or gas

(a) Every vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass, or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

No person shall own, operate, or have in the person's possession any vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle or motorcycle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.22 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.22 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.22)

2137.21 Rear-view mirror; clear view to front, both sides and rear.

(a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street or highway to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.23 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.23 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.23)

2137.22 Sign or poster upon windshield; windshield wiper; vision clearance.
(a) No person shall drive any motor vehicle on a street or highway in this state, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(b) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left hand or right and corner of the windshield a sign, poster or decal not to exceed four (4) inches in height by six (6) inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d) No person shall drive any motor vehicle, or bus, whether or not equipped as required in subsection (b) hereof, where the vision through the front windshield is obscured by dirt, rain, frost, snow or other moisture.

(e) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.24 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.24 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.24)

2137.221 Restrictions on the use of tinted glass and other obscuring material

(a) Pursuant to Chapter 119. and Section 4513.241 of the Ohio Revised Code, the Ohio Director of Public Safety has adopted rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(b) The rules adopted under section 4513.241 of the Ohio Revised Code may provide for persons who meet either of the following qualifications:

(1) On November 11, 1994, or the effective date of any rule adopted under section 4513.241 of the Ohio Revised Code, own a motor vehicle that does not conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code or any rule adopted under that section;

(2) Establish residency in this state and are required to register a motor vehicle that does not conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code.

(c) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to any requirements of, or rule adopted under, section 4513.241 of the Ohio Revised Code.

(d) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code.

(e) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code.

(f) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.
(g) This section does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by federal motor vehicle safety standard number two hundred five.

(h) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a handicapped child pursuant to a special education program under Chapter 3323. of the Ohio Revised Code, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "handicapped child" and "special education program" have the same meanings as in section 3323.01 of the Ohio Revised Code.

(i) This section does not apply to any school bus that is to be sold and operated outside this state.

(j) Whoever violates division (c), (d), (e), or (f) of this section is guilty of a minor misdemeanor. (ORC 4513.241)

2137.23 Limited load extension on sides of passenger vehicle.

(a) No passenger-type vehicle shall be operated on a street or highway with any load carried on such vehicle which extends more than six (6) inches beyond the line of the fenders on the vehicle’s left side nor more than twelve (12) inches beyond the line of the fenders on the vehicle’s right side.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.30 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.30 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.30)

2137.24 Motor vehicle stop lights.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street, highway or alley shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle which shall be actuated upon application of the service brake, and which may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under section 4513.19 of the Ohio Revised Code.

Historical motor vehicles as defined in section 4503.181 of the Ohio Revised Code, not originally manufactured with stoplights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.071 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.071 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.071)

2137.25 Tire protrusions; chains and studs permitted.

(a) No tire on a vehicle moved on a street or highway shall have on its periphery any block, flange, stud, cleat or spike or any other protrusion of any material other than rubber which projects beyond the tread of the traction surface of the tire. This
section does not prohibit farm machinery with tires having protrusions which will not injure the street, the use of tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid, or the use of snow tires which have metal studs inserted in the tires.

(b) Whoever violates this section is guilty of a minor misdemeanor.

2137.26 Use of studded tires.

(a) For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction service of the tire.

(b) No person shall operate any motor vehicle, other than a public safety vehicle, emergency vehicle, or school bus, that is equipped with studded tires on any street or highway in this city, except, during the period extending from November 1 through April 15 of the succeeding year.

(c) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof.

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

2137.27 Loud sound amplification systems prohibited.

(a) No operator or passenger of a motor vehicle shall operate, or permit the operation of, any sound amplification system which can be heard outside the vehicle from fifty (50) or more feet when the vehicle is being operated upon a street, highway, or other property open to the public for the purpose of vehicular travel or parking.

(b) "Sound amplification system" shall include any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of the human voice, music, or any other noise or sound.

(c) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(2) The vehicle was an emergency or public safety vehicle;

(3) The vehicle was owned and operated by the city or a gas, electric, communications, refuse, or water utility company;

(4) The vehicle was being used in a parade, as defined in Section 2111.01, and the person or organization conducting the parade had obtained a parade permit from the appropriate City agency.

(d) Except as otherwise provided in this division, a violation of this section is a minor misdemeanor. If the offender persists in operating or permitting the operation of a sound amplification system in contravention of this section after reasonable warning to desist within a 12-hour period, a violation of this section is a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of this section, a violation of this section is a misdemeanor of the fourth degree.

2139.01 Definitions.

(a) As used in Chapter 2139:

(1) "Axle" means one or more load-carrying wheels mounted in a single transverse vertical plane.

(2) "Spacing between axles" means the distance between any two successive such planes.

(3) "Maximum axle load" means the gross weight of vehicle and load imposed by any axle upon the road surface.
(4) "Maximum wheel load" means the proportionate gross weight of vehicle and load imposed by any wheel upon the road surface.

(5) "Automobile transporter" means any vehicle combination designed and used expressly for the transport of assembled motor vehicles.

(6) "Stinger-steered automobile transporter" means any automobile transporter configured as a semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(7) "Boat transporter" means any vehicle combination, including a straight truck towing a trailer typically using a ball and socket connection, designed and used specifically for the transport of boat hulls and boats, whether the hulls or boats are assembled or partially disassembled to facilitate transportation.

(8) "Stinger-steered boat transporter" means a boat transporter configured as a semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(9) "Assembled" means, in regard to motor vehicles, capable of being driven.

(10) "B-train assembly" means any rigid frame extension that is attached to the rear frame of one (1) semitrailer and provides a fifth wheel connection point for a second semitrailer.

(11) "Saddlemount vehicle transporter combination" means any combination of vehicle in which a straight truck or commercial tractor tows one (1) or more straight trucks or commercial tractors, each connected by a saddle to the frame or fifth wheel of the straight truck or commercial tractor in front of it. Such a combination may include a fullmount, in which a smaller vehicle is mounted completely on the frame of either the first or last straight truck or commercial tractor in the saddlemount combination.

(b) "Vehicle" as used in Chapter 2139, means any single vehicle when not in combination, or any combination of vehicles as defined in section 4501.01 of the Ohio Revised Code. (ORC 5577.01)

2139.02 Operation of vehicle on highways in excess of prescribed weights forbidden.

(a) No trackless trolley, traction engine, steam roller, or other vehicle, load, object, or structure, whether propelled by muscular or motor power, not including vehicles run upon stationary rails or tracks, fire engines, fire trucks, or other vehicles or apparatus belonging to or used by any municipal or volunteer fire department in the discharge of its functions, shall be operated or moved over or upon the improved public streets, highways, bridges or culverts in this city, upon wheels, rollers, or otherwise, weighing in excess of the weights prescribed in Sections 2139.03 to 2139.11, inclusive, including the weight of vehicle, object, structure, or contrivance and load, except under special permission, granted as provided by Section 4513.34 of the Ohio Revised Code.

(b) Whoever violates this section shall be punished as provided in division (a) of section 2139.99. (ORC 5577.02)

2139.03 Weight of load; width of tire.

(A) No person, firm, or corporation shall transport over the improved public streets, alleys, intercounty highways, state highways, bridges, or culverts, in any vehicle propelled by muscular, motor, or other power, any burden, including weight of vehicle and load, greater than the following:

(1)(a) In vehicles having metal tires three (3) inches or less in width, a load of five hundred (500) pounds for each inch of the total width of tire on all wheels;

(b) When the tires on such vehicles exceed three (3) inches in width, an additional load of eight hundred (800) pounds shall be permitted for each inch by which the total width of the tires on all wheels exceeds twelve (12) inches.

(2) In vehicles having tires of rubber or other similar substances, for each inch of the total width of tires on all wheels, as follows:
(a) For tires three (3) inches in width, a load of four hundred fifty (450) pounds;
(b) For tires three and one half (3 1/2) inches in width, a load of four hundred fifty (450) pounds;
(c) For tires four (4) inches in width, a load of five hundred (500) pounds;
(d) For tires five (5) inches in width, a load of six hundred (600) pounds;
(e) For tires six (6) inches and over in width, a load of six hundred fifty (650) pounds.

The total width of tires on all wheels shall be, in case of solid tires of rubber or other similar substance, the actual width in inches of all such tires between the flanges at the base of the tires, but in no event shall that portion of the tire coming in contact with the road surface be less than two-thirds (2/3) the width so measured between the flanges.

In the case of pneumatic tires, of rubber or other similar substance, the total width of tires on all wheels shall be the actual width of all such tires, measured at the widest portion thereof when inflated and not bearing a load.

In no event shall the load, including the proportionate weight of vehicle that can be concentrated on any wheel, exceed six hundred fifty (650) pounds to each inch in width of the tread as defined in this section for solid tires, or each inch in the actual diameter of pneumatic tires measured when inflated and not bearing a load. (ORC 5577.03)

(B) Whoever violates this section shall be punished as provided in division (a) of section 2139.99.

2139.04 Vehicles with pneumatic tires--Load limits.

(a) The maximum wheel load of any one (1) wheel of any vehicle, load, object, or structure operated or moved upon improved public highways, streets, bridges or culverts shall not exceed six hundred fifty (650) pounds per inch width of pneumatic tire, measured as prescribed by Section 2139.03.

(b) The weight of vehicle and load imposed upon the road surface that is part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

1. On any one (1) axle, twenty thousand (20,000) pounds;
2. On any tandem axle, thirty-four thousand (34,000) pounds;
3. On any two (2) or more consecutive axles, the maximum weight as determined by application of the formula provided in division (c) of this section.

(c) For purposes of division (b)(3) of this section, the maximum gross weight on any two (2) or more consecutive axles shall be determined by application of the following formula:

\[ W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right) \]

In this formula, W equals the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals the distance in rounded whole feet between the extreme of any group of two (2) or more consecutive axles, and N equals the number of axles in the group under consideration. However, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more.

(d) Except as provided in division (i) of this section, the weight of vehicle and load imposed upon a road surface that is not part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

1. On any one (1) axle, twenty thousand (20,000) pounds;
2. On any two (2) successive axles:
   A. Spaced four (4) feet or less apart, and weighed simultaneously, twenty-four thousand (24,000) pounds;
   B. Spaced more than four (4) feet apart, and weighed simultaneously, thirty-four thousand (34,000) pounds, plus one thousand (1,000) pounds per foot, or fraction thereof, over four (4) feet, not to exceed forty thousand (40,000) pounds.
(3) On any three (3) successive load-bearing axles designed to equalize the load between such axles and spaced so that each such axle of the three (3)-axle group is more than four (4) feet from the next axle in the three (3)-axle group and so that the spacing between the first axle and the third axle of the three (3)-axle group is no more than nine (9) feet, and with such load-bearing three (3)-axle group weighed simultaneously as a unit:

A. Forty-eight thousand (48,000) pounds, with the total weight of vehicle and load not exceeding thirty-eight thousand (38,000) pounds plus an additional nine hundred (900) pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle;

B. As an alternative to division (d)(3)(A) of this section, forty-two thousand five hundred (42,500) pounds, if part of a six-axle vehicle combination, with at least twenty (20) feet of spacing between the front axle and rearmost axle, with the total weight of vehicle and load not exceeding fifty-four thousand (54,000) pounds plus an additional six hundred (600) pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle.

(4) The total weight of vehicle and load utilizing any combination of axles, other than as provided for three (3)-axle groups in division (d) of this section, shall not exceed thirty-eight thousand (38,000) pounds plus an additional nine hundred (900) pounds for each foot of spacing between the front axle and rearmost axle of the vehicle.

(e) Notwithstanding divisions (b) and (d) of this section, the maximum overall gross weight of vehicle and load imposed upon the road surface shall not exceed eighty thousand (80,000) pounds.

(f) Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of twelve (12) feet and six (6) inches.

(g) As used in division (b) of this section, "tandem axle" means two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty (40) inches but no more than ninety-six (96) inches apart, extending across the full width of the vehicle.

(h) This section does not apply to passenger bus type vehicles operated by a regional transit authority pursuant to Sections 306.30 to 306.54 of the Ohio Revised Code.

(i) Either division (b) or (d) of this section applies to the weight of a vehicle and its load imposed upon any road surface that is not a part of the interstate system by vehicles with pneumatic tires. As between divisions (b) and (d) of this section, only the division that yields the highest total gross vehicle weight limit shall be applied to any such vehicle. Once that division is determined, only the limits contained in the subdivisions of that division shall apply to that vehicle. (ORC 5577.04)

(j) Whoever violates this provision shall be punished as provided in division (a) of section 2139.99.

2139.041 Maximum axle load, wheel load, and gross weights and towing connection length for solid rubber tires.

(a) No vehicle, trackless trolley, load, object, or structure having a maximum axle load greater than sixteen thousand pounds when such vehicle is equipped with solid rubber tires shall be operated or moved upon the improved public highways, streets, bridges, or culverts. The maximum wheel load of any one wheel of any such vehicle shall not exceed six hundred fifty pounds per inch width of tire, measured as prescribed by Section 2139.03, nor shall any solid tire of rubber or other resilient material, on any wheel of any such vehicle, be less than one inch thick when measured from the top of the flanges of the tire channel.

The weight of vehicle and load imposed upon the road surface by any two successive axles, spaced four feet or less apart, shall not exceed nineteen thousand pounds for solid tires; or by any two successive axles spaced more than four feet but less than eight feet apart shall not exceed twenty-four thousand pounds for solid tires; or by any two successive axles, spaced eight feet or more apart, shall not exceed twenty-eight thousand pounds for solid tires; or by any two successive axles, spaced more than four feet but less than eight feet apart shall not exceed twenty-four thousand pounds for solid tires; or by any two successive axles, spaced eight feet or more apart, shall not exceed twenty-eight thousand pounds for solid tires; nor shall the total weight of vehicle and load exceed, for solid rubber tires, twenty-eight thousand pounds plus an additional six hundred pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle; nor shall the weight of vehicle and load imposed upon the road surface by any vehicle equipped with solid rubber tires, exceed eighty percent of the permissible weight of vehicle and load as provided for pneumatic tires.
Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of twelve feet and six inches. If the provisions of this section are held to exceed the weight limitations or other provisions set forth in the "Federal Aid Highway Act of 1958," 72 Stat. 902, 23 U.S.C. 127, this section shall become null and void to the extent of such inconsistency. (ORC 5577.041)

(b) Whoever violates the weight provision of this section shall be punished as provided in division (a) of section 2139.99. All other violations of this section shall be punished as provided in division (d) of section 2139.99.

2139.05 Maximum width, height and length.

No vehicle shall be operated upon the public highways, streets, bridges, and culverts within the City, whose dimensions exceed those specified in this section.

(a) No such vehicle shall have a width in excess of:

(1) One hundred four inches for passenger bus type vehicles operated exclusively within municipal corporations;

(2) One hundred two inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of one hundred two-inch buses is prohibited by order of the Ohio Director of Transportation;

(3) One hundred thirty-two inches for traction engines;

(4) One hundred two inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Ohio Director of Transportation may prohibit the operation of one hundred two inch recreational vehicles on designated state highways or portions of highways;

(5) One hundred two inches, including load, for all other vehicles, except that the Ohio Director of Transportation may prohibit the operation of one hundred two-inch vehicles on such State highways or portions thereof as the Director designates.

(b) No such vehicle shall have a length in excess of:

(1) Forty-eight feet for passenger bus type vehicles operated exclusively within municipal corporations;

(2) Forty feet for all other passenger bus type vehicles;

(3) Fifty-three feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Ohio Director of Transportation may prohibit the operation of any such commercial tractor-semitrailer combination on such state highways or portions thereof as the Director designates;

(4) Twenty-eight and one-half feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Ohio Director of Transportation may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such state highways or portions thereof as the Director designates;

(5) Seventy-five feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, not to exceed three saddlemounted vehicles, but which may include one fullmount;

(6) Sixty-five feet for any other combination of vehicles coupled together, with or without load, except as provided in divisions (b)(3) and (4), and in division (d) of this section;

(7) Forty-five feet for recreational vehicles;

(8) Forty feet for all other vehicles except trailers and semitrailers, with or without load.
(c) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

(d) Any automobile transporter or boat transporter shall be allowed a length of sixty-five feet and any stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Ohio Director of Transportation may prohibit the operation of any stinger-steered automobile transporter, stinger-steered boat transporter, or a b-train assembly on any state highway or portion thereof that the Director designates.

The width prescribed in division (a)(5) of this section shall not include automatic covering devices used by a vehicle hauling solid waste.

The lengths prescribed in divisions (b)(2) to (7) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, b-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules promulgated by the Ohio Director of Transportation.

(e) This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided in this section, when operating the same on the highways and streets of this State, shall comply with the rules of the Ohio Director of Transportation governing such movement, which rules the Director may adopt.

This section does not require the State, a municipal corporation, county, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads, and other public thoroughfares in this City.

(f) As used in this section, "recreational vehicle" has the same meaning as in section 4501.01 of the Ohio Revised Code. (ORC 5577.05)

2139.07 Reduction of weight and speed during times of thaws and moisture.

(a) When thaws or excessive moisture render the streets or highways of this City or any sections of them insufficient to bear the traffic thereon, or when such streets or highways would be damaged or destroyed by heavy traffic during the period of thawing or excessive moisture, the maximum weight of vehicle and load, or the maximum speed, or both, for motor vehicles, as prescribed by law shall be reduced in the following manner:

(1) On state highways, in accordance with the provisions of section 5577.01(A) of the Ohio Revised Code;

(2) On City streets, the Director of Public Service shall prescribe such reduction which shall not be more than twenty-five percent;

The Director, at least one day before such reduction becomes effective, shall cause to be placed and retained on such City streets, at both ends and at the points of intersections by principal roads, during the period of such reduced limitation of weight, speed, or both, signs, of substantial construction, which will conspicuously indicate the limitations of weight and speed, which are allowed on the streets and the date on which such limitations shall go into effect.

(b) No person shall operate upon any such street or highway, a motor vehicle whose maximum weight or speed is in excess of the limitations prescribed. The expense of the purchase and erection of signs, provided for in this section, shall be paid from funds for the maintenance and repair of roads.

(c) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. (ORC 5577.07)
2139.10 Statement of gross vehicle weight.

(a) No person shall issue or aid in issuing any bill of lading or other document of like nature in lieu thereof, which bill or document is to accompany a shipment of goods or property by truck, trailer, semitrailer, commercial tractor, or any other commercial vehicle used for the transportation of property, the gross weight of which, with load, exceeds three tons, with intent to defraud by misrepresenting the weight of such goods or property to be so transported.

Any driver or operator of a commercial car, trailer, or semitrailer may obtain from any person, firm, partnership, corporation, or association, including the owner, lessee, or operator of such commercial car, trailer, or semitrailer, owning and operating sealed scales in this State, a written “statement of gross vehicle weight” showing the gross weight of the vehicle including the cargo on the vehicle, the name and address of the person issuing the statement, and the date and place where the vehicle and its cargo were weighed. The driver or operator of the commercial car, trailer, or semitrailer shall retain such statement of gross vehicle weight on his person, and any law enforcement officer of this City may request that such driver or operator exhibit it to him. If, upon examining the statement of gross vehicle weight, the law enforcement officer has reason to believe that the information contained therein is correct in every respect, he shall endorse it with his name and the date and place where it was exhibited to him. The law enforcement officer may then permit such driver or operator to proceed without weighing by a law enforcement officer of this City. No person shall willfully issue a written statement of gross vehicle weight and knowingly give any false information in such statement.

(b) Whoever violates this section shall be punished as provided in division (b) of section 2139.99. (ORC 5577.10)

2139.11 Wheel protectors.

(a) No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer, or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the public highways, streets, bridges and culverts within this City unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction, or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle.

(b) Whoever violates this section shall be punished as provided in division (c) of section 2139.99. (ORC 5577.11)

2139.27 Requirements for extra signal equipment.

(a) No person shall operate any motor truck, trackless trolley, bus, or commercial tractor upon any City street, alley or highway at any time from a half hour after sunset to a half hour before sunrise unless there is carried in such vehicle and trackless trolley, except as provided in division (b) of this section, the following equipment which shall be of the types approved by the Ohio Director of Transportation:

(1) At least three flares or three red reflectors or three red electric lanterns, each of which is capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at night time;

(2) At least three red-burning fuses, unless red reflectors or red electric lanterns are carried;

(3) At least two red cloth flags, not less than twelve inches square, with standards to support them;

(4) The type of red reflectors shall comply with standards and specifications in effect on September 16, 1963 or later established by the interstate commerce commission and must be certified as meeting such standards by underwriter's laboratories.

(b) No person shall operate at the time and under the conditions stated in this section any motor vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, unless there is carried in such vehicle three red
electric lanterns or three red reflectors meeting the requirements stated in division (a) of this section. There shall not be carried in any such vehicle any flare, fuse, or signal produced by a flame.

c) This section does not apply to any person who operates any motor vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Ohio Department of Transportation under Section 4511.09 of the Ohio Revised Code.

d) Whoever violates this section shall be punished as provided in division (c) of section 2139.99. (ORC 4513.27)

2139.28 Display of warning devices on disabled vehicles.

(a) Whenever any motor truck, trackless trolley, bus, commercial tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any street or highway or the shoulder thereof, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within the municipality, at any time when lighted lamps are required on vehicles and trackless trolleys, the operator of such vehicle or trackless trolley shall display the following warning devices upon the street or highway during the time the vehicle or trackless trolley is so disabled on the street or highway except as provided in division (b) of this section:

(1) A lighted fuses shall be immediately placed on the roadway at the traffic side of such vehicle or trackless trolley, unless red electric lanterns or red reflectors are displayed.

(2) Within the burning period of the fuses and as promptly as possible, three lighted flares or pot torches, or three red reflectors or three red electric lanterns shall be placed on the roadway as follows:

(A) One at a distance of forty paces or approximately one hundred feet in advance of the vehicle;

(B) One at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley except as provided in this section, each in the center of the lane of traffic occupied by the disabled vehicle or trackless trolley;

(C) One at the traffic side of the vehicle or trackless trolley.

(b) Whenever any vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, is disabled upon a street or highway at any time or place mentioned in division (a) of this section, the driver of such vehicle shall display upon the roadway the following warning devices:

(1) One red electric lantern or one red reflector shall be immediately placed on the roadway at the traffic side of the vehicle;

(2) Two other red electric lanterns or two other red reflectors shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in division (a) of this section.

(c) When a vehicle of a type specified in division (b) of this section is disabled, the use of flares, fuses, or any signal produced by flame as warning signals is prohibited.

d) Whenever any vehicle or trackless trolley of a type referred to in this section is disabled upon the traveled portion of a street or highway or the shoulder thereof, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within the municipality, at any time when the display of fuses, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle or trackless trolley shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle or trackless trolley, one at a distance of forty paces or approximately one hundred feet in advance of the vehicle or trackless trolley, and one at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley, except as provided in this section.

e) The flares, fuses, lanterns, red reflectors, and flags to be displayed as required in this section shall conform with the requirements of Section 4513.27 of the Ohio Revised Code applicable thereto.

(f) In the event the vehicle or trackless trolley is disabled near a curve, crest of a hill, or other obstruction of view, the flare, flag, reflector, or lantern in that direction shall be placed as to afford ample warning to other users of the highway, but in no
case shall it be placed less than forty paces or approximately one hundred feet nor more than one hundred twenty paces or
approximately three hundred feet from the disabled vehicle or trackless trolley.

(g) This section does not apply to the operator of any vehicle in a work area designated by protection equipment devices that
are displayed and used in accordance with the manual adopted by the Ohio Department of Transportation under Section
4511.09 of the Ohio Revised Code.

(h) Whoever violates this section shall be punished as provided in division (c) of section 2139.99. (ORC 4513.28)

2139.29 Vehicles transporting explosives.

(a) Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the
following requirements:

(1) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less
than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twelve inches square marked
with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with
Section 177.823 of the United States Department of Transportation Regulations.

(2) Said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at
convenient points on such vehicle.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. (ORC 4513.29)

2139.31 Loads dropping or leaking; removal required; tracking mud.

(a) No vehicle shall be driven or moved on any street, highway, or other public place unless the vehicle is so constructed,
loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping there from, except that
sand or other substance may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on
a roadway in cleaning or maintaining the roadway.

(b) No person shall operate on any street or highway any vehicle with any load unless the load and covering thereon is
securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner a hazard to other
users of the street.

(c) No person shall operate any vehicle so as to track mud on the public streets, highways, or alleys.

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion
thereof to be dropped or deposited upon any street, highway, sidewalk or other public place to immediately remove the same
or cause it to be removed.

(e) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. (ORC 4513.31)

2139.32 Towing requirements.

(a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all the
weight towed thereby, and the drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except
the connection between any two vehicles transporting poles, pipes, machinery, or other objects of structural nature which
cannot readily be dismembered.

When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon
such connection a white flag or cloth not less than twelve inches square.

In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial
tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The
chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case
the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to
the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in section 5727.01 of the Ohio Revised Code, shall be equipped with a coupling device, which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, except as follows:

(1) An agricultural tractor may tow or draw more than one such vehicle

(2) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. (ORC 4513.32)

2139.34 Oversize or overweight vehicle operation on State routes; State permit.

(a) No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 4513.01 to 4513.37, inclusive, of the Ohio Revised Code, upon any State route within the City, except pursuant to special written permit issued by the Ohio Director of Transportation. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. . (ORC 4513.34)

2139.35 Route and load information.

(a) Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

No person shall operate any through truck in violation of markings, signs, barriers, or other devices placed pursuant to the provisions of Chapter 2105 except while receiving goods or making deliveries along the street, and then only when entering and leaving such street by the nearest intersecting street not so marked.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99.

2139.36 Commercial vehicle in unauthorized area.

(a) No person shall operate a commercial ground transportation vehicle as defined in Section 1713.0111(G) for the purpose of picking up and loading persons, baggage or freight items in an area at Port Columbus International Airport which is not designated as a commercial vehicle area.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99.

2139.99 Penalties.

(a) Whoever violates the weight provisions of Sections 2139.02, 2139.03, 2139.04 and 2139.041 of the City Code shall be fined eighty dollars for the first two thousand pounds, or fraction thereof, of overload; for overloads in excess of two thousand pounds, but not in excess of five thousand pounds, such person shall be fined one hundred dollars,
and in addition thereto one dollar per one hundred pounds of overload; for overloads in excess of five thousand pounds, but not in excess of ten thousand pounds, such person shall be fined one hundred thirty dollars and in addition thereto two dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. For all overloads in excess of ten thousand pounds such person shall be fined one hundred sixty dollars, and in addition thereto three dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. Whoever violates the weight provisions of vehicle and load relating to gross load limits shall be fined not less than one hundred dollars. No penalty prescribed in this division shall be imposed on any vehicle combination if the overload on any axle does not exceed one thousand pounds, and if the immediately preceding or following axle, excepting the front axle of the vehicle combination, is underloaded by the same or a greater amount. For purposes of this division, two axles on one vehicle less than eight feet apart shall be considered as one axle.

(b) Whoever violates Section 2139.10 of the City Code shall be fined not more than five thousand dollars or imprisoned for not less than thirty days nor more than six months, or both.

(c) Whoever violates Section 2139.11, 2139.27, or 2139.28 of the City Code shall be fined not more than one hundred dollars.

(d) Whoever violates the sections of this chapter that are specifically required to be punished under this division is guilty of a minor misdemeanor on a first offense; on a second offense with one year after the first offense, the person is guilty of a misdemeanor of the fourth degree and shall be fined not less than one hundred dollars nor more than two hundred fifty dollars, or imprisoned not more than thirty days, or both; on each subsequent offense within one year after the first offense, the person shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned not more than sixty days or both.

2141.01 Definitions

As used in the Traffic Code:

(a) "Cancel" or "cancellation" means the annulment or termination by the bureau of motor vehicles of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege because it was obtained unlawfully, issued in error, altered, or willfully destroyed, or because the holder no longer is entitled to the license, permit, or privilege.

(b) "Drug abuse offense" has the same meaning as in section 2925.01 of the Ohio Revised Code.

(c) "Ignition interlock device" has the same meaning as in section 4510.01 of the Ohio Revised Code.

(d) "Immobilizing or disabling device" has the same meaning as in section 4510.01 of the Ohio Revised Code.

(e) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Ohio Revised Code or a substantially equivalent municipal ordinance, a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(f) "Prototype device" means any testing device to monitor limited driving privileges that has not yet been approved or disapproved by the Ohio director of public safety.

(g) "Suspend" or "suspension" means the permanent or temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension.

2141.02 Temporary instruction permit.

(a) No person who holds a temporary instruction permit and temporary instruction permit identification card issued under division (A) of section 4507.05 of the Ohio Revised Code shall operate a motor vehicle upon a street or highway or any
public of private property used by the public for purposes of vehicular travel or parking in this City in violation of the conditions established under division (A) of section 4507.05 of the Ohio Revised Code.

(b) No person who holds a temporary instruction permit and temporary instruction permit identification card to operate a motorcycle or motorized bicycle shall operate a motorcycle or motorized bicycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this City in violation of the conditions established by the registrar of the bureau of motor vehicles and as established under division (B) of section 4507.05 of the Ohio Revised Code.

(c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4507.05)

2141.03 Driving under a repeat offender points suspension

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under section 4510.037 of the Ohio Revised Code shall operate any motor vehicle upon any street or highway during the period of the suspension.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division. (ORC 4510.037(J))

2141.04 Wrongful Entrustment

(A) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Chapter 4510. or any other provision of the Ohio Revised Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Chapter 4509. of the Ohio Revised Code.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate section 4511.19 of the Ohio Revised Code or any substantially equivalent municipal ordinance.

(B) Without limiting or precluding the consideration of any other evidence in determining whether a violation of division (A)(1), (2), (3), or (4) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in division (A)(1), (2), (3), or (4) of this section if any of the following applies:

(1) Regarding an operator allegedly in the category described in division (A)(1) or (3) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in division (A)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit, or privilege.

(3) Regarding an operator allegedly in the category described in division (A)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(C) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle, a misdemeanor of the first degree. In addition to the penalties imposed under Chapter 2929. of the Ohio Revised Code, the court shall may impose 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 section 4510.02 of the Ohio Revised Code, and, if the vehicle involved in the offense is registered in the name of the offender, the court shall order one of the following:

(1) Except as otherwise provided in division (C)(2) or (3) of this section, the court shall order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Ohio Revised Code.

(2) If the offender previously has been convicted of or pleaded guilty to one violation of this section, section 4511.203 of the Ohio Revised Code, or a substantially equivalent municipal ordinance, the court shall order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Ohio Revised Code.

(3) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, section 4511.203 of the Ohio Revised Code, or a substantially equivalent municipal ordinance, the court shall order the criminal forfeiture to the state of the vehicle involved in the offense. The order shall be issued and enforced under section 4503.234 of the Ohio Revised Code.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio Revised Code 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 dealer's association. The proceeds from any fine imposed under this division shall be distributed in accordance with division (C)(2) of section 4503.234 of the Ohio Revised Code.

(D) If a court orders the immobilization of a vehicle under division (C) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) If a court orders the criminal forfeiture of a vehicle under division (C) of this section, upon receipt of the order from the court, neither the registrar of motor vehicles nor any 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 order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the registrar of the termination. If the court terminates the forfeiture and notifies the registrar, the registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(F) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in section 4549.65 of the Ohio Revised Code.

(G) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(H) As used in this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name. (ORC 4511.203)

2141.05 Display of a license

(a) The operator of a motor vehicle shall display the operator’s driver’s license, or furnish satisfactory proof that the operator has a driver’s license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator’s driver’s license on or the operator’s person, the operator shall not refuse to display the license. A person’s failure to furnish satisfactory evidence that the person is licensed under Chapter 4507. of the Ohio Revised Code when the person does not have the person’s license on or about the person’s person shall be prima-facie evidence of the person’s not having obtained a driver’s license.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.35)
2141.06 Certain acts prohibited.

No person shall do any of the following:

(a) 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;

(b) 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;

(c) 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;

(d) 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;

(e) 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 or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Section 4507.08 or 4507.081 of the Ohio Revised Code when knowing the same to be false or fictitious.

(f) Whoever violates any division of this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

2141.11 Driving under suspension or in violation of license restriction

(A) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Chapter 4509. of the Ohio Revised Code, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the streets or highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this City during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(B) No person shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this City in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of section 4506.10 or under section 4507.14 of the Ohio Revised Code.

(C)(1) Whoever violates this section is guilty of driving under suspension or in violation of a license restriction, a misdemeanor of the first degree. The court shall may impose upon the offender 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 section 4510.02 of the Ohio Revised Code.

(2) Except as provided in division (C)(3) or (4) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for thirty days in accordance with section 4503.233 of the Ohio Revised Code and the impoundment of that vehicle's license plates for thirty days.

(3) If the offender has been convicted of or pleaded guilty to one violation of this section, section 4510.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender’s name, shall order the immobilization of the vehicle involved in the offense for sixty days in accordance with section 4503.233 of the Ohio Revised Code and the impoundment of that vehicle’s license plates for sixty days.
(4) If the offender has been convicted of or pleaded guilty to two or more violations of this section, section 4510.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the state.

(D) Any order for immobilization and impoundment under this section shall be issued and enforced under section 4503.233 of the Ohio Revised Code. 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.

(E) Any order of criminal forfeiture under this section shall be issued and enforced under section 4503.234 of the Ohio Revised Code. Upon receipt of the 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 necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.11)

2141.12 Operating a motor vehicle without a valid license

(A)(1) No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Ohio Revised Code, shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this City unless the person has a valid driver's license issued under Chapter 4507. of the Ohio Revised Code or a commercial driver's license issued under Chapter 4506. of the Ohio Revised Code.

(2) No person, except a person expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Ohio Revised Code, shall operate any motorcycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this City unless the person has a valid license as a motorcycle operator that was issued upon application by the registrar of motor vehicles under Chapter 4507. of the Ohio Revised Code. The license shall be in the form of an endorsement, as determined by the registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in section 4507.14 of the Ohio Revised Code, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(B) Whoever violates this section is guilty of operating a motor vehicle without a valid license, and shall be punished as follows:
(1) If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for no more than six months, the offender is guilty of a minor misdemeanor.
(2) If at the time of the offense the offender's driver's or commercial driver's license or permit was expired for more than six months; the offender's driver's or commercial driver's license or permit privileges were cancelled for reasons other than pursuant to Chapter 4509 of the Ohio Revised Code; or the offender never has held a valid driver's or commercial driver's license or permit, the offender is guilty of a misdemeanor of the first degree.

(C) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of this section or a substantially equivalent municipal ordinance.

(D) If the offender was convicted of or pleaded guilty to one or more violations of this section, section 4510.12 of the Ohio Revised Code, or a substantially equivalent municipal ordinance within the past three years, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Ohio Revised Code. (ORC 4510.12)

2141.14 Driving under OVI suspension

(A) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section 4511.19, 4511.191, or 4511.196 of the Ohio Revised Code or under section 4510.07 of the Ohio Revised Code
for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the streets or highways within this City during the period of the suspension.

(B) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Chapter 2929. of the Ohio Revised Code, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in division (B)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to division (C) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this division shall not exceed six months. If the court imposes a mandatory three-day jail term under this division, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.

(b) A fine of not less than two hundred fifty and not more than one thousand dollars;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for thirty days of the offender's vehicle and impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Ohio Revised Code.

(2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, section 4510.14 of the Ohio Revised Code, or equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in sections 2929.21 to 2929.28 of the Ohio Revised Code, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to division (C) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.

(b) Notwithstanding the fines provided for in Chapter 2929. of the Ohio Revised Code, a fine of not less than five hundred and not more than two thousand five hundred dollars;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization of the offender's vehicle for sixty days and the impoundment for sixty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Ohio Revised Code.

(3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, section 4510.14 of the Ohio Revised Code, or equivalent offenses, driving under OVI suspension is a misdemeanor. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in sections 2929.21 to 2929.28 of the Ohio Revised Code, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.

(b) Notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than five hundred and not more than two thousand five hundred dollars;

(c) A license suspension under division (E) of this section;
(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, criminal forfeiture to the state of the offender's vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Ohio Revised Code. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio Revised Code applies, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. The proceeds from any fine so imposed shall be distributed in accordance with division (C)(2) of section 4503.234 of the Ohio Revised Code.

(C) No court shall impose an alternative sentence of house arrest with electronic monitoring under division (B)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing. An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(D) Fifty per cent of any fine imposed by a court under division (B)(1), (2), or (3) of this section shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court, as created by the City pursuant to division (H) of section 4511.191of the Ohio Revised Code.

(E) In addition to or independent of all other penalties provided by law or ordinance, the trial judge shall impose on an offender who is convicted of or pleads guilty to a violation of this section 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 division (A)(7) of section 4510.02 of the Ohio Revised Code.

When permitted as specified in section 4510.021 of the Ohio Revised Code, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under section 4503.231 of the Ohio Revised Code, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under section 3123.58 or 4506.16 of the Ohio Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Ohio Revised Code shall be issued a driver's license under Chapter 4507. of the Ohio Revised Code during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Chapter 4507. of the Ohio Revised Code during the period of the suspension.

(F) As used in this section:

(1) "Electronic monitoring" has the same meaning as in section 2929.01 of the Ohio Revised Code.

(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 division (A) of this section;

(b) A violation of a former law of this state that was substantially equivalent to division (A) of this section.

(3) "Jail" has the same meaning as in section 2929.01 of the Ohio Revised Code.

(4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under division (B)(1), (2), or (3) of this section upon an offender convicted of a violation of division (A) of this section and in relation to which all of the following apply:

(a) Except as specifically authorized under this section, the term must be served in a jail.

(b) Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code. (ORC 4510.14)
2141.16 Driving under financial responsibility law suspension or cancellation

(A) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Chapter 4509. of the Ohio Revised Code, shall operate any motor vehicle within the City, or knowingly permit any motor vehicle owned by the person to be operated by another person in the City, during the period of the suspension or cancellation, except as specifically authorized by Chapter 4509. of the Ohio Revised Code. No person shall operate a motor vehicle within the City, or knowingly permit any motor vehicle owned by the person to be operated by another person in the City, during the period in which the person is required by section 4509.45 of the Ohio Revised Code to file and maintain proof of financial responsibility for a violation of section 4509.101 of the Ohio Revised Code, unless proof of financial responsibility is maintained with respect to that vehicle.

(B)(1) Whoever violates this section is guilty of driving under financial responsibility law suspension or cancellation, a misdemeanor of the first degree. The court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for the period of time specified in division (A)(7) of section 4510.02 of the Ohio Revised Code.

(2) If the vehicle is registered in the offender's name, the court, in addition to or independent of any other sentence that it imposes upon the offender, shall do one of the following:

(a) Except as otherwise provided in division (B)(2)(b) or (c) of this section, 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;

(b) If, within five years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, section 4510.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, order the immobilization for sixty days of the vehicle involved in the offense and impoundment for sixty days of the license plates of that vehicle;

(c) If, within five years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, section 4510.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, order the criminal forfeiture to the state of the vehicle involved in the offense. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio Revised Code 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 he national auto dealers association. The proceeds from any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(C) Any order for immobilization and impoundment under this section shall be issued and enforced in accordance with sections 4503.233 and 4507.02 of the Ohio Revised Code, as applicable. Any order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Ohio Revised Code. The court shall not release a vehicle from immobilization orders under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle. (ORC 4510.16)

2141.18 Affirmative Defenses

(a) It is an affirmative defense to any prosecution brought under section 2141.11, 2141.14, 2141.16 or 2141.21 that the alleged offender drove under suspension, without a valid permit or driver’s or commercial driver’s license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(b) It is an affirmative defense to any prosecution brought under section 2141.16 that the order of suspension resulted from the failure of the alleged offender to respond to a financial responsibility random verification request under division (A)(3)(c) of section 4509.101 of the Ohio Revised Code as shown by proof of financial responsibility that was in effect at the time of that request. (ORC 4510.04)

2141.21 Failure to reinstate a license
(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a street or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the bureau of motor vehicles, or another provision of the Ohio Revised Code.

(b) Whoever violates this section is guilty of failure to reinstate a license, a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Ohio Revised Code. (ORC 4510.21)

2150.01 Definitions.

(A) "Parking Infractions" means a violation of Section 919.23(C), Section 2105.16, Division (B) of 2131.27, Sections 2137.09, 2151.01, 2151.03, 2151.04, 2151.06, 2151.08, 2151.09, 2151.10, 2151.11, 2151.12, 2151.13, 2151.14, 2151.15, 2151.16, 2151.17, 2151.18, 2151.19, 2151.20, 2151.21, 2151.22, 2151.23, 2155.02, 2155.05, 2155.06, or 2157.04.

(B) "Vehicle" has the same meaning as in Section 2101.51.

(C) "Court" or "Municipal Court" means the Franklin County Municipal Court, unless specifically identified as another court, in which case it means the specifically identified court.

(D) "Bureau" means the City of Columbus, Ohio, Parking Violations Bureau, unless specifically identified as another bureau, in which case it means the specifically identified bureau.

(E) "Local Authority" means every county, municipal corporation, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this State.

2150.03 Parking ticket, service and liability.

(A) The parking ticket adopted in Section 2150.09 shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the City of Columbus. The parking ticket shall be the summons and complaint for purposes of this Chapter.

(B) A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the parking infraction charged. The officer shall sign the ticket and affirm the facts it contains and file a copy with the violations clerk. If the operator of the vehicle is present, the officer also shall record on the ticket the name of the operator in a space provided on the ticket for identification of the offender, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and then shall constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.

Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this Division, or by the procedure described in Division (D) of this Section has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees and costs for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(C) The original of a parking ticket issued pursuant to this Section or any true copy of it shall be considered a record kept in the ordinary course of business of the City of Columbus and of the law enforcement agency whose officer issued it, and shall be prima-facie evidence of the facts it contains.

(D) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this Section and personal service of a parking ticket upon the operator in accordance with this Section constitutes constructive service upon the owner for purposes of this Chapter. The operator of a rented or leased vehicle whose act or omission results in an alleged parking infraction shall not be considered an agent of the owner if the owner is engaged in the business of renting and
leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in Section 2150.08.

(E) Except as provided in Section 2150.08, when a parking ticket is issued for a parking infraction and is served pursuant to this Section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine, penalty, fees and costs arising out of the parking infraction. Any owner of a vehicle who pays any fine, penalty, fee and cost imposed for a parking infraction pursuant to this Chapter may recover the amount paid from the operator of the vehicle whose act or omission resulted in the parking infraction.

(F) No person upon whom a parking ticket charging a parking infraction is personally or constructively served pursuant to this Section shall be arrested as a result of the commission of the parking infraction.

2150.04 Parking Violation Bureau.

(A) The City of Columbus Parking Violations Bureau is hereby established pursuant to Section 4521.04 of the Ohio Revised Code. The Parking Violations Bureau shall be a Division within the office of the Treasurer for the City of Columbus. The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the territory of the City of Columbus. Notwithstanding any other provision of law to the contrary, each parking infraction that occurs within the jurisdiction of the Bureau and the enforcement of each such parking infraction shall be handled pursuant to and be governed by the provisions of Chapter 4521 of the Ohio Revised Code as outlined in Chapter 2150.

(B) The operating costs of the Parking Violations Bureau shall be paid by the City of Columbus. The City Treasurer shall appoint a violations clerk, hearing examiners, and the necessary clerical employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this State or formerly was employed as a law enforcement officer.

(C) The fines, penalties, fees and costs established for a parking infraction shall be collected, retained, and disbursed by the violations clerk if the parking infraction out of which the fine, penalties, fees and costs arose occurred within the Jurisdiction of the Bureau. The violations clerk shall issue tickets for parking infractions to law enforcement officers for the City of Columbus, and prescribe conditions for issuance and accountability. The fine, penalties, fees and costs collected by a violations clerk for a parking infraction shall be disbursed by the clerk to the City of Columbus.

(D) The City Treasurer shall have authority to contract with any non-governmental entity to provide services in processing, collecting and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this Chapter. No contract shall affect the responsibilities of hearing examiners as prescribed in this Chapter, or the ultimate responsibility of the violations clerk to collect, retain and disburse fines, penalties, fees and costs for parking infractions and monies paid in satisfaction of judgments and default judgment entered pursuant to this Chapter. All contracts entered into by the violations clerk shall be subject to approval of City Council and the Mayor.

2150.05 Answers, procedure.

(A) A person who is personally or constructively served with a parking ticket charging the commission of a parking infraction may answer the charge by appearing personally before the parking violations bureau or by mail. An answer shall be made within ten days from the date of the infraction, and shall be in one of the following forms:

(1) An admission that the person committed the parking infraction, by payment of any fine arising out of the parking infraction;

(2) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the parking infraction;

(3) A denial that the person committed the parking infraction and a request for a hearing relative to the infraction. If the person desires the presence, at the hearing, of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.
(B) (1) A person who admits that he committed a parking infraction shall, and a person who admits that he committed a parking infraction with explanation may, when the person makes an answer, pay the fine arising out of the infraction admitted to the violations clerk of the bureau.

(2) A person who admits that he committed a parking infraction with explanation shall submit evidence to the bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in person or, to avoid the necessity of personal appearance, may be sent as affidavits and other documentary evidence by mail. The bureau, when it receives an answer admitting that the person committed a parking infraction with explanation, shall promptly determine whether the explanation mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the bureau determines that the explanation mitigates the fact that the person committed the parking infraction, the bureau shall eliminate or reduce the amount of the fine arising out of the parking infraction. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the bureau determines that the explanation does not mitigate the fact that the person committed the parking infraction, the person owes the entire amount of the fine arising out of the parking infraction, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits to committing a parking infraction with explanation and the person fails to pay the amount of the fine due within ten days after receiving notice of the bureau's determination, unless the amount due has previously been paid, the bureau's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to Division (B) of Section 2150.07.

(3) A person who denies the commission of a parking infraction shall be granted a hearing concerning the infraction. The bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the parking violations bureau in accordance with Section 2150.07.

(C) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (A) of this section, the parking violations bureau shall issue the proper notifications of infraction pursuant to Section 2150.06, and proceed according to that section. Failure to timely answer a charge may result in the imposition of an additional penalty of ten dollars ($10.00).

(D) The issuance of a parking ticket, the filing of or failure to file answer by a person personally or constructively served with the ticket, the substance of an answer, the payment of any fine, penalty, fee and cost, and any other relevant information shall be entered in the records of the bureau.

2150.06 Failure to answer; procedures

(A) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction in accordance with section 2150.03 of the Revised Code and the person fails to answer the charge within the time specified by the local authority pursuant to section 2150.05 of the Revised Code, the parking violations bureau, joint parking violations bureau shall send notifications of infraction as follows:

(1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined from the records of the bureau of motor vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the bureau of motor vehicles.

(B) A notification of infraction shall be sent within twelve months after the expiration of the time specified by the local authority pursuant to section 2150.05 for the making of an answer, shall be sent by first class mail, and shall contain all of the following:
(1) An identification of the parking infraction with which the person was charged and the time and date of the parking infraction, which identification may be a copy of the parking ticket charging the parking infraction that was personally or constructively served upon the person;

(2) An identification of the amount of the fine, penalties, and costs arising out of the parking infraction that are due;

(3) A warning that the person must answer the parking infraction charged in the ticket within thirty days or a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the bureau or juvenile court if he denies in his answer that he committed the parking infraction;

(5) An identification of the manners in which and the entity to which an answer may be made;

(6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(7) A warning that the registration of the vehicle involved in the parking infraction, if the vehicle is registered in this state, may not be renewed or transferred if a civil judgment or a default civil judgment is entered against the person until the judgment is paid or until it is otherwise finally disposed of in a manner specified in this chapter.

(C) A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which he is charged that is identified in the notification of infraction in any of the manners provided in division (A) of section 2150.05 for answers to parking infractions charged in a parking ticket. An answer under this section shall be made within thirty days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in divisions (A)(1), (2), and (3) of section 2150.05 for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty arising out of such infraction also shall be paid. The answer shall be governed by the provisions of division (B) of section 2150.05 for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation also shall consider any penalty arising out of such infraction.

(D) If a person who is issued a notification of infraction fails to timely answer, as provided in division (C) of this section the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of fifteen dollars ($15.00).

(E) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, and any other relevant information shall be entered in the records of the particular bureau or juvenile court.

2150.10 Parking infraction fines.

The following fines for parking infractions are hereby established:

919.23(C)
Parking on Grass in City Park
$20.00

2105.16
Individual Parking Spaces
$33.00

2131.27(B)
Parking Near Emergency Vehicle
$46.00

2137.09
Lights on Parked Vehicle
$33.00

2151.01A
Parking prohibited on sidewalk except bicycle
$40.00

2151.01B
Parking - prohibited within 5 ft. of drive
$40.00

2151.01C
Parking - within an intersection
$40.00

2151.01D
Parking - prohibited within 10 ft. of fire hydrant
$40.00

2151.01E
Parking - prohibited on crosswalk
$40.00

2151.01F
Parking - prohibited within 20 ft. of crosswalk
$27.00

2151.01G
Parking - prohibited within 30 ft. of stop sign
$27.00

2151.01H
Parking in or near a safety zone
$40.00

2151.01I
Parking within 50 feet of railroad crossing
$40.00

2151.01J
Parking near fire station entrance
$40.00

2151.01K
Parking near street excavation or obstruction
$40.00

2151.01L
Double Parking, Standing or Stopping
$40.00

2151.01M
Parking - prohibited, bridge, viaduct or tunnel
$40.00
2151.01N
Parking - prohibited within one foot of another auto
$16.00

2151.01O1
Parking - prohibited, signs, no parking
$20.00

2151.01O2
Parking - prohibited, signs, no stopping
$40.00

2151.01P
Parking - prohibited in front of schools
$46.00

2151.01Q
Parking - prohibited in front of theaters
$13.00

2151.01R
Parking - prohibited in street or alley twenty-three (23) feet or less in width
$46.00

2151.01S
Parking - prohibited in front of church
$13.00

2151.01T
Parking - prohibited in parkway
$16.00

2151.01U
Parking - prohibited in front of auto mail box
$16.00

2151.01V
Parking - prohibited on expressway
$20.00

2151.01W
Parking - prohibited on service road
$40.00

2151.01X
Parking - prohibited 20 ft. of junction of alley & street
$40.00

2151.01Y
Parking - prohibited within 10 ft. of bulk refuse container
$40.00

2151.01Z
Parking prohibited in handicap space
$250.00
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<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Fine</th>
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<tr>
<td>2151.01AA</td>
<td>Parking - prohibited within 1 ft. of wheelchair ramp</td>
<td>$40.00</td>
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<tr>
<td>2151.01BB</td>
<td>Obstructing bus loading area</td>
<td>$46.00</td>
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<td>2151.01CC</td>
<td>Parking in a loading zone</td>
<td>$20.00</td>
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<tr>
<td>2151.03</td>
<td>Parking without 10 ft. clearance</td>
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<td>2151.04</td>
<td>Stopping not to obstruct street or crossing</td>
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<td>2151.06A</td>
<td>More than 12 inches from curb</td>
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<td>Parking facing wrong direction</td>
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<td>Motor running or brakes not set</td>
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<td>Parking more than 72 hours</td>
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<td>Parking on private property</td>
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<td>Parking near railroad spur tract</td>
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<td>2151.12</td>
<td>Blocking driveway or garage</td>
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<td>2151.13</td>
<td>Funeral service parking in front of church or funeral home</td>
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Parking prohibited for displaying vehicle for sale
$16.00

2151.15
Parking limited for displaying advertising
$13.00

2151.16
Parking limited while offering materials for sale
$16.00

2151.17
Parking for washing, greasing or repairing
$16.00

2151.18
Parking in residential permit districts
$33.00

2151.19
Moving vehicle when loading space requested
$16.00

2151.20
Overtime, truck, bus or house vehicle
$20.00

2151.21
Fail to register or display
$40.00

2151.22
Junk motor vehicles
$67.00

2151.23
Junk motor vehicles on private property
$33.00

2155.02
Meter spaces limited to vehicles only
$27.00

2155.05
Overtime, meter
$20.00

2155.06
Illegal Parking
$20.00

2157.04
Parking, standing of vehicles prohibited - snow emergency
$46.00

2151.01 Parking prohibitions in specified places.
(1) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with any other traffic or to comply with the directions of a police officer or a traffic control device in any of the following places:

(a) On a sidewalk, except a bicycle;

(b) In front of or within five feet of a public or private driveway;

(c) Within an intersection;

(d) Within ten feet of a fire hydrant;

(e) On a crosswalk;

(f) Within twenty feet of a crosswalk at an intersection, or, if there is no crosswalk, within twenty feet of an intersection;

(g) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;

(h) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic control device;

(i) Within fifty feet of the nearest rail of a railroad crossing;

(j) Within twenty feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five feet of such entrance when it is properly posted with signs;

(k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(l) Alongside any vehicle stopped or parked at the edge or curb of a street;

(m) Upon any bridge or other elevated structure upon a street or within a street tunnel unless such bridge or tunnel is properly posted with a sign to allow parking;

(n) Within one foot of another parked vehicle;

(o) At any place in violation of rules and regulations promulgated by the Director of Public Service under the authority provided in Chapter 2105;

(p) In front of all schools as defined in section 2101.341, for a distance of seventy-five feet in each direction from the main entrance to the school when properly posted with signs;

(q) In front of all theaters for a distance of twenty-five feet in each direction from the center of the main entrance when it is properly posted with signs;

(r) Upon any street or alley twenty-three feet or less in width when it is properly posted with signs;

(s) In front of any church where conditions are such that they warrant a parking prohibition and for the distance that the Traffic Engineer deems advisable when it is properly posted with signs;

(t) Upon any traffic control island or median that separates traffic on a street, highway, roadway, or boulevard;

(u) In front of any auto-mail box for a distance of twenty feet in each direction from the auto-mail box, when it is properly posted with signs;

(v) Within the right-of-way line of a controlled-access highway, freeway, expressway or thruway, except for emergency purposes;

(w) Upon a service road or upon the public property alongside a service road;
(x) Within twenty feet of the junction of an alley and a street;

(y) In a public right-of-way, within ten feet of a bulk refuse container;

(z) In a handicapped designated parking space as defined in Section 2155.01(h) unless the vehicle is a handicapped designated vehicle as defined in Section 2155.01(g) or a handicapped designated vehicle from a state other than Ohio entitled to reciprocity pursuant to section 5502.03 of the Ohio Revised Code;

(aa) In front of, or within one foot of, a wheelchair ramp;

(bb) Other than a motor bus, in a bus loading area, when such area has been officially designated and appropriately posted with a sign, except the driver of a passenger vehicle may stop temporarily therein for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor bus entering or leaving such bus loading area;

(cc) Any place marked as a loading zone for any period of time longer than is necessary for the expeditious loading or unloading of passengers or merchandise.

(2) A violation of any provision of this section constitutes the commission of a parking infraction pursuant to and governed by the provisions of Chapter 2150.

2151.02 Sunday and holiday exemptions.

Any provision of this Traffic Code or any ordinance or regulation of the City which limits parking, standing or stopping, shall not be construed to limit parking, standing or stopping on Sundays and holidays, unless the provision, ordinance or regulation specifically limits parking, standing or stopping on such days or entirely prohibits parking, standing or stopping at all times.

2151.03 Obstructing roadway.

(a) No driver shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

(b) A violation of this section constitutes the commission of a parking infraction pursuant to and governed by the provisions of Chapter 2150.

2151.04 Obstructing street or crosswalk.

(a) No person shall stop a vehicle in such a way as to obstruct any street, highway, or crosswalk except in case of accident or other emergency or when directed to stop by a police officer. In such cases, the operator shall move on again as soon as possible.

(b) A violation of this section constitutes the commission of a parking infraction pursuant to and governed by the provisions of Chapter 2150.

2151.06 Manner of parallel or angle parking.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of such vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.

(c) Notwithstanding any provision of this Traffic Code, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop,
stand or park where necessary in order to perform such work, provided a flagman is on duty, or warning signs or lights are
displayed as may be prescribed by the Director of Public Service or the director's designee.

(d) Notwithstanding the preceding provisions of this section, lawful angle parking shall be permitted in officially designated
angle parking areas.

(e) Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than entirely within the
limits of the space and at the angle to the curb or edge of the roadway as is indicated by appropriate markings on the
pavement.

(f) A violation of any provision of this section constitutes the commission of a parking infraction to be handled pursuant to
and governed by the provisions of Chapter 2150.

2151.07 Owner responsibility for violations.

(a) If any vehicle is found upon a street, park, or other public property of the City or on private property in violation of any
provision of this Traffic Code, or of any ordinance or regulation of this City that regulates the stopping, standing, or parking
of vehicles, and the identity of the driver of such vehicle cannot be determined, the owner or person in whose name such
vehicle is registered shall be held prima-facie responsible for such violation.

(b) Notwithstanding division (a), the owner of a vehicle shall be entitled to establish nonliability for a violation of any
provision of the Traffic Code by proof of lease of vehicle pursuant to the requirements of section 4511.071 of the Ohio
Revised Code.

(c) The terms of divisions (a) and (b) of this Section do not apply if the violated provision of this Traffic Code is a parking
infraction as defined in section 2150.01(A), in which case the terms of Chapter 2150 concerning owner and operator joint
liability shall apply.

2151.08 Unattended vehicles; setting brakes and key removal.

(a) No person having control or in charge of a motor vehicle shall permit it to stand on any street unattended without first
setting the brakes thereon, stopping the motor of such vehicle, locking the ignition, and removing the key, and, when standing
upon a perceptible grade, turning the wheels of such vehicle to the curb or the side of the street.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by
the provisions of Chapter 2150.

2151.09 Maximum continuous street parking in same location.

(a) No person who is the owner, agent, operator, or other person in charge of any vehicle shall permit such vehicle to remain
parked, standing, or abandoned upon any street for a continuous period longer than seventy-two (72) hours. This section shall
not be construed as affecting any other parking regulation now in effect or that may hereafter become effective but shall be
construed as an additional parking limitation. Likewise, the impounding procedures of vehicles on any freeway, expressway
or accessway are not affected by this section. The purpose of this section is to prohibit continuous long-time parking and the
storage of vehicles on City streets.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by
the provisions of Chapter 2150.

2151.10 Parking on public or private property.

(a) The parking of vehicles on public or private property, excluding dedicated streets and ways set out for public travel and
heretofore regulated, shall be prohibited without the consent of the owner of private property or the proper governmental
agencies in charge of public property.

(b) No vehicles shall be parked on public property in violation of rules and regulations set out by the governmental agencies
controlling the public property.
(c) No vehicle shall be parked on any private property in violation of any regulations set down by the owner of the private property.

(d) The provisions of divisions (a) through (c) hereof shall not be applicable unless the private or public property is posted in a conspicuous manner setting forth the prohibition of parking or the conditions and regulations under which parking is permitted.

(e) Except as provided in sections 2151.22 and 2151.23 and subject to the requirements of this section, an owner of private property or his authorized agent may remove, or cause to be removed, vehicles parked upon his property in violation of the posted parking regulations. Any vehicle being removed under this section will be released to the owner of the vehicle if such vehicle is still on the private property, such owner offers proof of identification and complies with posted regulations, and if such vehicle's owner or agent pays a service fee equal to one-half of the impounding fee set by section 2107.06(a). Said vehicle shall be released under the stated conditions.

(f) An owner of private property may create a "PRIVATE TOW-AWAY ZONE" by posting thereon a sign, no smaller than 18" × 24" and visible from all entrances to the private property, which contains at least the following information:

(1) A designation that the area is a "PRIVATE TOW-AWAY ZONE, UNAUTHORIZED VEHICLES WILL BE TOWED AWAY," and

(2) The telephone number or numbers of the person or persons from whom the vehicle can be recovered; and

(3) A statement that "VEHICLE MAY BE RECOVERED AT ANYTIME UPON PROOF OF OWNERSHIP AND PAYMENT OF TOWING CHARGE AND STORAGE. PASSENGER CAR MAXIMUM IS TOWING AND STORAGE PER 24 HOUR PERIOD. VEHICLE HOOKED BUT NOT TOWED SUBJECT TO ONE-HALF TOWING FEE TO DROP." The maximum prices stated for towing and storage in division (h) of this section shall be inserted in their respective blanks.

(g) By parking on properly posted private property without the consent of the owner of the property, the owner and operator of a vehicle shall be deemed to have consented to the removal and storage and the payment of the costs of removing and storage in an amount not to exceed the rates established by the Director of Public Safety under the provisions of division (h) of this section. No vehicle parked on the property at the time of the posting of the sign shall be towed until a period of seventy-two (72) hours has passed.

(h) The Director of Public Safety, upon the recommendation of the Wrecker Advisory Board established pursuant to Chapter 549, may promulgate and publish a set of rules and regulations to implement this Section as the Director deems proper. The maximum rates for the removal and storage of any vehicle removed from private property shall be the same rates as established in Section 2107.06. The rates established pursuant to this section shall be posted as provided in division (f)(3) of this section.

(i) The removal of vehicles under this Section shall only be performed by tow trucks and tow truck operators duly licensed under Chapter 549.

(j) A violation of divisions (a) through (c) of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.105 Unauthorized towing.

(a) Except as provided in sections 2151.22 and 2151.23, no person shall remove or cause to be removed any vehicle from private property unless in conformance with Section 2151.10 with respect to removing, or causing to be removed, motor vehicles from private property.

(b) 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 or more prior violations of this section or a substantially equivalent municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree.
2151.11 Parking near railroad spur track.

(a) No person shall park in any portion of a street in which there is a railroad spur track when such street has proper signs posted prohibiting parking.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.12 Obstructing garage entrances or driveways.

(a) No person shall park or stand any vehicle on any street in such a manner as to interfere with the free ingress and egress to any public or private garage or driveway.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.13 Funeral service parking in front of church or funeral home.

(a) No person shall park or stand any vehicle in front of any church, funeral home, residence or other building where, and during the time, a funeral is being conducted therein, or for a period of one hour before such funeral services are to begin, provided standards or signs are placed on the sidewalk or curb during the time such funeral services are being conducted indicating the space to be kept free from parking. It shall be the duty of the funeral director having charge of or conducting the funeral to furnish the necessary standards or signs so to be used, which shall meet with the approval of the Safety Director. The hearse and such necessary vehicles for the conveyance of the family, relatives and friends of the deceased, as designated by the funeral director in charge, may park in such space during such funeral services.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.14 Parking prohibited for displaying vehicle for sale.

(a) No dealer in vehicles or any agent or employee thereof shall park any vehicle on any street for the purpose of displaying same for sale.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.15 Parking limited for displaying advertising.

(a) No person shall park any vehicle, to which is attached any advertising sign or placard not painted on the body thereof, on any street for a period exceeding thirty minutes.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.16 Parking limited while offering materials for sale.

(a) No person shall park or stand any vehicle from which anything is offered for sale on any street for a period exceeding fifteen minutes, except when special permission of the Safety Director has been granted.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.17 Parking for washing, greasing or repairing.
(a) No person shall park a vehicle upon any roadway for the purpose of washing, greasing, or repairing such vehicle for compensation except repairs necessitated by an emergency.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.18 Parking in residential permit districts.

(a) No person shall park a vehicle beyond the posted time in a residential district authorized by the Service Director as a Residential Permit Parking District area except vehicles displaying valid permits for that area, handicapped designated vehicles, non-residential commercial vehicles and delivery vehicles providing services to residents of that area.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.19 Use of loading zones.

(a) All Loading Zones shall be for the use of the general public, except that the owner or person in charge of any vehicle stopping or parking in such loading zone shall move such vehicle at the direction of a police officer. Such officer's request must be for the purpose of loading or unloading trucks, trailers, semitrailers or commercial vehicles. Any person who fails to move such vehicles after being so requested is subject to prosecution under section 2109.01(A) for failure to obey the order of a traffic control officer.

(b) In addition to being subject to prosecution under section 2109.01(A) for failure to obey the order of a traffic control officer, a violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.20 Limitations on truck, bus and trailer parking.

(a) No owner or driver of a truck, bus, tractor, trailer, semitrailer or house vehicle shall park or stand such vehicle on any street for a period longer than one hour. However, this section shall not apply to trucks or trailers used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the actual time of parking such trucks or trailers, nor to motor trucks or buses conveying passengers to any public meeting, assembly, church, convention or entertainment during the actual session of any such public meeting, assembly, church, convention or entertainment, nor to the actual time during which a motor truck, motor truck tractor, trailer or semitrailer is being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.21 Failure to register or display.

(a) No person shall park any vehicle upon the public streets or highways when any of the following apply:

(1) The owner has failed to annually file the application for registration or to pay the tax therefore, as required by Chapter 4503 of the Ohio Revised Code.

(2) The vehicle was acquired from a former owner who has registered the same in Ohio, while the vehicle displays the distinctive number or identification mark assigned to it upon its former registration.

(3) The vehicle displays a distinctive number or identification mark issued by or under the authority of another state without complying with the laws of Ohio relating to the registration and identification of motor vehicles.

(4) The vehicle displays license plates, including a validation sticker issued pursuant to Chapter 4503 of the Ohio Revised Code and license plates issued in another state, for any period of time which has expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.
(5) The vehicle displays a license plate not legally registered and issued for such vehicle.

(b) A violation of any provision of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provision of Chapter 2150.

2151.22 Prohibition against leaving abandoned junk motor vehicles on public property.

(a) No person shall leave an abandoned junk motor vehicle as defined in section 2101.55 on a public street or other property open to the public for the purpose of vehicular travel or parking, or upon the right-of-way of any road or highway, for forty-eight (48) hours or longer without notification to the department of public safety, division of police of the reasons for leaving the motor vehicle in such place.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2151.23 Prohibition against leaving abandoned junk motor vehicles on private property.

(a) No person shall leave an abandoned motor vehicle as defined in section 2101.55 on private property for more than seventy-two (72) hours without the permission of the person having right of possession to the property.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2155.01 Definitions.

The following definitions shall apply to terms used in this chapter:

(a) "Individual street parking space" means a portion of the paved surface of the street approximately twenty-three feet in length extending from the sidewalk curb into the street a sufficient distance to accommodate a vehicle when the same is parked parallel to the curb with the right wheels thereof not more than four inches from such curb or on a one-way street where parking is permitted on the left side of the street, when a vehicle shall be parked parallel to the curb with the left wheels thereof not more than four inches from such curb.

(b) "Parking" means the standing of a vehicle upon a street, or off-street parking lot, whether such vehicle is occupied or not and whether such vehicle is accompanied or not by an operator for a period of time in excess of two minutes.

(c) "Parking meters" means a device which indicates thereon the length of time during which a vehicle may be parked in a particular place, which has as a part thereof a receptacle or chamber for receiving and storing required coins of United States money, a slot or place in which such coin can be deposited, a time mechanism to indicate the passage of an interval of time during which parking is permissible, and which also displays an appropriate signal when the aforesaid interval of time has elapsed.

(d) "Vehicle" means any device in, upon, or by which any person or property is or may be transported upon a public street, except such devices as are used exclusively upon stationary rails or tracks and such devices as are propelled exclusively by human power.

(e) "Off-street parking lot" means any lot, piece, or parcel of land owned by the City and designated by Council for the purpose of metered, time-regulated storing or parking of vehicles.

(f) "Individual off-street parking space" means a portion of the paved surface of the off-street parking lot approximately twenty feet in length and nine feet in width.

(g) "Handicapped designated vehicle" means a motor vehicle that displays either (1) a parking card issued under section 4503.44 of the Ohio Revised Code or (2) a special license plate issued under section 4503.44 of the Ohio Revised Code and is being operated by or for the transport of a handicapped person. For purposes of this section "handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind or deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent
cardiovascular, pulmonary, or other handicapping condition. When a motor vehicle displays a temporary parking pass, disabled veteran plate, permanent parking card from the appropriate State agency, or special license plate, that is being operated by or transporting a disabled or handicapped person, the motor vehicle shall have the decal or parking card clearly displayed on the left dashboard or in the left front windshield of enclosed vehicles so that the parking privilege information is on the front side of the card and is readily readable from outside the windshield. (ORC 4503.44)

(h) "Handicapped designated parking space" means a clearly marked public or private parking space that displays the international wheelchair symbol as follows:

which shall mean that the space is designated for the exclusive use of a handicapped designated vehicle.

(i) "Meter day" means any day that parking meters are enforced.

2155.02 Meter spaces limited to vehicles only.

(a) Nothing shall be parked or stored in an individual street or off-street parking space where a parking meter is installed other than a vehicle as defined in section 2155.01(d).

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2155.04 Powers and duties of Service Director.

The Service Director is authorized and directed to make, modify, change from time to time and promulgate such administrative rules as in the Director's discretion shall be deemed necessary to effectuate the provisions of this chapter.

The Service Director is hereby authorized to establish, modify, and change from time to time, regulations which set forth the days of the week, hours of the day, and the intervals of time for which parking is permissible, and the coin or coins of United States money required for parking in individual parking spaces so designated and marked as provided for in Section 2155.01.

Such regulations shall be signed by the Service Director, filed with the Clerk of the City, and published in the City Bulletin.

The maintenance and repair of parking meters shall be under the supervision and direction of the Service Director.

The Service Director is further authorized to establish the rates for fees to be charged in the event that parking meters are temporarily removed for construction or other purposes as described in Section 2155.055, in accordance with the guidelines stated therein.

2155.05 Deposit of coin required; overtime parking.

(a) Whenever a vehicle shall be parked in an individual street or off-street parking space where a parking meter has been installed, during the days of the week and during the hours of the day for which the Service Director has established regulations as provided for in Section 2155.04, the person parking such vehicle shall immediately deposit or cause to be deposited the required coin or coins of United States money in such parking meter. Upon the deposit of such coin or coins, and the placing of such parking meter in operation, the parking space may be lawfully occupied by such vehicle during the period indicated on the meter. Any vehicle which remains in an individual street or off-street parking space after the prescribed time for parking is determined to be illegally parked and in violation of the provisions of this chapter. When a handicapped designated vehicle is parked in a handicapped designated space or any legal available parking space the vehicle shall be permitted to park two hours beyond the legal limits on the meter or applicable parking space but not beyond the designated parking hours or other restricted hours that may apply.
(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2155.055 Fees for parking meters out of service.

Whenever a parking meter is temporarily removed from service by hooping or by actual removal for later replacement, due to sidewalk repair, construction or other reason, the person or entity requesting such removal shall be required to pay a fee for each meter day that the parking meter is out of service. Such fee is to be determined by and shall not exceed the actual revenue loss to the City. Such actual revenue loss shall be determined by the parking meter rate in effect on the day that the meter is removed from service and shall be equivalent to the revenue amount that the parking meter would generate if used continuously during the hours of enforcement for every meter day that the parking meter is out of service. A waiver of the above-noted requirement shall be granted to downtown special events by the Service Director upon his/her receipt of satisfactory proof that the following conditions are met: (1) that the sponsoring organization of a downtown special event be not-for-profit, (2) that the function be not-for-profit, (3) that the function be open to the public and (4) that the function be held without admission charge. Should it be necessary to remove and reinstall a parking meter post or otherwise remove a parking meter from service by hooping or by other means and restore the same, an additional fee shall be charged which reflects the cost entailed by the City for such removal and restoration or reinstallation. These fees shall be established by the Service Director, collected by the Director's designee, and deposited to the General Fund.

2155.06 Illegal parking.

(a) All parking is prohibited in any individual street or off-street parking space where a parking meter is installed unless a deposit of the required coin or coins of United States money is made as provided in this Chapter. Any vehicle parked in contravention of this section shall be deemed to be illegally parked under the provisions of this chapter. It shall be illegal for any vehicle other than a handicapped designated vehicle to park in a handicapped designated space during the hours when the meter regulations are in effect. The fact that a vehicle is in an individual street or off-street parking space when the time on the parking meter for the same shows no parking permitted unless a deposit of the required coin or coins of United States money is immediately made as herein provided shall be deemed prima-facie evidence of the unlawful parking of such vehicle by its owner.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

2155.07 Use of slugs; defacing or tampering with meter.

(a) No person shall deposit in any street or off-street parking meter in the City any slug, device, or substitute for a required coin of United States money or deface, injure, damage, tamper with or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

2155.08 Collection of coins.

The City Treasurer is authorized to appoint, in addition to other employees in the Treasurer's office, "collectors and accountants of parking meter coins." It shall be the duty of such collectors, under the direction of the City Treasurer, to collect coins deposited in street and off-street parking meters. In collecting such coins, they shall remove the sealed coin chamber or compartment from each parking meter and deliver the same, with the seals unbroken, to the office of the City Treasurer. Under the direction of the City Treasurer and with the assistance of other employees in the Treasurer's office, they shall count the coins so delivered. On removing the sealed coin compartment from each parking meter, the collector so removing shall replace the same by inserting in such meter an empty sealed coin chamber or compartment.

2157.01 Snow emergency defined.

"Snow emergency" means a period of time declared by the Mayor when the United States Weather Bureau forecasts two (2) inches of snow in a short period of time and there is the prospect of additional snow, or when ice has accumulated to the extent that it is impairing the safe movement of vehicular traffic within the City. Special parking restrictions become effective when these weather conditions exist.
2157.02 Power to declare a snow emergency.

The Mayor is authorized to declare a "snow emergency" whenever the United States Weather Bureau forecasts two (2) inches of snow in a short period of time and there is the prospect of additional snow, or when ice has accumulated to the extent that it is impairing the safe movement of vehicular traffic within the City. The emergency shall exist from the time it is formally announced until the time it is formally cancelled.

2157.04 Stopping of vehicles prohibited.

(a) Whenever a snow emergency is in effect, no person shall stop or allow to be stopped, abandon, or leave unattended any motor vehicle on a public street in the City that is either designated for snow removal or posted as a "no stopping" zone in accordance with section 2157.05.

(b) The owner or operator of a motor vehicle found in violation of this section shall be deemed to have committed a parking infraction, pursuant to Chapter 2150 and shall be responsible for all towing and storage costs for such vehicle towed during the snow emergency.

(c) Any motor vehicle found stopping in a prohibited area during a snow emergency may be removed by order of the police.

2157.05 Designation of streets where stopping is prohibited.

The director of public service shall designate streets or parts of streets by administrative regulation for which stopping shall be prohibited during the snow emergency time. The director shall designate major arterial streets for the posting of "No Stopping During Snow Emergency" Signs.

The director of public service may designate other areas or districts of the city for snow removal from streets not posted with "No Stopping During Snow Emergency" signs. Within these not posted designated areas or districts, stopping shall be prohibited during the snow emergency on those streets so designated by the director of public service.

2171.01 Right-of-way of pedestrian in crosswalk.

(a) It shall be the duty of the operator of any vehicle to yield the right-of-way to a pedestrian upon the sidewalk or lawfully crossing the roadway within any marked or unmarked crosswalk, as defined in Section 2101.09.

(b) Subsection (a) of this section does not apply under the conditions stated in subsection (b) of Section 2171.03.

(c) Whenever any vehicle is stopped in a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(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 4511.46)

2171.02 Right-of-way of blind person.

(a) As used in this section, "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees.

The driver of every vehicle shall yield the right-of-way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominantly white or metallic in color, with or without a red tip.
(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white or metallic cane, with or without a red tip.

(c) 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 4511.47)

2171.03 Right-of-way yielded by pedestrian.

(a) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk, in accordance with Section 2101.09, shall yield the right-of-way to all traffic operating lawfully upon the street.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk, in accordance with Section 2101.09.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(f) 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 4511.46)

2171.035 Pedestrian under the influence.

(a) A pedestrian who is under the influence of alcohol or any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a street or highway.

(b) 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 4511.481)

2171.04 Moving in crosswalk--Stepping into street.

(a) No pedestrians shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard.

(b) 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 4511.46)

2171.05 Walking on path or street, jaywalking.
(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along a street or highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a street or highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, should walk only on the left side of the roadway.

(d) No pedestrian shall cross a roadway at a place other than a crosswalk except in cases where crosswalks are an unreasonable distance apart.

(e) Except as otherwise provided in Sections 2113.08 and 2171.01, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(f) 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 4511.50)

2171.055 Pedestrian bridge and/or railroad grade crossing.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) 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 4511.511)

2171.06 Soliciting rides--Riding on outside of vehicle.

(a) No person while on a freeway, street, highway or roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) No person shall stand on a freeway, street, highway or roadway for the purpose of soliciting employment, business, or contributions from the driver or occupants of any vehicle. The prohibition contained in this paragraph does not apply if the person is soliciting contributions as a designated agent on behalf of an organization that has been issued a permit pursuant to Section 525.23 and that person has a copy of that permit in their possession.

(c) No person shall hang onto or ride on the outside of any motor vehicle, streetcar, or trackless trolley while it is moving upon a freeway, street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a freeway, street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) 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 4511.51)

2171.07 Riding on parts of vehicles not intended for passengers.

(A) No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with Federal standards for an occupant restraining device as defined in Division (A)(2) of Section 4513.263 of the Ohio Revised Code, the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(B) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(C) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.51)

2171.08 Boarding or leaving from vehicles; opening doors.

(a) No person shall board or alight from any vehicle while such vehicle is in motion.

(b) No operator or passenger of any motor vehicle shall leave or enter such vehicle or open any door of the same on the side next to a moving lane of traffic, unless such movement can be made in such manner as to yield the right of way to all vehicular traffic in the lawful use of the street.

(c) 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.

2171.09 Coasters, skates and similar devices restricted.

(a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street on a crosswalk.

(b) Whoever violates this section is guilty of a minor misdemeanor.

2171.10 Sidewalk restrictions.

(a) No person shall use any public sidewalk or alley closed to motor vehicles to sell, barter, offer or expose for sale any items or services. This section shall not apply to persons selling, bartering, offering or exposing for sale items or services physically carried continuously by the person or from pushcarts properly licensed under Chapter 573, merchants who normally sell, barter, offer or expose for sale items or services inside a building, room or structure as long as the items or services sold, battered, offered or exposed for sale on a sidewalk by such merchants leave at least five (5) feet of sidewalk or alley space available for pedestrian traffic, and only occupy sidewalk or alley space fronting on the building, rooms, or structure where such merchant normally does business. In addition, individuals confined to wheelchairs, or who have a physical disability which makes it impractical to physically carry items for sale or barter continuously may sell or barter such items from a maximum of two (2) containers not larger than twelve (12) inches in diameter which rest on the ground.

(b) Whoever violates this section is guilty of a minor misdemeanor.
2173.01 Code application to bicycles.

The provisions of this Traffic Code that are applicable to bicycles apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.

The provisions of this Traffic Code, except those that by their nature are inapplicable shall apply to bicycles except those which by their nature are not applicable, and any person operating a bicycle on a street shall comply with all operational rules and traffic control devices applicable to vehicular traffic. (ORC 4511.52)

2173.02 Riding upon seats; motorcycle handlebars; helmets and glasses.

(a) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a street or highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in Section 4507.13 of the Ohio Revised Code shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(b) For purposes of this section "snowmobile" means any self propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

(c) 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 4511.53)

2173.03 Attaching bicycle or sled to vehicle.

(a) No person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to the person to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicles to attach the same or the operator to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(b) 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.
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 4511.54)

2173.04 Riding bicycles and motorcycles abreast.

(a) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on
paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

(b) 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 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 4511.55(B))

2173.05 Signal devices on bicycle.

(A) Every bicycle when in use at the times specified in section 2137.02 of the Columbus City Code, shall be equipped with
the following:

(1) A lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front;

(2) A red reflector on the rear of a type approved by the Ohio Director of Public Safety that shall be visible from all distances
from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor
vehicle;

(3) A lamp emitting a red light visible from a distance of five hundred feet to the rear shall be used in addition to the red
reflector;

(4) An essentially colorless reflector on the front of a type approved by the Ohio Director;

(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of
the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be
visible on each side of the wheel from a distance of six hundred feet when directly in front of lawful lower beams of head
lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Ohio Director.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a
distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle
any siren or whistle.

(C) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(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 4511.56)

2173.07 Riding bicycle on right side of roadway; traffic control devices; hand and arm signals; yield right of way.

(a) Any person operating a bicycle shall:

(1) Ride as near to the right-hand side of the roadway as practicable, obeying all traffic rules applicable to vehicles and
exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Yield the right of way to a pedestrian upon a sidewalk or a crosswalk;

(3) Give timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.
(b) 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 4511.55)

2173.08 Reckless operation; control, course and speed.

(a) No person shall operate a bicycle:

(1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

(2) Without exercising reasonable and ordinary control over such bicycle;

(3) In a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law;

(4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals;

(5) At a speed greater than is reasonable and prudent under the conditions then existing.

(b) 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.

2173.09 Parking of bicycle.

(a) No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

(b) Whoever violates this section is guilty of a minor misdemeanor.

2173.10 Riding bicycles on sidewalks.

(a) No person shall operate a bicycle upon a sidewalk, except, at locations that the Columbus City Council designates as bikeways or paths.

(b) Whoever violates this section is guilty of a minor misdemeanor.

2173.105 Driving motor vehicles and riding motorcycles on sidewalks, bike paths or bike lanes.

(a) No person shall operate a motor vehicle or motorcycle upon a sidewalk, bike path or in a bike lane.

(b) 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 4511.711)

2173.12 Right-of-way bike crossings.
(a) If neither vehicular traffic nor bicycle traffic at a "bike crossing" is controlled by a stop or yield sign, or a traffic signal, the operator of a bicycle shall yield the right-of-way at bike crossings to all vehicles on the road or street unless otherwise directed by a police officer.

(b) Whoever violates this section is guilty of a minor misdemeanor.

2173.13 Motorized bicycle operation, equipment and license.

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all the following conditions are met:

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in section 4511.521 of the Ohio Revised Code, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Chapter 4506 of the Ohio Revised Code, or a driver's license issued under Chapter 4507 of the Ohio Revised Code or a valid motorized bicycle license issued after the person has passed the test provided for in section 4511.521 of the Ohio Revised Code, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in section 4511.521 of the Ohio Revised Code;

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of section 4511.521 of the Ohio Revised Code and is in proper working order;

(3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rear-view mirror.

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) The protective helmet and rear-view mirror required by division (a)(3) of this section shall conform to the rules adopted by the Ohio Director of Public Safety under division (b) of section 4511.521 of the Ohio Revised Code.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.521)

2301.02 Classification of offenses.

As used in the Columbus City Codes:

(A) All offenses are misdemeanors, and include misdemeanors of the first, second, third, and fourth degree, minor misdemeanors, and misdemeanors not specifically classified.

(B) Any misdemeanor not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding one hundred fifty dollars.

2301.25 Penalties for misdemeanor; restitution.

(A) Unless provided otherwise in the Columbus City Codes, whoever is convicted of or pleads guilty to a violation of the Columbus City Codes other than a minor misdemeanor shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

(B) Terms of imprisonment for violations of the Columbus City Codes shall be imposed as follows:

(1) For a misdemeanor of the first degree, not more than one hundred eighty days;

(2) For a misdemeanor of the second degree, not more than ninety days;
(3) For a misdemeanor of the third degree, not more than sixty days;

(4) For a misdemeanor of the fourth degree, not more than thirty days.

(C) Fines for violations of the Columbus City Codes:

(1) For a misdemeanor of the first degree, not more than one thousand dollars;

(2) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;

(3) For a misdemeanor of the third degree, not more than five hundred dollars;

(4) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars.

(D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than one hundred fifty dollars.

(E) In addition to imposing any penalty in divisions (B), (C), and (D) of this section, the court may order any financial
sanction authorized under section 2929.28 of the Ohio Revised Code, except that the court may not impose a fine under
division (A)(2)(a) of section 2929.28 of the Ohio Revised Code if a fine is imposed under division (C) or (D) of this section.

(F) Whoever violates any provision of this General Offense Code for which another penalty is not provided, is guilty of a
minor misdemeanor.

(G) Whoever commits an offense not specifically classified under any provision of the Columbus City Codes shall be fined
or imprisoned or both according to the penalty provided for violation of that section.

2303.06 Vehicular homicide; vehicular manslaughter.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, 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:

(1) Negligently;

(2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio
Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the
violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is
a minor misdemeanor.

(B)(1) Except as otherwise provided in this division, whoever violates division (A)(1) of this section is guilty of vehicular
homicide, a misdemeanor of the first degree.

If, at the time of the offense, the offender was driving under a suspension or revocation imposed under Chapter 4507. or any
other provision of the Ohio Revised Code 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, vehicular homicide is a felony to be
prosecuted under applicable state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four 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)(4) of section 4510.02 of the Ohio Revised Code.

(2) Except as otherwise provided in this division, whoever violates division (A)(2) of this section is guilty of vehicular
manslaughter, a misdemeanor of the second degree.

Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a
suspension imposed under Chapter 4510. or any other provision of the Ohio Revised Code 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.

In addition to any other sanctions imposed, the court shall impose upon the offender a class six 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)(6) of section 4510.02 of the Ohio Revised Code 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, a class four 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)(4) of section 4510.02 of the Ohio Revised Code.

(C)(1) As used in this section, "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Ohio Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Ohio Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Ohio Revised Code as they existed prior to March 23, 2000.

(2) 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.

2307.01 Definitions.

As used in Title 23 of the Columbus City Codes:

(A) "Sexual conduct" means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. 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 the 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 the 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:

(1) The material or performance, when considered as a whole, appeals to the prurient interest in sex of juveniles;

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

(I) "Juvenile" means an unmarried person under the age of eighteen.

(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.

(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

(L) "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 Section 3103.06 of the Ohio Revised Code;

(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.

(M) "Minor" means a person under the age of eighteen.

(N) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained. (ORC 2907.01)

2307.24 Soliciting.

(A) No person shall solicit another to engage with such other person in sexual activity for hire.

(B) Whoever violates this section is guilty of soliciting, a misdemeanor of the first degree.

(C) If a person is convicted of or pleads guilty to a violation of this section or an attempt to commit a violation of this section and if the person in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or
nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Ohio Revised Code. (ORC 2907.24)

Section 2. That existing Sections 2101.05, 2101.09, 2101.11, 2101.17, 2101.19, 2101.20, 2101.27, 2101.32, 2101.35, 2101.45, 2101.51, 2105.16, 2107.01, 2107.04, 2107.06, 2109.01, 2109.02, 2109.03, 2109.06, 2109.08, 2109.99, 2113.01, 2113.04, 2113.041, 2113.05, 2113.06, 2113.07, 2113.08, 2113.09, 2113.099, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.19, 2131.20, 2131.21, 2131.215, 2131.216, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26, 2131.27, 2131.28, 2131.29, 2131.30, 2131.31, 2131.32, 2131.33, 2131.34, 2131.35, 2131.36, 2131.37, 2131.38, 2131.39, 2131.40, 2131.41, 2131.42, 2131.43, 2133.01, 2133.02, 2133.03, 2133.04, 2133.05, 2133.06, 2133.07, 2133.071, 2133.08, 2133.99, 2135.01, 2135.02, 2135.03, 2135.04, 2135.05, 2135.06, 2135.07, 2135.08, 2135.09, 2135.10, 2135.11, 2135.12, 2135.13, 2135.14, 2135.99, 2137.01, 2137.02, 2137.03, 2137.04, 2137.05, 2137.06, 2137.08, 2137.09, 2137.10, 2137.11, 2137.12, 2137.13, 2137.14, 2137.15, 2137.16, 2137.17, 2137.18, 2137.19, 2137.20, 2137.21, 2137.22, 2137.23, 2137.24, 2137.25, 2137.26, 2137.27, 2139.01, 2139.02, 2139.03, 2139.04, 2139.041, 2139.05, 2139.07, 2139.10, 2139.11, 2139.27, 2139.28, 2139.29, 2139.31, 2139.32, 2139.34, 2139.35, 2139.36, 2139.99, 2150.01, 2150.03, 2150.04, 2150.05, 2150.06, 2150.10, 2151.01, 2151.02, 2151.03, 2151.04, 2151.05, 2151.06, 2151.07, 2151.08, 2151.09, 2151.10, 2151.105, 2151.11, 2151.12, 2151.13, 2151.14, 2151.15, 2151.16, 2151.17, 2151.18, 2151.19, 2151.20, 2151.21, 2151.22, 2151.23, 2151.99, 2155.01, 2155.02, 2155.04, 2155.05, 2155.055, 2155.06, 2155.07, 2155.08, 2157.01, 2157.02, 2157.04, 2157.05, 2157.99, 2171.01, 2171.02, 2171.03, 2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.07, 2171.08, 2171.09, 2171.10, 2173.01, 2173.02, 2173.03, 2173.04, 2173.05, 2173.06, 2173.07, 2173.08, 2173.09, 2173.10, 2173.105, 2173.12, 2173.13, 2301.02, 2301.25, 2303.06, 2307.01, and 2307.24 are hereby repealed.

Section 3. That this ordinance shall be effective and be in force on January 1, 2004.
Background:

The legislation grants the Italian Village Commission the authority to utilize interim guidelines for applications that propose to use artificial siding in new construction within the Italian Village Historic District. Currently, the Italian Village Guidelines are largely silent with respect to the appropriateness of artificial siding materials when new construction is proposed. Furthermore, the guidelines currently do not provide any direction as to design and/or installation standards. This ambiguity has led to significant problems in Italian Village when applicants seek to use artificial siding materials.

Currently, all of the City's architectural review commissions are engaged in a process of amending guidelines which will include updated standards for reviewing applications in which the use of artificial siding is proposed. It is anticipated that Council will receive these guideline revisions in September 2003. However, there is an immediate need to address the situation in Italian Village to provide clarity to property owners and the commission as to the appropriate standards to apply in considering whether to approve a certificate of appropriateness for instance where applicants seek to use artificial siding material.

In order to expedite the ability of the Italian Village Commission to immediately utilize these guidelines on an interim basis, this legislation also waives Section 3116.03 of the Columbus City Codes, 1959, which addresses the process of amending architectural review guidelines.

Fiscal Impact:

None.

To adopt interim guidelines proposed by the Italian Village Commission addressing the use of artificial siding materials on new construction projects within the Italian Village Historic District; to waive Section 3116.03 of the Columbus City Codes, 1959; and to declare an emergency.

WHEREAS, the Italian Village Commission is an architectural review commission created by Council pursuant to Chapter 3327 of the Columbus City Codes, 1959; and
WHEREAS, there is an increasing amount of new construction occurring within the boundaries of this historic district; and

WHEREAS, certain applicants have sought to use artificial siding material to clad new structures being erected within Italian Village; and

WHEREAS, neither the Columbus City Codes, 1959, nor the Italian Village Guidelines expressly prohibit the use of artificial siding; and

WHEREAS, the City Code and the Guidelines provide little if any direction as to design and/or installation criteria for the commission to use in considering whether to approve an application for a certificate of appropriateness in which artificial siding is proposed for new construction; and

WHEREAS, the City's architectural review commissions are engaged in a process of updating their respective guidelines to provide some uniformity among the historic districts; and

WHEREAS, the City will fully comply with Section 3116.03 of the Columbus City Codes, 1959, as this above-mentioned process moves forward; and

WHEREAS, the legislation that will propose to amend such guidelines will likely be submitted to Council in September 2003; and

WHEREAS, there is an immediate need to provide clarify with respect to the use of artificial siding in the Italian Village Historic District due to ongoing disputes with certain developers because of the ambiguity in the current guidelines; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to adopt interim guidelines proposed by the Italian Village Commission and to waive Section 3116.03 of the Columbus City Codes, 1959, thereby preserving the public health, peace, property, safety and welfare; Now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO

Section 1. That the interim guidelines proposed by the Italian Village Commission attached and incorporated herein shall be adopted for use by the commission on a temporary basis until the City completes the process of updating the guidelines for all architectural review commissions.

Section 2. That Council hereby determines that it is in the best interests of the City to waive the requirements of Section 3116.03 of the Columbus City Codes, 1959, to the extent that the process for adopting interim guidelines undertaken herein conflicts with the process articulated in the City Code.

Section 3. That for the reasons stated in the preamble hereto, which is made a part
hereof, this ordinance is hereby declared to be an emergency measure and shall take
effect and be in force from and after its passage and approval by the Mayor, or ten
days after passage if the Mayor neither approves nor vetoes the same.
Each proposal shall contain the full name and address of every person, firm or corporation interested in the same, and if corporation, the name and address of the President and Secretary.

EQUAL OPPORTUNITY CLAUSE: Each responsive bidder shall submit, with its bid, a contract compliance certification number or a completed application for certification. Compliance with the provisions of Article I, Title 39, is a condition of the contract. Failure to comply with this Article may result in cancellation of the contract.

WITHHOLDING OF INCOME TAX: All bidders are advised that in order for a contract to bind the City, each contract must contain the provisions found in Section 361.34 C.C.C. with regard to income taxes due or payable to the City of Columbus for wages, salaries and commissions paid to the contractor's employees as well as requiring those contractors to ensure that subcontractors withhold in a like manner.

DELINQUENT PERSONAL PROPERTY TAX: All bidders are charged with notice of Section 5719.042 of the Ohio Revised Code and agree that if this contract is awarded to them, the successful bidder, prior to the time the contract is entered into, will submit to the City Auditor the affidavit required by said section of the Ohio Revised Code. Said affidavit, when filed with City Auditor, is thereby incorporated into and made a part of this contract and no payment shall be made with respect to this contract unless such statement has been so incorporated as a part thereof.

LOCAL CREDIT: For all contracts EXCEPT PROFESSIONAL SERVICE CONTRACTS: In determining the lowest bid for purpose of awarding a contract not exceeding $20,000.00, a local bidder shall receive a credit equal to five percent (5%) of the lowest bid submitted by a non-local bidder. In determining the lowest bid for purposes of awarding a contract in excess of $20,000.00, a local bidder shall receive a credit equal to one percent (1%) or $10,000.00, whichever is less, of the lowest bid submitted by a non-local bidder. A local bidder is a person, corporation or business which (a) has listed its principal place of business as being located within the corporation limits of the City of Columbus or the County of Franklin in official documents filed with Secretary of State, State of Ohio, or a valid vendor's license which indicates its place of business is located within the corporation limits of the City of Columbus or County of Franklin.

FOR COPIES OF ANY OF THE FOLLOWING BID PROPOSALS CALL THE LISTED DIVISION

BID OPENING DATE - December 16, 2003  2:00 pm

SA000578 - CRPD NORTH BANK PARK ISSUE C
Sealed proposals will be received by the Recreation and Parks Commission of the City of Columbus, Ohio, at its office at 200 Greenlawn Ave., until 2:00 p.m. on Tuesday, December 16, 2003, and publicly opened and read immediately thereafter for:

North Bank Park - Issue C

The work for which proposals are invited consists of (3) Three prime contractor bids and /or (1) combination bid package including: (C1) - General Trades, (C2) - HVAC, Plumbing and Limited Area Sprinkler, (C3) Electrical for the pavilion building, the restroom facility and the storage structure and related canopies. Issue C2 also includes the plumbing work for the fountain in the river park. Issue C3 also includes the electrical work for the urban park interior, the river park interior and the fountain electrical work in the river park. A combination bid for bid packs C1, C2, and C3 will also be accepted.

Copies of the Project Manual/Specifications and the plans will be on file and available to prospective bidders on November 18, 2003 at Recreation and Parks Department Office at 200 Greenlawn Avenue, Columbus, Ohio 43223 (614) 645-5765 upon a non-refundable payment of $50.00 per package.

Proposals must be submitted on the proper forms contained in the Project Manual/Specifications and the ENTIRE Project Manual/Specifications containing the Proposal must be submitted in a sealed envelope marked "North Bank Park Issue C."

PRE-BID CONFERENCE
A Pre-bid Conference will be held Tuesday, November 25, 2003 at 2:00 p.m. at Recreation and Parks Commission of the City of Columbus, Ohio, at its office at 200 Greenlawn Ave. Bidders are strongly urged to attend. Failure to attend will not disqualify a bidder. However, bidders shall comply with and be responsible for the bid specifications and information discussed at the pre-bid conference

PROPOSAL GUARANTY
The bidder is required to submit a Proposal Guaranty, consisting of either a proposal bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall be expressed in dollars and cents and shall not be less than ten (10) percent of the bid, including all alternates submitted which increase the bid. A certified copy of the authority to act must accompany all bonds signed by an agent.

PREVAILING WAGE RATE
Attention of the bidder is called to the special requirements included in the Bid Submittal Documents regarding prevailing rates of wages to be paid.

CONTRACT PERFORMANCE AND PAYMENT BOND
A contract performance and payment bond of 100 percent of the amount of the contract will be required to assure the faithful performance of the work. Bonds shall be with a surety or sureties licensed to conduct business in the State of Ohio, according to Section 103.5 of the City of Columbus Construction and Materials Specifications, latest edition.

CONSTRUCTION AND MATERIAL SPECIFICATIONS
Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Materials Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specifications are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of the Construction and Material Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 W. Broad St., Room 301, Columbus, Ohio 43215 (614) 645-8290, at the offices of The Construction Inspection Division, 1800 E. 17th Avenue, Columbus, Ohio 43219 (614) 645-3182, and at the office of the Director of Public Utilities, 910 Dublin Rd., 4th Floor, Columbus, Ohio 43215 (614) 645-6141.

CONTRACT COMPLIANCE REQUIREMENTS
Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification. Any questions or inquiries concerning this should be directed to the Equal Business Opportunities Commission Office, 109 N. Front Street, 4th Floor, Columbus, Ohio 43215 (614) 645-4764.

BID CANCELLATION AND REJECTIONS
THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - December 16, 2003  2:00 pm

The right is reserved by the Executive Director of Recreation and Parks of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, and/or to advertise for new proposals, when it is in the best interests of the City.

SPECIAL REQUIREMENTS
Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under the laws of any other state.

OSHA/EPA/ADA REQUIREMENTS
Contractors are subject to all applicable federal, state and local laws, ordinances, rules and regulations pertaining to services or products to be provided under this requirement.

Jerry Saunders, President
Recreation and Parks Commission

Wayne A. Roberts, Executive Director
Recreation & Parks Department

CITY BULLETIN DATES:
1) November 15, 2003
2) November 22, 2003
3) November 29, 2003
ORIGINAL PUBLISHING DATE:   November 12, 2003

BID OPENING DATE - December 17, 2003  3:00 pm

SA000583 - PAINTING TWO 2MG WATER TANKS
Proposals must PAINTING TWO 2MG WATER TANKS-SMOKY ROW TANKYARD

ADVERTISEMENT FOR BIDS

Sealed proposals will be received by the Director of Public Utilities of the City of Columbus, Ohio, at the office of the Director of Public Utilities of the City of Columbus, Ohio, at her office located at 910 Dublin Road, 4th Floor, Columbus, Ohio, until 3:00 pm local time, on December 17, 2003, and publicly opened and read at the hour and place for painting Two 2 Million Gallon Water Tanks- Smoky Row Tankyard. The work for which proposals are invited consists of overcoating the exteriors with an epoxy/polyurethane coating system and removing the interior coatings and apply an elastomeric urethane coating system and such other work as may be necessary to complete the contract in accordance with the plans and specifications. Copies of the Contract Documents and the plans are available to prospective bidders in the office of the Distribution Design Engineer, Utilities Complex, 2nd Floor, 910 Dublin Road, Columbus, Ohio, 43215.

Proposals must be submitted on the proper forms contained in the Bid Submittal Documents and the Bid Submittal Documents containing the Proposal must be submitted IN THEIR ENTIRETY in a sealed envelope marked Bid for:

PAINTING TWO 2MG WATER TANKS-SMOKY ROW TANKYARD,
DIVISION OF WATER,
CONTRACT NO. 1044, CIP NO. 690477

PROPOSAL GUARANTY
The bidder is required to submit a Proposal Guaranty, consisting of either a Proposal bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall not be less than ten (10) percent of the bid, including all alternates submitted which increase the bid. All bonds signed by an agent must be accompanied by a certified copy of the authority to act.

PREVAILING WAGE RATE
Attention of the bidder is called to the special requirements which are included in the Bid Submittal Documents regarding prevailing rates of wages to be paid.

CONTRACT PERFORMANCE AND PAYMENT BOND
A contract performance and payment bond of 100 percent of the amount of the contract with a surety or sureties licensed to conduct business in the State of Ohio according to Section 103.05 of the City of Columbus Construction & Materials Specifications, latest edition, will be required to assure the faithful performance of the work.

CONSTRUCTION AND MATERIAL SPECIFICATIONS
Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio, Construction and Materials Specifications, latest edition, and will become part of the terms and conditions of the contract to be awarded. Said specifications are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of said Construction and Material Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 W. Broad St., 3rd Floor, Columbus, Ohio, 43215, (614) 645-8290; at the offices of The Construction Inspection Division, 1800 E. 17th Avenue, Columbus, Ohio, 43219, (614) 645-3182; and at the office of the Director of Public Utilities, 910 Dublin Rd., 4th Floor, Columbus, Ohio, 43215, (614) 645-6141.

CONTRACT COMPLIANCE REQUIREMENTS
Each responsive bidder shall submit, with the bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification.

BID CANCELLATION AND REJECTIONS
The right is reserved by the Director of Public Utilities of the City of Columbus, Ohio, to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, to hold bids for a period of 60 days after the bid opening, and/or to advertise for new proposals, when it is in the best interests of the City.

SPECIAL REQUIREMENTS
Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under the laws of any other state.
SA000575 - PERFORMANCE MANAGEMENT TRACKING SOFTWARE

Scope and Classification
Scope - The City of Columbus Finance Department intends to purchase Performance Management Tracking software that can meet the City's specific functional needs as presented herein. The Finance Department expects the successful offeror to install their software, train the appropriate personnel on the use of the software and to integrate that solution with the City's existing applications. Upon identifying a product, the City will negotiate a contract and the specific terms and conditions.

Purpose: The City intends to purchase a performance management application that will provide the necessary tools for the City to manage its overall performance in relation to its strategic objectives.

Background: As part of an internal Operations and Efficiency review conducted in 2000, consultants recommended that the City develop a performance management system. As a result, the Mayor issued a directive to develop performance measures in all city programs. The City's Covenant contains the following principal of progress "Deliver measurable, quality public services and results to our residents." Measures were originally developed at the department level for all departments and are currently stored and tracked in an Oracle database developed by the Department of Technology. As the process evolved, more detailed performance data was needed that required the collection of performance data at the program level. More flexible reporting is also needed to incorporate results at the programmatic level and show results over time. While the City is looking for the most cost effective solution to meet our needs, the Department of Finance has set aside $150,000 for this purpose.

If you have an interest in receiving this proposal, please FAX this form in its entirety to: Purchasing Office, (614) 645-7051 a complete copy of the specifications will be mailed to those who request the mailing and specifications are also available in person at 50 West Gay Street, Beacon Building - First Floor, Columbus, Ohio, 43215.

If you have an interest in receiving this proposal, please FAX this form in its entirety to: Purchasing Office, (614) 645-7051 a complete copy of the specifications will be mailed to those who request the mailing and specifications are also available in person at 50 West Gay Street, Beacon Building - First Floor, Columbus, Ohio, 43215.

ORIGINAL PUBLISHING DATE: December 06, 2003

SA000579 - CRPD NORTH BANK PARK ISSUE D AND E
ADVERTISEMENT FOR BIDS

Sealed proposals will be received by the Recreation and Parks Commission of the City of Columbus, Ohio, at its office at 200 Greenlawn Ave., until 2:00 p.m. on Thursday, December 18, 2003, and publicly opened and read immediately thereafter for:
North Bank Park - Issue D and E

The work for which proposals are invited consists of (2) Two prime contractor bids and/or (1) combination bid package including: Issue (D) - Site Work (including Grading, UG Utilities, Concrete Footings and Walls, Concrete Walks, Bases and Paving, Fountain basin in the river park), Issue (E) - Masonry (including Stone Veneer @ walls, pre-cast caps and steps. A combination bid for bid packs D and E will also be accepted.

Copies of the Project Manual/Specifications and the plans will be on file and available to prospective bidders on November 19, 2003 at Recreation and Parks Department Office at 200 Greenlawn Avenue, Columbus, Ohio 43223 (614) 645-5765 upon a non-refundable payment of $50.00 per package.

Proposals must be submitted on the proper forms contained in the Project Manual/Specifications and the ENTIRE Project Manual/Specifications containing the Proposal must be submitted in a sealed envelope marked "North Bank Park Issue D (or E) (or Combination D & E)" whichever is appropriate.

PRE-BID CONFERENCE

A Pre-bid Conference will be held Wednesday, November 26, 2003 at 2:00 p.m. at Recreation and Parks Commission of the City of Columbus, Ohio, at its office at 200 Greenlawn Ave. Bidders are strongly urged to attend. Failure to attend will not disqualify a bidder. However, bidders shall comply with and be responsible for the bid specifications and information discussed at the pre-bid conference.

PROPOSAL GUARANTY

The bidder is required to submit a Proposal Guaranty, consisting of either a proposal bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall be expressed in dollars and cents and shall not be less than ten (10) percent of the bid, including all alternates submitted which increase the bid. A certified copy of the authority to act must accompany all bonds signed by an agent.

PREVAILING WAGE RATE

Attention of the bidder is called to the special requirements included in the Bid Submittal Documents regarding prevailing rates of wages to be paid.

CONTRACT PERFORMANCE AND PAYMENT BOND

A contract performance and payment bond of 100 percent of the amount of the contract will be required to assure the faithful performance of the work. Bonds shall be with a surety or sureties licensed to conduct business in the State of Ohio, according to Section 103.5 of the City of Columbus Construction and Materials Specifications, latest edition.

CONSTRUCTION AND MATERIAL SPECIFICATIONS

Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Materials Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specifications are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of the Construction and Material Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 W. Broad St., Room 301, Columbus, Ohio 43215 (614) 645-8290, at the offices of The Construction Inspection Division, 1800 E. 17th Avenue, Columbus, Ohio 43219 (614) 645-3182, and at the office of the Director of Public Utilities, 910 Dublin Rd., 4th Floor, Columbus, Ohio 43215 (614) 645-6141.

CONTRACT COMPLIANCE REQUIREMENTS

Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification. Any questions or inquiries concerning this should be directed to the Equal Business Opportunities Commission Office, 109 N. Front Street, 4th Floor, Columbus, Ohio 43215 (614) 645-4764.

BID CANCELLATION AND REJECTIONS
THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - December 18, 2003  2:00 pm

The right is reserved by the Executive Director of Recreation and Parks of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, and/or to advertise for new proposals, when it is in the best interests of the City.

SPECIAL REQUIREMENTS
Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under the laws of any other state.

OSHA/EPA/ADA REQUIREMENTS
Contractors are subject to all applicable federal, state and local laws, ordinances, rules and regulations pertaining to services or products to be provided under this requirement.

Jerry Saunders, President
Recreation and Parks Commission

Wayne A. Roberts, Executive Director
Recreation & Parks Department

CITY BULLETIN DATES:
1) November 15, 2003
2) November 22, 2003
3) November 29, 2003

ORIGINAL PUBLISHING DATE: November 12, 2003

BID OPENING DATE - December 23, 2003  11:00 am

SA000585 - R&P: Automated pitching machine
THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - December 23, 2003  11:00 am

ADVERTISEMENT FOR BIDS

Sealed proposals will be received by the Recreation and Parks Commission of the City of Columbus, Ohio, at its office at 200 Greenlawn Ave., until 11:00 a.m. on Tuesday, December 23, 2003, and publicly opened and read immediately thereafter for:

Automated Pitching machines

The work for which proposals are invited consists of: The purchase and installation of 11 automated softball and baseball pitching machines and associated equipment to be used in the existing batting cage located at Berliner Sports Park. The equipment to be purchased includes baseball batting machines, softball batting machines, conveyor retrieval system, control computer, warning lights and coin boxes including installation by March 15, 2004.

Copies of the Project Manual/Specifications and the plans will be on file and available to prospective bidders on December 8th at Recreation and Parks Department Office at 200 Greenlawn Avenue, Columbus, Ohio 43223 (614) 645-5765.

Proposals must be submitted on the proper forms contained in the Project Manual/Specifications and the ENTIRE Project Manual/Specifications containing the Proposal must be submitted in a sealed envelope marked "Automatic Pitching Machines."

PROPOSAL GUARANTY

The bidder is required to submit a Proposal Guaranty, consisting of either a proposal bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall be expressed in dollars and cents and shall not be less than ten (10) percent of the bid, including all alternates submitted which increase the bid. A certified copy of the authority to act must accompany all bonds signed by an agent.

PREVAILING WAGE RATE

Attention of the bidder is called to the special requirements included in the Bid Submittal Documents regarding prevailing rates of wages to be paid.

CONTRACT PERFORMANCE AND PAYMENT BOND

A contract performance and payment bond of 100 percent of the amount of the contract will be required to assure the faithful performance of the work. Bonds shall be with a surety or sureties licensed to conduct business in the State of Ohio, according to Section 103.5 of the City of Columbus Construction and Materials Specifications, latest edition.

CONSTRUCTION AND MATERIAL SPECIFICATIONS

Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Materials Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specifications are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of the Construction and Material Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 W. Broad St., Room 301, Columbus, Ohio 43215 (614) 645-8290, at the offices of The Construction Inspection Division, 1800 E. 17th Avenue, Columbus, Ohio 43219 (614) 645-3182, and at the office of the Director of Public Utilities, 910 Dublin Rd., 4th Floor, Columbus, Ohio 43215 (614) 645-6141.

CONTRACT COMPLIANCE REQUIREMENTS

Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification. Any questions or inquiries concerning this should be directed to the Equal Business Opportunities Commission Office, 109 N. Front Street, 4th Floor, Columbus, Ohio 43215 (614) 645-4764.

BID CANCELLATION AND REJECTIONS

The right is reserved by the Executive Director of Recreation and Parks of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, and/or to advertise for new proposals, when it is in the best interests of the City.

SPECIAL REQUIREMENTS

Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under the laws
BID OPENING DATE - December 23, 2003  11:00 am

of any other state.

OSHA/EPA/ADA REQUIREMENTS
Contractors are subject to all applicable federal, state and local laws, ordinances, rules and regulations pertaining to services or products to be provided under this requirement.

Jerry Saunders, President
Recreation and Parks Commission

Wayne A. Roberts, Executive Director
Recreation & Parks Department
ORIGINAL PUBLISHING DATE: December 03, 2003

BID OPENING DATE - January 6, 2004  3:00 pm

SA000584 - FMD - LIGHTING EFFICIENCY RENOVATION
ADVERTISEMENT FOR BIDS

LIGHTING EFFICIENCY RENOVATION AT THE SKYWALKS,
300 NATIONWIDE BLVD.

Sealed bids will be received by the Department of Public Service, Division of Facilities Management of the City of Columbus, Ohio at their office, located at 90 West Broad Street, basement, Room B16, Columbus, Ohio 43215 until 3:00 p.m. local time, and publicly opened and read at the hour and place on Tuesday, January 6, 2004 for LIGHTING EFFICIENCY RENOVATION AT THE SKYWALKS, 300 NATIONWIDE BLVD. The work for which bids are invited consist of replacement of incandescent lighting with fluorescent lighting at the skywalks in accordance with the specifications.

Copies of the Contract Documents are available in the office of Facilities Management, 90 West Broad Street, Basement Level, Room B16, Columbus, Ohio 43215 beginning Monday, December 15, 2003. The first set of contract documents are available to prospective bidders at no cost. Additional sets are available to prospective bidders at a non-refundable cost of $25.00.

Proposals must be submitted on the proper forms contained in the Bid Documents and the Bid Documents containing the Proposals must be submitted IN THEIR ENTIRETY in a sealed envelopment marked: Bid for: LIGHTING EFFICIENCY RENOVATION AT THE SKYWALKS, 300 NATIONWIDE BLVD.

FAILURE TO RETURN THE BID PACKET AND REQUIRED INFORMATION MAY RESULT IN REJECTION OF THE PROPOSAL.

PROPOSAL GUARANTY
The bidder is required to submit a Proposal Guaranty, consisting either of a Proposal Bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall be expressed in dollars and cents and shall not be less than ten (10) percent of the bid including all alternates submitted which increase the bid. All bonds signed by an agent must be accompanied by a certified copy of the authority to act.

PREVAILING WAGE RATE
Attention of the bidder is called to the special requirements which are included in the Bid Documents regarding prevailing rates of wages to be paid. Bidders must comply with the prevailing wage rates on Public Improvements of Franklin County and the City of Columbus in the State of Ohio as determined by the Ohio Bureau of Employee Services, Wage and Hour Division (614-644-2239).

CONTRACT PERFORMANCE AND PAYMENT BOND
A contract performance and payment bond of 100 percent of the amount of the contract with a surety or sureties licensed to conduct business in the State of Ohio according to Section 103.05 of the City of Columbus Construction and Materials Specifications, latest edition, will be required to assure the faithful performance of the work.

PRE-BID MEETING
A pre-bid meeting will be held Wednesday, December 17, 2003 at 1:30 p.m., at the Skywalks, 300 Nationwide Blvd., Columbus, Ohio 43215. Please meet at the second floor elevator lobby for the pre-bid meeting.

OSHA/EPA REQUIREMENTS
Contractors are subject to all applicable federal, state and local laws, ordinances, rules and regulations pertaining to services or products to be provided under this contract.

CONSTRUCTION AND MATERIALS SPECIFICATIONS
Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Material Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specification are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of said Construction and Materials Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 West Broad Street, Room 301, Columbus, Ohio 43215, (614) 645-8290, at the office of the Transportation Division, 1800 East 17th Avenue, Columbus, Ohio 43219, (614) 645-3182, at the Director of Public Utilities, 910 Dublin Road, 4th Floor, Columbus, Ohio 43215, (614) 645-6141.
THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - January 6, 2004  3:00 pm

CONTRACT COMPLIANCE REQUIREMENTS AND EQUAL OPPORTUNITY CLAUSE
Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification. Any questions or inquiries concerning this should be directed to the Equal Business Opportunity Commission Office.

The City of Columbus encourages the participation of Minority and female owned business enterprises. Each bidder must identify any subcontractor(s) who are minority or female owner businesses (M/FBE's) as defined in Title 39 of the Columbus City Code along with the scope of work and anticipated cost.* This information is gathered and monitored by the Equal Business Opportunity Commission Office (EBOCO). Please contact EBOCO (614) 645-4764 for assistance with identifying potential M/FBE subcontractors. Equal Business Opportunity Commission Office, 109 N. Front Street 4th Floor, Columbus, Ohio 43215, (614) 645-4764.

*While the participation of minority and female owned businesses is encouraged the level of minority or female participation will not be a condition of the bid award.

BID CANCELLATION AND REJECTIONS
The right is reserved by the Director of Public Service of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, or to advertise for new proposals, when it is in the best interest of the City. Also, the right is reserved by the Public Service Director to hold bids for a period of 120 days after the bid opening for evaluating both the proposals and the contractors. The award of the contract may be made at any time during that period.

SPECIAL REQUIREMENTS
Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under laws of any other state.

ORIGINAL PUBLISHING DATE: December 03, 2003

SA000587 - FAC. MGT. - RENOVATION OF COMPRESSOR
ADVERTISEMENT FOR BIDS

RENOVATION OF COMPRESSORS,
757 CAROLYN AVENUE, COLUMBUS, OHIO

Sealed bids will be received by the Department of Public Service, Division of Facilities Management of the City of Columbus, Ohio at their office, located at 90 West Broad Street, basement, Room B16, Columbus, Ohio 43215 until 3:00 p.m. local time, and publicly opened and read at the hour and place on Tuesday, January 6, 2004 for RENOVATION OF COMPRESSORS, 757 CAROLYN AVENUE. The work for which bids are invited consist of replacement of one compressor in the chiller system for the air conditioning system in accordance with the specifications.

Copies of the Contract Documents are available in the office of Facilities Management, 90 West Broad Street, Basement Level, Room B16, Columbus, Ohio 43215 beginning Monday, December 15, 2003. The first set of contract documents are available to prospective bidders at no cost. Additional sets are available to prospective bidders at a non-refundable cost of $25.00.

Proposals must be submitted on the proper forms contained in the Bid Documents and the Bid Documents containing the Proposals must be submitted IN THEIR ENTIRETY in a sealed envelopment marked: Bid for: RENOVATION OF COMPRESSORS, 757 CAROLYN AVENUE.

FAILURE TO RETURN THE BID PACKET AND REQUIRED INFORMATION MAY RESULT IN REJECTION OF THE PROPOSAL.

PROPOSAL GUARANTY
The bidder is required to submit a Proposal Guaranty, consisting either of a Proposal Bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall be expressed in dollars and cents and shall not be less than ten (10) percent of the bid including all alternates submitted which increase the bid. All bonds signed by an agent must be accompanied by a certified copy of the authority to act.

PREVAILING WAGE RATE
Attention of the bidder is called to the special requirements which are included in the Bid Documents regarding prevailing rates of wages to be paid. Bidders must comply with the prevailing wage rates on Public Improvements of Franklin County and the City of Columbus in the State of Ohio as determined by the Ohio Bureau of Employee Services, Wage and Hour Division (614-644-2239).

CONTRACT PERFORMANCE AND PAYMENT BOND
A contract performance and payment bond of 100 percent of the amount of the contract with a surety or sureties licensed to conduct business in the State of Ohio according to Section 103.05 of the City of Columbus Construction and Materials Specifications, latest edition, will be required to assure the faithful performance of the work.

PRE-BID MEETING
A pre-bid meeting will be held Monday, December 15, 2003 at 10:00 p.m., at 757 Carolyn Avenue, Columbus, Ohio. Please meet at the front of the building, lobby area for the pre-bid meeting.

OSHA/EPA REQUIREMENTS
Contractors are subject to all applicable federal, state and local laws, ordinances, rules and regulations pertaining to services or products to be provided under this contract.

CONSTRUCTION AND MATERIALS SPECIFICATIONS
Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Material Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specification are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of said Construction and Materials Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 West Broad Street, Room 301, Columbus, Ohio 43215, (614) 645-8290, at the office of the Transportation Division, 1800 East 17th Avenue, Columbus, Ohio 43219, (614) 645-3182, at the Director of Public Utilities, 910 Dublin Road, 4th Floor, Columbus, Ohio 43215, (614) 645-6141.
CONTRACT COMPLIANCE REQUIREMENTS AND EQUAL OPPORTUNITY CLAUSE
Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification. Any questions or inquiries concerning this should be directed to the Equal Business Opportunity Commission Office.

The City of Columbus encourages the participation of Minority and female owned business enterprises. Each bidder must identify any subcontractor(s) who are minority or female owned businesses (M/FBE's) as defined in Title 39 of the Columbus City Code along with the scope of work and anticipated cost.* This information is gathered and monitored by the Equal Business Opportunity Commission Office (EBOCO). Please contact EBOCO (614) 645-4764 for assistance with identifying potential M/FBE subcontractors. Equal Business Opportunity Commission Office, 109 N. Front Street 4th Floor, Columbus, Ohio 43215, (614) 645-4764.

*While the participation of minority and female owned businesses is encouraged the level of minority or female participation will not be a condition of the bid award.

BID CANCELLATION AND REJECTIONS
The right is reserved by the Director of Public Service of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, or to advertise for new proposals, when it is in the best interest of the City. Also, the right is reserved by the Public Service Director to hold bids for a period of 120 days after the bid opening for evaluating both the proposals and the contractors. The award of the contract may be made at any time during that period.

SPECIAL REQUIREMENTS
Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under laws of any other state.

ORIGINAL PUBLISHING DATE: December 11, 2003

SA000588 - RFSQ's Prof. Engineering Services-Sewers
PROFESSIONAL SERVICES
REQUEST FOR STATEMENTS OF QUALIFICATIONS (RFSQ)
WASTEWATER TREATMENT FACILITIES
CAPITAL IMPROVEMENT PROGRAM

Invitation for submittal of Statements Of Qualifications to furnish professional engineering services for the City of Columbus, Department of Public Utilities, Division of Sewerage and Drainage for various wastewater treatment facilities capital improvement projects as listed below.

The Director of Public Utilities of the City of Columbus wishes to receive sealed statements of qualifications from professional engineering firms and construction management firms interested in, and qualified for, furnishing professional design services and services during construction including construction management for each of the following Capital Improvements Projects (CIP).

CIP-650245, Jackson Pike Wastewater Treatment Plant, B-Plant Final Clarifier Upgrade
CIP-650253, Jackson Pike Wastewater Treatment Plant, Disinfection Chemical Handling Facility Improvements
CIP-650344, Southerly Wastewater Treatment Plant, Support Facilities
CIP-650358, Southerly Wastewater Treatment Plant, Center Train Concrete Rehabilitation

Offerors may submit SOQs on any single project or all of the above projects. A firm or team that wishes to perform only design or construction management services may submit an SOQ for only those services and it will be included in the evaluation. Submit one set of SOQs for each of the CIPs for which you wish to be considered.

GENERAL DESCRIPTION: The City of Columbus operates two large municipal wastewater treatment plants, utilizing the activated sludge process. As part of its continuing program to upgrade facilities, provide efficient, cost-effective operations, and enhance personnel safety, the City intends to perform the following improvements:

CIP-650245  Jackson Pike Wastewater Treatment Plant, B-Plant Final Clarifier Upgrade
This project will upgrade the B-Plant final clarifiers consistent with recent work on A-Plant, which includes the replacement of sludge and skimming collector equipment, concrete tank repair, railing replacement and gates renovation.

CIP-650253  Jackson Pike Wastewater Treatment Plant, Disinfection Chemical Handling Facility Improvements
This project will renovate and upgrade chemical storage and feed facilities to continue using sodium hypochlorite for disinfection and sodium bisulfite for dechlorination.

CIP-650344  Southerly Wastewater Treatment Plant, Support Facilities
This project will provide necessary support facilities for plant maintenance, which will include evaluation of the renovation of an existing building or the construction of a new building.

CIP-650358  Southerly Wastewater Treatment Plant, Center Train Concrete Rehabilitation
This project will provide necessary concrete repair, and handrailing replacement in four process areas of the Center Train: Preaeration, Primary Clarification, Aeration, and Mixed Liquor Channel. Removal of unused equipment; repair, replacement, or modification of other major process equipment in the same area will be evaluated and performed under this project.

SELECTION SCHEDULE: The selection process shall proceed as follows:

1. Information packets are available from the Division of Sewerage and Drainage, General Engineering Section, 6977 S. High Street, Lockbourne, OH 43137 or by written request to:

City of Columbus, Ohio
Division of Sewerage and Drainage  
General Engineering Section  
910 Dublin Road  
Columbus, OH 43215  
(614) 645-7610

All Offerors are required to obtain an Offeror's Information Packet. There is no fee or charge for the packet. The Offeror's Information Packet should be requested by Monday, December 29, 2003.

2. SOQs will be received by the City until the close of business on Monday, January 12, 2004.

No SOQs will be accepted thereafter. Direct SOQs to:

Cheryl Roberto  
Director, Department of Public Utilities  
910 Dublin Road, 4th Floor  
Columbus, Ohio 43215-9053

EVALUATION CRITERIA: The evaluation criteria for offerors shall include the following:

EVALUATION CRITERIA/POINT VALUE

1. The competence of the Offeror to perform the required service as indicated by the technical training, education and experience of the Offeror's personnel who would be assigned to perform the work. 25 Points

2. Evidence of understanding of project's scope of work. 25 Points

3. The ability of the Offeror to perform the required service competently and expeditiously as indicated by the Offeror's workload and the availability of necessary personnel, equipment and facilities. 10 Points

4. Past performance of the Offeror, as reflected by evaluations of the City Agency, other City Agencies and other previous clients of the Offeror with respect to such factors as a) quality of work b) completeness of work c) accuracy of services d) success in controlling costs, e) success in maintaining schedules and meeting deadlines, and f) responding to comments by previous clients' staff 25 Points

5. Quantity of current contractual obligations with the Division of Sewerage and Drainage. 5 Points

6. Familiarity with City of Columbus wastewater facilities project requirements. 5 Points

7. Location of office that would execute the work 5 Points

TOTAL 100 Points

PUBLIC INFORMATION

Please be advised that Proposals submitted to the City are subject to applicable Federal, State, and Local public information disclosure regulations. Request to view particular Offeror's Proposal will be arranged only upon receipt by the City of written request(s) for such, and therefore any Proposal may be subject to viewing by the public. If any information contained in the documents submitted is deemed proprietary in nature by the Offeror, the Offeror is required to defend the City concerning any litigation arising from the Offeror's request for confidentiality.

Cheryl Roberto  
Director  
Department of Public Utilities
<table>
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<tr>
<th>Bid Notice</th>
<th>Description</th>
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<tr>
<td>SA000586</td>
<td>Dublin Road Chlorine Storage Facility</td>
</tr>
</tbody>
</table>

**BID OPENING DATE**

- January 12, 2004 at 5:00 pm
- January 21, 2004 at 3:00 pm

**ORIGINAL PUBLISHING DATE:** December 09, 2003
Sealed proposals will be received by the Director of Public Utilities of the City of Columbus, Ohio at the office of the Director of Public Utilities, Room 4105, 910 Dublin Road, 4th Floor, until 3:00 p.m. local time, on January 21, 2004 and publicly opened and read at the hour and place for DUBLIN ROAD WATER PLANT, CHLORINE STORAGE FACILITY, CONTRACT NO. 966, PROJECT 690379. The work for which proposals are invited consists of preconstruction planning and scheduling, a complete new chlorine storage and feed facility, repair of basins concrete, butterfly valve seat replacement, demolition of the existing chlorine facilities and miscellaneous improvements to the existing facilities at the City of Columbus Dublin Road Water Plant, and such other work as may be necessary to complete the contract in accordance with the plans and specifications. The Work is divided into two phases, Planning and Scheduling and Construction. Satisfactory completion of the Planning and Scheduling work is required before commencing the Construction work. Copies of the Contract Documents may be purchased by prospective bidders from Key Companies, 195 East Livingston Avenue, Columbus, Ohio 43215 at (614) 228-3285 or via Plankey at Plankey.com upon payment of $175.00 per set. No refunds will be made. Checks shall be payable to Malcolm Pirnie, Inc. The Bidding Documents packet will include one full size set of Drawings with printed Project Manual. Proposals must be submitted on the proper forms contained in the Bid Submittal Documents and the Bid Submittal Documents containing the Proposal must be submitted IN THEIR ENTIRETY in a sealed envelope marked Bid for:

DUBLIN ROAD WATER PLANT, CHLORINE STORAGE FACILITY
CONTRACT NO. 966, PROJECT 690379

CONTACT PERSON
The City of Columbus Contact Person for this project is Roger C. Huff, P.E. of the Division of Water's Technical Support Section (614) 645-7100.

PROPOSAL GUARANTY
The bidder is required to submit a Proposal Guaranty, consisting of either a Proposal bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall not be less than ten (10) percent of the bid including all alternates submitted which increase the bid. All bonds signed by an agent must be accompanied by a certified copy of the authority to act.

PREVAILING WAGE RATE
Attention of the bidder is called to the special requirements which are included in the Bid Submittal Documents regarding prevailing rates of wages to be paid.

CONTRACT PERFORMANCE AND PAYMENT BOND
A contract performance and payment bond of 100 percent of the amount of the contract with a surety or sureties licensed to conduct business in the State of Ohio according to Section 103.05 of the City of Columbus Construction & Materials Specifications, latest edition, will be required to assure the faithful performance of the work.

CONSTRUCTION AND MATERIAL SPECIFICATIONS
Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Materials Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specifications are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of said Construction and Material Specifications may be examined and/or purchased at the Public Service Department, 90 W. Broad St., Room 301, Columbus, Ohio 43215 (614) 645-8290, at the Transportation Division, 1800 E. 17th Avenue, Columbus, Ohio 43219 (614) 645-3182 or 109 N. Front St., 3rd Floor, Columbus, Ohio 43215 (614) 645-8376, and at the Public Utilities Department, 910 Dublin Rd., 3rd and 4th Floors, Columbus, Ohio 43215 (614) 645-7175.

CONTRACT COMPLIANCE REQUIREMENTS
Each responsive bidder shall submit, with its bid, a valid City of Columbus Contract Compliance Certification Number or a copy of the completed, submitted application for certification. Applications for certification can be obtained by calling (614) 645-4764 or downloaded from the City website at www.columbus.gov.

BID CANCELLATION AND REJECTIONS
The right is reserved by the Director of Public Utilities of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any
and/or all bids, to waive technicalities, to hold bids for a period of sixty (60) days after the bid opening, and/ or to advertise for new proposals, when it is in the best interests of the City.

SPECIAL REQUIREMENTS
Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under the laws of any other state.

PREBID CONFERENCE
A pre-bid conference for this project will be held on January 12, 2004 at 9:00 a.m. in the Conference Room of the Dublin Road Water Plant, 940 Dublin Road, Columbus, Ohio 43215. A brief tour of the affected plant and site areas will be conducted following the pre-bid conference.

CITY BULLETIN DATES
1) December 20, 2003
2) December 27, 2003
3) January 3, 2004
4) January 10, 2004

ORIGINAL PUBLISHING DATE: December 06, 2003

BID OPENING DATE - January 21, 2004   3:00 pm

BID OPENING DATE - January 28, 2004   3:00 pm

SA000589 - Locust Alley S. Sanitary Sewer Extension
ADVERTISEMENT FOR BIDS

Sealed proposals will be received by the Director of Public Utilities of the City of Columbus, Ohio at the office of the Director of Public Utilities, 910 Dublin Road, Room 4190, until 3:00 p.m., Local Time, on January 28, 2004 and publicly opened and read at that hour and place for the following project:

LOCUST ALLEY SOUTH SANITARY SEWER EXTENSION
C.I.P. NO. 650474.2(SOUTH)

The City of Columbus contact person for this project is C. Timothy Fallara, P.E., of the Division of Sewerage and Drainage's, Sewer System Engineering Section, 645-6728. The work for which proposals are invited consists of the installation of approximately 825 LF of 8-inch sanitary sewer pipe with accompanying manholes, service connections and such other work as may be necessary to complete the contract in accordance with the plans (CC-13218) and specifications. Copies of the Contract Documents and plans are on file at the Division of Sewerage and Drainage, Sewer System Engineering Section, Permit Office, Room 3051, 910 Dublin Road, Columbus, Ohio 43215-9053, and will be available Monday January 12, 2004. The first set is available to prospective bidders at no cost with the second and subsequent sets available at a cost of $25.00 per set on a no-refund basis. No partial units will be released.

Proposals must be submitted on the proper forms contained in the Bid Submittal Documents. The Bid Submittal Documents containing the Proposal must be submitted IN THEIR ENTIRETY in a sealed envelope marked:

LOCUST ALLEY SOUTH SANITARY SEWER EXTENSION
C.I.P. NO. 650474.2(SOUTH)

PROPOSAL GUARANTY
The bidder is required to submit a Proposal Guaranty, consisting of either a Proposal bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall not be less than ten (10) percent of the bid including all alternates submitted which increase the bid. The bond must express the amount of the bond in dollars and cents in order to be considered responsive. All bonds signed by an agent must be accompanied by a certified copy of the authority to act.

PREVAILING WAGE RATE
Attention of the bidder is called to the special requirements that are included in the Bid Submittal Documents regarding prevailing rates of wages to be paid.

CONTRACT PERFORMANCE AND PAYMENT BOND
A contract performance and payment bond of 100 percent of the amount of the contract with a surety or sureties licensed to conduct business in the State of Ohio according to Section 103.05 of the City of Columbus Construction & Materials Specifications, latest edition, will be required to assure the faithful performance of the work.

CONSTRUCTION AND MATERIAL SPECIFICATIONS
Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Materials Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specifications are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of said Construction and Material Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 W. Broad Street, 3rd Floor, Columbus, Ohio 43215 (614) 645-8290; at the offices of the Transportation Division, 1800 E. 17th Avenue, Columbus, Ohio 43219 (614) 645-3182; and at the office of the Director of Public Utilities, 910 Dublin Road, 4th Floor, Columbus, Ohio 43215 (614) 645-6141.

CONTRACT COMPLIANCE REQUIREMENTS
Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification.

BID CANCELLATION AND REJECTIONS
The right is reserved by the Director of Public Utilities of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, to hold bids for a period of 180 days after the bid opening, and/or to advertise for new proposals, when it is in the best interest of the City.
SUBSURFACE DATA
Subsurface data was obtained for project design purposes. Copies of the report are available upon execution of the subsurface information release form. As noted in CMS, Item 102.05, the Bidder is expected to have fully and carefully examined the site before submitting a bid. Submission of a bid shall be considered evidence that the Bidder has performed such an investigation and is satisfied as to the conditions to be encountered in the performance of the Work and to the requirements of the bidding documents.

CONTRACT COMPLETION
The work under this contract shall be completed in a manner acceptable to the City within 90 calendar days after the effective date of the Notice to Proceed. The contractor shall schedule double-shifts and weekend work as necessary to meet the project deadline. It is the intent of the Division of Sewerage and Drainage to issue a Notice to Proceed for this on or about April 1, 2004.

SPECIAL REQUIREMENTS
Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under the laws of any other state.

CITY BULLETIN DATES
1) January 10, 2004
2) January 17, 2004

Cheryl Roberto
Director of Public Utilities

ORIGINAL PUBLISHING DATE: December 12, 2003

SA000591 - Technology Master Plan RFP-DPU
Request for Proposal
Technology Master Plan
Department of Public Utilities
City of Columbus, Ohio

The city of Columbus, Ohio is soliciting Request for Proposal (RFP) pursuant to Columbus City Code 329.14 from experienced professional consulting/engineering firms to provide a technology master plan for the City's Department of Public Utilities (DPU). In doing so, we wish to openly invite firms to submit their RFP for consideration during our review and selection process.

The Department of Public Utilities currently supports a wide variety of technology projects each serving customer's throughout the divisions. Many of these projects have overlapping data, users, technical criteria, and purposes. This technology master plan will identify the most effective approach to leverage existing systems along with potential new investment to help DPU achieve identified business objectives.

Proposal packages for this submittal are available beginning Monday, December 15, 2003 in the Department of Public Utilities Office, 4th floor, Utilities Complex, 910 Dublin Road, Columbus, Ohio 43215.

Selection of professional services shall be in accordance with Section 329.14 of Columbus City Codes, 1959. Any agreement or contract entered into will be in accordance with the provisions of Chapter 329, of Columbus City Codes, 1959, the standard agreements for professional services of the Department of Public Utilities, and all other applicable rules and regulations. The contractor awarded the contract resulting from this RFP will be precluded from participating as a prime contractor or subcontractor for future phases of the project.

CONTRACT COMPLIANCE NUMBER
All offerors, and their proposed subcontractors, shall have valid City of Columbus Contract Compliance Numbers (CCCN). Applications for certification may be obtained from the City of Columbus website (www.columbus.gov), or from:

City of Columbus
Equal Business Opportunity Commission Office
109 North Front Street, 4th Floor
Columbus, Ohio 43215-9020
(614-645-4764)

PRE-BID CONFERENCE
A Pre-bid Conference will be held Tuesday, January 6, 2004 at 1:00 p.m. at Department of Public Utilities of the City of Columbus, Ohio, at its office at 910 Dublin Road. Bidders are strongly urged to attend. Failure to attend will not disqualify a bidder. However, bidders shall comply with and be responsible for the bid specifications and information discussed at the pre-bid conference.

CONTACT
All questions shall be submitted in writing to David E. Hupp, CBCP, Information Systems Manager, Department of Public Utilities, 4th floor, Utilities Complex, 910 Dublin Road, Columbus, Ohio 43215, or by fax (614-724-0233), or by e-mail (dehupp@columbus.gov).

There is NO additional information package for this request.

Seven (7) copies of the proposal documents shall be submitted in a sealed envelope (or envelopes) to David E. Hupp, CBCP, Information Systems Manager, 4th floor, Utilities Complex, 910 Dublin Road, Columbus, Ohio 43215. The envelopes shall be clearly marked on the exterior to denote both the names of the submitting firm and the particular professional services contract for which the proposals are offered.

SUBMISSION DEADLINE
Final date for submission of proposal documents will be no later than 3:00 p.m. February 02, 2004. Any submittals received after that time will not be considered.

EVALUATION CRITERIA
Submissions will be evaluated by the Evaluation Committee based on the following criteria and rating values:

1. 20 Points - Specific qualifications of the primary staff who will manage, supervise and provide services, including past experience on
similar projects; general current workload and availability of necessary personnel.

2. 20 Points - Specialized experience required for the work, along with the ability to manage, control and schedule sub-consultants (if applicable).

3. 20 Points - Past performance on similar projects

4. 10 Points - Project Approach.

5. 10 Points - Demonstrated abilities to meet schedules and budgets.

6. 10 Points - Professional qualifications of the firm.

7. 10 Points - Location of the staff that will perform this work (including sub-consultants, if applicable).

Total 100 Points

PURPOSE AND GENERAL INFORMATION:

The purpose of this RFP is to solicit proposals to establish a contract through the competitive bid process for the procurement of professional consulting services for the development of a Technology Master Plan for the Department of Public Utilities. The City of Columbus is the largest city in the State of Ohio. The Department of Public Utilities is an agency within the City of Columbus providing water, sewer, and electricity services for Columbus and surrounding areas.

The Department of Public Utilities, in conjunction with the Department of Technology, desires to select a consultant to develop a professional Technology Master Plan. The intent of this plan is to create a comprehensive strategy that integrates the business and technology of all the Department of Public Utilities' organizational divisions. This plan shall include a review of the Department's current business and technology practices in order to develop a comprehensive strategy to improve decision making at all levels of the Department. This plan should reflect an understanding and recognition of the on-going work performed by Center for Applied Software Technology (proposed) at The Ohio State University known as "Plan It Columbus," which is expected to be delivered on or about January 15, 2004.

The Department is comprised of three separate Divisions-Water, Sewerage and Drainage, and Electricity, which are supported by four separate enterprise funds. The Department is responsible for providing an ample supply of safe drinking water to roughly one million people throughout Columbus metropolitan area. Additionally, the Department operates a sanitary sewer system that serves the approximate same population. Both customer bases continue to grow. Further, a Stormwater section is housed in the Department and is responsible for creating and managing projects that minimize flooding and mitigate water quality impacts of run-off in Columbus. Finally, the Department's Electricity Division is charged with providing streetlights to city residents through the sale of electricity to its more than 13,000 customers.

In addition to the internal management of technology needs by Department of Public Utilities personnel, the Department of Technology, within the City of Columbus, provides technology support to the Department of Public Utilities. In collaboration with the Department of Technology, the Department of Public Utilities' current and future technology projects include the following (although not all inclusive):

A. Upgrade of Customer Information and Billing system

B. Mobile Computing, Automated Vehicle Tracking, Scheduling, wireless data communications, computerized dispatching.

C. GIS/AutoCAD

D. LIMS/PIMS laboratory and pre-treatment information systems

E. Automated Meter Reading

F. Computerized Maintenance Management System

G. Document Imaging

H. Water Modeling Application
THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - February 2, 2004   3:00 pm

I. SCADA
J. MVRS, MV90 Meter Reading Software

K. Process Control Software

L. Meter Reading

M. Internet and Intranet Web sites

N. Other systems as discovered through this process

SCOPE OF SERVICES

The successful consultant shall furnish all labor, materials, equipment and supervision necessary. The following provides a general outline of the desired deliverables of the Technology Master Plan that will be provided to the Department of Public Utilities:

1. Prepare a schedule that includes meetings, workshops, presentations, and deliverables.

2. Project shall be no longer than 12 weeks.

3. Inventory and assess the technology systems within the Department that are currently in production, being deployed, or in the planning/design/development stage whether currently managed by Departmental personnel or supported by the Department of Technology.

4. Complete an audit and review of the systems identified from the inventory, including hardware and software platforms and network connectivity, to include an analysis of the existing skills and capabilities currently available to the Department to support such hardware and software.

5. Analyze business process and IT gaps/opportunities

6. Identify work processes and recommend required modifications to optimize workflow processes and data integration/sharing instances.

7. Develop and prioritize options to:
   7a Better leverage and integrate current systems
   7b Reduce IT life cycle costs and risk
   7c Improve business performance and decision making

8. Recommend data sharing and coordination opportunities needed within DPU and with other city agencies.

9. Inventory and assess software and hardware maintenance and support requirements including an effective organizational structure for providing this support.

10. Identify elements/components/projects necessary to implement the Technology Master Plan. The Plan shall define each project's scope, anticipated benefits, Return on Investment/Business Case, timetable for implementing and an estimated cost of each project.

11. Recommend method for seamless integration of systems and/or migration of current CMMS application to the ColumStat application.

CHERYL ROBERTO
Department of Public Utilities

ORIGINAL PUBLISHING DATE: December 12, 2003
Title: PUBLIC HEARING - DEVELOPMENT COMMISSION POLICY MEETING  
Contact Name: Elizabeth A. Clark  
Contact Telephone: 614-645-6096  
Contact Email: eaclark@columbus.gov

The Development Commission will hold its monthly policy meeting on December 18 at 6:15 p.m. in the lower level Hearing Room at 757 Carolyn Avenue.

For presentation, discussion, and action:

Floodplain Code Revisions  
For information, contact Paul Freedman at 614-645-0704 or pmfreedman@columbus.gov

Noe-Bixby Road Urban Scenic Byway Overlay  
For information, contact Reza Reyazi at 614-645-3898 or rereyazi@columbus.gov

South Central Accord Amendment  
For information, contact Kevin Wheeler at 614-645-6057 or kjwheeler@columbus.gov

Contact Beth Clark at 614-645-6096 or eaclark@columbus.gov on the day of the meeting to confirm that these items will be heard or you may go online to www.columbusinfobase.org

A sign language interpreter will be made available provided the Development Department has at least 48 hours notice before the meeting. Leave a message on the Department's TDD line at 614-645-6407.

From: 12/6/03 To: 12/13/03

Title: APPLICATION FOR DEPOSIT OF PUBLIC MONEY  
Contact Name: CITY TREASURER  
Contact Telephone: (614) 645-7729  
Contact Email: @

Notice is hereby given in accordance with Chapter 321 of the Columbus City Codes, 1959 to all banks, building and loan or savings associations or companies located in Franklin County, Ohio duly organized under the laws of the State of Ohio or of the United States, that application for deposit of public money for fiscal year 2004 will be accepted by the Columbus Depository Commission at the Office of the Columbus City Auditor, Secretary of said Commission, until 2:00 p.m., December 9, 2003.

Said application shall determine the eligibility of the applicant to receive active and inactive deposits from the Columbus City Treasurer for the period beginning January 1, 2004 and ending December 31, 2004. Said application shall be in such a form prescribed by the Commission and shall contain such information, as the Commission shall require.

Applications may be obtained from the Office of: Thomas M. Isaacs, City Treasurer, 90 West Broad Street, Columbus, Ohio 43215, and 645-7729.

All information and statements contained on said application shall be verified by affidavit.

Address envelope containing application to: Hugh J. Dorrian, Secretary, Columbus Depository Commission, City Hall, 90 West Broad Street, Columbus, Ohio 43215.

By the order of the Columbus Depository Commission.

Thomas M. Isaacs, Chairperson  
Hugh J. Dorrian, Secretary  
Joel Taylor, Member

From: 11/22/03 To: 12/13/03

Title: NOTICE OF PROPOSED IMPROVEMENT AND ESTIMATED ASSESSMENTS TO BE LEVIED  
Contact Name: Andrea Blevins  
Contact Telephone: 614/645-7380  
Contact Email: ANBlevins@columbus.gov

NOTICE OF PROPOSED IMPROVEMENT AND ESTIMATED ASSESSMENTS TO BE LEVIED THEREFORE

You are hereby notified that the Council of the City of Columbus, Ohio, by Resolution No.172X-2003, duly adopted at its meeting on June 16, 2003, declared it necessary to authorize the Director of Public Utilities to cause the preparation of plans, profiles, specifications and estimates of cost for sanitary sewer service improvements to be constructed under a special assessment
improvement known as the Strimple, Kilbourne, and Minerva Assessment Sewer Project. The design of the improvements has now been completed and the necessary temporary and permanent easements have been acquired.

Project Information: The aforesaid resolution also provided that the sanitary sewer shall be installed as shown on the plans designated as construction drawing CC-13141, titled Strimple, Kilbourne, and Minerva Assessment Sewer Project, that are on file within the Division of Sewerage and Drainage’s Sewer System Engineering Section Map Room, 910 Dublin Road, Columbus, Ohio 43215. Further information regarding this project or questions about the assessment process should be directed to Ms. Ann Aubry, the Division’s Project Engineer, at 645-3122.

Assessment Report: Under Section 168 of the Columbus City Charter, the Division of Sewerage and Drainage is required to prepare an Assessment Report. The report establishes the estimated amount of the assessment proposed to be levied against each lot or parcel of land utilizing a cost per assessable front footage basis; applicable deductions or credits; and the estimated amount of the city’s portion including the portion assumed within the preliminary resolution. This Assessment Report is on file in the offices of the City Clerk located within City Hall, 90 W. Broad Street, Columbus, Ohio 43215.

Your Assessment: The amount proposed to be levied against the lots or parcels of land standing in your name are as follows: Walker Properties, Inc., Parcel #600-147761, in the amount of $1184.80; Shannon Parks, Parcel #600-147918, in the amount of $2369.60; Latonya Johnson, Parcel #600-147703, in the amount of $1415.24 and Parcel #600-147704, in the amount of $1415.24; Ronald & Lisa De Long, Parcel #600-147657, in the amount of $1184.80, Parcel #600-147656, in the amount of $1184.80, Parcel #600-147655, in the amount of $1184.80; Benjamin & Robert Grotsky, Parcel #600-147924, in the amount of $1184.80, Parcel #600-147923, in the amount of $1184.80, Parcel #600-147922, in the amount of $1184.80, Parcel #600-147921, in the amount of $1184.80, Parcel #600-147920, in the amount of $2369.60, Parcel #600-147919, in the amount of $1184.80.

Objection of Assessment: The owner of any lot or parcel who objects to their estimated assessment or the apportionment calculation of the assessment shall file an objection, in writing, with the City Clerk within two (2) weeks from the date of service of this notice and any owner who fails to do so shall be deemed to have waived any objections to such assessment to the extent of the amount estimated. If and when objections to such assessments have been filed within the required two week notice period, the Columbus City Council shall appoint a Board of Revision, consisting of three disinterested free holders of the city, residents of the city, and shall fix the time and place for the hearing by such board of such objections, of which at least one week’s notice shall be given in the City Bulletin which is available for inspection.

Proceeding with the Improvements: If a Board of Revision is convened and a revision or amendment to the Assessment Report is required, all property owners will be issued notices of revised estimated assessments. In the event that no objections were filed with the City Clerk, Columbus City Council shall declare its determination to proceed with the improvements by passage of an ordinance. This ordinance shall require the vote of at least five members of council in accordance with the provisions of Section 173 of the Columbus City Charter.

Project Improvements Schedule of Events: The following schedule summarizes the events that are required for the successful completion of improvements constructed under the special assessment provisions of the Columbus City Charter.

a) Upon passage of City Council’s determination to proceed with the project, the Director of Public Utilities will request the Department of Finance to seek the authorization to issue and sell Special Assessment Bond Anticipation Notes to cover the cost of the construction of the improvements.

b) Upon receiving notification from the City Auditor of the availability of funds from the sale of the Special Assessment Bond Anticipation Notes, the Director of Public Utilities will advertise for the invitation to submit bids for the construction of the improvements.

c) Once the Bids have been publicly opened, and the lowest, best, responsive and responsible bidder has been identified, the Director of Public Utilities will request Columbus City Council to authorize him by ordinance, to award a contract for the construction of the improvements.

d) After the improvements have been successfully completed and all the actual expenditures of the projects have been ascertained, Columbus City Council shall, by ordinance, assess upon the benefiting property owners in the manner provided within the preliminary resolution, the entire cost and expense of the project, less the portion paid by the city (Section 178, Columbus City Charter).

e) After City Council passes the assessment ordinance, the City Clerk will notify each benefiting property owner the amount of their final assessment by certified U.S. Mail. The property owner shall elect to do one of the following:

1. Make full payment to the Office of the City Treasurer of Columbus, Franklin County, Ohio, within 30 days from the elective date of this ordinance, the amount of the assessment shown within the Notice of Final Assessment, OR

2. Elect not to pay the assessment in full within the required 30 days, and the City of Columbus will automatically certify the property owner’s assessment, including interest, in twenty semi-annual installments (10-year period) to the County Auditor of Franklin County, Ohio for collection. This special assessment will be collected as a part of the property owner’s Real Estate Tax Bill that is issued twice a year (semi-annually). It is important for the property owner to understand that if he or she chooses this option, they will remain responsible for the full cost of interest over the 10-year period.

Andrea Blevins, City Clerk
During its regular meeting held on Monday, November 24, 2003, the Civil Service Commission passed a motion to create the specification for the classification Fire Protection Plans Reviewer (Class Code 1120), assign a 365-day probationary period, designate the examination type as competitive and amend Commission Rule XI to reflect this creation.

The amendment will be effective upon publication.
The following persons provided written comments prior to the hearing:

Glen Hymer
John Tetzloff
Darby Creek Association

Pursuant to Director’s Regulation 03-003, a hardship variance may be granted if the applicant establishes, by a preponderance of the evidence, that the enactment of the Big Darby Moratorium causes the landowner undue hardship. In considering whether a hardship variance should be granted the Director may consider nine factors.

1. Service ordinance and terms

The first factor that may be considered is whether City Council has, prior to the effective date of the Big Darby Moratorium, enacted an ordinance expressing willingness to serve the property with water and sewer services, and the exact terms of that ordinance. The Big Darby Moratorium was effective on December 19, 2002. In this matter, City Council passed a service ordinance, Ordinance No. 1469-00, on June 19, 2000 expressing willingness to serve the Applicant’s property with both water and sewer services. The following representations were made by City Council in that ordinance:

- There is an existing 16” water main in Galloway Road.
- There is a proposed sanitary sewer that will be constructed adjacent to the north property line of this site. It has the capacity to provide limited service to this site. Development density should be limited to 13 people per acre.
- All storm sewer necessary for development/development of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development. All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

(See Transcript, Exhibit A.)

The record supports a finding that City Council expressed a willingness to provide water and sewer services to the Applicant’s property prior to the effective date of the Big Darby Moratorium.

2. Date of annexation relative to moratorium

The second factor that may be considered is whether the landowner applicant has annexed the property to the City of Columbus, and whether that annexation was filed and/or approved before or after the effective date of the Big Darby Moratorium. In this matter, the Applicant began the annexation process in May 2000 with a petition to the Franklin County Commissioners. The Commissioners approved the annexation petition in August 2000. City Council accepted the annexation in October 2000. (See Transcript, Lines 14-22, p. 7.)

The record supports a finding that the Applicant annexed his property to the City of Columbus prior to the effective date of the Big Darby Moratorium.

3. Date of rezoning application relative to moratorium

The third factor that may be considered is whether the landowner applicant has, prior to the effective date of the Big Darby Moratorium, filed a re-zoning application. In this matter, the Applicant filed for rezoning on November 1, 2000, requesting that the property be rezoned LR2 for single-family use. (See Transcript, Lines 4-11, p. 8; Exhibit D.) In filing this request, Applicant paid the $5,000 application for rezoning fee. (See Transcript, Lines 6-13, p. 50.)

The City Department of Trade and Development, Building and Development Services Division, advised the Applicant on November 15, 2000, that city staff recommended a No Position status on the proposed rezoning based in part on staff concern about the impact of the proposed development on the Hellbranch/Big Darby Watershed. (See Transcript, Exhibit E.) City staff endeavored during this time to develop the Hellbranch Watershed Protection Overlay, which was adopted on June 10, 2002. (Ordinance No. 0856-02.) Applicant began pursuing its rezoning application on March 3, 2003 when it filed another rezoning application to again rezone the property to LR2 for single-family use. (See Transcript, Lines 14-17, p. 8; Exhibit F.) The Applicant was not required to pay another filing fee for the rezoning application, although a new rezoning application number was assigned to the application. (See Transcript, Lines 22-2, pp. 22-23; Lines 6-13, p. 50.) At no time had the November 1, 2000 application been withdrawn. (Id.)

Upon consideration of the rezoning application, the Westland Area Commission recommended approval of the rezoning after modifications to the site plan. (See Transcript, Lines 2-6, p. 9.) The Development Commission unanimously recommended approval of the rezoning on May 8, 2003. (See Transcript, Exhibit G.) City staff recommended approval because the requested LR2, Limited Residential District, to permit the development of a single-family subdivision is consistent with the Westland Area Plan (1994) and development patterns established to the north and east. The limitation text provides development standards that address maximum density, public street connections to the north and to Galloway Road, a stub street to the south, minimum net floor area for living quarters for two story residences, two reserves, one of
which will protect an existing wetland, and commitments to the Department of Recreation and Parks and Franklin County Engineer’s office. (See Transcript, Exhibit G.) City Council approved the rezoning on July 14, 2003. (See Transcript, Lines 18-22, p. 8; Exhibit G.)

The record supports a finding that the Applicant filed a rezoning application prior to the effective date of the Big Darby Moratorium.

4. Expended substantial monies in reasonable reliance

The fourth factor that may be considered is whether the landowner has, in reasonable reliance upon a services ordinance or as part of the rezoning application, expended substantial monies to develop the property. In this matter, the Applicant spent $21,000 to pursue the rezoning and development of his land. (See Transcript, Lines 19-25, p. 13.) The Applicant invested approximately $16,000 of the $21,000 prior to the adoption of the Big Darby Moratorium. (See Transcript, Lines 1-10, p. 64.)
The record supports a finding that the Applicant expended monies in reasonable reliance upon the service ordinance or as part of the rezoning.

In considering the fourth factor, however, the Applicant’s investment must also have been “substantial.” The Applicant proposed that “substantial” is different depending on the individual landowner’s financial situation. What is substantial to a private individual, such as himself, is different than what can be considered substantial to a large corporation. (See Transcript, Lines 16-1, pp. 9-10; Lines 15-25, p. 12.) Opponents to the variance proposed that substantial should mean that a delay in development would place the Applicant in unusual financial distress or that the landowner’s financial security would be jeopardized. (See Transcript, Lines 3-15, pp.25-26; Lines 21-25, p. 29.)

While “substantial” is not defined within the regulations, I cannot agree that the investment must have been so substantial as to place the applicant in financial jeopardy if relief is not granted. Nor can I agree with the Applicant’s position that whether an investment is substantial depends on the financial status of the applicant. A common dictionary definition of “substantial” is “ample, considerable in importance, value, degree, amount or extent.” The investment must be more than a mere token or de minimus.

The record supports a finding that the Applicant’s expenditure is not token but substantial. Therefore the record supports a finding that the Applicant has, in reasonable reliance upon a services ordinance or as part of the rezoning application, expended substantial monies to develop the property.

5. Two year delay causes unreasonable harm

The fifth factor that may be considered is whether a two-year delay in the provision of water and sewer services would cause unreasonable harm to the property owner. The Applicant testified that he held the property for approximately thirty years prior to attempting to develop it. He further testified that successful new home development is based on timing the market appropriately. It was his judgment that the market was right for his investment in 2000 when he began the annexation process. (See Transcript, Lines 2-18, p. 13.) He stated that if the market were to reverse itself his investment could sit unrecovered indefinitely. (See Transcript, Lines 2-18, p. 15.) The Applicant also identified neighboring properties that are successfully developing their properties at this time. (See Transcript, Lines 17-16, pp. 15-16.)

Opponents pointed out that money invested by the Applicant is not lost because it can be recouped eventually. (See Transcript, Lines 17-16, pp. 15-16.)

While by its nature the information provided is speculative, the record does support a finding that the Applicant would be harmed to some degree. The extent of this harm is indeterminate.

6. Prevent reasonable return relative to similarly situated parcels

The sixth factor for consideration is whether the Big Darby Moratorium would prevent a reasonable return in service, use or income compared to similarly situated parcels in the same area. The Applicant favorably compared his situation to the factual information regarding the landowners who previously received variances. In particular, he noted that the Blauser Farm Partnership variance covered 201 acres and that the Colomet variance encompassed 109 acres, while his covered only 15 acres of his 21-acre parcel. (See Transcript, Lines 2-24, p. 10; Exhibits H, I.) The Applicant also testified that he has already been prevented from developing this property since 2000. The Moratorium would operate to delay development at least one more year. The Applicant had held the property for thirty years to time development to beneficial market conditions. (See Transcript, Lines 1-20, pp. 14-15.)

The record supports a finding that the Applicant the Big Darby Moratorium would prevent the Applicant from seeking a reasonable return on his investment which is available to other similarly situated parcels.

7. Practical difficulties in strict compliance

The seventh factor that may be considered is whether there are practical difficulties in carrying out the strict letter of the Big Darby Moratorium. No evidence was provided in support of this factor.
8. Whether effect would be arbitrary in this case

The eighth factor that may be considered is whether the effect of the application of the Big Darby Moratorium would be arbitrary in the specific case. The Applicant favorably compared his situation to the factual information regarding the landowners who previously received variances. In particular, he noted that the Blauser Farm Partnership variance covered 201 acres and that the Colomet variance encompassed 109 acres, while his covered only 15 acres of his 21-acre parcel. (See Transcript, Lines 2-24, p. 10; Lines 13-14, p. 6; Exhibits H, I.) Additionally, the Applicant testified that currently development exists to the north, east and west of the Applicant’s property. The development to the west lies within the Big Darby watershed and is between the Applicant’s property and the Hellbranch Run. (See Transcript, Lines 4-15, p. 17.) The Applicant also identified the location of a previously granted variance to the south of the Applicant’s property. (Id.) Opponents argued that the prior variances were improperly granted. (See Transcript, Lines 1-6, p. 21.) Opponents also proposed that there was an inherent unfairness in imposing delay in development on most properties while exempting others, especially given the likelihood that future development will face more restrictions. (See Transcript, Lines 16-20, p. 29.)

Even ignoring the previously granted variances, the record supports a finding that the application of the Big Darby Moratorium would be arbitrary in this specific case in that development already surrounds the Applicant’s property. The development to the west, between the Applicant’s parcel and the Hellbranch Run is of particular significance.

9. Interfere with general purpose and intent of moratorium

The final factor that may be considered is whether such variance would violate or interfere with the general purpose and intent of the Big Darby Moratorium. The stated purpose of the Moratorium is as follows:

The moratorium is intended to provide time for the City of Columbus and other governmental entities with land use jurisdiction in the Watershed to consider and/or implement a comprehensive land use development plan therein. The moratorium is also intended to protect the interests of all affected landowners against immediate residential and commercial construction that might be inconsistent with the provisions of any comprehensive plan that may ultimately be put in place.

The Applicant testified that his property straddles the watershed boundary in that 15 of the 21 acres within the parcel drains to the Big Darby Watershed, while the remaining parcel drains to the east. (See Transcript, Lines 2-6, p. 7.) The Big Darby Watershed contains 557 square miles of territory. At 641 acres per square mile, the Big Darby Watershed contains more than 357,000 acres. The Applicant’s 15 acres represents less than 4/100,000% of the watershed. If developed, the Applicant’s parcel would be subject to the Hellbranch Run Watershed Protection Overlay standards. The purpose of the Hellbranch Run Watershed Protection Overlay is to safeguard the public health, safety and welfare through the use of reasonable and practicable development standards in the portion of the Hellbranch Run Watershed which lies outside of the proposed Environmentally Sensitive Development Area to minimize development impacts to the Hellbranch Run and Big Darby Creek.

These measures are intended to:

1. Assure that development design and activities will not impair the ability of riparian areas to:
   a) Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow;
   b) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses and in runoff before they enter watercourses;
   c) Provide shade and food which are essential components of high quality stream ecosystems; and
   d) Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

2. Reduce bank erosion, channel degradation, aggradation, and downcutting as a result of modification of land use while still allowing for the natural transport of bedload and sediments and maintenance of the stream’s natural ability to adjust its position, dimension, pattern and profile.

3. Benefit the City economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as retention basins, and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents; and by contributing to the scenic beauty and environment of the City, and thereby preserving the character of the City, the quality of life of the residents of the City, and corresponding property values.

Opponents testified that the City should only move forward with development when it has the best possible information and adequate protections in place, including the TMDL studies underway by the Ohio EPA, the Environmentally Sensitive Development recommendations, and the Hellbranch Forum study currently undertaken by the U.S. Army Corp of Engineers. (See Transcript, Lines 16-23, p. 36.) Opponents also testified that the purpose of the Big Darby Moratorium (i.e. comprehensive watershed planning development and implementation) would be undercut, if a variance were granted. Opponents propose that comprehensive planning entails looking at the whole picture. Removing substantial properties from the planning picture undermines the ability to plan comprehensively and that the Applicant’s property is a major piece of planning puzzle. (See Transcript, Lines 21-15, pp.26-29.)
In evaluating these observations, it is difficult to reconcile the existence of a hardship variance and a requirement to move forward only when additional planning is complete. While it is clear that it is the intent of the moratorium is to promote comprehensive planning, to require the completion of such planning prior to granting any variance would make the existence of the variance process a nullity. It is also difficult to categorize the Applicant’s parcel as a substantial part of the watershed, given its location and size. Additionally, development of this parcel can only take place in conformity with the stringent standards of the Hellbranch Run Watershed Protection Overlay.

The record supports the finding that granting the Applicant’s variance request would not violate or interfere with the general purpose and intent of the Big Darby Moratorium.

Based upon the evidence provided at the hearing and all of the factors to be considered, I hereby find that the Applicant has demonstrated that he will suffer an undue hardship if the Darby Moratorium is applied to his property. I therefore grant the Applicant a variance, subject to the following conditions:

1) Applicant will comply in all respects with the Hellbranch Run Overlay; and
2) Applicant will comply with all applicable laws and regulations administered by the Ohio Environmental Protection Agency.

Cheryl Roberto
Director

Title: ZONING AGENDA FOR 12/8/2003
Contact Name: Mugsy Reynolds
Contact Telephone: 614-645-8539
Contact Email: mreynolds@columbus.gov
City of Columbus
90 West Broad Street
Columbus OH 43215-9015
www.columbuscitycouncil.org

Office of City Clerk
Zoning Committee

Agenda - Final

Monday, December 8, 2003 6:30 PM City Council Chambers

REGULAR MEETING NO.53 OF CITY COUNCIL (ZONING), DECEMBER 8, 2003 AT 6:30 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: MENTEL, CHR. BOYCE HABASH O'SHAUGHNESSY SENSENBRENNER TAVARES THOMAS

2340-2003
To rezone 2270 EAKIN ROAD (43223), being 0.62± acres located at the northwest corner of Eakin Road and Midland Avenue, From: R-2, Residential District, To: L-C-4, Limited Commercial District (Rezoning # Z03-051).

2497-2003
To rezone 2764 FREEDOM TRAIL (43068), being 0.92± acres located on the east side of Freedom Trail, 190± feet south of Tussing Road, From: CPD, Commercial Planned Development District, To: L-ARLD, Limited Apartment Residential District (Rezoning #Z03-065).

2559-2003
To rezone 3614 LIFESTYLES BOULEVARD (43219), being 122.7± acres located west of the terminus of Lifestyles Boulevard and 950± feet north of Agler Road (Rezoning # Z03-021).

2432-2003
To grant a Variance from the provisions of Sections 3332.037, Residential District; 3332.25, Minimum side yard; 3332.26, Maximum side yard; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces for the property located at 121 THURMAN AVENUE (43206), to permit office, restaurant, and non-accessory parking uses in the R-2F, Residential District, and to repeal Ordinance 572-73, passed April 16, 1973. (Council Variance # CV03-032)

2015-2003
To rezone 211 OAK STREET (43235), being 2.07± acres located on the south side of Oak Street, 115± feet west of Station Street, From: R, Rural District To: L-M, Limited Manufacturing District. (Z03-013)

2447-2003
To grant a Variance from the provisions of Sections 3342.15, Maneuvering; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; for the property located at 211 OAK STREET (43235), to permit a office/warehouse and storage units with reduced development standards in the L-M, Limited Manufacturing District. (Council Variance # CV03-035)

2125-2003
To rezone 7909 STATION STREET (43235), being 1.25± acres located at the northwest corner of Station and Oak Streets, From: R, Rural District To: L-M Limited Manufacturing District. (Rezoning Z03-014)

2339-2003
To grant a Variance from the provisions of Sections 3342.11, Landscaping; 3342.15, Maneuvering; 3342.17, Parking lot screening, 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3363.24, Building lines in an M-manufacturing district; for the property located at 7909 STATION STREET (43235), to permit a commercial/office/warehouse and storage units with reduced development standards in the L-M, Limited Manufacturing District. (Council Variance # CV03-007)

From: 11/29/03 To: 12/13/03

Title: BUDGET ORDINANCE 2546-2003
Contact Name: Angie Blevins, City Clerk
Contact Telephone: 645-7380
Contact Email: anblevins@columbus.gov

The following is a copy of the Mayor’s estimate of the expenses of conducting the affairs of the City (Selected Other Funds) for the Fiscal Year 2004 (Ordinance #2546-2003)

Andrea Blevins, City Clerk

To make appropriations for the 12 months ending December 31, 2004, for selected other funds for various divisions, to authorize the City Auditor to make transfers as may be necessary, and to declare an emergency.

This ordinance makes appropriations and authorizes transfers for the 12 months ending December 31, 2004, in various divisions and departments for selected funds other than the General Fund.

WHEREAS, the matter herein provided for constitutes an emergency in that it is immediately necessary to appropriate funds for the various city departments for the 12 months beginning January 1, 2004, and ending December 31, 2004, and

WHEREAS, the matter herein constitutes an emergency in that it is immediately necessary to appropriate and authorize the transfer of these funds for the immediate preservation of the public health, peace, property, safety and welfare; Now Therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. That from the monies in the fund known as the Recreation and Parks Debt Service Fund, Fund No. 411, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the Object Level Ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 22-01 - City Auditor
   Object - 10
   Purpose - Debt Transfer
   Amount - $ 993,388
   Total - $ 993,388

SECTION 2. That from the monies in the fund known as the Hotel-Motel Tax Fund, Fund No. 231, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the Object Level 1’s for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 20-01 - City Council
   Object - 03
   Purpose - Services for Operation and Maintenance
   Amount - $ 6,960,000
Total - $6,690,000

SECTION 3. That from the unappropriated monies in the fund known as the Franklin County Convention Facilities Authority Fund, Fund No. 282, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2004, there be and hereby are appropriated the following sums for use during the 12 months ending December 31, 2004, for the payment of lease expenses to the Franklin County Convention Facilities Authority:

Division No. 45-01 - Department of Finance
OCA - 280974
Object - 03
OL3- 3301
Purpose - Lease
Amount- $6,487,213
Total - $6,487,213

SECTION 4. That from the unappropriated monies in the fund known as the Capitol South Fund, Fund No. 481, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during December 31, 2004, there be and hereby are appropriated the following sums for use during the 12 months ending December 31, 2004:

Division No. 45-01 - Department of Finance
OCA - 901133
Object - 10
OL3- 5501
Purpose - Debt Transfer
Amount- $1,547,529
Total - $1,547,529

SECTION 5. That from the unappropriated monies in the Airport Operating Fund, Fund No. 944, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the Object Level Ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 60-10 - Airports
OCA - 660036
Object - 04
OL3- 4410
Purpose - Bond Principal Payment
Amount- $4,880,000
OCA - 660036
Object - 07
OL3- 7411
Purpose - Bond Interest Payment
Amount- $644,220
Total - $5,524,220

SECTION 6. That from the monies in the funds known as the Sewer System Revenue Bond Reserve Fund and Water System Revenue Bond Reserve Fund, and from all monies estimated to come into said funds from any and all sources during 2004, there be and hereby are appropriated the following sums:

Sewer Division 60-05 - Fund 656 Sewer System Revenue Bond Fund
OCA - 605824
Object - 04
OL3- 4407
Purpose - Bond Principal Payment
Amount- $11,520,000
OCA - 605824
Object - 07
OL3- 7408
Purpose - Bond Interest Payment
Amount- $6,759,910
Total - $18,279,910

Water Division 60-09 - Fund 601 Water System Revenue Bond Fund
OCA - 602987
Object - 04
OL3- 4407
Purpose - Bond Principal Payment
SECTION 7. That from the unappropriated monies in the fund known as the Special Income Tax Fund, Fund No. 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2004, there be and hereby are appropriated the following sums for use during the 12 months ending December 31, 2004, for the payment of principal and interest on outstanding notes and bonds, bond and note issuance costs, bond counsel costs, lease payments to Franklin County for the City's share of debt service on the county workhouse, and tipping fees:

Division No. 22-01 - City Auditor
OCA - 220749
Object - 04
OL3- 4425
Purpose - OPWC
Amount- $250,000

OCA - 901975
Object - 10
OL3- 5501
Purpose - Bond Principal Payment
Amount- $74,256,045

OCA - 901983
Object - 10
OL3- 5501
Purpose - Bond Interest Payment
Amount- $33,078,052
Total - $107,584,097

Division No. 59-02 - Refuse Collection
OCA - 592220
Object - 03
OL3- 3389
Purpose - Tipping Fee- Refuse Disposal
Amount- $10,967,000
Total - $10,967,000

Division No. 24-01 - City Attorney
OCA - 240259
Object - 03
OL3- 3324
Purpose - Bond Counsel Expense
Amount- $125,000
Total - $125,000

Division No. 45-01 - Finance Department
OCA - 450148
Object - 03
OL3- 3336
Purpose - Professional Services
Amount- $120,000

OCA - 450148
Object - 03
OL3- 3352
Purpose - Printing Costs
Amount- $25,000

OCA - 450148
Object - 03
OL3- 3353
Purpose - Advertising
Amount- $10,000
OCA - 450148
Object - 03
OL3- 3348
Purpose - Banking/Financial/Bond Services *
Amount- $75,000

OCA - 450148
Object - 03
OL3- 3332
Purpose - Subscriptions
Amount- $2,100
Total - $232,100

* Variable rate storm debt and 1996 variable rate debt

SECTION 8. That from the unappropriated monies in the fund known as the Easton TIF Debt Service Fund, Fund No. 401, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2004, there be and hereby are appropriated the following sums for use during the 12 months ending December 31, 2004:

Division No. 22-01 - City Auditor
OCA - 901401
Object - 10
OL3- 5501
Purpose - Debt Transfer
Amount- $1,660,974
Total - $1,660,974

SECTION 9. That from the unappropriated monies in the fund known as the Polaris TIF Debt Service Fund, Fund No. 402, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2004, there be and hereby are appropriated the following sums for use during the 12 months ending December 31, 2004:

Division No. 22-01 - City Auditor
OCA - 901402
Object - 10
OL3- 5501
Purpose - Debt Transfer
Amount- $100,000
Total - $100,000

SECTION 10. That from the unappropriated monies in the fund known as the Brewery District TIF Debt Service Fund, Fund No. 409, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2004, there be and hereby are appropriated the following sums for use during the 12 months ending December 31, 2004:

Division No. 22-01 - City Auditor
Object - 10
OL3- 5501
Purpose - Debt Transfer
Amount- $136,000
Total - $136,000

SECTION 11. That the monies in the foregoing Sections 1 through 10 shall be paid upon the order of the respective departments for which the appropriations are made except that small claims may be paid as authorized by Chapter 335 of the Columbus City Code, 1985, as amended; and except that payments or transfers between departments, divisions or funds of the City may be made by the City
Applicability.

This policy shall apply to:

A. Property owners who propose a signalized private entrance with a public street in the city of Columbus;

B. Property owners or agency whose driveway(s) and/or private street(s) align with a signalized intersection in the city of Columbus;

C. Governmental subdivisions whose public street(s) align with a signalized intersection in the city of Columbus;

D. Public agencies desiring to contract with the City of Columbus for operation and/or of traffic signals within their jurisdiction.

E. Existing Signalized intersections annexed into the city of Columbus.

SECTION 15. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby
II. Effective Date.

This policy shall be effective December 29, 2003, and shall supercede all previous administrative policies pertaining to Traffic Signal Maintenance Contracts.

III. Terms.

a) Those entities enumerated above shall enter into a contract with the City of Columbus. Said contract shall commit the owner/agent or governmental agency to fund all or part of the cost to operate, maintain, repair and upgrade that signal according to Section IV of this policy. Such obligation shall be made for as long as that the signal operation is warranted as defined in the Traffic Code of the City of Columbus and the Ohio Manual of Uniform Traffic Control Devices.

b) In the case of a proposed new or the upgrade of an existing traffic signal, the traffic signal contract shall be signed by the owner/agent or governmental agency prior to the approval of the traffic signal construction plans.

c) The contract shall be transferable with the sale, transfer or conveyance of ownership or lease of the property served by the traffic signal.

d) The City of Columbus shall not enter into more than one contract per intersection driveway or private street.

e) The City of Columbus agrees to operate, maintain, repair and upgrade the traffic signal for as long as the traffic signal is warranted and as long as the responsible shares are paid.

f) The City of Columbus may conduct warrant analysis from time to time. All warrant analyses shall be conducted according to the Ohio Manual of Uniform Traffic Control Devices. If a traffic signal does not meet warrants, the City Traffic Engineer will forward a recommendation and basis for the removal of the traffic signal to the Transportation and Pedestrian Commission. The contracting party(ies) shall be notified in writing prior to submitting the recommendation to the Transportation and Pedestrian Commission. After hearing the advice of the Commission, the City may remove the signal and terminate the contract.

IV. Responsible Share.

a) The percentage of costs for the operation, maintenance, repair, upgrade and electricity for the traffic signal allocated to the owner/agent or governmental agency shall be based on the impact of their driveway or private street on the warranting of the traffic signal.

b) The percentage of responsibility to the owner/agent or governmental agency shall be assigned as follows:

   I. one hundred percent (100%) – locations where the owner of the private drive or street has the only approach to the public street, e.g., the intersection is T-intersection;

   II. seventy-five percent (75%) – locations where the intersection has a public street approach, but only the driveway, private street or public street from another governmental subdivision warrants the traffic signal;

   III. fifty percent (50%) – locations where both the driveway, private street or public street from another governmental subdivision and the public street approach within the city of Columbus warrants the traffic signal;

   IV. twenty-five percent (25%) – locations where the driveway, private street or public street from another governmental subdivision does not warrant the traffic signal (signal is warranted by the traffic on the other approach as described in provision III B. above).

c) If the City of Columbus has a contract with an owner/agent at an signalized intersection and another private road is built to access the same intersection, the City will assess the responsibility of the new owner/agent and reassess the original owner/agent according to the above provisions.

V. Annexed Traffic Signal Installations.

a) Should a traffic signal that serves a private driveway, private street or public street in another political subdivision be annexed into the city of Columbus, the City Traffic Engineer shall conduct a warrant analysis to determine whether the traffic signal is warranted.

b) If the signal is warranted, the owners/agents or governmental agency shall enter into a maintenance agreement according to the requirements of this policy.

c) If the signal is not warranted, the City Traffic Engineer shall recommend the removal of the signal according to Section II above.

VI. Electricity Cost.

The property owner/agent or government agency shall be contractually responsible for their share (as determined in Section III above) of the actual electric cost to operate the traffic signal.

VII. Maintenance Fee Calculation.

a) The City of Columbus will assess an annual maintenance fee intended to cover the routine maintenance activities at the signal installation. This fee is not intended to cover

   1. installation of the traffic signal
2. extraordinary maintenance activities, e.g., re-installation of in-pavement detectors, damage to underground facilities by excavation, accident damage to major intersection components like traffic signal control cabinets
3. upgrades to the signal operation

These activities will be funded by direct billing in the appropriate percentage of responsibility (as determined in Section III above) and identified in the contract with the City of Columbus.

b. At the inception of this policy, the calculation of the annual maintenance fee for a traffic signal shall be the sum (rounded to the nearest fifty dollars) of
   - the product of the travel distance from the Transportation Division signal maintenance facility to the traffic signal location times $35.00;
   - the product of the travel time in minutes from the signal maintenance facility to the traffic signal location times $21.67; and
   - $600.00.

c. The property owner/agent or government agency shall be contractually responsible for their share (as determined in Section III above) of the annual maintenance fee cost of the traffic signal.
d. The maintenance fee calculation will be analyzed and adjusted each year on June 30 to reflect the City current cost of providing the maintenance. The maintenance fee current at the time that the contract is signed will apply for a period of ten years.
e. At end of each ten-year period following the contract execution, the rates for existing agreements shall be automatically changed to the rate current.

VIII. Invoicing.

The City of Columbus agrees to submit to the owner/agent or governmental agency itemized bills for the maintenance fee, electric cost, materials, labor and equipment used in the operation, maintenance, repair and upgrade of the traffic signal in the first quarter of each year. The amount invoiced for electric cost will be for the previous year’s electric use and the maintenance fee invoice will be for the current year’s cost. Invoicing for repairs and upgrades will be sent as those services are performed.

IX. Revision History.


From: 12/6/03 To: 12/13/03

Title: COLUMBUS CITY COUNCIL - ZONING AGENDA
Contact Name: Mugsy Reynolds
Contact Telephone: 614-645-8539
Contact Email: mmreyolds@columbus.gov

ZONING AGENDA

REGULAR MEETING NO. 55 OF CITY COUNCIL

DECEMBER 15, 2003 AT 6:30 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: MENTEL, CHR. BOYCE HABASH O'SHAUGHNESSY SENSENBRENNER TAVARES THOMAS

0750-2003
To rezone 3715 WEST DUBLIN-GRANVILLE ROAD (43017), being 0.71± acres located on the south side of West Dublin-Granville Road, 522± feet east of Sawmill Road, From: C-3, Commercial District, To: L-C-4, Limited Commercial District (Rezoning Z02-071).

2217-2003
To rezone 4505 EAST DUBLIN-GRANVILLE ROAD (43081), being 2.3± acres located on the south side of East Dublin-Granville Road, 400+ feet west of Conifer Drive, From: R, Rural District, To: L-I, Limited Institutional District. (Rezoning # Z03-052)

2346-2003
To rezone 2150 EAST POWELL ROAD (43240), being 12.71± acres located on the south side of East Powell Road, 2000± feet east of South Old State Road, From: R, Rural District, To: L-AR-12, Limited Apartment Residential District. (Rezoning # Z03-053)
To rezone 1800 WALCUTT ROAD (43228), being 11.21± acres on the east side of Walcutt Road, 1530± feet north of Trabue Road, From: M-1, Manufacturing District, To: L-M Limited Manufacturing District. (Rezoning # Z03-032)

2631-2003
To rezone 8754 NORTH HIGH STREET (43215), being 47.55± acres located on the east side of North High Street, 1540± feet north of Lazelle Road, From: R, Rural District, To: CPD, Commercial Planned Development and PUD-8, Planned Unit Development Districts.

2668-2003
To amend Ordinance #1349-02, passed September 9, 2002, by repealing Section 3 in its entirety and replacing with a new Section 3 thereby modifying the planned unit development plan to permit a new lot and street layout with a reduction in the number of lots from 309 to 289 subject to the approval of the Transportation Division, and to declare an emergency. (Rezoning # Z01-042A).

From: 12/6/03 To: 12/20/03
Title: PUBLIC HEARING - MAYOR PROPOSED 2004 OPERATING BUDGET
Contact Name: Wyatt Kingsseed
Contact Telephone: 645-8023
Contact Email: wakingsseed@columbus.gov

City Council will hold public hearings on the Mayor Proposed 2004 Operating Budget to conduct the affairs of the City. The purpose of these public hearings is to provide an opportunity to learn about the proposed budget and to provide an opportunity for you to give feedback and share your ideas regarding this budget proposal.

Each hearing will take place at City Hall beginning at 5:30 pm in Council Chambers. Speaker slips will be taken beginning at 8:00 a.m. on the day of the public hearing. Everyone is encouraged and welcome to attend.

Director's Presentations:
Date: Thursday, December 3, 2003
Time: 5:30 PM
Place: Council Chambers in City Hall, 90 West Broad Street

Public Comments (Speaker Slips taken 8:00 a.m. - 5:30 p.m.)
Date: Thursday, December 11, 2003
Time: 5:30 PM
Place: Council Chambers in City Hall, 90 West Broad Street

Public Comments (Speaker Slips taken 8:00 a.m. - 5:30 p.m.)
Date: Thursday, December 18, 2003
Time: 5:30 PM
Place: Council Chambers in City Hall, 90 West Broad Street

Free parking is available in the City Hall parking lot, which can be accessed via Gay or Front Streets. The garage attendant will direct you to the designated visitor parking area. If you have any questions, concerns or need special accommodations or directions to City Hall, please contact the Aaron Atkinson at 645-7380.

If you would like to review a copy of the 2004 Operating Budget, you may pick up a copy from the City's Finance department.

From: 11/22/03 To: 12/20/03
Title: MEETING NOTICE- ITALIAN VILLAGE COMMISSION
Contact Name: Brenda G. Moore
Contact Telephone: 645-8620
Contact Email: bgmoore@columbus.gov

The next meeting of the Italian Village Commission will be held Tuesday, December 16, 2003, at 6:15 p.m. in the Community Training Center, 109 N. Front Street, ground floor. Copies of the agenda may be obtained by calling 645-8620 or by e-mail bgmoore@columbus.gov.  A Sign Language interpreter to “Sign” this meeting, will be made available for anyone with a need for this service, provided the Neighborhood Services Division is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time.  To schedule an interpreter, please call 645-8620 or TDD 645-6802.

From: 12/6/03 To: 12/20/03
Title: MEETING NOTICE- HISTORIC RESOURCES COMMISSION
Contact Name: Brenda G. Moore
Contact Telephone: 645-8620
Contact Email: bgmoore@columbus.gov
The next meeting of the Historic Resources Commission will be held Thursday, December 18, 2003, at 6:15 p.m. in the Community Training Center, 109 N. Front Street, ground floor. Copies of the agenda may be obtained by calling 645-8620 or by e-mail bgmoore@columbus.gov. A Sign Language interpreter to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Neighborhood Services Division is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule an interpreter, please call 645-8620 or TDD 645-6802.

From: 12/6/03 To: 12/20/03

**Title: MEETING NOTICE - COLUMBUS BUILDING COMMISSION**

Contact Name: Barbara Eastman
Contact Telephone: 645-6416
Contact Email: baeastman@columbus.gov

**AGENDA**

COLUMBUS BUILDING COMMISSION

DECEMBER 16, 2003 - 1:00 P.M.

757 CAROLYN AVENUE

HEARING ROOM - LOWER LEVEL

1. APPROVAL OF NOVEMBER 18, 2003 MEETING MINUTES

2. ITEMS FROM THE FLOOR (as approved by the Board)

A Sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Building Services Division is made aware of this need and given a reasonable notice of at least four (4) hours before the scheduled meeting time. To schedule an interpreter, please call 645-6079 or TDD 645-3293. Should you have any questions regarding this policy, please contact the City of Columbus, Human Resources Department, at 645-6373.

From: 12/6/03 To: 12/20/03

The following is a copy of the Mayor's estimate of the expenses of conducting the affairs of the City (Sinking Funds – Bond Note Retirement Funds) for the Fiscal Year 2004 (Ordinance #2544-2003)

Andrea Blevins, City Clerk

To make appropriations for the 12 months ending December 31, 2004 for the Sinking Fund - Bond Note Retirement Funds, and to declare an emergency.

This ordinance makes appropriations for the 12 months ending December 31, 2004 for the Sinking Fund - Bond and Note Retirement Funds. The appropriation authority allows the Trustees of the Sinking Fund to make general obligation debt service payments.

WHEREAS, the matter herein provided for constitutes an emergency, in that it is immediately necessary to appropriate funds for the Sinking Fund - Bond and Note Retirement Funds for the 12 months beginning January 1, 2004 in order that funds may be legally expended, and for the immediate preservation of the public health, peace, property, safety and welfare of the City of Columbus; Now, Therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the monies in the funds known as the Sinking Fund, Bond and Note Retirement Funds, in the custody of the Sinking Fund Trustees, and from all monies estimated to come into said funds during the year ending December 31, 2004, the following amounts are appropriated for the payment of the principal and interest on bonds and notes coming due during the year of 2004, and administrative expenses therefore, and the Council hereby confers upon the Sinking Fund the responsibility of administering the principal and interest payments on outstanding bond and note debt.

REQUIREMENTS FOR DEBT SERVICE

<table>
<thead>
<tr>
<th>Type (Primary Source)</th>
<th>Bond Principal</th>
<th>Bond Interest</th>
<th>Note Principal</th>
<th>Note Interest</th>
<th>Total</th>
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Columbus City Bulletin (Publish Date 12/13/03)
<table>
<thead>
<tr>
<th>Service</th>
<th>Budget 1</th>
<th>Budget 2</th>
<th>Budget 3</th>
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<tr>
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<td>$105,332,397</td>
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<td>1,547,529</td>
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<tr>
<td>General Obligation (SIT Fund)</td>
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<td>1,006,700</td>
<td>2,001,700</td>
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<td>Assessment (Assessment Fund)</td>
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<td>Information Services</td>
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<td>769,485</td>
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<td>Information Services - Cable</td>
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<td>Storm Water - Limited</td>
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<td>794,827</td>
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<td>Storm Water - Unlimited</td>
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<td>4,658,570</td>
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<td>Sewer Assessment</td>
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<td>105,363</td>
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<td>Fleet Management</td>
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<td>21,413</td>
<td>51,413</td>
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<td><strong>SUBTOTAL</strong></td>
<td>$132,440,762</td>
<td>$59,157,878</td>
<td>$468,000</td>
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<td><strong>Plus: Administrative Expenses</strong></td>
<td>200,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td>$192,277,804</td>
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</table>

**SECTION 2.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

From: 11/29/03 To: 12/13/03

The following is a copy of the Mayor’s estimate of the expenses of conducting the affairs of the City (General Fund) for the Fiscal Year 2004 (Ordinance #2550-2003)

Andrea Blevins, City Clerk
To make appropriations for the 12 months ending December 31, 2004, for each of the several Object Level 1s for which the City of Columbus has to provide from the monies known to be in the treasury of said City of Columbus, in the fund known as the General Fund, during the said 12 months from the collection of all taxes and from other sources of revenue, and to declare an emergency. ($532,390,700.00)

2004 Appropriations Ordinance: General Fund

This ordinance appropriates monies within the General Fund to the various departments, commissions, and offices of the government of the City of Columbus for the twelve months ending December 31, 2004.

WHEREAS, the matter herein provided for constitutes an emergency in that it is immediately necessary to appropriate funds to the various city departments, commissions, and offices for a 12 month period beginning January 1, 2004, and ending December 31, 2004, for the immediate preservation of the public health, peace, property, safety and welfare; Now, Therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

Section 1. That from the monies in the fund known as the "Fund for General Purposes", otherwise known as the General Fund, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated to the use of the several departments, commissions and offices and Object Level 1s for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

SEE ATTACHMENT (below):  GF Budget By Div.xls

Section 2. That the monies appropriated in the foregoing Section 1, shall be paid upon the order of the respective department directors or Elected Officials for which the appropriations are made except that small claims in amount not to exceed Two Thousand Five Hundred Dollars ($2,500.00) may be paid as authorized by Chapter 335 of the Columbus City Code, 1959, as amended; and except that payments or transfers between departments, divisions or funds of the City may be made by the City Auditor; and except that payments for premiums for official bonds, depository commissions, employees' hospitalization, life insurance, pensions, dental insurance and prepaid legal services, shall be made on the order and approval of the Director of the Department of Finance or City Auditor; and except that the monies appropriated in the foregoing Section 1, Division No. 20?01, be paid upon the order of the City Clerk or President of City Council; and that no order shall be drawn or money paid except upon voucher, the form of which shall be approved by the City Auditor.

Section 3. Except in the matter of payrolls providing for the payment of the salaries of officers and employees regularly employed by the City and extraordinary emergencies, no warrant shall be issued in liquidation of vouchers, unless the department contracting the expense shall have first obtained an order duly certified that there are sufficient funds appropriated to the credit of the proper fund from which the expenditure is to be made, which certificate must be obtained prior to the incurrence of the obligation, and the head of any department or division authorized to contract expenditures will be held personally responsible for any obligation incurred contrary to the provisions of this section. Except that such certificate shall not be issued for obligations pertaining to "Capital Outlay" in programs or activities funded by federal or state categorical grants without the prior approval of the Director of the Department of Finance; such prior approval must be obtained before submission of any requisition for items coded as "Capital Outlay" to the Department of Finance. The Director of the Department of Finance will review such requests for conformity with the approved budget.

Section 4. That with the exception of the provisos (reasons) established in previous sections, as stated in the reason paragraphs following each subdepartment's appropriation, it is understood that this Council is not making specific appropriations for each item of every classification hereinbefore contained but only for the total for each department and subdepartment, as shown in the final column. The itemized classification shall, however, constitute limitations on the powers of the several department heads as granted in Section 2 and no such officer shall make any expenditure for any other purpose in any amount beyond that of the particular classification, provided, however, that transfers may be made from one Object Level 1 to another, within any one department or division. Transfer of sums exceeding $25,000.00 shall be authorized only by the resolution of Council. Transfers of sums of $25,000.00 or less shall only be approved pursuant to a letter over the signatures of the head of the department, the Director of the Department of Finance; such prior approval must be obtained before submission of any requisition for items codified as "Capital Outlay" in programs or activities funded by federal or state categorical grants without the prior approval of the Director of the Department of Finance.

Section 5. That the City Auditor is hereby authorized and directed to pay obligations of various departments pertaining to preceding years' obligations from current appropriations up to a maximum of $25,000.00 per obligation.

Section 6. That the City Auditor shall transfer funds included in Object Level 1 10 of the Department of Finance to the "Anticipated Expenditure Fund" in the fourth quarter of 2004, if authorized to do so by the Finance Director ($750,000.00).

Section 7. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

GF Budget By Div.xls

From: 11/29/03 To: 12/13/03
<table>
<thead>
<tr>
<th>Department/Division</th>
<th>Personnel</th>
<th>Materials</th>
<th>Services</th>
<th>Other</th>
<th>Capital</th>
<th>Transfers</th>
<th>Totals</th>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>16,671,073</td>
<td>16,671,073</td>
</tr>
<tr>
<td>Recreation and Parks</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>21,214,939</td>
<td>21,214,939</td>
</tr>
<tr>
<td>Public Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>1,222,928</td>
<td>4,135</td>
<td>161,155</td>
<td>-</td>
<td>-</td>
<td>1,388,218</td>
<td></td>
</tr>
<tr>
<td>Refuse Collection</td>
<td>12,370,879</td>
<td>134,306</td>
<td>8,320,802</td>
<td>70,000</td>
<td>-</td>
<td>20,924,287</td>
<td></td>
</tr>
<tr>
<td>Facilities Management</td>
<td>5,620,770</td>
<td>362,479</td>
<td>5,148,041</td>
<td>16,000</td>
<td>-</td>
<td>11,147,290</td>
<td></td>
</tr>
<tr>
<td>Fleet Management</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,518,002</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>19,214,577</td>
<td>500,920</td>
<td>13,628,998</td>
<td>80,000</td>
<td>-</td>
<td>35,977,797</td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>406,092,427</td>
<td>8,845,295</td>
<td>59,285,798</td>
<td>3,179,405</td>
<td>2,615,202</td>
<td>532,390,700</td>
<td></td>
</tr>
</tbody>
</table>

Unallocated Balance
The following is a copy of the Mayor's estimate of the expenses of conducting the affairs of the City (Other Funds) for the Fiscal Year 2004 (Ordinance #2578-2003)

Andrea Blevins, City Clerk

To make appropriations for the 12 months ending December 31, 2004, for other funds for various divisions, to authorize the City Auditor to make transfers as may be necessary, and to declare an emergency.

This ordinance makes appropriations and authorizes transfers for the 12 months ending December 31, 2004, in various divisions and departments for funds other than the general fund.

WHEREAS, the matter herein provided for constitutes an emergency in that it is immediately necessary to appropriate funds for the various city departments for the 12 months beginning January 1, 2004, and ending December 31, 2004; and

WHEREAS, the matter herein constitutes an emergency in that it is immediately necessary to appropriate and authorize the transfer of these funds for the immediate preservation of the public health, peace, property, safety and welfare; Now Therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. That from the monies in the fund known as the employee benefits fund, fund no. 502, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 4601 - Human Resources

Obj Level 1 01
Amount $1,071,053

Obj Level 1 02
Amount $48,500

Obj Level 1 03
Amount $848,494

TOTAL $ 1,968,047

SECTION 2. That from the monies in the fund known as the print services fund, fund no. 517, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 4501 - Finance

Obj. Level 1 01
Amount $206,187

Obj. Level 1 02
Amount $46,550

Obj. Level 1 03
Amount $98,012

TOTAL $ 350,749

SECTION 3. That from the monies in the fund known as the land acquisition services fund, fund no. 525, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 2403 - Land Acquisition

Obj. Level 1 01
Amount $629,503

Obj. Level 1 02
Amount $9,978

Obj. Level 1 03
Amount $86,278
TOTAL $ 725,759

SECTION 4. That from the monies in the fund known as the cable communications fund, fund no. 203, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 30-02- Safety Support Services

Obj Level 1 01
Amount $2,972,803

Obj Level 1 02
Amount $466,954

Obj Level 1 03
Amount $1,048,050

Obj Level 1 05
Amount $1,000

TOTAL $ 4,488,807

Division No. 4703 - Telecommunications

Obj Level 1 01
Amount $791,006

Obj Level 1 02
Amount $46,726

Obj Level 1 03
Amount $449,533

Obj Level 1 06
Amount $52,000

Obj Level 1 10
Amount $868,905

TOTAL $ 2,208,170

TOTAL FUND NO. 203 $ 6,696,977

SECTION 5. That from the monies in the fund known as the technology services fund, fund no. 514, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 4701 - Technology Director's Office

Obj Level 1 01
Amount $683,703

Obj Level 1 02
Amount $468,280

Obj Level 1 03
Amount $2,251,876

Obj Level 1 06
Amount $276,000

Obj Level 1 10
Amount $868,905

TOTAL $ 3,679,859

Division No. 4702 - Division of Information Services

Obj Level 1 01
Amount $7,806,394
Obj Level 1 02
Amount $369,721

Obj Level 1 03
Amount $5,026,118

Obj Level 1 04
Amount $625,000

Obj Level 1 07
Amount $144,485

TOTAL $ 13,971,178

TOTAL FUND NO. 514 $ 17,651,577

SECTION 6. That from the monies in the fund known as the fleet management services fund, fund no. 513, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 5901 Public Service Administration

Obj Level 1 01
Amount $426,461

TOTAL $ 426,461

Division No. 5905 Fleet Management

Obj Level 1 01
Amount $7,063,828

Obj Level 1 02
Amount $7,609,213

Obj Level 1 03
Amount $3,037,455

Obj Level 1 04
Amount $30,000

Obj Level 1 07
Amount $21,413

TOTAL $17,761,909

TOTAL FUND NO. 513 $ 18,188,370

SECTION 7. That from the monies in the fund known as the health special revenue fund, fund no. 250, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 5001 Health

Obj Level 1 01
Amount $13,473,842

Obj Level 1 02
Amount $468,128

Obj Level 1 03
Amount $9,086,399

Obj Level 1 05
Amount $9,200

Obj Level 1 10
Amount $180,000

TOTAL $ 23,217,569

SECTION 8. That from the monies in the fund known as the recreation and parks operation and extension fund, fund no. 285, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 5101 Recreation and Parks

Obj Level 1 01
Amount $20,141,778

Obj Level 1 02
Amount $918,266

Obj Level 1 03
Amount $5,840,254

Obj Level 1 05
Amount $75,000

Obj Level 1 06
Amount $7,000

Obj Level 1 10
Amount $197,200

TOTAL $ 27,179,498

SECTION 9. That from the monies in the fund known as the golf course operations fund, fund no. 284, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 5103 Division of Golf

Obj Level 1 01
Amount $3,436,970

Obj Level 1 02
Amount $438,000

Obj Level 1 03
Amount $1,267,046

Obj Level 1 05
Amount $3,200

Obj Level 1 06
Amount $230,000

TOTAL $ 5,375,216

SECTION 10. That from the monies in the fund known as the development services fund, fund no. 240, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 4401 - Administration

Obj Level 1 01
Amount $ 576,511

TOTAL $ 576,511

Division No. 4403 - Building Services

Obj Level 1 01
Amount $11,672,606
Obj Level 1 02
Amount $105,525
Obj Level 1 03
Amount $2,222,358
Obj Level 1 05
Amount $19,160
Obj Level 1 06
Amount $262,400

TOTAL $ 14,282,049

Division No. 4406 - Planning
Obj Level 1 01
Amount $209,923

TOTAL $ 209,923

Division No. 5901 - Public Service Administration
Obj Level 1 01
Amount $314,266
Obj Level 1 03
Amount $15,237

TOTAL $ 329,503

Division No. 5909 Transportation
Obj Level 1 01
Amount $8,346,858
Obj Level 1 02
Amount $68,250
Obj Level 1 03
Amount $1,467,653
Obj Level 1 05
Amount $5,000
Obj Level 1 06
Amount $10,000

TOTAL $ 9,897,761

TOTAL FUND NO. 240 $ 25,295,747

SECTION 11. That from the monies in the fund known as the street construction, maintenance and repair fund, fund no. 265, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 5901 - Public Service Administration
Obj Level 1 01
Amount $1,645,895
Obj Level 1 03
Amount $91,423

TOTAL $ 1,737,318

Division No. 5909 Transportation
Obj Level 1 01
Amount $21,232,568

Obj Level 1 02
Amount $1,162,000

Obj Level 1 03
Amount $8,106,661

Obj Level 1 05
Amount $80,000

Obj Level 1 06
Amount $350,000

TOTAL $ 30,931,229

TOTAL FUND NO. 265 $ 32,668,547

SECTION 12. That from the monies in the fund known as the sewerage system operating fund, fund no. 265, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 6005 Sewerage and Drainage

Obj Level 1 01
Amount $34,807,624

Obj Level 1 02
Amount $5,534,085

Obj Level 1 03
Amount $37,526,007

Obj Level 1 05
Amount $696,700

Obj Level 1 06
Amount $5,231,500

Obj Level 1 10
Amount $15,858,500

Obj Level 04
OL3 4410 Bond Principal $22,405,255
OL3 4415 OWDA Debt Payments $13,272,060

Obj Level 07
OL3 7411 Bond Interest Payments $10,034,159
OL3 7416 OWDA Interest Payments $11,700,926

TOTAL $ 157,066,816

Division No. 6001 Public Utilities

Obj Level 1 01
Amount $554,116

Obj Level 1 02
Amount $7,466

Obj Level 1 03
Amount $35,060

TOTAL $ 596,642

TOTAL FUND NO. 650 $157,663,458
SECTION 13. That from the monies in the fund known as the storm sewer maintenance fund, fund no. 675, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

<table>
<thead>
<tr>
<th>Division No. 6015 Storm Sewer</th>
<th>Obj Level 1 01</th>
<th>Amount $2,564,547</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obj Level 1 02</td>
<td>Amount $15,000</td>
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</tr>
<tr>
<td>Obj Level 1 03</td>
<td>Amount $11,036,732</td>
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<tr>
<td>Obj Level 1 05</td>
<td>Amount $200,000</td>
<td></td>
</tr>
<tr>
<td>Obj Level 1 06</td>
<td>Amount $27,500</td>
<td></td>
</tr>
<tr>
<td>Obj Level 04</td>
<td>OL3 4410 Principal Payments $3,006,800</td>
<td></td>
</tr>
<tr>
<td>Obj Level 07</td>
<td>OL3 7411 Bond Interest Payments $2,454,115</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$19,304,694</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 14. That from the monies in the fund known as the electricity enterprise fund, fund no. 550, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

<table>
<thead>
<tr>
<th>Division No. 6007 Electricity</th>
<th>Obj Level 1 01</th>
<th>Amount $9,481,297</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obj Level 1 02</td>
<td>Amount $38,204,329</td>
<td></td>
</tr>
<tr>
<td>Obj Level 1 03</td>
<td>Amount $6,240,694</td>
<td></td>
</tr>
<tr>
<td>Obj Level 1 05</td>
<td>Amount $159,000</td>
<td></td>
</tr>
<tr>
<td>Obj Level 1 06</td>
<td>Amount $1,901,500</td>
<td></td>
</tr>
<tr>
<td>Obj Level 1 04</td>
<td>OL3 4410 Bond Principal Payments $4,541,101</td>
<td></td>
</tr>
<tr>
<td>Obj Level 07</td>
<td>OL3 7411 Bond Interest Payments $1,184,147</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$61,712,068</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division No. 6001 Public Utilities</th>
<th>Obj Level 1 01</th>
<th>Amount $214,859</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obj Level 1 02</td>
<td>Amount $2,896</td>
<td></td>
</tr>
<tr>
<td>Obj Level 1 03</td>
<td>Amount $13,595</td>
<td></td>
</tr>
</tbody>
</table>
TOTAL $ 231,350

TOTAL FUND NO. 550 $ 61,943,418

SECTION 15. That from the monies in the fund known as the water system revenue fund, fund no. 600, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 6009 Waterworks

Obj Level 1 01
Amount $35,340,165

Obj Level 1 02
Amount $12,565,271

Obj Level 1 03
Amount $22,287,494

Obj Level 1 05
Amount $120,000

Obj Level 1 06
Amount $1,962,200

Obj Level 1 10
Amount $7,130,750

Obj Level 04
OL3 4410 Bond Principal Payments $20,441,900

Obj Level 1 07
OL3 7411 Bond Interest Payments $10,760,157

TOTAL $ 110,607,937

Division No. 6001 Public Utilities

Obj Level 1
Amount $361,868

Obj Level 1 02
Amount $4,877

Obj Level 1 03
Amount $22,899

TOTAL $ 389,644

TOTAL FUND NO. 600 $110,997,581

SECTION 16. That from the monies in the fund known as the computer system procurement & maintenance fund, fund no. 227 and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 2501 - Municipal Court Judges Subfund 001

Obj Level 1 01
Amount $173,774

Obj Level 1 02
Amount $122,500

Obj Level 1 03
Amount $411,013

Obj Level 1 06
Amount $56,000

TOTAL $ 763,287

Division No. 2601 - Municipal Court Clerk Subfund 002

Obj Level 1 01
Amount $730,254

Obj Level 1 02
Amount $415,600

Obj Level 1 03
Amount $860,006

Obj Level 1 06
Amount $62,000

TOTAL $2,067,860

TOTAL FUND NO. 227 $2,831,147

SECTION 17. That from the monies in the fund known as the emergency human services fund, fund no. 232 and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 44-05 - Neighborhood Services

Obj Level 1 03
Amount $750,000

TOTAL $750,000

SECTION 18. That from the monies in the fund known as the municipal court special projects fund, fund no. 226, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 2501 - Municipal Court Judges

Obj Level 1 01
Amount $600,419

Obj Level 1 02
Amount $4,000

Obj Level 1 03
Amount $395,581

Obj Level 1 06
Amount $0

TOTAL $1,000,000

SECTION 19. That from the monies in the fund known as the collection fee fund, fund no. 295, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2004, there be and hereby are appropriated for the object level ones for which the corporation has to provide the following sums for use during the 12 months ending December 31, 2004:

Division No. 2401 - City Attorney

Obj Level 1 03
Amount $400,000

Division No. 2601 - Municipal Court Clerk

Obj Level 1 03
Amount $420,000
SECTION 20. That the existing appropriations in funds for capital projects at December 31, 2004 are hereby reappropriated to the same division object level 1 and purpose originally authorized by the Council and that the outstanding encumbrances in those subfunds at December 31, 2004, are hereby re-encumbered.

SECTION 21. That the monies in the foregoing Sections 1 through 19 shall be paid upon the order of the respective departments for which the appropriations are made except that small claims in amounts not to exceed Two Thousand Five Hundred ($2,500.00) may be paid as authorized by Chapter 335 of the Columbus City Code, 1985, as amended; and except that payments or transfers between departments, divisions or funds of the City may be made by the City Auditor; that payments for premiums for official bonds, depository commissions, employees' hospitalization, life insurance, pensions, dental insurance, and prepaid legal services, shall be made on the order and approval of the Director of the Department of Finance or City Auditor; that the monies appropriated in the foregoing Section 1 shall be paid upon the order of the Director of the Department of Human Resources; that the monies appropriated in the foregoing Section 2 shall be paid upon the order of the Director of the Department of Finance; that the monies appropriated in the foregoing Section 3 shall be paid upon the order of the City Attorney; that the monies appropriated in the foregoing Section 4, Division 47-03, shall be paid upon the order of the Director of the Department of Technology; that the monies appropriated in the foregoing Section 4, Division 30-02, shall be paid upon the order of the Director of the Department of Public Safety; that the monies appropriated in the foregoing Section 5 shall be paid upon the order of the Director of the Department of Technology; that the monies appropriated in the foregoing Section 6 shall be paid upon the order of the Director of the Department of Public Service; that the monies appropriated in the foregoing Section 7 shall be paid upon the order of the Health Commissioner; that the monies appropriated in the foregoing Sections 8 and 9 shall be paid upon the order of the Director of the Department of Recreation and Parks; that the monies appropriated in the foregoing Section 10, Divisions 44-01, 44-03 and 44-06, shall be paid upon the order of the Director of the Department of Development; that the monies appropriated in the foregoing Section 10, Divisions 59-01 and 59-09, shall be paid upon the order of the Director of the Department of Public Service; that the monies appropriated in the foregoing Section 11 shall be paid upon the order of the Director of the Department of Public Service; that the monies appropriated in the foregoing Sections 12, 13, 14, and 15 shall be paid upon the order of the Director of the Department of Public Utilities; that the monies appropriated in the foregoing Section 16 shall be paid upon the order of the Municipal Court Clerk or the Administrative Judge; that the monies appropriated in the foregoing Section 17 shall be paid upon the order of the Director of the Department of Development; that the monies appropriated in the foregoing Section 18 shall be paid upon the order of the Municipal Court Administrative Judge; that the monies appropriated in the foregoing Section 19 shall be paid upon the order of the City Attorney or the Municipal Court Clerk; and that no order shall be drawn or money paid except upon voucher, the form of which shall be approved by the City Auditor.

SECTION 22. Except in the matter of payrolls providing for the payment of salaries of officers and employees regularly employed by the City and extraordinary emergencies, no warrant shall be issued in liquidation of vouchers, unless the department contracting the expense shall have first obtained an order duly certified that there are sufficient funds appropriated to the credit of the proper fund from which the expenditure is to be made, which certificate must be obtained prior to the incurrence of the obligation, and the head of any department or division authorized to contract expenditures will be held personally responsible for any obligation incurred contrary to the provisions of this section. Such certificate shall not be issued for obligations pertaining to "Capital Outlay" in programs or activities funded by federal or state categorical grants without the prior approval of the Director of the Department of Finance.

SECTION 23. That with the exception of the provisos (reasons) established in previous sections, as stated in the reason paragraphs following each subdepartment's appropriation, it is understood that this Council is not making specific appropriations for each item of every classification hereinafter contained but only for the total for each department and subdepartment, as shown in the final column. The itemized classification shall, however, constitute limitations on the powers of the several department heads as granted in Section 21 and no such officer shall make any expenditure for any other purpose in any amount beyond that of the particular classification or division, provided, however, that transfers may be made from one object level 1 to another, within any one department or division. Transfers of sums exceeding $25,000.00 shall be authorized only by resolution of Council. Transfers of sums of $25,000.00 or less, shall be only be approved pursuant to a letter over the signatures of the head of the department, the Director of the Department of Finance, the City Auditor, and the Chairman of the Committee of Finance and Administration.

SECTION 24. That the City Auditor is hereby authorized and directed to pay obligations of various departments pertaining to preceding years obligations from current appropriations up to a maximum of $25,000.00 per obligation.

SECTION 25. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

From: 11/29/03 To: 12/13/03

AGENDA
BOARD OF ZONING ADJUSTMENT
CITY OF COLUMBUS, OHIO
DECEMBER 16, 2003

The Columbus Board of Zoning Adjustment will hold a public hearing on the following applications on TUESDAY, DECEMBER 16, 2003 at 6:00 P.M. in the First Floor Hearing Room of the Building Services Division, 757 Carolyn Avenue.

The Board of Zoning Adjustment hears requests for Special Permits, Appeals and Variances to the requirements of the Columbus Zoning Code, Title 33, of the Columbus City Codes. The Board does not hear applications to amend the Official Zoning Map. Specific case information may be obtained by contacting the Building Services Division, 757 Carolyn Avenue, 645-7314.
SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the public hearing. It is the rule of the Board to dismiss an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: An interpreter to "Sign" this meeting will be made available for anyone with a need for this service, provided the Building Services Division is made aware of this need and given a reasonable notice of at least four (4) hours prior to the scheduled meeting time. To schedule an interpreter, please contact the City of Columbus, Human Resources Department at 645-6373 or TDD 645-3293.

THE FOLLOWING CASES WILL BE HEARD BEGINNING AT 6:00 P.M., AFTER ANY APPEAL(S):

1. ODS No.: 03311-00007
   Location: 100 HUTCHISON AVENUE (43235), located at the northwest corner of Hutchison Avenue and High Cross Boulevard.
   Area Comm./Civic: Far North Columbus Communities Coalition
   Existing Zoning: CPD, Commercial Planned Development District
   Request: Special Permit(s) to Section(s):
     1. 3389.03, Field, park or arcade
        To allow the establishment of coin-operated game machines as an ancillary use in a restaurant business.
   Proposal: To allow the applicant to utilize up to ten (10) coin-operated game machines, as an ancillary use, in its restaurant business.
   Applicant(s): Winking Lizard, Inc., c/o Todd Newman, Newman & Ferris
                 2733 W. Dublin-Granville Rd.
                 Columbus, Ohio 43235
   Property Owner(s): Columbus Lizard LLC
                      25380 Miles Road
                      Bedford Heights, OH 44146
   Case Planner: Jamie Freise, 645-6350

2. ODS No.: 03310-00071
   Location: 3649 NORTH HIGH STREET (43214), located at the southwest corner of Winthrop Rd. & High St.
   Area Comm./Civic: Clintonville Area Commission
   Existing Zoning: C-4, Commercial District
   Request: Variance(s) to Section(s):
     1. 3356.11, C-4 District Setback Lines.
        To reduce the minimum required setback from 16 ft. to 10 ft. (6 ft.) along Winthrop Road and to reduce the minimum setback from 60 ft. to 11 ft. (49 ft.) along High St.
     2. 3342.28, Minimum number of parking spaces required.
        To reduce the required number of parking spaces from 80 to 40 (40-spaces) for a restaurant.
     3. 3342.29, Minimum number of loading spaces required.
        To reduce the required number of loading spaces from 1 to 0.
     4. 3342.18, Parking setback line.
        To reduce the required parking setback from 10 ft. to 0 ft. along Winthrop Rd.
     5. 3342.07, Drive-in stacking area.
        To reduce the required number of stacking spaces from 8 to 3 (5-spaces).
     6. 3342.15, Maneuvering.
        To provide insufficient maneuvering to parking spaces at the Winthrop Rd. curb-cut.
   Proposal: To construct a commercial retail & restaurant building.
   Applicant(s): Metropolitan Partners; c/o Jackson B. Reynolds
                 37 W. Broad St., Suite 725
                 Columbus, Ohio 43215
   Property Owner(s): Metropolitan Clintonville L.L.C.
                      150 E. Broad St.
                      Columbus, Ohio 43215
   Case Planner: Dave Reiss, 645-7973

3. ODS No.: 03310-00072
   Location: 328 JACKSON STREET (43206), located on the north side of Jackson Street, 100± feet west of Grant Avenue.
   Area Comm./Civic: German Village Commission
   Existing Zoning: R-2F, Residential District
   Request: Variance(s) to Section(s):
     1. 3332.26, Minimum side yard permitted
        To reduce the minimum side yard for a detached garage from 3 feet to 1 foot along the east side.
Proposal: To construct a two-car detached garage.
Applicant(s): Brian J. Anaya & Jennifer North
328 Jackson St.
Columbus, OH 43206
Property Owner(s): Applicants
Case Planner: Denise Powers, 645-1788

HOLDOVER CASE:

4. ODS No.: 03310-00065
Location: 906 LINWORTH ROAD EAST (43235), located at the northeast corner of Linworth Road East and Linworth Road.
Area Comm./Civic: Far Northwest Coalition
Existing Zoning: R-2F, Residential District
Request: Variance(s) to Section(s):
1. 3332.26, Minimum side yard permitted
   To reduce the minimum side yard from 5 feet to 0 feet for a deck and 8-foot fence.
Proposal: To construct a deck and 8-foot fence along the east side of the dwelling.
Applicant(s): Matthew W. Cooke
906 Linworth Rd. E.
Columbus, OH 43235
Property Owner(s): Applicant
Case Planner: Jamie Freise, 645-6350

Title: COLUMBUS CITY COUNCIL COMMITTEE HEARINGS – MAYOR’S PROPOSED 2004 OPERATING BUDGET
Contact Name: Wyatt Kingsseed
Contact Telephone: 645-8023
Contact Email: wakingsseed@columbus.gov

City Council will hold public hearings on the Mayor Proposed 2004 Operating Budget to conduct the affairs of the City. The purpose of these committee hearings is to provide an opportunity to learn about the proposed budget and to provide an opportunity for you to give feedback and share your ideas regarding this budget proposal. Speaker slips will be taken beginning at 8:00 a.m. on the day of the public hearing.
Everyone is encouraged and welcome to attend.

Public Service & Transportation Committee Budget Hearing:
Councilwoman O'Shaughnessy
Date: Monday, December 8, 2003
Time: 2:00 p.m.
Place: Council Chambers in City Hall, 90 West Broad Street
Public Comments (Speaker Slips taken 8:00 a.m. - 5:00 p.m.)

Development Committee Budget Hearing:
Councilwoman O'Shaughnessy
Date: Thursday, December 11, 2003
Time: 3:30 PM
Place: Council Chambers in City Hall, 90 West Broad Street
Public Comments (Speaker Slips taken 8:00 a.m. - 5:00 p.m.)

Safety Committee Public Hearing:
Councilman Mentel
Date: Tuesday, December 16, 2003
Time: 4:30 PM
Place: Council Chambers in City Hall, 90 West Broad Street.
Public Comments (Speaker Slips taken 8:00 a.m. - 5:00 p.m.)

If you have any questions, concerns or need special accommodations or directions to City Hall, please contact the Aaron Atkinson at 645-7380.

If you would like to review a copy of the 2004 Operating Budget, you may pick up a copy from the City's Finance department.

Title: COLUMBUS CITY COUNCIL PUBLIC HEARING
Contact Name: Lelia Cady
Contact Telephone: 645-8509
Notice of a Public Hearing

Wednesday, December 17, 2003 5:30 PM
City Council Chambers
City Hall 90 West Broad Street
Chair: Columbus City Council member Maryellen O'Shaughnessy
Topic: Proposed Ordinance 1908-2003
Title: To amend various sections of Chapter 329 of the Columbus City Codes, 1959 by establishing distinct provisions for specific services procurement, including additional quality factors for City agency directors to consider when making a contract award, and renumbering various other sections as required

Title: Division of Water Rule and Regulation 03-02: Inspection of Service Lines
Contact Name: Jeffrey W. Deep
Contact Telephone: 645-5864
Contact Email: jwdeep@cmhmetro.net

RULE AND REGULATION NO. 03-02
Division of Water
Department of Public Utilities

SUBJECT: INSPECTION OF SERVICE LINES

Pursuant to the authority granted under Columbus City Codes Chapter 1101, the Director of the Department of Public Utilities hereby adopts, establishes, and publishes this rule and regulation to be effective at the earliest date allowed by law. This rule and regulation is in addition to any established requirements that have not been superseded or rescinded by this or any previous act.

APPLICATION:
All water service lines connected to the City of Columbus, Division of Water distribution system.

DEFINITION:
Service Line: all piping from the curb box or gate valve, to the meter setting.

All new, repaired or replaced service lines must be inspected by the Division of Water, or a duly authorized representative, after the work has been completed, but prior to backfilling.

APPROVED:  __________________________
JEFFREY A. HUBBARD, P.E.
ADMINISTRATOR
DIVISION OF WATER

APPROVED:  __________________________
CHERYL ROBERTO, ESQ.
DIRECTOR
DEPARTMENT OF PUBLIC UTILITIES

Published in City Bulletin: _________________

Title: Division of Water Rule and Regulation 03-03: Hearing Procedures
Contact Name: Jeffrey W. Deep
Contact Telephone: 645-5864
Contact Email: jwdeep@cmhmetro.net

RULE AND REGULATION 03-03
Division of Water
Department of Public Utilities

SUBJECT: HEARING PROCEDURES

Pursuant to the authority granted under Columbus City Codes, Section 1101, the Director of the Department of Public Utilities hereby adopts, establishes and publishes this rule and regulation, to be effective at the earliest date allowed by law. This rule and regulations

Published in City Bulletin: _________________
supersedes Division of Water rule and regulation entitled: “Hearing Procedures”, published January 30, 1993, Rule and Regulation 93-02. This rule and regulation is in addition to any established requirements that have not be superseded or rescinded by this or any previous act.

APPLICATION:

Division of Water hearings pertaining to notices regarding the termination of water service, or hearings in regard to disputed water bills.

PROCEDURES:

The following procedures shall be used for all hearings conducted pursuant to Columbus City Code 1101.03 (C), where an affected person has filed a request for a hearing as required by Columbus City Code 1101.03 (C).

1) The Director or the Director’s duly authorized representative shall serve as the hearings officer. The hearings officer shall have no previous direct involvement in the case being heard;

2) The hearings officer shall maintain a record of the hearing for no less than sixty (60) calendar days from the date of the final decision.

3) Requests for documentation must be submitted in writing to the Administrator’s Office. This documentation will be available for inspection or duplication within five (5) working days of receipt of the written request. Fees, if any, will be based on charges as explained in the Division of Water Public Records policy.

4) All parties will have the right to appear and be heard in person by or with the assistance of legal counsel, provided such counsel is licensed to practice law in the State of Ohio. All persons may also have an interpreter present, should parties be unable to converse without such aid.

APPROVED:  
JEFFREY A. HUBBARD, P.E.  
ADMINISTRATOR  
DIVISION OF WATER

APPROVED:  
CHERYL ROBERTO, ESQ  
DIRECTOR  
DEPARTMENT OF PUBLIC UTILITIES

Published in City Bulletin:__________________

Title: Official Notice - Civil Service Commission - Competitive Examination Announcements - Apply Daily Monday Through Friday - 8:00 a.m. to 4:30 p.m.
Contact Name: Applicant Services Counter
Contact Telephone: 614.645.8300
Contact Email: civilservice@columbus.gov

The Civil Service Commission continuously administers competitive examinations. Information regarding examinations, for which the Civil Service Commission is currently accepting applications, is posted at the Commission offices located at 50 West Gay Street, 6th Floor, Columbus, Ohio. Please note that all visitors to the Beacon Building are required to produce a picture ID, authenticating their identity, in order to visit the applications area. Interested applicants should regularly check this location for examination announcements. Also, please visit our website at www.csc.columbus.gov.