
107.02 Campaign finance.

(A) Definitions. As used in this chapter:

- (1) "Federal Political Committee" means a committee registered with the Federal Election Commission.
- (2) "Municipal ballot issue" means any ballot issue to be submitted solely to the electors of the City of Columbus.
- (3) "Municipal ballot issue committee" means a political action committee that is organized to propose, support, or oppose a municipal ballot issue.
- (4) "Municipal campaign committee" means a municipal candidate or one or more persons authorized by a municipal candidate under section 3517.081 of the Ohio Revised Code to receive contributions and make expenditures.
- (5) "Municipal candidate" means any individual who has filed, at any election, a petition or statement of write-in candidacy to be a candidate for nomination or election to office for mayor, city council, city auditor, or city attorney for the City of Columbus, and also includes any person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about the person's nomination or election to office for mayor, city council, city auditor, or city attorney for the City of Columbus.
- (6) "Municipal office holder" means an individual elected, appointed, or otherwise holding the office of mayor, city auditor, city attorney, or member of city council for the City of Columbus.
- (7) For the purpose of sections 107.02(E)(5) and 107.03 below, entities referred to as tax exempt under section 527 of the Internal Revenue Code shall not include a "political party" as defined in section 3517.01(A) of the Ohio Revised Code.
- (8) The definitions set forth in sections 3517.01 and 3517.102 of the Ohio Revised Code shall apply to this chapter except to the extent modified in this chapter.
- (9) References to the city clerk and/or city attorney shall also include any designee(s) thereof.

(B) Contribution Limits

- (1) Individual.
 - (a) No individual shall make a contribution or contributions aggregating more than ten thousand dollars (\$10,000.00) to any one municipal campaign committee in a calendar year.
 - (b) In the case of a contribution made by a partner of a partnership or an owner or a member of any other unincorporated business from any funds of the partnership or other unincorporated business, applicable provisions of section 3517.10 of the Ohio Revised Code apply regarding making and reporting such contribution.
- (2) Political Action Committee, Political Contributing Entity, Other Campaign Committees, and Federal Political Committee.

No political action committee, political contributing entity, campaign committee that is not a municipal campaign committee under division (A)(3) of this section, or federal political committee shall make a contribution or contributions aggregating more than ten thousand dollars (\$10,000.00) to any one municipal campaign committee in a calendar year.
- (3) Municipal Campaign Committee.

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- (a) No municipal campaign committee shall make a contribution or contributions aggregating more than ten thousand dollars (\$10,000.00) to any one municipal campaign committee in a calendar year.
- (b) A municipal campaign committee for a candidate who either was last a candidate for nomination or election to an office other than a City of Columbus office or who was undeclared as a municipal candidate, and that accepted one or more contributions in excess of the applicable limits or from a prohibited source under this chapter beginning the day following such election or beginning the day the committee was established, whichever is applicable, shall dispose of the excess amount of the contributions and prohibited contributions in accordance with section 107.05(A) not later than five days after the candidate declares for a City of Columbus office.
- (c) As used in division (3)(a) "contribution" does not include any in-kind contributions.
- (4) Prohibited Contributions from City Employees. No person shall solicit or accept a contribution from a City of Columbus employee to the municipal campaign committee of the individual who is the employee's appointing authority or will be the employee's appointing authority if elected to the office for which the committee is established. If such a contribution is received, the municipal campaign committee shall dispose of it in accordance with section 107.05(A).
- (5) Adjustments to contribution limits. All contribution limits established herein shall be adjusted forthwith by the city clerk in each odd-numbered year as provided for state contribution limits in section 3517.104 of the Ohio Revised Code. The adjusted contribution limits shall be made publicly available by electronic means and shall apply to that calendar year and the next calendar year.
- (C) Disclosure of Contributors and Employers of Contributors. Municipal campaign committees and municipal ballot issue committees shall include on the campaign finance reports required to be filed under section 3517.10 of the Ohio Revised Code and by this chapter, the name and address of each contributor regardless of the amount of the contribution and the name of contributor's employer and occupation. If a contributor is self-employed, the name of the contributor's business and the contributor's occupation shall be included on the campaign finance reports. If a contributor is not employed, this fact shall be noted by use of the phrase "not applicable."
- (D) Campaign Finance Reports. Municipal campaign committees and municipal ballot issue committees shall file complete, accurate, and itemized campaign finance reports required by this section and/or state law with the Franklin County Board of Elections in accordance with state law and with the city clerk by electronic means. Such campaign finance reports shall be filed no later than 4 o'clock p.m. In addition to the reports required by state law, municipal campaign committees and municipal ballot issue committees shall file the following reports with the City of Columbus on the following dates:
- (1) The sixtieth day before the primary, general, or special election in the case of municipal candidates or municipal ballot issues at the election to reflect contributions made or received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the sixty-eighth day before the election.
 - (2) The fifth day before the primary, general, or special election in the case of municipal candidates or ballot issues at the election to reflect contributions made or received and expenditures made from the close of business on the nineteenth day before the election through the close of business on the sixth day before the election.
 - (3) The last business day of April of every year, except in a year in which the municipal campaign committee or municipal ballot issue committee was required to file a report under division (D)(1) of this section prior to the primary election, to reflect the contributions made or received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the last day of March of that year.

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- (4) The last business day of October of every year, except in a year in which the municipal campaign committee or municipal ballot issue committee was required to file a report under division (D)(1) of this section prior to the general election, to reflect the contributions made or received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the last day of September of that year.
 - (5) The last business day of July, except in a year in which the committee was required to file a post-primary election report under Ohio Revised Code section 3517.10(A)(2) and/or this section, to reflect contributions made or received and expenditures made since the last previously filed statement through the last day of June of that year.
 - (6) A municipal campaign committee or municipal ballot issue committee with cumulative contributions, expenditures, and debts equal to or exceeding one thousand (\$1000) dollars shall file a report for each reporting period as required by divisions (D)(1) through (D)(5) of this section and by Ohio Revised Code section 3517.10(A)(1). In lieu of filing a required report, a municipal campaign committee or municipal ballot issue committee that has cumulative contributions made or received, expenditures, and debts less than one thousand (\$1000) dollars may report to the city clerk in a manner or form prescribed by the clerk that it is exempt from filing a campaign finance report. All contributions, expenditures, and debts not reported by filing the clerk's exemption from filing form for cumulative amounts less than one thousand (\$1000) dollars shall be subsequently reported on the next post-election report or annual report as applicable and as required by state law and/or by this section.
- (E) Filing Requirements.
- (1) The campaign finance reports required to be filed by a municipal campaign committee or municipal ballot issue committee under Ohio Revised Code section 3517.10 and under division (D) of this section shall be filed with the Franklin County Board of Elections in accordance with instructions issued by the board, as well as with the city clerk by electronic means.
 - (2) Municipal campaign committees of candidates certified by the Franklin County Board of Elections are required to file all the campaign finance reports required by division (D)(1) and (2) of this section and that would be required by section 3517.10 of the Ohio Revised Code even when no primary election is held that year for the office for which the candidate was certified under section 41-3(b) of the Columbus City Charter.
 - (3) Municipal campaign committees and municipal ballot issue committees required to file campaign finance reports by this section shall file a designation of treasurer, as required by division (D) of section 3517.10 of the Ohio Revised Code, setting forth the full name and address of the campaign treasurer and also of each deputy treasurer, with the city clerk by electronic means. In the case of a ballot issue committee that intends to circulate a petition proposing a municipal ballot issue, the designation of treasurer form shall be filed before receiving donations or making expenditures required to be reported under division (E)(4) of this section.
 - (4) Municipal ballot issue committees shall itemize on reports required under this section all contributions made or received, expenditures, and debts incurred and outstanding at the close of a reporting period in connection with preparing, printing, distributing, promoting, and circulating a petition seeking to place a municipal ballot issue on the ballot to the same extent and in the same manner as contributions, expenditures, and debts for the purpose of influencing the results of an election are required to be reported.
 - (5) Municipal ballot issue committees that file a campaign finance report disclosing a contribution from a person whose aggregate monetary or in-kind contribution and to whom debts are owed equal or exceed one thousand (\$1000) dollars, and is either tax exempt under section 501(c) or 527 of the Internal Revenue Code, or registered as a partnership, closely-held company, or limited liability company, must also disclose all donors who provided a monetary or in-kind contribution or extended

debt to that person equal to or exceeding an aggregated amount of two hundred (\$200) dollars with the expectation that the amount would be used for the purpose of influencing the results of a municipal ballot issue election.

- (F) Addendum, Correction, or Amendment. If a campaign finance report required under this section is found to be incomplete or inaccurate, the committee shall file an addendum, correction, or amendment as provided by Ohio Revised Code section 3517.11 and shall file a copy with the city clerk. The city clerk shall adopt procedures to govern these provisions, consistent with applicable general laws and this chapter.
- (G) Tax Credit for Campaign Contributions.
- (1) A nonrefundable credit is allowed against a taxpayer's aggregate City of Columbus municipal tax liability for contributions of money made to the campaign committee of candidates for mayor, city attorney, city auditor, or member of city council.
 - (2) The amount of the credit for a taxable year shall equal the lesser of the combined total contributions made during the taxable year by each taxpayer filing a return for City of Columbus municipal taxes, or fifty dollars for an individual return or one hundred dollars for a joint return.

(Ord. No. 3386-2018 , § 2, 1-14-2019; Ord. No. 1763-2019 , § 1, 7-1-2019)

111.01 Regular meetings.

In accordance with Section 8 of the City Charter, or by ordinance or resolution, regular meetings of council shall be held in the usual place for holding meetings on Monday of each week at 5:00 p.m. with zoning committee meetings beginning at 6:30 p.m. except during the month of August, and except when such meeting day falls on a holiday established by ordinance. The council president may establish an alternative date and time of the meetings of council and the committees thereof on a case by case basis if the council president determines that it is necessary to designate an alternative meeting date and time so long as proper notice is given.

A representative of the city attorney, auditor, city treasurer, and each department shall attend all council meetings and give necessary service and advice; provided, however, that the president of the council, may excuse any or all of said representatives from attending any council meeting when it appears to from the calendar that the matters to be considered at a particular meeting will not require their services.

Any member of city council may attend any and all meetings of the city council, its standing committees created by the president, or the council itself, including all such meetings which may be conducted in executive session.

(Ord. 276-89; Ord. 37-05 § 1.)

111.02 Presiding officer.

At the first meeting in January following a regular municipal election, the council shall elect one (1) of its members president, who shall preside at meetings of the council and perform such duties as presiding officer as may be imposed upon the member by the council, and shall elect one (1) of its members permanent president pro tempore, who shall preside at said meetings and perform such duties as presiding officer as may be imposed upon the member by the council in the absence of the president. The president shall preserve order and decorum. The President may call to order any member of council who shall violate any of the rules, and, when in the chair, the President shall decide all questions of order, subject to an appeal to the council on the demand of two (2) members of council, on which appeal there shall be no debate, but the member of council making the appeal may briefly state the member's reasons for the same and the president may so state briefly the President's reasons for the ruling. All questions shall be stated and put by the president and The President shall declare all votes.

In case of any disturbance or disorderly conduct, the president may cause the same to be cleared. The President shall have authority to see that all officers and employees perform their respective duties.

(Ord. 1-84.)

111.11 Voting.

In case any member of council present declines to vote on any question pending, upon which a ye and nay vote is being taken, the councilmember shall be obliged to record the councilmember's vote if the council requires the councilmember so to do unless excused by a two-thirds ($\frac{2}{3}$) vote of the council; and, if not being so excused, the councilmember refuses to vote, the councilmember shall be deemed guilty of contempt of the council and may be censured by a majority vote.

No member or other person shall remain at the clerk's desk while the yeas and nays are being called or ballots counted.

Except where the president or councilmember presiding directs the roll to be called by means of the electronic voting device, the roll call of the council shall be taken orally in alphabetical order, beginning at the right of the president's seat.

(Ord. 1-84.)

111.12 Speaking before council.

In all cases the member of council who shall first address the chair shall speak first; but when two (2) or more members of council address the chair at the same time, the president shall name the member of council who is to speak first.

No member of council shall be allowed to speak except from the councilmember's own desk. No member of council shall speak more than twice upon the same subject, nor longer than five (5) minutes at one time without leave. No member of council shall speak a second time upon the same motion before opportunity has been given each member of council to speak on that motion.

Any member of council, while discussing a question, may read from books, papers or documents, any matter pertinent to the subject under consideration without asking for leave.

No member of council shall pass before another member of council while speaking, or the clerk while reading, or otherwise interrupt, except to call a member of council to order.

The following rules shall apply to the general public when they wish to speak before council at a scheduled council meeting:

1. Speakers slips must be filled out completely including name, address, organization represented and the ordinance number of the item to be addressed, if the individual will be speaking for or against the item, the subject if non-agenda and filed with the city clerk electronically via the Council website prior to 3:00 p.m. on the day the speaker wishes to speak before the council. The council encourages individuals to submit written testimony and/or contact the appropriate committee chairperson to discuss their concerns. The council will not entertain incomplete speaker slips. Speakers slips addressing rezoning or variance requests must also be submitted prior to 3:00 p.m. on the day the speaker wishes to speak before the council.
2. For regular business meetings, individuals are permitted to submit a total of two (2) speakers slips. Of the two (2) slips, one may be used to address a non-agenda matter.

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- a) For agenda items, speakers must only speak to the ordinance indicated on the speaker slip submitted to the clerk. Council will entertain three (3) speakers for and three (3) speakers against any ordinance, recognizing speakers in the order the slips are received by the clerk. Each speaker will be given three (3) minutes to speak.
 - b) For non-agenda items there will be a limit of six (6) speakers taken in order of receipt of speaker slips with no more than three (3) speakers on any subject. Each speaker will be given three (3) minutes to speak. If the subject does not concern the legislative or administrative responsibilities of city government, the president of council may refer the speaker to another public forum and/or deny the request.
3. For zoning meetings, speakers will be limited to three (3) three-minute speakers by the proponents, and three (3) three-minute speakers for the opponents for each ordinance.
 4. Speakers' subject matter will not contain obscenity, defamation or slander nor shall speakers conduct themselves in violation of the disorderly conduct or disturbing a lawful meeting provisions of Chapter 2317 of the Columbus City Codes, 1959. If the council president determines that these rules are not being followed one warning will be given. Speaker's conduct shall be subject to the right of the council president to preserve the order and decorum of the forum. If the rules continue to be violated after one warning, the council president may revoke the individual's speaking privileges.
 5. Speaker slips shall be presented to the president of council by the city clerk in the order received.
 6. Any variance or waiver of these rules shall be by a majority vote of council.

(Ord. 2465-93; Ord. 0054-04 § 1.)

111.14 Ordinances and resolutions.

The city clerk is authorized and directed to make, modify, change and promulgate such rules as in the city clerk's discretion are deemed necessary for the orderly and efficient submission of all ordinances and resolutions to be acted upon by Columbus city council.

After review by the city clerk's office as to proper format, clerical errors, certification, etc., said ordinances and resolutions shall be submitted to the rules and reference committee no later than the Tuesday preceding the next city council meeting.

Upon receipt of such resolutions and/or ordinances from the city clerk, the rules and reference committee shall refer legislation to the appropriate standing committee; however, the rules and reference committee has the authority not to refer any or all such resolutions and/or ordinances to a standing committee.

The legislation approved by the rules and reference committee shall be returned to the city clerk's office no later than 3:00 p.m. on the Wednesday preceding the next city council meeting. The city clerk shall prepare an agenda listing the ordinances and resolutions so delivered.

No council member will be permitted to introduce an ordinance or resolution from the floor unless it is germane to the standing committee which they chair and same day action is necessary.

No legislation to enter a contract shall be authorized by the council until the same has been submitted to the city attorney for his approval as to form and legality. If the city attorney questions the legality of any proposed contract or portion thereof, the city attorney shall express that opinion thereon, in writing, to the council if same is submitted to council.

All programs which award loans or grants of more than five thousand dollars (\$5,000.00) must submit legislation for approval to city council.

After reference of any ordinance or resolution to a committee and the report thereof to the council, or any time before its passage, it may be recommitted, but after any ordinance has been read the second time and put upon its passage it shall not be recommitted for the purpose of amendment, except under instructions from the council, which instructions shall embody substantially the amendment or amendments proposed.

(Ord. 1-88.)

111.21 To take from the table.

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, and such motion shall be decided without debate; provided the mover may be permitted briefly to state the reason for the motion.

(Ord. 91-82; Ord. 2301-00 § 3 (part).)

111.22 Reconsideration.

Any member of council who voted with the prevailing side may move a reconsideration of any action of the council; provided that the motion be made not later than the next regular meeting after such action was taken, and further provided, in regard to ordinances and resolutions, that the original document to be reconsidered is in the actual physical possession of council and the mayor has not affixed the mayor's official signature thereto. A motion to reconsider shall be in order at any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time. No motion to reconsider shall be made more than once on any subject or matter.

(Ord. 91-82; Ord. 2301-00 § 3 (part).)

111.23 Vetoed legislation.

When an ordinance or resolution, or part thereof, has been vetoed by the mayor, the mayor shall within ten (10) days return it, together with the mayor's objections, to the city clerk, who shall transmit the same to the council at the next regular meeting. The council shall, after the expiration of one (1) week and/or one (1) regular meeting after receiving the objections from the mayor, but no more than sixty (60) days after the clerk has transmitted said veto to council, proceed to reconsider the legislation and either sustain the mayor's veto, or override it.

(Ord. 91-82; Ord. 2301-00 § 3 (part).)

111.29 Violation of rules.

If any member of council is speaking or otherwise shall violate any rule of this council, the president shall call the councilmember to order; if such member of council shall be called to order while speaking, the councilmember shall immediately stop unless permitted to explain.

The question of order shall be decided without debate, and if the decision shall be in favor of the member of council called to order while speaking, the councilmember shall be at liberty to proceed with the councilmember's speech without leave of the council.

(Ord. 91-82; Ord. 2301-00 § 3 (part).)

115.04 Transcripts, certificates, certified copies, code books, record searches and mailing.

The city clerk shall furnish all transcripts, orders, and certificates, which may be properly required of the city clerk, and shall be entitled to charge for all attested certificates and transcripts, the same fees that are allowed by law to county officers for similar services; provided, that the same shall be furnished free of charge when ordered by the council, or required by any councilmember or city officer, in the prosecution of the city clerk's official duties.

The city clerk shall also be entitled to charge a fee for copies of Columbus City Codes, 1959, articles, chapters and sections thereof, certified copies of ordinances and resolutions, and for record searches. The fees shall be determined by the city clerk but shall be for no more than the cost of producing the books, copies or searches. Such fees, if enacted, shall be reviewed periodically to determine whether upward or downward adjustment is appropriate. The cost of such books and copies, if mailed, shall include the cost of mailing.

(Ord. 2671-88.)

115.05 Clerk of standing committees; records.

The city clerk shall act as clerk for the standing committees of the council when required to do so. The city clerk shall have charge of all books, papers and documents pertaining to the city clerk's office or ordered to be kept on file therein.

(Sec. 2.24.)

115.06 Codification of ordinances.

The city clerk shall be the codifier of the general ordinances of the city. When an ordinance of a general or permanent nature is passed by the council and signed by the necessary officers, before it is recorded the city clerk shall examine such ordinance. If there is no sectional numbering in the ordinance, or such numbering is not in conformity with that of the Columbus City Codes, the city clerk shall give each section of the ordinance so passed its proper section or supplemental sectional number by writing or printing on the left-hand margin of the ordinance, and of the record thereof such proper number, and the number so designated by the city clerk shall be the official number. Such numbers so placed shall be published with such ordinances in the City Bulletin and with any other official publication of such ordinances. It shall be a sufficient reference to any section to refer to it by such official number, and all amendments to any section of the Columbus City Codes shall be referred to by such official number.

(Sec. 2.24.)

115.08 Other duties.

The city clerk shall perform such other duties as are or may hereafter be required by law, or by ordinance or order of the city council, and shall perform all duties required of the city clerk by the City Charter.

(Sec. 2.24.)

121.01 Meetings to be public.

Any and all meetings of any board, commission, department or any city agency or authority are declared to be public meetings open to the public at all times unless the subject matter is specifically accepted by law.

(Ord. 204-54.)

121.05 Rules and regulations to be filed with city clerk and published in City Bulletin.

No rule or regulation, except a temporary rule or regulation, adopted by any board, commission, director, department, division, or other officer or agency of this city shall be effective until the tenth day after it is promulgated by publishing the same in the City Bulletin. Each board, commission, director, department, division, or other officer or agency of this city adopting any rule or regulation shall immediately upon such adoption file a copy thereof with the city clerk. The city agency shall cause any rule or regulation so filed with the city clerk to be published in the City Bulletin within twenty (20) days after it is so filed.

All rules and regulations heretofore adopted by any board, commission, director, department, division, or other office or agency of the city shall remain in full force and effect until January 1, 1960, at which time all such rules and regulations shall become void and of no effect unless promulgated pursuant to this section.

A temporary rule or regulation may be adopted by any such board, commission, director, department, division, or other officer or agency to become effective immediately upon the filing of a copy thereof with the city clerk provided the mayor has certified thereon that such rule or regulation is necessary for the immediate preservation of the public peace, health, safety, or welfare. Such temporary rule or regulation shall remain in effect for a period of thirty (30) days after it is filed with the city clerk at which time it shall cease and terminate unless in the interim it has been published in the City Bulletin in which event such rule or regulation shall remain in effect until amended or repealed.

No rule or regulation shall be amended or repealed except by a new rule or regulation promulgated as provided in this section. A rule or regulation amending an existing rule or regulation shall contain the entire rule or regulation as amended and shall repeal the existing rule or regulation.

This section shall not apply to any orders respecting the duties of employees, or to any finding or any determination of a question of law or fact in a matter presented to any such board, commission, director, division, or other officer or agency.

(Ord. 617-59.)

Editor's note(s)—It should be noted that § 6Editor's note(s)— of Ord. No. 1331-2013, provides, "That the suspension of Section 2151.16Editor's note(s)—, 121.05Editor's note(s)—, and 2015.04 as applied to Mobile Food Vendors provided for in this ordinance shall remain in effect until January 1, 2014."

123.03 Obedience to lawful orders; interference.

No person shall fail to obey the lawful order of any police officer, militia members or other law enforcement officer; and no person shall in any way intentionally interfere with any such police officer, militia members or other law enforcement officer, or firefighter, rescue personnel, medical personnel, or other authorized person in the protection or preservation of life or property during the existence of a state of emergency as proclaimed, as provided in Section 123.01 of the Codes of the city of Columbus, Ohio, 1959.

(Ord. 390-71.)

123.06 Temporary power of code suspension.

The mayor is granted emergency powers to suspend the enforcement of such provisions of the Columbus City Codes, 1959, as he deems necessary, including provisions of the housing, building, zoning, health and other codes and rules and regulations adopted thereunder, for a period not to exceed six months, or less if terminated earlier by ordinance of council, in order to facilitate the provision of emergency housing and services to the victims of a disaster.

(Supp. No. 68, 3/21)

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The exercise of the powers granted hereby is not dependent upon the proclamation provided for in Section 123.01 of this chapter, but may be exercised upon a separate proclamation by the mayor, forwarded immediately to the city council. Thereupon, the mayor may, by the mayor's executive order directed to the appropriate city officials, suspend appropriate provisions of the Columbus City Codes, 1959, as well as rules and regulations which may have been adopted pursuant thereto, in order to continue or provide necessary city services, facilitate provision of emergency shelter, and otherwise assist in alleviating the distress of disaster victims.

(Ord. 786-73.)

125.02 Prosecuting attorney; department management.

The city attorney shall designate one or more of the city attorney's assistants to act as prosecuting attorney for the Municipal Court, and shall prescribe such other duties for the management of his department as the city attorney may deem proper.

(Sec. 2.33.)

125.03 Attendance at council and committee meetings.

The city attorney, or an assistant, shall attend all meetings of the city council and each committee thereof, and give the council any legal advice that may be requested of the city attorney at such meetings concerning their official acts. The city attorney shall further perform all duties that may be required by law or ordinance.

(Sec. 2.34.)

125.05 City attorney acts under other titles.

In addition to the duties imposed upon the city attorney by the Charter of the city of Columbus, the city attorney shall perform the duties which are imposed upon a city director of law by the general law of the state, beyond the competence of the Charter of the city of Columbus to alter or require. Whenever necessary in the performance of any of the city attorney's duties, the city attorney may function under the title "director of law", "city solicitor", "city attorney" or any other title appropriate for the chief legal officer of this city and shall have the powers of any and all such officers, however known.

(Ord. 269-78.)

127.02 Duties of deputy.

The deputy treasurer shall perform such duties assigned to the deputy treasurer by the treasurer and shall, during the disability or absence of the treasurer, have all the powers and duties of said officer.

(Ord. 656-74.)

129.02 Personal non-liability of squad members.

Any claim or suit brought against any member or employee of the division of fire, arising from or because of any act or inaction by such employee in the scope of the employee's or member's employment as a member of an emergency squad, or other emergency unit on a medical assignment, operated by the division of fire and subsequent to the effective date hereof, shall be defended by the city attorney until the final termination of the

proceedings therein. The city shall save such member or employee of the division of fire harmless from personal liability or any judgment resulting from such claim or suit defended by the city attorney.

(Ord. 696-73.)

133.04 Organization.

The commission shall select one of its members as chairperson, and one of its members as vice-chairperson. The chairperson and vice-chairperson shall serve for a one (1) -year period.

The commission shall meet regularly at such time and place as it shall decide and shall meet at such special meetings as shall be called by the chairperson after twenty-four (24) hours notice to each member.

The mayor shall provide the commission administrative assistance deemed necessary by the commission within the city's budgetary limitations.

At each regular meeting of the commission, the city attorney may submit to the commission a report on the status of utility rate matters. The commission shall review actions or recommendations made by the city attorney or any representative of the city of Columbus.

(Ord. 510-84.)

135.05 Severability.

The provisions of the Columbus City Health Code and any other rules or regulations promulgated by the health commissioner or designee are considered to be severable; and if a court of competent jurisdiction holds a provision or part of a provision unconstitutional, that decision will not automatically invalidate the remainder of a provision or any other provision or part thereof.

(Ord. 1058-03 § 1.)

135.07 Administration and enforcement of health codes.

The duty of administering and enforcing the Columbus City Health Code (CCHC), as promulgated through the authority vested in the health commissioner and the board of health, or any of the Columbus City Codes, 1959, is vested in the health commissioner and designee.

(Ord. 1058-03 § 1.)

135.09 Violation.

No person shall violate applicable provisions of Chapter 3707 and Chapter 3709 of the Ohio Revised Code (ORC), or any order or regulation of the board of health or the health commissioner or designee, made or promulgated in pursuance thereof or of Section 127 of the Columbus City Charter, including, but not limited to, the Columbus City Health Code (CCHC). No person shall obstruct or interfere with the execution of such order, or willfully or illegally omit to obey such an order.

- (B) No person shall fail to comply within twenty (20) days, with an order or regulation of the Columbus board of health or the health commissioner or designee after receiving written notification of being in violation of such order or regulation. This section does not apply while an action for declaratory judgment, filed within twenty (20) days after notification of a violation and pursuant to Section 3709.99 of the Ohio Revised Code (ORC), is pending before the court.

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- (C) No officer of a corporation violating any above referenced codes or regulations, who has authority over the matter involved in such violation, shall permit such violation.

(Ord. 1058-03 § 1.)

139.01 Created, membership—Compensation and term of members—Meetings.

There is hereby created and established a commission to be known as the community relations commission, consisting of twenty-three (23) fifteen (15) members to be appointed by the mayor with the approval of the city council. The mayor, city attorney, president of city council, department of public safety director, and health commissioner, and the and two (2) citizens appointed by the mayor shall each appoint one (1) city employee to sit ex officio serve as a non-voting advisor to on the commission. It is important that a community relations commission be fully responsive to the diversity represented by the city of Columbus' various racial, religious, national, cultural and ethnic groups. They shall serve without compensation, but shall be reimbursed for expenses actually and necessarily incurred in connection with their duties as members of the community relations commission subject to approval by the department of finance and management.

Of the twenty-three (23) fifteen (15) members so appointed, eight (8) five (5) shall be one serve an initial term for (1) year, eight (8) five (5) for two (2) years and seven (7) five (5) for three (3) years and thereafter appointments shall be for three (3) year terms. In the event of death or resignation of any members, ~~his or her~~ the member's successor shall be appointed by the mayor to serve for the unexpired term for which such member had been appointed. The community relations commission shall meet when necessary to conduct business and shall adopt, by majority rule, such rules as it shall deem expedient for the conduct of its business. Such rules shall be adopted in accordance with Section 121.05 of the Columbus City Codes, 1959. (Ord. 1655-92; Ord. 1102-05 § 1 (part); Ord. No. 1079-2016 , §§ 2, 5, 6-6-2016)

139.02 Duties.

The community relations commission is created and established under the Department of Neighborhoods to recommend ways and means of initiating and improving city government programs designed to help eliminate discrimination or to remove the effects of past discrimination in the city of Columbus.

In performing this function, the commission shall strive to increase the effectiveness of these programs, to increase the fairness with which these programs are operated and to increase inter-departmental harmony in the operations of these programs. To achieve advance these objectives the community relations commission shall may:

(a) Promote the development of mutual understanding and respect among all racial, religious, nationality, cultural and ethnic groups in the city of Columbus by making recommendations to city officials on means to prevent discriminatory practices against such groups.

(b) Aid in seeing that no person is deprived of equal services by city government by reason of discrimination on account of race, color, religion, national origin, sex, age, marital status, political orientation, sexual orientation or handicap race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

(c) Encourage, receive, investigate and evaluate from any person a claim of discrimination in accordance with section 2331 of the Columbus City Codes, by city employees, and make public the procedures which a person may use to complain of discrimination.

(d) Confer with the city attorney or designee on such complaints pertaining to the city of Columbus or criminal conduct as appear to require a legal process after initial investigation and/or failure to achieve conciliation.

(e) Initiate and conduct or refer for mediation hearings in situations in which the commission has reason to believe that discrimination has may have occurred.

(f) Engage a hearing officer to conduct administrative hearings.

(g) Investigate upon request or initiate investigation of racial incidents alleged discriminatory practices and make recommendations for corrective action and coordinate efforts toward their resolution.

(g)(h) Verify information relating to complaints of alleged discrimination practices.

(h)(i) Formulate, develop and disseminate programs of community information, educational materials, and reports which will assist in the elimination of prejudice, intolerance and discrimination or which promote good will and result in better human relations.

(i)(j) Coordinate with the city's equal employment officers, local employers, unions, and employment agencies to improve employment opportunities in city government for persons who have been the traditional targets of discrimination in employment.

(j)(k) Assist community groups and various social ~~fraternal~~, service and benevolent organizations in the promotion of educational campaigns devoted to the elimination of group prejudices, racial or neighborhood tensions, and tolerance and discrimination.

(k)(l) Conduct research to ascertain the status and treatment of racial, religious, and ethnic groups in the city and the best means of progressively improving human relations in Columbus.

(l)(m) Cooperate with and render assistance to the mayor's action center, the equal employment opportunity officers and other branches of city government entities in the area of human rights.

(m)(n) Cooperate with and render assistance to county, state, federal and other governmental agencies in the area of discrimination.

(n)(o) Prepare and publish an annual report and such other factual reports and recommendations as it deems necessary concerning problems relating to the discrimination, racial tensions and other human relations concerns. Copies of all such reports and recommendations shall be filed with the city council.

(p) Contract with an entity not affiliated with the City of Columbus government to conduct investigations.
(Ord. No. 1079-2016 , §§ 2, 5, 6-6-2016)

Editor's note(s)—Ord. No. 1079-2016 Editor's note(s)—, §§ 2, 5, adopted June 6, 2016, amended § 139.02 Editor's note(s)— in its entirety to read as set out herein. Former § 139.02 Editor's note(s)— pertained to establishment of department and derived from Ord. 1655-92.)

143.02 Membership.

The ESAC will consist of eighteen members to be appointed by the mayor, following recommendations to the mayor by the Columbus board of health. Final appointments will be with concurrence of Columbus city council. Nine members will initially be appointed to two-year terms; the remaining nine will be appointed to initial terms of three years, based on the recommendation of a three-person nomination committee whose members are selected by representatives of the Columbus Health Department. After initial appointments, all Committee seats will be for three-year terms. Environmental Science Advisory Committee members will serve without compensation, but will be reimbursed for necessary expenses incurred in the performance of their duties. In the event of death or resignation of any member, the member's successor shall be appointed by the mayor to serve the unexpired term for which such member has been appointed.

In addition to the eighteen ESAC positions discussed above, the Committee will consist of an ex officio representative of the Columbus Health Department. This individual will be a nonvoting Committee member, and as such, is not granted the status of full Committee member. The individual will be responsible only for representing the interests of the Columbus Health Department in matters pertaining to the ESAC, and assisting the body, where possible, in its endeavors.

(Ord. 18-93.)

143.03 Organization.

As soon as it is convenient, after the initial appointments by the mayor are complete, the Committee shall meet and organize by electing officers. The initial ESAC Chairperson will be selected by the aforementioned nomination committee, with the full ESAC body responsible for electing a Vice Chairperson, Secretary and other officers as it sees fit. The ESAC may adopt by-laws or rules of procedure, consistent with this charter, to govern the conduct of its business which may include provisions for special meetings, voting procedures, amendment of by-laws or rules, minutes of meetings or any other procedural matters the Committee deems necessary to regulate for the conduct of its business. Full Committee meetings will be held at least quarterly, at such time and place as it decides. The Committee Chairperson may call any other meeting the chairperson decides necessary upon forty-eight hours written notice given to each member and others as required by law.

(Ord. 18-93.)

149.01 Committee created—Membership.

There is created a city legislative liaison committee. The committee shall be a continuing body composed of the mayor, city attorney, city auditor, director of public service, city planning director, health commissioner, city treasurer, city clerk, and two (2) members of city council which members shall be appointed by the president of council. The chairperson of the committee shall be one (1) of the members from council and shall be so designated by the president of council.

(Ord. 714-54; Ord. 1909-01 § 1 (part).)

151.02 City records commission.

There is hereby created a city records commission to be composed of the mayor, chief executive officer, city attorney, chief legal officer, city auditor, chief fiscal officer, city clerk, secretary, and a citizen appointed to a two (2) year term by the mayor. Each respective officer may designate an assistant or deputy to represent them on the commission. The mayor shall be chairperson of the commission and the city clerk shall be secretary and shall keep a record of all proceedings of the commission. Three (3) members of the commission shall constitute a quorum for the transaction of business. The commission may employ an archivist or records administrator to serve under its direction. The commission shall meet at least once every six (6) months, given notice by the secretary, and upon

call of the chairperson. The secretary shall at least forty-eight (48) hours prior to such meeting post notices regarding time and place of the records commission meetings.

The functions of the commission shall be to provide rules for retention and disposal of records of the city and to review application for one-time records disposal and schedules of records retention and disposition submitted by city offices. Records may be disposed of by the commission pursuant to the procedure outlined in this section. The commission may at any time review any schedule it has previously approved, and for good cause shown may revise that schedule.

When municipal records have been approved for disposal, a list of such records shall be sent to the auditor of the state. If the auditor of the state disapproves the action by the city records commission, in whole or in part, it shall so inform the commission within a period of sixty (60) days and these records shall not be destroyed. Before public records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty (60) days to select for its custody or disposal such public records as it considers to be of continuing historical value.

(Ord. 2439-92; Ord. 1132-2008 Attach. (part).)

153.03 Duties of the information technology commission.

- (a) The information technology commission (commission) will establish minimum standards for data, audio and video technology applications to promote systems compatibility city-wide.
- (b) The commission will research new technologies and will change, add or delete standards as necessary.
- (c) The commission will establish procedures consistent with Chapter 329 of the Columbus City Codes for the orderly and efficient acquisition and disposition of data, audio and video equipment.
- (d) The commission will act as liaison between city divisions to promote system-wide compatibility where practical and appropriate.
- (e) The commission will act as an information clearinghouse on data, audio and video technology, and will make it available to division personnel as needed.
- (f) The commission shall work with the Information services division to establish a base infrastructure as it pertains to data, audio and video technology.
- (g) The commission may perform other related duties as deemed necessary and appropriate.

Nothing contained herein shall be construed as limiting or restricting the powers and duties of any officer conferred upon the officer by the Charter.

(Ord. 1034-96.)

157.02 Organization.

As soon as convenient, after the initial appointments by the mayor are complete, the advisory council shall meet and organize by electing a chairperson, a vice chairperson and a secretary. The advisory council may adopt by-laws or rules of procedure to govern the conduct of its business which may include provisions for regular or special meetings, voting procedures, amendment of its by-laws or rules, minutes of meetings, or any other procedural matters the advisory council deems necessary to regulate for the conduct of its business.

(Ord. 1807-81.)

161.03 Credit union payroll deduction.

Any employee of the city having a classified civil service status may authorize a deduction from the employee's salary or wages in an amount prescribed by him for savings in his share account with the Columbus Municipal Employees Federal Credit Union.

Such authorization by an employee shall be in writing and shall be evidenced by an approval of the head of the department or division in which such employee is employed and directed to and filed with the city auditor.

Upon the authorization of the employee and such approval, the auditor shall draw a warrant, check, or pay over to the credit union the amount covering the sum of the authorized and approved deduction.

(Sec. 2.23.1; Ord. 1469-57.)

161.035 Payroll deduction.

Any employee of the city may authorize a deduction from the employee's salary or wages in an amount prescribed by the employee for the monthly dues to the Columbus City Employees Local Union No. 1632, American Federation of State, County and Municipal Employees. (AFL-CIO).

Such authorization by an employee shall be in writing and directed to and filed with the auditor of the city.

Upon authorization of the employee, the auditor of the city shall draw a warrant, check or pay over to the Treasurer of the Columbus City Employees Local Union No. 1632, American Federation of State, County and Municipal Employees the amount covering the sum of the authorized deduction.

No payroll deduction may be made from the salary or wages of any city employee for the purpose of directly contributing to or supporting a current public officeholder, the campaign of any candidate for public office or for the operations of any political party.

(Ord. 2330-91.)

161.05 Political activity.

No person in the classified service or listed as an unskilled laborer in the employ of the city shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for or against any political party, any candidacy for office or for the nomination therefor, any other issue at any election, or for any other political purpose whatever. No person shall knowingly whether orally, or by letter, solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution for any such purpose from any person holding a position in the classified service or as an unskilled laborer.

No person in the classified service of the city or listed as an unskilled laborer in the employ of the city shall be an officer in any political organization, a candidate for an elective office or the nomination therefor, or take part in partisan politics other than to vote as the person pleases and to express freely the person's political opinion.

Nothing in this section shall be construed to prohibit a city employee in the classified or unclassified service from circulating nominating petitions for an elective office on their own time when the candidates name for that office appears on the ballot without the name of a political party, or an elective office which is nonpartisan.

This section does not prohibit a city employee in the classified service from being a candidate for or holding the position of a member of a local school board of education, village council outside the city of Columbus, or a board of township trustees as long as:

- (a) The city employee does not solicit, directly or indirectly, campaign funding for their campaign for elective office.

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- (b) The city employee does not seek or use the endorsement of a political party.
 - (c) The city employee abstains from participation in matters under consideration by the local school board, village council or board of township trustees whenever a conflict of interest appears.
 - (d) The city employee performs no work for the local school board, village council or board of township trustees during assigned working hours of the employee's position with the city of Columbus.

(Ord. 998-89.)

163.02 Work reports on employees.

At the end of each six (6) months' period, following the date of an original appointment, or oftener if required by the civil service commission, pursuant to the power vested in that commission by virtue of paragraph (n) of Section 149 of the Charter of the city, the head of the division, bureau or department, upon forms furnished by the civil service commission, shall submit a record of the efficiency, character and conduct of each employee under the head of the division, bureau or department's supervision, and, after approval by the commission thereof, the rating shall be recorded on the service record of the employee.

(Sec. 2.37.)

165.05 Personal nonliability.

Any claim or suit brought against any police officer in the division of police of the department of public safety, arising from or because of any use or operation of any motor vehicle or watercraft by such officer while acting within the scope of the police officer's assigned employment, and subsequent to the effective date hereof, shall be defended by the city attorney until the final termination of the proceedings therein. The city shall save such police officer harmless from personal liability or any judgment resulting from such claim or suit defended by the city attorney.

(Ord. 10-81.)

169.01 Establishment of board.

That there be and hereby is established a board of industrial relations composed of the director of public service or designee, the director of public safety or designee, the director of administrative services or designee, and the city health commissioner or designee. The director of administrative services or designee shall serve as chairperson and shall not vote on the appeal of any denial of injury leave. All members of the board shall serve without additional compensation.

(Ord. 162-92.)

169.02 Powers and duties of board.

To assure the following services to all of the departments, boards, commissions and agencies of the city and its employees, the board of industrial relations shall:

- (a) Investigate all claims arising on account of death, injury, or occupational disease alleged to have occurred to any employee or alleged employee of the city of Columbus;
- (b) Do whatever is necessary and proper to expedite the presentation of proper and meritorious claims to the Industrial Commission of Ohio;

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- (c) Do whatever is deemed advisable and necessary to reduce the premiums and other costs incidental to the city's participation in Worker's Compensation coverage;
 - (d) Require that all accidents in the course of and arising out of city employment be reported immediately to the board of industrial relations, such reports to be made by the supervisor in charge of the employee involved on the forms prescribed by the board of industrial relations which reports shall include a description of the alleged accident together with the names and addresses of all witnesses thereto.
 - (e) In any hearing conducted by the board of industrial relations, have the power to subpoena and require the attendance of witnesses and the production of books, papers, and other evidence pertinent to the investigation of claims of injuries alleged to have occurred to any employee of the city of Columbus and to administer oaths to such witnesses.
 - (f) Adopt rules and regulations for its procedure in hearing appeals from denial of injury leave.

(Ord. 274-80.)

169.03 Consideration of Industrial Commission claims.

The board of industrial relations be and it is hereby authorized and directed to consider each application for worker's compensation or medical payment sought to be filed with the Industrial Commission before said filing and to execute in the name of the city of Columbus such forms as are required by the Worker's Compensation Act as in its discretion may be deemed necessary or proper.

(Ord. 1935-74.)

Chapter 171 COLUMBUS MUNICIPAL COURT

Cross References

Prosecuting attorney - see CHTR. Sec. 68; ADM. 125.02
State law provisions - see Ohio R.C. 1901.01 et seq.

Editor's Note: There are no sections in Chapter 171. This chapter has been established to provide a place for cross references and any future legislation.

173.02 Qualifications.

The public defender shall be an attorney at law, duly admitted to practice in all courts of record in the State at least two (2) years prior to the time of the public defender's appointment and shall be an actual and bona fide resident of the city for not less than one year preceding his appointment.

(Sec. 2.27.)

173.04 General duties.

The duties of the public defender and free legal adviser of indigent persons shall be to defend, without expense, any person who shall be charged with an offense or who shall be cited or charged with a contempt in the municipal court of the city when such person shall be indigent and unable to employ an attorney for that purpose. It shall be the duty of such officer, upon request, to give advice and counsel to indigent persons concerning any charge or complaint against them or about which they shall seek the public defender's advice, and the public defender shall prosecute all appeals or proceedings in error to a higher court on behalf of such persons when, in

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the public defender's opinion, such appeal or proceedings in error will or might reasonably be expected to result in a reversal or modification of the judgment or conviction. Such officer shall devote full time and attention to the duties of the public defender's office and shall not solicit or receive from any litigant or person advised any fee whatsoever. Such officer shall also represent any indigent litigants, either plaintiffs or defendants, in the civil branch of the municipal court, who give satisfactory proof of their lack of means to secure private counsel.

(Sec. 2.29)

173.05 Determination of indigency.

Before representing any person in either branch of the municipal court, or before giving free legal advice to any person, such officer shall conduct a proper inquiry that such person is an indigent person and may, whenever the indigency of any such person is in doubt, call upon the division of charities or some other recognized investigation agency for a report as to the indigency of such person. Upon objection being made in court to the public defender's representing any person, the trial court shall determine whether or not such person is indigent and entitled, under the provisions of this chapter, to the services of the public defender.

(Sec. 2.29.)

173.06 Office hours.

Except when engaged in court, or otherwise in the performance of the public defender's duties, the public defender shall have and keep regular office hours during each business day which shall be from 8:30 a.m. to 4:30 p.m., except on Saturday, when such office shall be from 8:30 a.m. to 12:00 noon.

(Sec. 2.30.)

217.051 Prohibited Law Enforcement Equipment.

The acquisition and/or possession of the following law enforcement equipment, for use by the division of police or any other City entity, is prohibited:

- (A) Tracked armored vehicles, or any armored vehicle that utilizes a tracked system instead of wheels for forward motion;
- (B) Aircraft, vehicles, or watercraft upon which any weapon is mounted;
- (C) Firearms of .50 caliber or higher;
- (D) Ammunition of .50 caliber or higher;
- (E) Grenade launchers, or any firearm or firearm accessory designed to repeatedly launch military-grade high-explosive projectiles. This does not include launchers designed specifically to deploy less-lethal control agents or kinetic projectiles;
- (F) Bayonets;
- (G) Camouflage uniforms;
- (H) Human powered ~~manned~~ fixed wing aircraft;
- (I) Riot batons, or any non-expandable baton of length greater than twenty four (24) inches; and
- (J) Signal blockers, or any device the purpose of which is to interfere with communication by mobile devices.

(Ord. No. 1500-2020 , § 2, 7-27-2020; Ord. No. 2103-2020 , § 1, 9-14-2020)

227.01 Definitions.

As used in Chapter 227 of the Columbus City Codes:

- A. "City hall" shall mean the building located at 90 West Broad Street, Columbus, Ohio 43215, which encompasses all enclosed areas including the basement parking facility.
- B. "City hall grounds" shall mean the property surrounding city hall, excluding the public sidewalk abutting the street, bounded on the west by Marconi Boulevard, on the south by West Broad Street, on the east by North Front Street and on the north by West Gay Street.
- C. "City hall lawn" shall mean that portion of the city hall grounds that is planted with grass, shrubs, flowers, trees and any other plant life.
- D. "City hall lower patio south" shall mean that portion of the city hall grounds named Portman Plaza, which is on the south side of city hall, that is hard-surfaced and that is below the thirteen steps that lead to the upper patio south that borders city hall.

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- E. "City hall upper patio south" shall mean that portion of the city hall grounds that is that portion of the city hall grounds that is on the south side of city hall, that is hard-surfaced and that is above the city hall lower patio south.
 - F. "City hall patio east" shall mean that hard-surfaced portion of the city hall grounds that is on the east side of city hall.
 - G. "City hall lower patio north" shall mean that hard-surfaced portion of the city hall grounds that is on the north side of city hall and that is separated into two parts by the driveways that lead into the city hall's underground parking garage.
 - H. "City hall upper patio north" shall mean that hard-surfaced portion of the city hall grounds that is on the north side of city hall and that is above the city hall lower patio north.
 - I. The term "permit holder" shall mean the individual, group or organization to which a permit for use of the city hall grounds is issued.
 - J. The "primary use" of the city hall shall be for the conduct of the business of the government of the city of Columbus, Ohio.
 - K. The "primary use" of the city hall grounds shall be for facilitating the egress and ingress of persons having employment and business in and throughout city hall.
 - L. "Managing authority" means the director of the department of finance and management or his or her designee.
 - M. "Chief of police" means the chief of the division of police or the chief of police's ~~his or her~~ designee.

(Ord. 1698-04 § 1 (part); Ord. 1102-05 § 1 (part).)

227.02 Rules for public use of city hall grounds.

- A. The rules for public use provided in this section shall be applicable to all individuals and groups using city hall grounds for any event or activity that is not conducted or sponsored by the city of Columbus.
- B. No use of city hall grounds shall be permitted if such use:
 - 1) Unreasonably interferes with the primary use of the city hall or city hall grounds; or,
 - 2) Creates or causes a hazard to the safety of the public or city employees.
- C. The use of city hall grounds shall not be permitted for any activity conducted purely for profit or any activity in violation of city, state or federal laws, rules or regulations.
- D. There shall be equal access for all individuals and organizations in the use of city hall grounds regardless of race, religion, color, national origin, gender, sexual orientation, age or disability ~~handicap~~.
- E. Designated areas of city hall grounds shall be available for use on any day of the week between the hours of 8:00 a.m. to 9:00 p.m.
- F. There shall be no camping on city hall grounds.
- G. Only those signs, banners and flags being carried by individual persons may be used on city hall grounds. No signs, banners or flags on sticks, poles or stakes and no unattended free-standing signs, banners or flags shall be permitted.
- H. Nothing may be hung from or connected to any city property such as city hall, hand rails, planters, trees, statues or flag poles.

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- I. The use of shelter tents, chairs and tables are permitted on city hall grounds, but they must be removed from the grounds between the hours of 9:00 p.m. and 8:00 a.m.
 - J. No personal property used for an event or activity, to include shelter tents, chairs and tables, may remain on city hall grounds unattended, and in no case may remain on city hall grounds between the hours of 9:00 p.m. and 8:00 a.m.
 - K. No food or beverages or merchandise shall be sold or dispensed on city call grounds without the express permission of the managing authority.
 - L. No animals or pets of any kind shall be permitted on city hall grounds except guide dogs used by blind persons or by individuals with disabilities ~~handicaps~~, unless express permission is granted by the managing authority.
 - M. No alcoholic beverages shall be possessed or consumed on city hall grounds unless authorized by the Ohio Department of Commerce, Division of Liquor Control.
 - N. No flag other than the flag of the United States of America or its military services, the flag of this or any other state, county, or municipality of the United States of America, may be flown on city hall grounds on flag poles controlled by the city unless express permission is granted by the managing authority.
 - O. No contributions shall be solicited, nor shall any merchandise or service be sold, or sale solicited, on city hall grounds without the express permission of the managing authority.
 - P. The managing authority or the chief of police shall have the authority to order any individual or group violating any of the rules for use provided in this section to leave city hall grounds without delay. This authority shall be in addition to any other remedy otherwise provided by law.

(Ord. 1698-04 § 1 (part).)

229.04 Registration.

- (1) The city clerk shall develop "declaration of domestic partnership" and "notice of termination of domestic partnership" forms.
- (2) The "declaration of domestic partnership" form shall require each registrant to:
 - a. Affirm that the individual ~~he or she~~ meets the aforementioned requirements of this section;
 - b. Provide a mailing address;
 - c. Sign the form under penalty of perjury; and
 - d. Have a notary public acknowledge his or her signature.
- (3) The city shall have declaration and termination forms available at the office of the city clerk.
- (4) The city shall charge an administrative fee of fifty (\$50.00) dollars to persons filing a declaration of domestic partnership. No fee shall be charged for the filing of a notice of termination of domestic partnership.
- (5) The city shall register the declaration of domestic partnership in a registry and return a copy of the declaration form to the domestic partners at the address provided as their common residence.
- (6) The city shall register the notice of termination of domestic partnership pursuant to the aforementioned requirements set forth in this division.

(Ord. No. 1584-2012, § 1, 7-30-2012)

321.03 Columbus depository commission.

The city treasurer, city auditor and director of finance and management shall constitute a commission to be known as the Columbus depository commission, henceforth referred to as the commission, and shall serve as members of such commission without any additional compensation, but they shall be provided with the necessary books and stationery at the expense of the city. The city treasurer shall be the ~~chairperson chairman~~ and the city auditor shall be the secretary of such commission. The commission shall hold meetings which shall be open to the public at such times as may be required by ordinance and whenever called to meet by the ~~chairperson chairman~~, or by any two (2) of its members, and shall keep a record of its proceedings and file all official papers received by it, which record and papers shall be open to public inspection.

(Ord. 162-92; Ord. 1102-05 § 1 (part).)

321.06 Duties of city treasurer.

The city treasurer shall deposit daily all the funds of the city which may be in ~~his~~ the city treasurer's possession or which shall come therein, less a sum adequate to meet daily needs, which sum must be approved by the commission. All deposits and withdrawals shall be made in accordance with the determination of the commission. If at any time for any cause the commission shall not have secured sufficient depositories as provided in this chapter, and in all cases where money has been removed from a depository, and until sufficient depositories shall have been provided, such monies shall be and remain in the custody of the city treasurer, who shall be custodian thereof, the same as if no depository had been created. By the tenth day of each month, the city treasurer shall render to the commission a statement showing in detail all transactions with the depositories during the preceding month, and the balance on deposit to the credit of the city, and the balance in the hands of the city treasurer at the end of the month.

(Ord. 1796-75.)

321.08 Security requirements for depositories.

Banks receiving deposits shall furnish collateral securities in an amount at least five (5) percent greater than the maximum sum to be deposited. Eligible collateral securities furnished must be of the type described in Ohio R.C. 135.18 entitled "Security for repayment of public deposits." Eligible collateral shall also include such insurance as may be provided by the Federal Deposit Insurance Corporation. If any bank to which an award is made shall fail to transfer and deliver the collateral securities herein required to the acceptance of the commission within five (5) days after such award is made, the commission may then award the use of such money to any other bank whose bid has been received and which offers the next highest rate of interest, or in its discretion may seek further bids. Any successful bidder may, at any time, with the consent and approval of the city treasurer substitute any eligible security acceptable to the commission for that first offered or given.

An institution designated as a public depository may, by written notice to the commission and to the city treasurer, designate a qualified trustee satisfactory to the commission and deposit the eligible securities required by this section with the designated trustee for safekeeping for the account of the city treasurer and the institution as a public depository, as their respective rights to and interest in such securities may from time to time appear and be asserted by written notice to or demand upon the trustee.

In such case, the treasurer shall accept the written receipt of the designated trustee, describing such securities, as and for a pledge of such described securities, and issue to the commission written acknowledgment to that effect, keeping a copy thereof in ~~his~~ the treasurer's office. Thereupon the securities described in such trustee's receipt shall be deemed to have been pledged with the city treasurer and to have been deposited.

(Ord. 321-96; Ord. 20-01 § 1; Ord. No. 2044-2019 , § 1, 7-29-2019)

321.081 Optional pledging requirements—Trustee for safekeeping of securities—Sale upon default.

- (A) As used in this section:
- (1) "Public depository" means that term as defined in Ohio R.C. 135.01, but also means an institution which receives or holds any public deposits as defined in Ohio R.C. 135.31.
 - (2) "Public deposits," "public moneys," and "treasurer" mean those terms as defined in Ohio R.C. 135.01, but also have the same meanings as are set forth in Ohio R.C. 135.31.
 - (3) "Subdivision" means that term as defined in Ohio R.C. 135.01, but also includes a county and the city of Columbus.
- (B) In lieu of the pledging requirements prescribed in Section 321.08 of the Columbus City Codes, an institution designated as a public depository at its option may pledge a single pool of eligible securities to secure the repayment of all public moneys deposited in the institution and not otherwise secured pursuant to law, provided that at all times the total value of the securities so pledged, based on the valuations prescribed in subsection (C) of this section, is at least equal to one hundred five (105) percent of the total amount of all public deposits to be secured by the pooled securities, including the portion of such deposits covered by any federal deposit insurance. In the alternative, the city treasurer may authorize the institution to use the Ohio Pooled Collateral program as set forth in R.C. 135.182. Each such institution shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total value of securities pledged to secure such deposits.
- (C) The following securities, at the specified valuations, shall be eligible as collateral for the purposes of division (B) of this section, provided no such securities pledged as collateral are at any time in default as to either principal or interest:
- (1) Obligations of or fully insured or fully guaranteed by the United States or any federal government agency: at face value;
 - (2) Obligations partially insured or partially guaranteed by any federal government agency: at face value;
 - (3) Obligations of or fully guaranteed by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation: at face value;
 - (4) Obligations of any state, county, municipal corporation, or other legally constituted authority of any state, or any instrumentality of any state, county, municipal corporation, or other authority, which are secured as to the payment of principal and interest by the holding in escrow of obligations of the United States for which the full faith and credit of the United States is pledged: at face value;
 - (5) Obligations of this state, or any county or other legally constituted authority of this state, or any instrumentality of this state, or such county or other authority: at face value;
 - (6) Obligations of any other state: at ninety (90) percent of face value;
 - (7) Obligations of any county, municipal corporation, or other legally constituted authority of any other state, or any instrumentality of such county, municipal corporation, or other authority: at eighty (80) percent of face value;
 - (8) Notes representing loans made to persons attending or planning to attend eligible institutions of education and to their parents, and insured or guaranteed by the United States or any agency,

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(Supp. No. 69, 4/21)

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- department, or other instrumentality thereof, or guaranteed by the Ohio Student Aid Commission pursuant to Ohio R.C. 3351.05 to 3351.14: at face value;
- (9) Any other obligations the treasurer of state approves: at the percentage of face value the treasurer of state ~~he~~ prescribes;
- (10) Shares of no-load money market mutual funds consisting exclusively of obligations described in division (C)(1), (2), or (3) of this section and repurchase agreements secured by such obligations: at face value.
- (D) The state and each subdivision shall have an undivided security interest in the pool of securities pledged by a public depository pursuant to division (B) of this section in the proportion that the total amount of the state's or subdivision's public moneys secured by the pool bears to the total amount of public deposits so secured.
- (E) An institution designated as a public depository shall designate a qualified trustee and deposit with the trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The institution shall give written notice of the qualified trustee to any treasurer or treasurers depositing public moneys for which such securities are pledged. The treasurer shall accept the written receipt of the trustee describing the pool of securities so deposited by the depository, a copy of which also shall be delivered to the depository.
- (F) Any federal reserve bank or branch thereof located in this state, without compliance with Ohio R.C. 1109.03, 1109.04, 1109.17, and 1109.18 and without becoming subject to Ohio R.C. 1109.15 or any other law of this state relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in Ohio R.C. 135.03 or 135.32(A) which holds a certificate of qualification issued by the Superintendent of Financial Institutions or any institution complying with Ohio R.C. 1109.03, 1109.04, 1109.17, and 1109.18 is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in Ohio R.C. 1101.01(A). Upon application in writing by any such institution, the Superintendent shall investigate the applicant and ascertain whether or not it has been authorized to execute and accept trusts in this state and has safe and adequate vaults and efficient supervision thereof for the storage and safekeeping of such securities. If the Superintendent finds that the applicant has been so authorized and does have such vaults and supervision thereof, he shall approve the application and issue a certificate to that effect, the original or any certified copy of which shall be conclusive evidence that the institution named therein is qualified to act as trustee for the purposes of this section with respect to securities other than those belonging to itself or to an affiliate.
- (G) The public depository at any time may substitute, exchange, or release eligible securities deposited with a qualified trustee pursuant to this section, provided that such substitution, exchange, or release does not reduce the total value of the securities, based on the valuations prescribed in division (C) of this section, to an amount that is less than one hundred five (105) percent of the total amount of public deposits as determined pursuant to division (B) of this section.
- (H) Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee shall have no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, but not limited to, a substitution or exchange of securities, but excluding those situations effectuated by division (I) of this section in which the trustee is required to determine face and market value.
- (I) If the public depository fails to pay over any part of the public deposits made therein as provided by law and secured pursuant to division (B) of this section, the treasurer shall give written notice of this failure to the qualified trustee holding the pool of securities pledged against public moneys deposited in the depository, and at the same time shall send a copy of this notice to the depository. Upon receipt of such notice, the trustee shall transfer to the treasurer for public sale such of the pooled securities as may be necessary to produce an amount equal to the deposits made by the treasurer and not paid over, less the portion of such deposits covered by any federal deposit insurance, plus any accrued interest due on such deposits; however,

such amount shall not exceed the state's or subdivision's proportional security interest in the market value of the pool as of the date of the depository's failure to pay over the deposits, as such interest and value are determined by the trustee. The treasurer shall sell at public sale any of the bonds or other securities so transferred. Thirty (30) days notice of such sale shall be given in a newspaper of general circulation at Columbus, in the case of the treasurer of state, and at the county seat of the county in which the office of the treasurer is located, in the case of any other treasurer. When a sale of bonds or other securities has been so made and upon payment to the treasurer of the purchase money, the treasurer shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due the state or subdivision and expenses of sale shall be paid to the public depository.

- (J) Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or subdivision or to the treasurer or to any officer of the state or subdivision. Such charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in such securities of the state or subdivision or of the treasurer. The treasurer and ~~his~~ the treasurer's bondsmen or surety shall be relieved from any liability to the state or subdivision or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.
- (K) In lieu of placing its unqualified endorsement on each security, a public depository pledging securities pursuant to division (B) of this section that are not negotiable without its endorsement or assignment may furnish to the qualified trustee holding the securities an appropriate resolution and irrevocable power of attorney authorizing the trustee to assign the securities. The resolution and power of attorney shall conform to such terms and conditions as the trustee prescribes.
- (L) Upon request of a treasurer no more often than four (4) times per year, a public depository shall report the amount of public moneys deposited by the treasurer and secured pursuant to division (B) of this section, and the total value, based on the valuations prescribed in division (C) of this section, of the pool of securities pledged to secure public moneys held by the depository, including those deposited by the treasurer. Upon request of a treasurer no more often than four (4) times per year, a qualified trustee shall report such total value of the pool of securities deposited with it by the depository and shall provide an itemized list of the securities in the pool. These reports shall be made as of the date the treasurer specifies. The city treasurer shall request the public depository and the qualified trustee to provide the information detailed in Section 321.081(L) not less than four (4) times per year and on a quarterly basis. The public depository and the qualified trustee are required to comply and provide the information detailed in Section 321.081(L).

(Ord. 321-96; Ord. 1540-03 § 1; Ord. 1132-2008 Attach. (part); Ord. No. 3082-2017 , § 1, 12-11-2017; Ord. No. 2044-2019 , § 2, 7-29-2019)

325.03 Treasurer investment account—Interest coupons.

The city auditor shall maintain an account, to be known as the "treasury investment account" in which the city auditor ~~he~~ shall enter all transactions relating to the investment of treasury funds under this chapter.

The city treasurer shall maintain a record and furnish daily to the city auditor and the director of finance and management reports of all items entered thereon, showing all bonds or other securities purchased or sold for the treasury account, with the identifier number, maturity date, purchase date, and interest rate of each. If no bonds or other securities are purchased or sold, then no such report need be furnished for that day.

The city treasurer shall keep a record of the number and maturity of interest coupons, and whenever any such securities or interest coupons are due, the city auditor shall issue an order for their collection, in the same manner as other receipts are collected.

(Ord. 543-95; Ord. 1102-05 § 1 (part).)

328.03 Duties.

The duties of the "land review commission" shall be as follows:

- (A) To receive written proposals in accordance with Section 328.01, from any and all departments, officers, boards or commissions desiring to sell real property.
- (B) To review proposals for the sale by the city of real property, including right-of-way as well as encroachment easements for which mitigating circumstances have been identified giving due consideration to relevant factors, including, but not limited to:
 - (1) Appropriateness of the transaction affecting the particular property in light of current or future city objectives or needs;
 - (2) The proposed development and use of the particular real property.
 - (3) Fair market value estimate for the subject property; and
 - (4) Mitigating circumstances that can be identified by the city which provide a public benefit and that could result in the reduction or elimination of the purchase price for the property to be sold.
- (C) To recommend the means by which the subject property would be sold, whether bid or otherwise, where appropriate;
- (D) To recommend that certain action be taken by the department, officer, board or commission prior to seeking ~~council~~ city authority from council to offer for sale real property.
- (E) To advise the administration and city council in matters relating to the offer for sale of real property and any development associated therewith.
- (F) To make recommendations from time to time to the city council on desirable legislation concerning the sale of interest in real property.
- (G) To provide for regular and special meetings at which written proposals and other matters relating to the duties of the land review commission may be discussed and considered by members of the commission, officers and personnel of the city, and other persons invited by the commission to attend a regular or special meeting because of their interest in a specific matter under consideration.
- (H) To receive assignments from the mayor or city council for study, consideration and recommendation regarding any problems confronting the city concerning transactions affecting real property or interests therein.
- (I) To exercise such other powers, authority and duties granted to it by ordinances or resolutions heretofore or hereinafter enacted by council.
- (J) To make, modify, change and promulgate such rules, policies and procedures as in its discretion are deemed necessary for the orderly and efficient operation of the duties set forth above.

(Ord. 2621-93; Ord. 1102-05 § 1 (part).)

329.01 Definitions.

As used in this chapter:

- (a) Best Bidder. The bidder who, considering all relevant factors set forth in this chapter, will be, on the whole, best for the public.
- (b) Bidder. An individual or business entity which has expressed an interest in obtaining a city contract by responding to an invitation for bids.

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- (c) Business Entity. Any trade, occupation, or profession carried out for profit by any of the following organizations existing under the laws of the State of Ohio, the United States, or any other state: a corporation, trust, association, general or limited partnership, sole proprietorship, joint stock company, joint venture, limited liability company, or any other private legal entity. Business entity does not include any not-for-profit entity as defined in this section, provided such entity is not in direct competition with a for-profit entity capable of delivering the same services.
 - (d) City Agency. Any department of the government of the city of Columbus.
 - (e) Contract. Any agreement for the procurement of materials, supplies, equipment, construction, service or professional service made between a city agency and a contractor.
 - (f) Construction.
 - (1) Construction, as it relates to a public improvement, includes the following:
 - (a) The construction of new buildings and structures, including site preparation.
 - (b) Additions, alterations, conversions, expansions, reconstruction, renovations, rehabilitations, and major replacements of a building or structure, including, but not limited to, the complete replacement of a roof.
 - (c) Major mechanical and electrical system installations and upgrades, including, but not limited to, plumbing, heating and central air conditioning, boilers, ventilation systems, fire suppression systems, pump systems electrical work, elevators, escalators, and other similar building services that are built into the facility.
 - (d) New, fixed outside structures or facilities, including, but not limited to, sidewalks and trails, highways and streets, bridges, parking lots, utility connections, outdoor lighting, water supply lines, sewers, water and signal towers, electric light and power distribution and transmission lines, playgrounds and equipment, parks with features, retaining walls, and similar facilities that are built into or fixed to the land, including site preparation.
 - (e) Additions, alterations, expansions, reconstruction, renovations, rehabilitations, and major replacements of a fixed, outside structure.
 - (f) Major earthwork for land improvements for parks and recreation fields.
 - (g) Blasting, demolition, dredging, drilling, excavating and/or shoring.
 - (2) Construction, as it relates to a public improvement, does not include the following:
 - (a) Annual, routine, or minor maintenance and repairs to existing buildings and structures, including, but not limited to, painting, patching, and carpet cleaning.
 - (b) Annual, routine, or minor maintenance and repairs to building systems, including, but not limited to, plumbing, heating and central air conditioning, boilers, ventilation systems, fire suppression systems, pump systems electrical work, elevators, escalators, carpet replacement and other similar building services that are built into the facility.
 - (c) Annual, routine, or minor maintenance and repairs to fixed, outside structures or facilities, including, but not limited to, cleaning, sealing, landscaping, and tree removal.
 - (d) Cost and installation of special purpose equipment designed to prepare the structure for a specific use, including, but not limited to, furniture and equipment for an office.

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- (3) For purposes of prequalification, as required by this Chapter, construction does not include demolition or deconstruction of any structure owned by the city's land bank or any structure located in an area zoned for residential use as defined in Title 33 of City Code.
- (g) Construction Contract. Any agreement for the procurement of services, including labor and materials, for the construction of public improvements, including but not limited to streets, highways, bridges, sewers, water lines, power lines and plant facilities.
- (h) Contractor. Any individual or business entity which has a contract with a city agency.
- (i) Director. The chief officer of any city agency.
- (j) Electronic Agent. A computer program or an electronic or other automated means used independently to initiate action or respond to electronic records or performances in whole or in part, without review or action by an individual, as set forth in Ohio Revised Code Section 1306.01(F) or a successor to that section.
- (k) Electronic Signatures. The receipt of any authorized signature by any photographic, photostatic, or mechanical, computer-generated or digital means.
- (l) Employee. Has the same meaning as Section 361.07.
- (m) Employer. Has the same meaning as Section 361.06.
- (n) Environmentally Preferable Product or Service. Materials, supplies, equipment, construction and/or services which have a lesser or reduced negative impact on human health and the environment when compared to competing materials, supplies, equipment, construction and services that serve the same purpose.
- (o) Executive Officer. As determined by the director of finance and management or designee, any of the following natural persons, based upon the organization of the business entity and provided that the individual's work is related to the business entity's industrial classification code as reported to the federal government: chair of the board, chief executive officer or other chief officer, president, general counsel, or vice president or equivalent in charge of a business unit or division of a corporation; sole proprietor; owner; managing partner, senior partner, administrative partner, member, manager or officer of a general or limited partnership, or limited liability company; trustee; or the equivalent of the aforementioned.
- (p) Full-Time Employees. For persons directly performing construction service work in Ohio, full-time employees means the product of the total number of hours worked by all construction service work employees of the entity in the previous fiscal year divided by one thousand two hundred eighty (1,280). For all other persons performing work in Ohio, full-time employees means the product of the total number of hours worked by all other employees of the entity in the previous fiscal year divided by two thousand eighty (2,080).
- (q) Health Insurance. An adequate and affordable health insurance benefit provided by an employer to an employee. The employer must provide the benefit as part of an overall compensation plan and the benefit cannot be limited to a specific project. A health insurance benefit is "adequate and affordable" if it meets both the minimum value and affordability requirements established in rules promulgated pursuant to Public Law 111-148, The Patient Protection and Affordable Care Act or a successor to that law. The benefit must otherwise meet the requirements of a "bona fide" fringe benefit, as defined in 29 CFR 4.171 or a successor to that section. An employer may provide a health insurance benefit through the Small Business Health Options Program, pursuant to Public Law 111-148, so long as it otherwise meets the criteria of this definition. For the purposes of construction prequalification, the foregoing shall apply only to those persons performing construction service work, as defined by rule of the director of finance and management or designee.

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- (r) Indefinite Quantity Contract. A contract that provides for an indefinite quantity of goods or services for a fixed time and fixed price, with deliveries or services to be scheduled at designated locations upon order.
 - (s) Licensed Construction Trade. A person or business entity who has a current and valid license issued or recognized by the city, the Ohio construction industry licensing board, pursuant to Ohio Revised Code Section 4740.01 or a successor to that section, or the Ohio state fire marshal, pursuant to Ohio Revised Code Section 3737.65 or a successor to that section, to perform work as a contractor or subcontractor in the following trades: heating, ventilating, and air conditioning, refrigeration, electrical, plumbing, hydronics, or fire protection or firefighting equipment installed within a public improvement, or any other skilled trade approved by the director of finance and management or designee.
 - (t) Life Cycle Costs. The cost of operating and maintaining an item or equipment over the duration of its useful life.
 - (u) Local Bidder. A bidder or offeror who meets the definition of a local business, as determined by the director of finance and management or his/her designee.
 - (v) Local Business. A business entity that has current and fixed local occupancy and is a taxpayer in good standing, as determined by the finance and management director or designee.
 - (1) Current and Fixed Local Occupancy. A business entity that submits proof to the city demonstrating that it owns or leases office space within the corporate limits of the city of Columbus and that such office space meets all of the following criteria:
 - (a) Is occupied and used by at least one (1) executive officer of the business entity; and
 - (b) Has been owned or leased by the business entity for no less than twenty-four (24) consecutive months immediately preceding the date such proof is submitted; or if a business entity has relocated within the city of Columbus during the preceding twenty-four (24) months, it has owned or leased otherwise eligible office space for twenty-four (24) consecutive months immediately preceding the date such proof is submitted; and
 - (c) Is none of the following: Post Office boxes or similar mailing addresses; moveable work sites, such as construction trailers or offices at a construction job site; locations zoned for residential use, unless such location is the sole office space owned and/or leased by the business entity; or locations occasionally rented or used by the business entity for temporary business functions, such as office meetings or teleconferences.
 - (2) Taxpayer in Good Standing. A business entity that submits proof to the city demonstrating that it has filed returns for both net profits and payroll taxes with the city of Columbus for no less than two (2) consecutive fiscal years preceding the date such proof is submitted. The business entity must further submit proof to the city demonstrating one (1) of the following:
 - (a) That the business entity is current and compliant in the payment of any city of Columbus taxes on payroll and net profits at the time such proof is submitted; or
 - (b) If the business entity is not current and compliant in the payment of any city of Columbus taxes on payroll and net profits, that the business entity has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement at the time such proof is submitted.
 - (w) Local Workforce. A workforce whereby at least fifteen (15) percent of the business entity's full-time equivalent employees in Ohio reside in the city of Columbus, as determined by the finance and management director or designee.
 - (x) Manifestly Impractical. Readily perceived or obvious to not be useful or advantageous.
 - (y) Not-for-Profit Contract. An agreement for the delivery of services to the public, which are not currently performed or provided by an existing city agency, for maintaining or improving the health and welfare of the

citizens of the city, which is made between a city agency and another governmental agency or a not-for-profit organization as recognized by the Internal Revenue Service, the Department of Housing and Urban Development, or any other applicable federal or state agency, which is not in direct competition with a private for-profit organization capable of delivering the same services.

- (z) Offeror. An individual or business entity which has expressed an interest in obtaining a city contract by responding to a request for statements of qualifications or request for proposals.
- (aa) Prequalified Not Responsible. An entity who has not met the requisite criteria and/or not received a score necessary to be deemed responsible or provisionally responsible by prequalification and, as result, is not approved to bid or subcontract on construction service contracts with the city.
- (bb) Prequalified Provisionally Responsible. An entity who has met the requisite criteria and received a score necessary to be deemed provisionally responsible by prequalification, and, as result, is approved on a temporary basis, not to exceed twelve (12) consecutive months from the date of approval, to bid or subcontract on construction service contracts with the city.
- (cc) Prequalified Responsible. An entity who has met the requisite criteria and received a score necessary to be deemed responsible by prequalification and, as result, is approved to bid or subcontract on construction service contracts with the city.
- (dd) Procurement. The buying, purchasing, renting, leasing or acquisition by any other manner of any materials, supplies, equipment, construction, service or professional service.
- (ee) Professional Service. A service which usually requires advanced training and/or a significant degree of expertise to perform, and which often requires official certification or authorization by the state as a condition precedent to the rendering of such service. By way of example, professional services include the personal services rendered by architects, attorneys-at-law, certified public accountants, financial consultants, city and regional planners, management consultants and professional engineers.
- (ff) Public Improvement. All buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works, and all other structures or works constructed by the city of Columbus or by any person or business entity who, pursuant to a contract with the city of Columbus, constructs any structure or works for the city of Columbus. For the purposes of this definition, "city of Columbus" means any officer, board, or commission of the city of Columbus authorized to enter into contract for the construction of a public improvement or to construct the same by the direct employment of labor, or any entity supported in whole or in part by funds from the city of Columbus and shall apply to such entities' expenditures made in whole or in part from such public funds.
- (gg) Quality Training. With respect to persons performing licensed construction trade work in Ohio, employees who have done at least one (1) of the following:
 - (1) Graduated from or are participating in a bona fide apprenticeship program that is approved by the Ohio State Apprenticeship Council, as defined in the Ohio Administrative Code Section 4101:9-4-02(C) or a successor to that section, or the United States Department of Labor, as defined in 29 CFR 29.2(f) or a successor to that section, if such apprenticeship programs are available; or
 - (2) Have at least five (5) years of experience in the specific trade.
- (hh) Responsible Bidder. A bidder who has the capability and capacity in all respects to fully perform the contract requirements and whose experience, integrity and reliability will assure good faith performance.
- (ii) Responsible Wage. The wage paid to a bidder's employees for custodial, landscaping, guard and security services, cleaning and recycling services rendered to any city agency, which shall be equal to or better than the wage actually paid to the lowest paid city full-time employee per the city's effective contracts with its bargaining units.

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- (jj) Responsibility Prequalification. The annual process by which an entity is approved or disapproved to bid or subcontract on construction service contracts with the city, based on a uniform evaluation of objective criteria related to the responsibility of the entity.
 - (kk) Responsibility Prequalification Application. A form prescribed by the director of finance and management whereby an entity may seek responsibility prequalification.
 - (ll) Responsive Bidder. A bidder who has submitted a bid which conforms in all material respects to the requirements set forth in an invitation for bids.
 - (mm) Retirement or Pension Plan. A retirement or pension benefit provided by an employer to an employee as part of an overall compensation plan and not as a benefit limited to a specific project. The plan must meet the requirements of a "bona fide" fringe benefit, as defined in 29 CFR 4.171 or a successor to that section. For the purposes of construction prequalification, the foregoing shall apply only to those persons performing construction service work, as defined by rule of the director of finance and management or designee.
 - (nn) Subcontractor. Any business entity who undertakes to perform any portion of work on a city project under a contract with an entity other than a city agency.
 - (oo) Universal Term Contract (UTC). An agreement authorized by ordinance of city council and established by the director of finance and management or designee, for the option to purchase or sell an estimated amount of goods or services at a specified rate or price schedule for a specified time period.
 - (pp) Unsatisfactory Judgment. A final decision, order, or verdict in a judicial, quasi-judicial or administrative proceeding, after all available appeals have either been exhausted or waived, in which a determination of civil liability, criminal conviction, or administrative penalty was imposed upon the individual or entity for violating any applicable federal, state, or local laws, rules, or regulations.
- (Ord. No. 3062-2014, § 3, 12-15-2014; Ord. No. 1196-2015, § 1, 7-13-15; Ord. No. 1970-2017, § 1(Att.), 7-31-17; Ord. No. 3023-2017, § 1(Att.), 12-11-2017)

329.08 City attorney review—Establishment of standard contracts and contract clauses.

All contracts shall be reviewed by and approved as to form by the city attorney or a representative of the city attorney. Any contract which has not been reviewed and approved by the city attorney or ~~his/her~~ designated representative shall be void and unenforceable against the city and its officials. The city attorney, in consultation with the director of finance and management or designee, may establish standard procurement contracts and standard contract language and clauses for use in or as procurement contracts where appropriate.

(Ord. No. 3062-2014, § 3, 12-15-2014)

335.04 City employee losses.

The various department heads are authorized to settle claims with employees of the city for loss or damage to their personal property arising from or because of any occurrence suffered by employees duly acting within the scope of their employment and within the hour of actual employment under the following conditions:

- (A) No employee shall be reimbursed for any loss in excess of three hundred dollars (\$300.00) per item of personal property lost or damaged.
- (B) No individual employee shall be reimbursed for more than six hundred dollars (\$600.00) for all items of personal property lost or damaged as a result of any one incident.

The city auditor is authorized to draw ~~his~~ a warrant upon the city treasurer in payment of any claim presented as set forth in this section, upon receipt of a voucher certifying the date, time, location and description of the incident which is the cause of the claim. The voucher shall be approved by the

appropriate department head as being fair and accurate reimbursement for the article damaged or lost.

- (C) No employee shall be reimbursed for any item of personal property lost or damaged wherein the employee has been negligent in the occurrence in which the alleged loss arose.

(Ord. 1681-77; Ord. 1576-00 § 2 (part).)

361.15 Place of business.

"Place of business" means any bona fide office (other than a mere statutory office), factory, warehouse or other place which is occupied and used by the taxpayer in carrying on any business activity individually or through any one (1) or more of ~~his~~ the taxpayer's regular employees regularly in attendance.

(Ord. 1516-61.)

361.20 Allocation of net profits.

- (a) In the taxation of income which is subject to the tax, if the books and records of a taxpayer conducting a business or profession both within and without the boundaries of the city shall disclose with reasonable accuracy what portion of its net profit is attributable to that part of the business or profession conducted within the boundaries of the city, then only such portion shall be considered as having taxable situs in the city for purposes of the tax. In the absence of such records, net profit from a business or profession conducted both within and without the boundaries of the city shall be considered as having a taxable situs in the city for purposes of the tax in the same proportion as the average ratio of:

- (1) The average net book value of the real and tangible personal property owned by the taxpayer in the business or profession in the city during the taxable period to the average net book value of all of the real and tangible personal property owned by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight (8);

- (2) Qualifying wages earned or deemed received during the taxable period by persons employed in the business or professions for services performed in the city to qualifying wages earned or deemed received during the same period by persons employed in the business or profession, wherever their services are performed;
- (3) Gross receipts of the business or profession from sales made and service performed during the taxable period in the city to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.
- (b) In the event that the foregoing allocation formula does not produce an equitable result, another basis may, under uniform regulations be substituted by the city auditor so as to produce such result.
- (c) As used in this chapter, "sales made in the city" means:
- (1) All sales of tangible personal property which is delivered within the city regardless of where title passes if shipped or delivered from a stock of goods within the city;
- (2) All sales of tangible personal property which is delivered within the city regardless of where title passes even though transported from a point outside the city if the taxpayer is regularly engaged through ~~his~~ the taxpayer's own employees in the solicitation or promotion of sales within the city and the sales result from such solicitations or promotion;

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- (3) All sales of tangible personal property which is shipped from a place within the city to purchasers outside the city regardless of where title passes if the sale is not generated through solicitation or promotion by an employee of the taxpayer at the place where delivery is made.

(Ord. 2890-90; Ord. No. 2937-2013, § 1, 10-20-2014)

361.22 Return and payment of tax.

- (a) Each taxpayer who engages in business, or whose qualifying wages, commissions and other compensation are subject to the tax imposed by this chapter shall, whether or not a tax be due thereon, make and file a return on or before April 15 of each year with the city auditor on a form furnished by or obtainable from the city auditor, setting forth the aggregate amount of qualifying wages, commissions and other compensation earned or deemed to be received and/or net profits earned and/or gross income from such business less allowable expenses in the acquisition of such gross income earned during the preceding year and subject to the tax, together with such other pertinent information as the city auditor may require. Provided, however, that when the return is made for a fiscal year or other period different from the calendar year, the return shall be made on or before the fifteenth day of the fourth month after the close of said fiscal year or other period.
- (b) Commencing with taxable years beginning subsequent to December 31, 1981, the net loss from an unincorporated business activity may not be used to offset qualifying wages, or the net profits from a resident's share in a Subchapter S corporation. However, if a taxpayer is engaged in two (2) or more taxable unincorporated business activities to be included in the same return, the net loss of one (1) unincorporated business activity (except any portion of a loss separately reportable for municipal tax purposes to another taxing entity) may be used to offset the profits of another for purposes of arriving at overall net profits from unincorporated business activities. Commencing with taxable years beginning subsequent to December 31, 2000, the net loss from a resident's share of a Subchapter S corporation may not be used to offset qualifying wages, or the net profits from an unincorporated business activity. However if a resident taxpayer is a shareholder in two (2) or more Subchapter S corporations to be included in the same return, the net loss of one (1) Subchapter S corporation (except any portion of a loss separately reportable for municipal tax purposes to another taxing entity) may be used to offset the profits of another for purposes of arriving at overall net profits from a resident's share in Subchapter S corporations. A husband and wife, in any taxable year, may elect to file separate or joint returns. Losses from gaming, wagering, sweepstakes, and games of chance shall not be used to offset any sources of taxable income except those losses allowed for Federal Income Tax purposes from the operation of a trade or business.
- (c) If a net operating loss has been sustained in any taxable year such losses may not be carried forward or backward to any other taxable year.
- (d) Affiliated corporations may not deduct a loss from any other corporation having a taxable profit. Operations of any affiliated corporation may not be taken into consideration in computing net profits or the business allocation percentage formula of another.
- (e) The taxpayer making a return shall, at the time of the filing thereof, pay to the city auditor the amount of taxes shown as due thereon; provided, however, that where any portion of the tax so due shall have been deducted at the source pursuant to the provisions of City codes Section 361.24, or where any portion of said tax has been paid by the taxpayer pursuant to the provisions of City codes Section 361.25 or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with City codes Section 361.33 shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing said return.
- (f) A taxpayer who has overpaid his income tax in any taxable year may request a refund provided, however, there is no other tax liability and provided, further, that no amount of less than one dollar (\$1.00) will be refunded or collected.

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- (g) The city auditor shall have the authority to extend the time for filing of the annual return provided, the request of the taxpayer for extension is made in writing and received on or before the original due date of the return. The extension period requested may not exceed six (6) months. The city auditor may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon on or before the original due date. No penalty shall be assessed, in those cases in which the return is filed and the final tax paid within the period as extended.
 - (h) When the last day for filing a return falls upon a Saturday, Sunday or federal holiday, the taxpayer shall be permitted to file on or before the first business day following said Saturday, Sunday or federal holiday without penalty.

(Ord. 1983-96; Ord. 2624-00 § 1 (part).)

(Ord. No. 1769-2012, § 4, 7-30-2012; Ord. No. 2937-2013, § 1, 10-20-2014)

361.24 Collection at source.

- (a) Each employer within or doing business within the city, shall deduct at the time any qualifying wages are earned or deemed to be received by the employee, the tax of two and one-half (2.5) percent of the gross qualifying wages, earned or deemed to be received from said employer to said employee and shall, on or before the last day of the month following the close of each calendar quarter, make a return showing the amount of taxes so deducted and a record of payments showing that all taxes deducted during the quarter have been paid to the city in accordance with the payment schedule prescribed by subsection (c) hereof. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld. Every employer or officer of a corporation is deemed to be a trustee for this municipality in collecting and holding the tax required under the ordinance to be withheld and the funds so collected by such withholding are deemed to be trust funds.
- (b) In the case of employees who are non-resident professional athletes, the deduction and withholding of personal service compensation shall attach to the entire amount of qualifying wages, commissions, and other compensation earned or deemed to be received for games that occur in the taxing community. In the case of a non-resident athlete not paid specifically for the game played in a taxing community, the following apportionment formula must be used: The qualifying wages, commissions, and other compensation earned or deemed to be received and subject to tax is the total income earned or deemed to be received during the taxable year, including incentive payments, signing bonuses, reporting bonuses, incentive bonuses, roster bonuses and other extras, multiplied by a fraction, the numerator of which is the number of exhibition, regular season, and post-season games the athlete played (or was available to play for ~~his~~ the athlete's team, as for example, with substitutes), or was excused from playing because of injury or illness, in the taxing community during the taxable year, and the denominator of which is the total number of exhibition, regular season, and post season games which the athlete was obligated to play under contract or otherwise during the taxable year, including games in which the athlete was excused from playing because of injury or illness. Exhibition games are only those games played before a paying audience, and played against another professional team from the same professional league. In the case of non-resident salaried athletic team employees who are not professional athletes, deduction and withholding shall attach to qualifying wages, commissions, and other compensation earned or deemed to be received for personal services performed in the city.
- (c) Employers shall pay to the city all income taxes withheld or required to be deducted and withheld on either a semimonthly, monthly or quarterly basis depending on the amount of taxes involved according to the following payment schedule:
 - (1) Semimonthly payments of the taxes deducted are to be made by an employer if (1) the total taxes deducted in the prior calendar year were twelve thousand (\$12,000.00) dollars or more, or (2) the

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- amount of taxes deducted for any month in the preceding quarter exceeded one thousand (\$1,000.00) dollars. Such payment shall be paid to the city within five (5) banking days after the fifteenth and the last day of each month.
- (2) Monthly payments of taxes withheld shall be made by an employer if the taxes withheld in the prior calendar year were less than twelve thousand (\$12,000.00) dollars but more than two thousand three hundred ninety-nine (\$2,399.00) dollars or if taxes withheld during any month for the preceding quarter exceeded two hundred (\$200.00) dollars. Commencing with taxable years subsequent to December 31, 1998, monthly payments of taxes withheld shall be made by an employer if the taxes withheld in the prior calendar year were less than twelve thousand (\$12,000.00) dollars but more than three thousand five hundred ninety-nine (\$3,599.00) dollars or if taxes withheld during any month for the preceding quarter exceeded three hundred (\$300.00) dollars. Such payments shall be paid to the city within fifteen (15) days after the close of each calendar month. However, those taxes accumulated for the third month of a calendar quarter by employers making monthly payments pursuant to this paragraph need not be paid until the last day of the month following such quarter.
- (3) All employers not required to make semimonthly or monthly payments of taxes withheld under (1) and (2) of this subsection shall make quarterly payments no later than the last day of the month following the end of each quarter.
- (d) Each employer who maintains a place of business in the city and another branch within the metropolitan area of the city, must also withhold the tax from employees residing in the city but working at the employer's metropolitan area branch even though the payroll records and place of payment are outside the city.
- (e) The employer shall make and file a return on a form furnished by the city auditor, showing the amount of tax deducted by said employer from the qualifying wages, commissions or other compensation of any employee and paid by the employer to the city treasurer. Such employer's return shall be accepted as the return required of an employee whose sole income subject to the tax under Chapter 361 is the qualifying wages, commissions or other compensation reported by said employer.
- (f) Each employer, on or before the thirty-first day of January, unless written request for thirty-days extension is made to and granted by the city auditor, following any calendar year in which such deductions have been made, or should have been made by an employer, shall file with the city auditor an information return for each employee from whom income tax has been or should have been withheld showing the name and address of the employee, the total amount of qualifying wages earned or deemed to be received by said employee during the year, and the amount of city income tax withheld or that should have been withheld from such qualifying wages.
- (g) Where a resident of the city performs service for his employer in another municipality, which services are subject to withholding in the other municipality, the employer shall have the authority to reduce the withholding to the city to the extent of the tax liability in the other municipality.
- (h) The officer or the employee having control or supervision of or charged with the responsibility of filing the report and making payment, is personally liable for failure to file the report or pay the tax due as required by this section. The dissolution of a corporation does not discharge an officer's or employee's liability for a prior failure of the corporation to file returns or pay tax due.
- (i) Each casino operator shall deduct and withhold the required amount of tax due from a person's winnings and timely remit said taxes in accordance with Ohio Revised Code Section 5747.063.
- (j) Each video lottery terminal sales agent shall deduct and withhold the required amount of tax due from a person's prize award from a video lottery terminal and timely remit said taxes in accordance with Ohio Revised Code Section 5747.064.
- (k) Each casino operator and video lottery terminal sales agent shall make and file a return on a form furnished by the city auditor, showing the amount of tax deducted from a person's winnings and prize award and paid

to the city treasurer in accordance with Ohio Revised Code Sections 5747.063 and 5747.064. Such casino operator's return and video lottery terminal sales agent's return shall be accepted as the return required of each person whose winnings are subject to the tax under Chapter 361.

(Ord. 2246-82; Ord. 2658-97; Ord. 2624-00 § 1 (part).)

(Ord. No. 0674-2009, §§ 6, 7, 9-14-2009; eff. 10-1-2009; Ord. No. 1769-2012, § 5, 7-30-2012; Ord. No. 2937-2013, § 1, 10-20-2014)

361.26 Duties of the city treasurer.

It shall be the duty of the city treasurer to collect and receive the tax imposed by this chapter in the manner prescribed by this chapter, and it shall also be ~~his~~ the city treasurer's duty to keep an accurate record showing the payments received by ~~him~~ the city treasurer from each taxpayer and the date of such payment.

(Ord. 1516-61.)

361.27 Duties of the city auditor.

The city auditor is hereby charged with the administration and enforcement of the provisions of this chapter and ~~he~~ is hereby empowered to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this chapter, including provisions for the re-examination and correction of returns and payments.

In any case where a taxpayer has failed to file a return or failed to pay the tax due on a return or has filed a return which does not show the proper amount of tax due, the city auditor may determine the amount of tax appearing to be due the city from the taxpayer and shall send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.

(Ord. 1516-61.)

361.28 Investigative powers of the auditor.

- (a) The city auditor, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal income tax returns of any employer or of any taxpayer or person subject to, or who the city auditor believes is subject to the provisions of this chapter, for the purposes of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish upon written request by the city auditor, or ~~his~~ a duly authorized agent or employee, at the reasonable time and place designated, the opportunity for making such examinations and investigations as are hereby authorized.
- (b) The city auditor is hereby authorized to order any person presumed to have knowledge of the facts to appear before the city auditor ~~him~~ and may examine such person, under oath, concerning any income which was or would have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and federal income tax returns and the attendance of all persons before the city auditor ~~him~~, whether as parties or witnesses, whenever ~~he~~ the city auditor believes such persons have knowledge of such income or information pertinent to such inquiry.
- (c) No person upon written order shall fail to appear before the city auditor or an ~~his~~ authorized employee on the date, time and place designated in the written order.

(Ord. 2890-90.)

361.30 Collection of unpaid taxes.

All taxes imposed by this chapter, shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable.

The city auditor is authorized, in addition to ~~his~~ the city auditor's other duties, to institute civil law suits to collect delinquent taxes due and owing the city by virtue of the provisions of this chapter. The city auditor is authorized to waive penalties and interest and compromise tax liability and the right to accept waiver of state statutes of limitations.

(Ord. 1516-61.)

361.31 Violations—General penalty.

- (a) No person subject to the provisions of this chapter shall do any of the following:
 - (1) Fail, neglect or refuse to make and file any return or declaration.
 - (2) Fail, neglect or refuse to pay the tax, interest or penalty imposed by this chapter.
 - (3) Being a corporation or business association fail, neglect or refuse to permit the city auditor or ~~his~~ duly authorized agent or employee the opportunity to examine their books, records and papers by failing to produce such information at the reasonable time and place designated pursuant to Section 361.28 of this code.
 - (4) Knowingly make and file an incomplete, false or fraudulent return.
- (b) No employer shall fail, neglect or refuse to deduct and withhold the taxes or pay the taxes imposed by this chapter.
- (c) The failure of an employer or taxpayer to receive or procure a return or declaration form, shall not excuse either one from making a return or declaration or paying the tax levied under this chapter.
- (d) Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree and upon conviction thereof, shall be fined in a sum not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a period not to exceed thirty (30) days or both for a first offense, and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six (6) months for a second or subsequent conviction.

(Ord. 2890-90.)

361.32 Board of tax appeals.

A board of tax appeals is hereby created consisting of the city auditor or designee, the city treasurer or designee and the director of the department of finance and management or designee.

The board shall select, each year for a one (1) year term, one (1) of its members to serve as ~~chairman~~ chairperson and one (1) to serve as secretary. A majority of the members of the board of tax appeals shall constitute a quorum. The board of tax appeals shall adopt its own procedural rules and keep a record of its transactions. All hearings by the board may be conducted privately and the provisions of Section 361.29 with reference to the confidential character of information required to be disclosed by this charter shall apply to such matters as may be heard on appeal before the board of appeals.

Any person who has filed returns or other documents required by this chapter and who is aggrieved by a decision of the city auditor or the designee thereof pertaining to that filing may appeal said decision to the board of tax appeals. Such appeal shall be in writing, shall state why the decision should be deemed incorrect or unlawful and shall be filed no more than thirty (30) calendar days after the issuance of the decision being appealed.

(Supp. No. 69, 4/21)

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Unless the person who has filed a timely appeal of the decision issued by the city auditor or his designee waives a hearing, the board of tax appeals shall schedule a hearing within forty-five (45) days after receiving the appeal. At the hearing, the appellant as well as the city auditor or designee thereof may appear before the board. The board shall issue its decision within ninety (90) days of the hearing sending notice of same to the appellant and the city auditor within fifteen (15) days of its issuance.

(Ord. 2624-00 § 1 (part); Ord. 1102-05 § 1 (part).)

361.34 Exemptions.

The provisions of this chapter shall not be construed to tax the military pay or allowances of members of the armed forces of the United States, or the income of religious, ~~fraternal social~~, charitable, scientific, literary or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property or tax-exempt activities.

The tax provided for herein shall not be levied on the personal earnings of any natural person under eighteen (18) years of age.

~~Mentally retarded and developmentally~~ Developmentally disabled employees earning less than the minimum hourly wage while employed at government-sponsored sheltered workshops shall be exempt from the levy of the tax provided herein.

(Ord. 2234-79; Ord. 2624-00 § 1 (part).)

362.03 DEFINITIONS

Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title 57 of the Ohio Revised Code, unless a different meaning is clearly required. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title 57 of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title 57 of the Ohio Revised Code.

For purposes of this section, the singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

As used in this chapter:

- (A) **"ADJUSTED FEDERAL TAXABLE INCOME,"** for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (W)(4) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:
- (1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
 - (2) Add an amount equal to five per cent of intangible income deducted under division (A)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;
 - (3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

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- (4) (a) Except as provided in division (A)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
- (b) Division (A)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.
- (5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
- (6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
- (7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Ohio Revised Code;
- (8) (a) Except as limited by divisions (A)(8)(b), (c) and (d) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.

The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

- (b) No person shall use the deduction allowed by division (A)(8)(a) of this section to offset qualifying wages.
- (c) (i) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by the municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (A)(8)(a) of this section.
- (ii) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (A)(8)(a) of this section.
- (d) Nothing in division (A)(8)(c)(i) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (A)(8)(c)(i) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (A)(8)(c)(i) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (A)(8)(c)(i) of this section shall apply to the amount carried forward.
- (e) Any person utilizing a post-2017 net operating loss carryforward deduction shall submit with the return reflecting said deduction a schedule detailing the calculation and application of the net operating loss carryforward.
- (9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 362.063 of this chapter.

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- (10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 362.063 of this chapter.
- (11) Add any deduction for pass-through entity not allowed as a deduction for a C-Corporation under the Internal Revenue Code.
- (12) If the taxpayer is not a C corporation, is not a publicly traded partnership that has made the election described in division (W)(4) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.
- (13) Nothing in division (A) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.
- (B) (1) **"ASSESSMENT"** means any of the following:
- (a) A written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation;
 - (b) A full or partial denial of a refund request issued under section 362.096 (B)(2) of this chapter;
 - (c) A Tax Administrator's denial of a taxpayer's request for use of an alternative apportionment method, issued under section 362.062(B)(2) of this chapter; or
 - (d) A Tax Administrator's requirement for a taxpayer to use an alternative apportionment method, issued under section 362.062(B)(3) of this chapter.
 - (e) For purposes of division (B)(1)(a), (b), (c) and (d) of this section, an assessment shall commence the person's time limitation for making an appeal to the Local Board of Tax Review pursuant to section 362.18 of this chapter, and shall have "ASSESSMENT" written in all capital letters at the top of such finding.
- (2) **"ASSESSMENT"** does not include notice(s) denying a request for refund issued under section 362.096(B)(3) of this chapter, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (B)(1) of this section.
- (C) **"AUDIT"** means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax

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- (D) **"BOARD OF REVIEW"** has same meaning as "Local Board of Tax Review".
- (E) **"CALENDAR QUARTER"** means the three-month period ending on the last day of March, June, September, or December.
- (F) **"CASINO OPERATOR"** and **"CASINO FACILITY"** have the same meanings as in section 3772.01 of the Ohio Revised Code.
- (G) **"CERTIFIED MAIL," "EXPRESS MAIL," "UNITED STATES MAIL," "POSTAL SERVICE,"** and similar terms include any delivery service authorized pursuant to section 5703.056 of the Ohio Revised Code.
- (H) **"COMPENSATION"** means any form of remuneration paid to an employee for personal services.
- (I) **"DISREGARDED ENTITY"** means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.
- (J) **"DOMICILE"** means the true, fixed and permanent home of the taxpayer to which, whenever absent, the taxpayer intends to return.
- (K) **"EXEMPT INCOME"** means all of the following:
- (1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;
 - (2) Intangible income; as described in division (O) of this section.
 - (3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (K)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.
 - (4) The income of religious, ~~social fraternal~~, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.
 - (5) Compensation paid under section 3501.28 or 3501.36 of the Ohio Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.
 - (6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;
 - (7) Alimony and child support received;
 - (8) Awards for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or awards for punitive damages;
 - (9) Income of a public utility when that public utility is subject to the tax levied under sections 5727.24 or 5727.30 of the Ohio Revised Code. Division (K)(9) of this section does not apply for purposes of Chapter 5745 of the Ohio Revised Code.

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- (10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;
 - (11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;
 - (12) Employee compensation that is not qualifying wages as defined in Division (FF) of this section;
 - (13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States Air Force that is used for the housing of members of the United States Air Force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.
 - (14) An S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.
 - (15) All municipal taxable income earned by individuals under eighteen years of age.
 - (16) (a) Except as provided in divisions (K)(16)(b), (c), and (d) of this section, qualifying wages described in division (B)(1) or (E) of section 362.052 of this chapter to the extent the qualifying wages are not subject to withholding for the Municipality under either of those divisions.
 - (b) The exemption provided in division (K)(16)(a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.
 - (c) The exemption provided in division (K)(16)(a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of Section 362.052 of this chapter
 - (d) The exemption provided in division (K)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:
 - (i) For qualifying wages described in division (B)(1) of section 362.052 of this chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 362.052 of this chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;
 - (ii) The employee receives a refund of the tax described in division (K)(16)(a) of this section on the basis of the employee not performing services in that municipal corporation.
 - (17) (a) Except as provided in division (K)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the Municipality on not more than twenty days in a taxable year.
 - (b) The exemption provided in division (K)(17)(a) of this section does not apply under either of the following circumstances:

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- (i) The individual's base of operation is located in the Municipality.
 - (ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (K)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 362.052 of this chapter.
- (c) Compensation to which division (K)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.
 - (d) For purposes of division (K)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.
- (18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Ohio Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.
 - (19) Earnings of ~~mentally handicapped and~~ developmentally disabled employees earning less than the minimum hourly wage while employed at government-sponsored sheltered workshops.
 - (20) For an individual, the gain from the sale of rental real estate property. Any related loss from the sale of rental real estate property shall not be taken against any source of income of the individual.
 - (21) Any item of income that is exempt income of a pass-through entity is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.
 - (22) Income the taxation of which is prohibited by the Constitution or laws of the United States.
- (L) **"FORM 2106"** means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.
 - (M) **"GENERIC FORM"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability, including a request for refund.
 - (N) **"INCOME"** means the following:
 - (1) (a) For residents, all income, salaries, qualifying wages, commissions, prizes, awards and winnings paid to residents of the municipality derived from the State lottery and paid by the State Lottery Commission and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (W)(4) of this section.

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- (b) For the purposes of division (N)(1)(a) of this section:
- (i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (N)(1)(d) of this section;
 - (ii) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.
- (c) Division (N)(1)(b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation
- (d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.
- (2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the Municipality, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.
- (3) For taxpayers that are not individuals, net profit of the taxpayer;
- (4) For both resident and non-resident individuals, "other compensation" shall mean:
- (a) Tips, bonuses, or gifts of any type, and including compensation received by domestic servants, casual employees and other types of employees. These payments are normally reported on a Form 1099 MISC.
 - (b) If the income appears as part of Medicare wages on a W-2 form and is not shown to be an exception in accordance with section 362.03(K) of this section, it shall be considered other compensation and is therefore taxable to the individual. This includes, but is not limited to:
 - (i) Payments made by an employer to an employee during periods of absence from work are taxable when paid and at the tax rate in effect at the time of payment, regardless of the fact that such payments may be labeled as sick leave or sick pay, sick pay paid by the employer to the employee, severance pay, supplemental unemployment benefits described in section 3402(o)(2) of the Internal Revenue Code, vacation pay, terminal pay, supplemental unemployment pay, wage and salary continuation plans, payments made for the release of liability related to termination of employment.
 - (ii) Tips, bonuses, fees, gifts in lieu of pay, gratuities.
 - (iii) Strike pay; grievance pay.

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- (iv) Employer paid premiums for group term life insurance to the extent taxable for federal income tax purposes.
 - (v) Car allowance, personal use of employer-provided vehicle.
 - (vi) Incentive payments, no matter how described, including, but not limited to, payments to induce early retirement.
 - (vii) Contributions by an employee or on behalf of an employee, from gross wages, into an employee or third party trust or pension plan as permitted by any provision of the Internal Revenue Code that may be excludable from gross wages for federal income tax purposes such as 401K, 403(b), and 457 plans.
 - (viii) From January 1, 2016 to December 31, 2019, Nonqualified Deferred Compensation Plans or programs described in section 3121(v)(2)(C) of the Internal Revenue Code.
 - (ix) Effective January 1, 2020, Nonqualified Deferred Compensation Plans will no longer be included in Income as other compensation and will qualify as Pensions under this Chapter 362.
- (c) Trust payments not made pursuant to employee's retirement.
 - (d) Where compensation is paid or received in property, its fair market value at the time of receipt shall be subject to the tax and to withholding.
 - (i) Board, lodging or similar items received by an employee in lieu of additional cash compensation shall be included in earnings at their fair market value.
 - (ii) Restricted stock awards that vest over a period of time are taxable at their fair market value at the time they become vested and included in Medicare wages, as shown on the employee's IRS Form W-2.
- (O) **"INTANGIBLE INCOME"** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.
- (P) **"INTERNAL REVENUE CODE"** means the "Internal Revenue Code of 1986," 100 Sta. 2085, 26 U.S.C.A. 1, as amended.
- (Q) **"LIMITED LIABILITY COMPANY"** means a limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.
- (R) **"LOCAL BOARD OF TAX REVIEW"** and **"BOARD OF TAX REVIEW"** means the entity created under section 362.18 of this chapter.
- (S) **"MUNICIPAL CORPORATION"** means, in general terms, a status conferred upon a local government unit, by state law giving the unit certain autonomous operating authority such as the power of taxation, power of eminent domain, police power and regulatory power, and includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Ohio Revised Code.
- (T) (1) **"MUNICIPAL TAXABLE INCOME"** means the following:

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- (a) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or situated to the Municipality under section 362.062 of this chapter.
 - (b) For an individual who is a resident of the Municipality, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (T)(2) of this section.
 - (c) For an individual who is a nonresident of the Municipality, earned income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or situated to the Municipality under section 362.062 of this chapter, then reduced as provided in division (T)(2) of this section.
- (2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (T)(1)(b) or (c) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation.
- (U) **"MUNICIPALITY"** as used in this chapter shall mean the City of Columbus
- (V) **"NET OPERATING LOSS"** means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.
- (W) (1) **"NET PROFIT"** for a person other than an individual means adjusted federal taxable income.
- (2) **"NET PROFIT"** for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of this division, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (A)(8) of this section.
- (3) For the purposes of this chapter, and notwithstanding division (W)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.
- (4) (a) For purposes of this chapter, "publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.
- (b) For the purposes of this chapter, and notwithstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division (W)(4)(c) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.
- (c) A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the same election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. Once the election is made, the election is binding for a five-year period beginning with the first

taxable year of the initial election. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a C corporation for municipal purposes under division (W)(4)(d) of this section.

- (d) An election to discontinue filing as a C corporation must be made in the first year following the last year of a five-year election period in effect under division (W)(4)(c) of this section. The election to discontinue filing as a C corporation is binding for a five-year period beginning with the first taxable year of the election and continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a partnership for municipal purposes. An election to discontinue filing as a partnership must be made in the first year following the last year of a five-year election period.
- (e) The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (W)(4)(b) of this section applies to all municipal corporations in which an individual owner of the partnership resides.
- (f) The individual owners of the partnership not filing as a C Corporation shall be required to file with their municipal corporation of residence, and report partnership distribution of net profit.
- (X) **"NONRESIDENT"** means an individual that is not a resident of the Municipality.
- (Y) **"OHIO BUSINESS GATEWAY"** means the online computer network system, created under section 125.30 of the Ohio Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.
- (Z) **"OTHER PAYER"** means any person, other than an individual's employer or the employer's agent that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.
- (AA) **"PASS-THROUGH ENTITY"** means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.
- (BB) (1) From January 1, 2016 to December 31, 2019, **"PENSION"** means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.
(2) Effective January 1, 2020, **"PENSION"** means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.
- (CC) **"PERSON"** includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

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- (DD) **"POSTAL SERVICE"** means the United States postal service, or private delivery service delivering documents and packages within an agreed upon delivery schedule, or any other carrier service delivering the item.
- (EE) **"POSTMARK DATE"**, **"DATE OF POSTMARK"**, and similar terms include the date recorded and marked by a delivery service and recorded electronically to a database kept in the regular course of its business and marked on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery.
- (FF) **"QUALIFYING WAGES"** means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:
- (1) Deduct the following amounts:
 - (a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.
 - (b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.
 - (c) Any amount included in wages that is exempt income.
 - (2) Add the following amounts:
 - (a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.
 - (b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (FF)(2)(b) of this section applies only to those amounts constituting ordinary income.
 - (c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (FF)(2)(c) of this section applies only to employee contributions and employee deferrals.
 - (d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.
 - (e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.
 - (f) Any amount not included in wages if all of the following apply:
 - (i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;
 - (ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;
 - (iii) For no succeeding taxable year will the amount constitute wages;
 - (iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (FF)(2) of this section or section 718.03 of the Ohio Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

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- (GG) **"RELATED ENTITY"** means any of the following:
- (1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;
 - (2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;
 - (3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (GG)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;
 - (4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (GG)(1) to (3) of this section have been met.
- (HH) **"RELATED MEMBER"** means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.
- (II) **"RESIDENT"** means an individual who is domiciled in the Municipality as determined under Section 362.042 of this chapter.
- (JJ) Effective January 1, 2020, **"RETIREMENT BENEFIT PLAN"** means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.
- (KK) **"S CORPORATION"** means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.
- (LL) **"SCHEDULE C"** means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (MM) **"SCHEDULE E"** means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (NN) **"SCHEDULE F"** means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (OO) **"SINGLE MEMBER LIMITED LIABILITY COMPANY"** means a limited liability company that has one direct member.
- (PP) **"SMALL EMPLOYER"** means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue;

reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

- (QQ) **"TAX ADMINISTRATOR"** means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:
- (1) A municipal corporation acting as the agent of another municipal corporation;
 - (2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;
 - (3) The Central Collection Agency (CCA) or the Regional Income Tax Agency (RITA) or their successors in interest, or another entity organized to perform functions similar to those performed by the Central Collection Agency and the Regional Income Tax Agency.
- (RR) **"TAX RETURN PREPARER"** means any individual described in section 7701(a)(36) of the Internal Revenue CODE AND 26 C.F.R. 301.7701-15.
- (SS) **"TAXABLE YEAR"** means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.
- (TT) **"TAXPAYER"** means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust, a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the grantor trust, disregarded entity, or qualifying subchapter S subsidiary.
- (UU) **"TAXPAYERS' RIGHTS AND RESPONSIBILITIES"** means the rights provided to taxpayers in sections 718.11 , 718.12 , 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011 , and 5717.03 of the Ohio Revised Code and any corresponding ordinances of the Municipality, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718 of the Ohio Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.
- (VV) **"VIDEO LOTTERY TERMINAL"** has the same meaning as in section 3770.21 of the Ohio Revised Code.
- (WW) **"VIDEO LOTTERY TERMINAL SALES AGENT"** means a lottery sales agent licensed under Chapter 3770 of the Ohio Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Ohio Revised Code.

(Ord. No. 2658-2015 , § 1, 11-2-2015; Ord. No. 3234-2019 , § 2, 12-16-2019)

362.08 CREDIT FOR TAX PAID

362.081 CREDIT FOR MUNICIPAL INCOME TAX PAID

(A)Resident Individual

- (1) An individual taxpayer who resides in the municipality, and earns qualifying wages for work done or services performed or rendered in any municipal corporation, shall be allowed a credit in the amount of municipal income tax paid by or on behalf of that individual if it is demonstrated that a municipal income tax has been so paid. Such credit shall be allowed only to the extent of the tax assessed for the resident by this chapter.

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- (2) A resident individual with income from an ownership interest in one or more pass-through entities, activities of a sole proprietor, or rental activities, after the deduction of distributable losses from other pass-through entities or business activities not utilized as a net operating loss carry-forward in any municipal taxing jurisdiction after January 1, 2018, shall be allowed a non-refundable credit for the amount of municipal income tax so paid by ~~him~~ the resident individual or on ~~his~~ the resident individual's behalf to any municipal corporation. Such nonrefundable credit is applicable only to the extent of the tax assessed for the resident individual by this chapter.
 - (3) The credit for tax paid by a resident individual for salaries or wages earned in a non-resident municipal corporation is limited to the tax that is paid after all allowable 2106 expenses have been deducted and shall not exceed the tax established by this chapter.
 - (4) No credit shall be given to a resident individual for any school district income tax.

(B) Non-resident individual

- (1) Every individual taxpayer who is a non-resident of the municipality who earned qualifying wages for work done or services performed or rendered in the municipality, shall be allowed a credit for the amount so paid if it is demonstrated that a municipal income tax has been paid by or on behalf of that individual. Such credit shall be applied only to the extent of the tax assessed by this chapter.
- (2) A non-resident individual with ownership interest in one or more pass-through entities taxed at the entity level shall not report said income or losses on a non-resident individual annual return and shall not be allowed any credit for taxes paid on their behalf by the pass-through entity to any municipal corporation.
- (3) No credit shall be given to a non-resident individual for any school district income tax.

(Ord. No. 2658-2015 , § 1, 11-2-2015; Ord. No. 3234-2019 , § 4, 12-16-2019)

362.082 REFUNDABLE CREDIT FOR QUALIFYING LOSS

(A) As used in this section:

- (1) **"NONQUALIFIED DEFERRED COMPENSATION PLAN"** means a compensation plan described in section 3121(v)(2)(C) of the Internal Revenue Code.
- (2) (a) Except as provided in division (A)(2)(b) of this section, "qualifying loss" means the excess, if any, of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan over the total amount of income the taxpayer has recognized for federal income tax purposes for all taxable years on a cumulative basis as compensation with respect to the taxpayer's receipt of money and property attributable to distributions in connection with the nonqualified deferred compensation plan.
 - (b) If, for one or more taxable years, the taxpayer has not paid to one or more municipal corporations income tax imposed on the entire amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan, then the "qualifying loss" is the product of the amount resulting from the calculation described in division (A)(2)(a) of this section computed without regard to division (A)(2)(b) of this section and a fraction the numerator of which is the portion of such compensation on which the taxpayer has paid income tax to one or more municipal corporations and the denominator of which is the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.
 - (c) With respect to a nonqualified deferred compensation plan, the taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

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- (3) **"QUALIFYING TAX RATE"** means the applicable tax rate for the taxable year for which the taxpayer paid income tax to the municipal corporation with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan. If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the municipal corporation each year with respect to the nonqualified deferred compensation plan.
- (B) (1) Except as provided in division (D) of this section, a refundable credit shall be allowed against the income tax imposed by a municipal corporation for each qualifying loss sustained by a taxpayer during the taxable year. The amount of the credit shall be equal to the product of the qualifying loss and the qualifying tax rate.
- (2) A taxpayer shall claim the credit allowed under this section from each municipal corporation to which the taxpayer paid municipal income tax with respect to the nonqualified deferred compensation plan in one or more taxable years.
- (3) If a taxpayer has paid tax to more than one municipal corporation with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.
- (4) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to a municipal corporation for all taxable years with respect to the nonqualified deferred compensation plan.
- (C) (1) For purposes of this section, municipal corporation income tax that has been withheld with respect to a nonqualified deferred compensation plan shall be considered to have been paid by the taxpayer with respect to the nonqualified deferred compensation plan.
- (2) Any municipal income tax that has been refunded or otherwise credited for the benefit of the taxpayer with respect to a nonqualified deferred compensation plan shall not be considered to have been paid to the municipal corporation by the taxpayer.
- (D) The credit allowed under this section is allowed only to the extent the taxpayer's qualifying loss is attributable to:
- (1) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or
- (2) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

(Ord. No. 2658-2015 , § 1, 11-2-2015)

362.083 CREDIT FOR TAX BEYOND STATUTE FOR OBTAINING REFUND

- (A) Income tax that has been deposited or paid to the Municipality, but should have been deposited or paid to another municipal corporation, is allowable by the Municipality as a refund, but is subject to the three-year limitation on refunds as provided in section 362.096 of this chapter.
- (B) Income tax that should have been deposited or paid to the Municipality, but was deposited or paid to another municipal corporation, shall be subject to collection and recovery by the Municipality. To the extent a refund of such tax or withholding is barred by the limitation on refunds as provided in section 362.096, the Municipality will allow a non-refundable credit equal to the tax or withholding paid to the other municipality against the income tax the Municipality claims is due. If the Municipality's tax rate is higher, the tax

representing the net difference of the tax rates is also subject to collection by the Municipality, along with any penalty and interest accruing during the period of nonpayment.

- (C) No carryforward of credit will be permitted when the overpayment is beyond the three-year limitation for refunding of same as provided in section 362.096 of this chapter.

(Ord. No. 2658-2015 , § 1, 11-2-2015)

362.99 VIOLATIONS; PENALTY

- (A) Except as provided in division (B) of this section, whoever violates section 362.15 of this chapter, division (A) of section 362.14 of this chapter, or section 362.051 of this chapter by failing to remit municipal income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both. In addition, the violation is punishable by dismissal from office or discharge from employment, or both.
- (B) Any person who discloses information received from the Internal Revenue Service in violation of Internal Revenue Code Sec. 7213(a), 7213A, or 7431 shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than five thousand dollars plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. In addition, the violation is punishable by dismissal from office or discharge from employment, or both.
- (C) Each instance of access or disclosure in violation of division (A) of section 362.14 of this chapter constitutes a separate offense.
- (D) Whoever violates any provision of this chapter for which violation no penalty is otherwise provided, is guilty of a misdemeanor of the 1st degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both. By way of an illustrative enumeration, violations of this chapter shall include but not be limited to the following acts, conduct, and/or omissions:
- (1) Fail, neglect or refuse to make any return or declaration required by this chapter; or
 - (2) Knowingly make any incomplete return; or
 - (3) Willfully fail, neglect, or refuse to pay the tax, penalties, and interest, or any combination thereof, imposed by this chapter; or
 - (4) Cause to not be remitted the city income tax withheld from qualifying wages of employees to the Municipality as required by section 362.051; or
 - (5) Neglect or refuse to withhold or remit municipal income tax from employees; or
 - (6) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine the employee's ~~his or her~~ books, records, papers, federal and state income tax returns, or any documentation relating to the income or net profits of a taxpayer; or
 - (7) Fail to appear before the Tax Administrator and to produce the employee's ~~his or her~~ books, records, papers, federal and state income tax returns, or any documentation relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator; or
 - (8) Refuse to disclose to the Tax Administrator any information with respect to such person's income or net profits, or in the case of a person responsible for maintaining information relating to ~~his or her~~ the employers' income or net profits, such person's employer's income or net profits; or
 - (9) Fail to comply with the provisions of this chapter or any order or subpoena of the Tax Administrator; or

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- (10) To avoid imposition or collection of municipal income tax, willfully give to an employer or prospective employer false information as to ~~the individual's~~ ~~his or her~~ true name, correct social security number and residence address, or willfully fail to promptly notify an employer or a prospective employer of any change in residence address and date thereof; or
 - (11) Fail, as an employer, agent of an employer, or other payer, to maintain proper records of employees residence addresses, total qualifying wages paid and municipal tax withheld, or to knowingly give the Tax Administrator false information; or
 - (12) Willfully fail, neglect, or refuse to make any payment of estimated municipal income tax for any taxable year or any part of any taxable year in accordance with this chapter; or
 - (13) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.
 - (14) For purposes of this section, any violation that does not specify a culpable mental state or intent, shall be one of strict liability and no culpable mental state or intent shall be required for a person to be guilty of that violation.
 - (15) For purposes of this section, the term "PERSON" shall, in addition to the meaning prescribed in section 362.03, include in the case of a corporation, association, pass-through entity or unincorporated business entity not having any resident owner or officer within the Municipality, any employee or agent of such corporation, association, pass-through entity or unincorporated business entity who has control or supervision over or is charged with the responsibility of filing the municipal income tax returns and making the payments of the municipal income tax as required by this chapter.

(Ord. No. 2658-2015 , § 1, 11-2-2015)

371.10 Refund of erroneous payments.

The city treasurer shall refund to a vendor the amount of tax erroneously paid where the vendor has not been reimbursed from the transient guest or short-term rental guest. When such erroneous payment or tax assessment was not paid to a vendor, but was paid by the transient guest or short-term rental guest directly to the city treasurer or ~~his~~ agent, it shall be refunded to the transient guest or short-term rental guest. Applications for refund shall be filed with the city auditor, on the form so prescribed, within ninety (90) days from the date it is ascertained that the assessment or payment was erroneous; provided, however, that in any event such applications for refund must be filed with the auditor within four (4) years from the date of the erroneous payment of the tax. On filing of such application, the auditor shall determine the amount of refund due to certify such amount. The auditor shall draw a warrant for such certified amount on the treasurer to the person claiming such refund.

(Ord. 3006-88; Ord. No. 0362-2019 , § 1, 2-4-2019)

371.13 Collection of unpaid excise tax.

All excise taxes imposed by this chapter, shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable.

The city auditor is authorized, in addition to ~~his~~ the city auditor's other duties, to institute civil law suits to collect delinquent taxes due and owing the city by virtue of the provisions of this chapter. The city auditor is authorized to waive penalties, compromise tax liability and the right to accept waiver of State statutes of limitations.

(Ord. 3006-88.)

371.14 Vendor to collect tax; prohibition against rebates.

No vendor shall fail to collect the full and exact tax as required by this chapter. No vendor shall refund, remit or rebate to a transient guest or short-term rental guest, either directly or indirectly, any of the tax levied pursuant to this chapter, or make in any form of advertising verbal or otherwise, any statements which might imply that the vendor ~~he or she~~ is absorbing the tax, or paying the tax for the transient guest or short-term rental guest by an adjustment of prices, or furnishing lodging at the price including the tax or rebating the tax in any other manner.

(Ord. 3006-88; Ord. No. 0362-2019 , § 1, 2-4-2019)

375.15 Administration of Tax.

- (a) To defray the expenses incurred in the collection and administration of the tax, the auditor may retain one-half percent (0.5%) of the collected gross revenues from the admissions tax levied pursuant to section 375.02.
- (b) The city auditor is hereby charged with the administration and enforcement of the provisions of this chapter and ~~he~~ is hereby empowered to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this chapter.
- (c) In any case where a person or vendor has failed to file a return or failed to pay the tax due on a return or has filed a return which does not show the proper amount of tax due, the city auditor may determine the amount of tax appearing to be due the City and shall send such person or vendor a written statement showing the amount of tax so determined, together with any interest and penalties.

(Ord. No. 3100-2019 , § 4, 12-9-2019)

376.14 Administration of Tax.

- (a) To defray the expenses incurred in the collection and administration of the tax, the auditor may retain one-half percent (0.5%) of the collected gross revenues from the admissions tax levied pursuant to section 376.02.
- (b) The city auditor is hereby charged with the administration and enforcement of the provisions of this chapter and ~~he~~ is hereby empowered to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this chapter.
- (c) In any case where a person or vendor has failed to file a return or failed to pay the tax due on a return or has filed a return which does not show the proper amount of tax due, the city auditor may determine the amount of tax appearing to be due the City and shall send such person or vendor a written statement showing the amount of tax so determined, together with any interest and penalties.

(Ord. No. 3102-2019 , § 4, 12-9-2019)

501.02 Definitions.

Unless the context otherwise provides, the definition of the various terms used in the Business Regulation and Licensing Code shall be as follows:

- (a) "Appeal" means the procedure by which a person aggrieved by a finding, decision or order of the section invokes jurisdiction of the board of license appeals;
- (b) "Applicant" means a person who applies to the section for a license;
- (c) "Appellant" means a person who appeals to the board of license appeals;

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- (d) "Board of license appeals" or "board" means the board of license appeals created under the city codes Chapter 505;
 - (e) "Chairperson" means the chairperson of the board of license appeals;
 - (f) "Direct or indirect interest" means ownership; the interest of an individual shareholder of a corporation having ten (10) or fewer shareholders; the interest of the partners in any partnership; the interest of any person who receives in excess of twenty-five (25) percent of the gross revenue from the proceeds of that which is to be licensed; the interest of a person who has an interest in the real property upon which that which is to be licensed is located; the interest of a person who has a lien on the property which is to be licensed and which lien is paid in part from the proceeds of that which is to be licensed;
 - (g) "License" means any license, permit, or certificate issued in the name of the city of Columbus by the section.
 - (h) "Person" means an individual, firm, corporation, association or partnership;
 - (i) "Person aggrieved" means any person who is directly or indirectly adversely affected by an order of the section denying the issuance or the renewal of a license or revoking or suspending a license;
 - (j) "Regulated business" means any business which is required to acquire a license under the city codes before commencing its operation;
 - (k) "Rules and regulations" means the rules and regulations promulgated by the license manager pursuant to the provisions of city codes Sections 501.05 and 501.06.
 - (l) "Section" means the section of licenses as created by city codes Section 501.03.

(Ord. 457-75; Ord. 2031-00 § 1 (part).)

501.09 License fees.

- (A) A license fee, payable to the city, shall be collected from the applicant prior to the issuance or renewal of a license. The section shall give a receipt to the applicant and deposit the funds so received with the city treasurer. Unless otherwise provided in the city codes, all license fees and renewal fees shall be credited to the general fund of the city.

(Ord. 2031-00 § 1 (part).)

- (B) Except as otherwise provided in the city codes, the minimum license fee shall be twenty-five dollars (\$25.00). No license fee shall be returned to an applicant once a license is issued.

(Ord. 2031-00 § 1 (part).)

- (C) A non refundable application fee of twenty dollars (\$20.00) shall be collected from the applicant at the time of application for the issuance of a license under this title. The Director of Public Safety may set the rate of the application fee for all licenses issued under this Chapter.

(Ord. 0868-03 § 1 (part).)

- (D) The section may establish in its rules and regulations, separate license fee schedules for veterans or disabled persons.

(Ord. 868-03 § 1 (part); Ord. 1453-74; Ord. No. 0830-2018 , § 1, 4-2-2018)

501.15 Investigations of regulated businesses.

- (A) The section, in cooperation with the various departments and divisions of the city, shall periodically investigate the operation of regulated businesses. The investigations may be commenced by the section upon complaint of a public official, private individual or on its own. If the section believes that any violation of the city codes is taking place on the premises of or with respect to that which is licensed, it may request the licensee to appear in the offices of the section, with whatever records it deems necessary, to be questioned.
- (B) If the section determines that a violation of the city codes is taking place, it may proceed under city codes 501.19 to revoke or suspend the license and/or commence whatever criminal or civil charges against the licensee as it deems necessary.
- (C) Failure on the part of any licensee to appear with the records when requested to do so by the section may be grounds for the failure to renew, revocation or suspension of the license.

(Ord. 1453-74.)

501.17 Renewal of licenses.

- (A) All applications for the renewal of licenses shall be submitted to the section no earlier than sixty (60) days prior to the expiration of the license and shall be upon forms approved by the license manager. License fees shall accompany all applications for renewal.
- (B) Failure on the part of a licensee to submit the renewal application at least thirty (30) days prior to the expiration of the license shall be cause for the section to delay the renewal of the license.

(Ord. 457-75; Ord. 2031-00 § 1 (part); Ord. No. 0604-2020 , § 1, 5-4-2020)

501.19 Failure to renew, revocation and suspension of licenses.

- (A) The section, upon being satisfied that a licensee has violated any of the provisions of the city codes, including but not limited to city codes Section 501.08; any rule and regulation of the section; or any city, state or federal law with respect to that which is licensed, shall have the power to fail to renew, revoke or suspend a license. All failure to renew, revocation and suspension orders issued by the section shall be in writing and signed by the license manager, be directed to the licensee at the address set forth in his application; and shall set forth the reasons for the failure to renew, revocation or suspension order, and if a suspension, the time of the suspension period. Immediately upon receipt of the failure to renew, revocation or suspension order, the licensee shall cease operating that which is licensed and shall remove and keep the license or tag, plate, badge or decal from the public view.
- (B) All failure to renew, revocation and suspension orders issued by the section shall be subject to appeal to the board of licensing appeals pursuant to the provisions of city codes Chapter 505.

(Ord. 457-75; Ord. 2031-00 § 1 (part).)

505.04 Compensation of the members of the board.

Each member of the board shall be paid thirty-five dollars (\$35.00) for each meeting attended by the member called for the purpose of hearing appeals. In addition to the above, the chairperson shall receive twenty-five dollars (\$25.00) each month the chairperson acts in such capacity.

(Supp. No. 69, 4/21)

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(Ord. 1454-74.)

505.05 Organization of the board.

- (A) Between January 1 and January 31 of each year, the board shall convene for the purpose of selecting a chairperson and a secretary. The chairperson and secretary shall act as such until the next following December 31 and may be re-elected to their respective offices.
- (B) The board shall make annual reports to the council as provided in city codes Section 121.03.
- (C) All meetings of the board and hearings before the board shall be open to the public.
- (D) As provided in city codes Sections 121.02 and 121.05, the board may adopt rules and regulations for the conduct of its business and hearing procedures.
- (E) The section shall provide the board with such administrative services as may be required by the board to enable the board to perform its duties.

(Ord. 1454-74.)

505.06 Appeal procedure.

Any person aggrieved by an order of the license section with respect to denying the issuance or renewal of a license, or revoking or suspending a license, or denying the issuance of a permit for a parade, procession or assemblage by the director of public safety, may appeal from such order to the board. All appeals shall be perfected in the following manner:

- (1) The appellant must file a written notice of appeal with the section, on a form approved by the board, within twenty (20) days after receipt of the order from which the appellant appeals.
- (2) The appellant must deposit with the section a fee of thirty dollars (\$30.00), which sum shall be refunded to the appellant only if the board renders a decision in the appellant's favor. Otherwise, the deposit shall be forfeited and placed into the general fund of the city.
- (3) Within five (5) days after receipt by the section of the notice of appeal, the section shall cause a true copy of the notice of appeal to be docketed with the chairperson of the board.
- (4) Within twenty (20) days after receipt by the chairperson of the notice of appeal or, if a stay order is issued pursuant to city codes Section 505.07, then within sixty (60) days from the date of issuance of the stay order, the chairperson shall cause a meeting of the board to be convened for the purpose of hearing the appeal.
- (5) In the event an expedited appeal is required pursuant to Chapter 2111 of the city codes, the chairperson shall cause a meeting of the board to be convened for the purpose of hearing the appeal to conform with the time limits therein.

(Ord. 1264-84; Ord. 868-03 § 1 (part).)

505.07 Stay orders.

An appeal does not automatically operate as a stay of a failure to renew, revocation or suspension order of the section. If an appellant desires a stay of such order pending the outcome of the hearing, the appellant must first apply in writing to the chairperson setting forth the reasons for the stay. The chairperson may request the section to render, in writing, its views regarding the stay request. Within five (5) days after the receipt by the

chairperson of the request for a stay, the chairperson shall render a decision on the request. If the chairperson determines that undue hardship to the appellant will result by not issuing a stay and no apparent harm will be caused to the citizens of the city by issuing a stay, a stay order, not to exceed sixty (60) days and pending the outcome of the hearing, will be granted.

(Ord. 1454-74.)

505.09 Counsel for the division.

The city attorney and the city attorney's staff shall represent the section in all proceedings before the board and upon judicial review of an appeal from the board's decisions.

(Ord. 1454-74.)

505.10 Appointment of the hearing members.

- (A) After receipt by the chairperson of a notice of appeal, the chairperson shall, within the time prescribed in city codes Sections 505.06 and 2111.07, notify all members of the board of the hearing.
- (B) Unless a lesser number is agreed to by the appellant and the division, three (3) members shall constitute a quorum for purposes of hearing the appeal.
- (C) The members attending the hearing shall choose a member who shall preside at the hearing.

(Ord. 1264-84.)

505.12 Subpoenas.

All parties shall have the right to subpoena witnesses and documents which are material to their case. If a party desires a subpoena, the party shall apply to the chairperson who shall issue and sign the subpoena in the name of the board. The subpoena shall be served in the manner subpoenas to appear and testify before the Franklin County Municipal Court are served. If any person subpoenaed to testify or to produce documents, refuses to obey the subpoena, upon complaint of the board, the Franklin County Municipal Court may compel the attendance of the person or the production of the documents before the board, or punish the person for contempt in the same manner persons are compelled to appear and are punished for contempt before such court.

(Ord. 1454-74.)

517.05 Term of license; renewal.

Permission to conduct the business of an itinerant vendor under a city license shall terminate twenty-four hours after the issuance of such license, unless the person securing the same shall pay into the city treasury the sum of one hundred twenty dollars (\$120.00) for each additional day the person desires to continue in the business of an itinerant vendor.

(Sec. 23.5; Ord. 868-03 § 1 (part).)

523.03 Exemptions.

The following types of organizations and individuals selling goods, wares, merchandise, food or drink for human consumption, services or any other commodity on their behalf are not required to obtain a commercial sales promoter license under this section:

- (a) State and local governmental departments, agencies and subdivisions, including public schools;
- (b) State accredited private schools and academies;
- (c) Civic, patriotic, religious and political groups, recreational, social or cultural organizations;
- (d) Special events as defined in Section 523.01(i);
- (e) Any organization's bona fide officer or employee that holds a valid charitable solicitation license pursuant to C.C.C. 525.03;
- (f) A person who does not go place to place, who sells items they grow, raise or manufacture, and who sells such items on private property. However, this person must be able to prove, preferably in writing, that they have permission from the property owner to sell; and
- (g) A mobile food vendor who possess a current and valid mobile food vending license pursuant to C.C.C. 537.

Any license officer or law enforcement officer may require individuals or organizations claiming any exemption to present evidence in support of such claimed exemption. The above organizations or individuals shall otherwise comply with all applicable requirements of [Chapter] 525 and any state or federal regulations.

(Ord. 2880-99 § 1 (part); Ord. No. 1726-2012, § 1, 7-30-2012; Ord. No. 0187-2014, § 2, 2-3-2014; Ord. No. 0773-2014, § 4, 4-7-2014)

524.04 License issuance, fee, and term.

- (a) The section may issue the license required by this chapter to applicants who:
 - (1) Have applied as provided in Section 524.03 of this chapter; and
 - (2) Are in compliance with all applicable requirements and have paid for and obtained any permits, license or prior approval required by the city; and
 - (3) Pay a license fee of one hundred fifty (\$150.00) dollars, a ten (\$10.00) dollar application fee and all other fees associated with the any additional permits.
- (b) The license shall expire on the thirty-first day of December following the date of issue. No refund shall be made to any licensee due to failure to use such license for the full term for which it has been granted.

(Ord. No. 1688-2012, § 1, 7-23-2012)

525.01 Definitions.

For the purposes of enforcing this chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth unless the context clearly requires a different meaning:

- (A) "Charitable" means any benevolent, philanthropic, patriotic, or educational purpose.

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- (B) "Cost of solicitation" shall mean all costs incurred in raising the funds solicited. The "cost of solicitation" shall include any compensation, in whatever form, paid to a "professional fundraiser" or "professional solicitor." The cost of solicitation shall not include:
- (1) where a show, benefit, dance, bazaar, raffle, sporting or social event, or other similar event is held nor the cost of giving or holding such a show or event;
 - (2) the cost of making or acquiring a publication which is sold for, or has space sold for charitable purposes;
 - (3) where goods or commodities are sold; the cost of making or acquiring such goods or commodities. (C) "Contribution" means the promise or grant of any money or property of any kind or value.
- (D) "Person" shall mean any individual, organization, firm, copartnership, company, corporation, association, joint stock association, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative.
- (E) "Professional fund raiser" means any person who, for compensation, plans, conducts, manages, or carries on any drive or campaign in this city for the purpose of soliciting contributions for or on behalf of any charitable organization, or who engages in the business of or who represents themselves to persons in this city as independently engaged in the business of soliciting contributions for charitable purposes. A bona fide officer or employee of a charitable organization shall not be deemed a professional fund raiser.
- (F) "Solicit" and "solicitations" shall mean the request, either directly or indirectly, for money or financial assistance on the plea or representation that such money or financial assistance will be used for a charitable purpose. A "solicitation" as defined herein, shall be deemed completed when made, whether or not any contribution is received or sale is made.
- (G) "Fund-raising counsel" means any person who plans, manages, advises, consults, or prepares material for compensation with respect to solicitation in Columbus for any charitable organization. It shall also mean any person(s) who at any time has custody of contributions from a solicitation, but does not solicit contributions and does not employ, procure, or otherwise engage any compensated person to solicit contributions.

"Fund-raising counsel" does not include the following:

- (1) An attorney, investment counselor, or banker who in the conduct of his profession advises a client; (2) A charitable organization or a bona fide officer, employee, or volunteer of a charitable organization, who has full knowledge of the services being performed on its behalf and either of the following applies:
 - (a) The services performed by the charitable organization, bona fide officer, employee, or volunteer are performed on behalf of the organization that employs the bona fide officer or employee or engages the services of the bona fide volunteer;
 - (b) The charitable organization on whose behalf the services are performed shares some element of common control or an historic or continuing relationship with the charitable organization that performs the services or employs the bona fide officer or employee or engages the services of the bona fide volunteer;
- (3) An employee who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, but who incidentally solicits contributions for a charitable organization or purpose without compensation;

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- (4) A compensated employee of an employer who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, when the employee solicits contributions or conducts charitable sales promotions at the direction of their employer.
- (H) "Professional solicitor" means any person who, for compensation, performs on behalf of or for the benefit of a charitable organization any service in connection with which contributions are or will be solicited in this state by the compensated person or by any person it employs, procures, or otherwise engages directly or indirectly to solicit contributions. "Professional solicitor" does not include the following:
- (1) An attorney, investment counselor, or banker who in the conduct of that profession advises a client; (2) A charitable organization or a bona fide officer, employee, or volunteer of a charitable organization, when the charitable organization has full knowledge of the services being performed on its behalf and either of the following applies:
- (a) The services performed by the charitable organization, bona fide officer, employee, or volunteer are performed on behalf of the charitable organization that employs the bona fide officer or employee or engages the services of the bona fide volunteer;
- (b) The charitable organization on whose behalf the services are performed shares some element of common control or an historic or continuing relationship with the charitable organization that performs the services or employs the bona fide officer or employee or engages the services of the bona fide volunteer; (3) An employee who is not engaged in the business of soliciting contributions or conducting charitable sales promotions but who incidentally solicits contributions for a charitable organization or purpose without compensation;
- (4) A compensated employee of an employer who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, when the employee solicits contributions or conducts charitable sales promotions at the direction of their employer.
- (5) "Fund-raising counsel" as defined in 525.01(G).
- (I) "Distribution" has the same meaning as defined in CCC Sec. 2333.01.
- (Ord. No. 1589-2017 , § 1, 6-19-2017; Ord. No. 2043-2018 , § 1, 7-23-2018)

535.01 Definitions.

As used in this chapter:

- (a) "License Supervisor" means Section of Licenses Supervisor.
- (b) "Closing-out sale" means any offer to sell to the public, or sale to the public, of goods, wares or merchandise upon the implied or direct holding out or representation that such sale is in anticipation of the ceasing, discontinuance and termination of a business at its present location.
- (c) "Distressed-merchandise sale" means any offer to sell to the public, or sale to the public, of goods, wares or merchandise upon the implied or direct holding out or representation that such sale is being conducted under any one, or combination, of the following circumstances, whether or not such sale is in anticipation of the cessation of business:
- (1) That such goods, wares or merchandise were acquired from a person who has terminated business or is in the process of terminating business.
- (2) That such goods, wares or merchandise were acquired from another store of the person conducting the sale at which the person has terminated business or is in the process of terminating business.

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- (d) "Goods" means any goods, wares, merchandise or other property capable of being the object of a closing-out sale or a distressed-merchandise sale.
 - (e) "Shall" is always mandatory and never directory.

(Ord. 517-77.)

535.02 Columbus sale commission.

There is created the Columbus sale commission to be composed of three persons appointed by the mayor with the advice and consent of council, to serve, without compensation for a term of three years, and who shall have such duties and powers as set forth in this chapter, and as may from time to time be prescribed by ordinance. The commission shall select one of its members to act as chairperson at its first meeting subsequent to July first of each year. The license supervisor shall be secretary to the commission and may attend all meetings of the commission, keep a record thereof, enter into the discussion of any matter being considered by the commission, and perform such duties relative to closing-out sales and distressed-merchandise sales as may be authorized by the commission. The mayor shall appoint three (3) electors as members of the commission; one to serve until July 1, 1958; one to serve until July 1, 1959; and one to serve until July 1, 1960. Thereafter, the appointed members of the commission shall serve three (3) year terms and until their successors are appointed and qualified.

(Ord. 517-77.)

535.06 License fees.

Each applicant for a closing-out sale license or a distressed-merchandise sale license shall submit to the section of licenses with the application for such license, a license fee in an amount equal to three tenths (3/10) of one (1) per cent of the inventory value of the goods to be sold at the sale, but in no event shall the license fee be less than thirty dollars (\$30.00). Any person submitting an application for a renewal of a closing-out sale license shall submit with such application a renewal license fee of fifty dollars (\$50.00).

(Ord. 517-77; Ord. 868-03 § 1 (part).)

535.07 Investigation of applicant.

Upon the filing of an application for a closing-out license or a distressed-merchandise sale license, the license supervisor may cause an investigation to be made of the facts contained therein and of the conduct of such sale to effectuate the purposes of this chapter. Upon completion of the investigation, the license supervisor shall submit such application and the result of the investigation to the Columbus sale commission. The commission may cause such additional investigation to be made as it deems necessary. In the making of such investigation both the license supervisor and the chairperson of the commission may compel the attendance of witnesses and administer oaths in connection with the taking of testimony in regard thereto.

If it appears to the commission that all the statements in the application are true, that the proposed sale is of the character represented therein, that the application and the proposed sale is in full compliance with this chapter, and that the required license fee has been paid, the commission shall approve the issuance of the requested license to the applicant. After the approval of the issuance of either a closing-out sale license or a distressed-merchandise sale license, the License Supervisor shall forthwith issue such license to the applicant.

(Ord. 517-77.)

535.08 Refusal of license.

- (a) No closing-out sale license shall be issued if the commission finds any one or more of the following facts or circumstances to exist:
- (1) That the inventory contains goods not purchased by the applicant for resale on bona fide orders without cancellation privileges.
 - (2) That the inventory contains goods purchased by the applicant on consignment.
 - (3) That the applicant either directly or indirectly within three years prior to the date of application conducted a sale in connection with which the applicant advertised or represented that the entire business conducted at the location designated in the application was to be closed out or terminated and such business was not closed out or terminated.
 - (4) That the applicant was granted a license hereunder within one year preceding the date of application for a closing-out sale at the same location.
 - (5) That the applicant has within five years preceding the date of application been convicted of a violation of the provisions of this chapter or has had a license issued pursuant to such sections revoked for good cause.
 - (6) That the inventory of the goods to be sold at such sale contains goods purchased or added to the stock in contemplation of such sale and for the purpose of selling same at such sale.
 - (7) That the applicant has not been in business at the location described in the application for at least one year prior to the date of application unless the applicant is the beneficiary, devisee, or legatee of a former owner of the business or unless it is determined by the Columbus sale commission that this requirement would work an extreme hardship upon the applicant.
 - (8) That the applicant in the ticketing of goods for the sale has misrepresented the original retail price or value thereof.
 - (9) That any representation made in the application is false.
 - (10) That the applicant has sold the business or contemplated selling the business to another person who will continue the business at the same location upon the termination of the sale.
- (b) No distressed-merchandise sale license shall be issued if the commission finds any one or more of the following facts or circumstances to exist:
- (1) That the applicant has within five years preceding the date of application been convicted of a violation of the provisions of this chapter or has had a license issued pursuant to this chapter revoked for good cause.
 - (2) That the applicant has not been in business at the location described in the application for at least one year prior to the date of application unless the applicant is the beneficiary, devisee, or legatee of a former owner of the business or unless it is determined by the Columbus sale commission that this requirement would work an extreme hardship upon the applicant.
 - (3) That the applicant in the ticketing of goods for the sale has misrepresented the original retail price or value thereof.
 - (4) That any representation made in the application is false.

(Sec. 13.8; Ord. 391-58.)

535.09 Conditions of license.

A closing-out sale license issued hereunder shall authorize the applicant to conduct a closing-out sale at the location described therein for a period of thirty days. A distressed-merchandise sale license shall authorize the applicant to conduct a distressed-merchandise sale at the location described therein for a period of thirty days. Both such licenses shall be subject to the following conditions:

- (a) The sale shall be held only at the place named in the application and only by the licensee for a period of not more than thirty consecutive days (Sundays and legal holidays excluded unless the sale is conducted on such days), which period shall commence not more than ten days after the issuance of the license. If an applicant desires to conduct a sale at more than one location, a separate license must be obtained for each location.
- (b) Only the goods described in the inventory filed with the application shall be sold at the sale.
- (c) The license issued hereunder shall be prominently displayed throughout the duration of such sale.
- (d) The licensee shall keep suitable books during the sale, at the location of the sale, in which shall be made daily entries showing:
 - (1) The dollar amount of retail sales.
 - (2) The dollar amount of mark-downs, (without limiting the meaning of the term "mark-down," the difference between retail and wholesale price of goods wholesaled by licensee shall be considered a markdown).
 - (3) The dollar amount of wholesale sales. Copies of such daily entries shall be sent to the auditor weekly, and all books of the licensee shall be open for inspection by the auditor or a representative during business hours.

(Sec. 13.9; Ord. 391-58.)

535.10 License revocation.

The Section of Licenses shall revoke any license whether a closing-out sale license or distressed-merchandise sale license, issued pursuant to this chapter if the Section of Licenses finds that the licensee has:

- (a) Violated any of the provisions of this chapter;
- (b) Made any material misrepresentation in the application;
- (c) Failed to include in the inventory filed with the application all the goods being offered for sale;
- (d) Offered or permitted to be offered at said sale any goods not included in the inventory filed with the application;
- (e) Failed to keep suitable records of said sale; or
- (f) Made or permitted to be made any false or misleading statements or representations in displaying, ticketing or pricing goods offered at such sale, or in advertising such sale.

(Ord. 517-77.)

535.12 Prohibited practices during and after closing-out sales.

- (a) No person issued a closing-out sale license shall, during a closing-out sale:

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- (1) Add any goods to the stock described in the inventory with the original application.
 - (2) Sell, offer for sale, or permit to be offered for sale, any goods not listed in the inventory, with the representation, expressed or implied that such goods are being sold or offered for sale, at a closing-out sale.
 - (3) Fail to keep any goods not listed in the inventory, separate and apart from the goods listed in the inventory, or fail to make such distinction clear to the public by appropriate tags, placed on all inventoried goods in and about the sale apprising the public of the status of all such goods.
 - (4) Fail to tag prominently all goods being offered for sale at a closing-out sale indicating both the true retail price of the goods and the price at which the goods are being offered for sale.
 - (5) Misrepresent or permit to be misrepresented, the true retail price of any goods being offered for sale.
- (b) No person shall, after the termination of a closing-out sale or the revocation of a closing-out sale license, continue or permit to be continued the same business at the same location by any of the following:
- (1) The licensee or partner of the licensee under this chapter;
 - (2) Any person related to the licensee by blood or marriage;
 - (3) Any stockholder of a corporate licensee;
 - (4) Any subsidiary or parent corporation of a corporate licensee;
 - (5) Any corporation in which the licensee or any person related by blood or marriage to the licensee owns or controls twenty-five (25) per cent or more of the stock;
 - (6) Any corporation in which stockholders of the corporate licensee or persons related by blood or marriage to the stockholders own or control an aggregate of twenty-five (25) per cent or more of the stock.
- (c) The Columbus sale commission shall have authority to permit the resumption of the same business, notwithstanding the provisions of this section, when, upon application by the licensee hereunder, the licensee satisfies the commission that the closing-out sale conducted hereunder and the resumption of the same business after such closing-out sale ceased, was based upon a bona fide change of circumstances beyond the control of the licensee and free of any fraud or misrepresentation.

(Ord. 1579-61.)

535.13 Prohibited activities during distressed-merchandise sales.

No person issued a distressed-merchandise sale license shall during a distressed-merchandise sale:

- (a) Add any goods to the stock described in the inventory filed with the original application.
- (b) Sell, offer for sale, or permit to be sold or offered for sale, any goods not listed in the inventory with the representation express or implied that such goods are being sold or offered for sale at a distressed-merchandise sale.
- (c) Fail to keep any goods not listed in said inventory separate and apart from the goods listed in the inventory or fail to make such distinction clear to the public by appropriate tags placed on all inventoried goods in and about the place of sale apprising the public of the status of all such goods.
- (d) Fall to tag prominently all goods being offered for sale at a distressed-merchandise sale indicating both the true original retail price of said goods and the price at which the goods are being offered for sale.

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- (e) Misrepresent or permit to be misrepresented the true original retail price of any goods being offered for sale.
 - (f) Violate any of the provisions of this chapter or C.C. 2939.01 through 2939.05.

(Ord. 517-77.)

540.02 Registration required.

- (A) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Columbus, the operation of a massage or bath establishment as herein defined without first being properly registered with the city of Columbus in accordance with this chapter.
- (B) No person shall engage in the business of or be employed as a registered masseuse or masseur in the city of Columbus unless the person has registered with the city of Columbus, Licensing Section.

(Ord. 1682-77; Ord. 973-02 § 1 (part); Ord. 1489-2006 § 1 (part).)

540.11 Prohibitions.

- (A) No owner or operator of a massage or bath establishment shall recklessly do any of the following:
 - (1) Employ an un-registered masseur or masseuse;
 - (2) Employ any person under the age of eighteen; or
 - (3) Fail to post at the massage or bath establishment the current massage or bath establishment certificate or registration as well as the registrations of all masseuses or masseurs working at the establishment.
- (B) No registered masseuse or masseur shall fail to display the certificate of registration in a conspicuous place where the massage is being administered and where it is visible to the patron.
- (C) No person shall recklessly do any of the following while administering a massage to another individual:
 - (1) Place their hand upon, touch with any part of their body, fondle in any manner, or massage the sexual or genital area of themselves or of any other person;
 - (2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of themselves or of any other person;
 - (3) Touch, offer, or agree to touch the sexual or genital area of themselves or of any other person with any mechanical or electrical apparatus or appliance; or
 - (4) Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital areas of the masseur or masseuse.
- (D) No registered masseur or masseuse shall perform massage at a massage or bath establishment that does not have a current, valid certificate of registration issued by the city of Columbus.
- (E) No registered masseuse or masseur shall use the title "Licensed Massage Therapist" or the initials "L.M.T." or hold themselves out to be so licensed unless licensed by the State Medical Board of Ohio.
- (F) No massage or bath establishment shall permit any registered masseuse or masseur while employed by the establishment to use the title "Licensed Massage Therapist" or the initials "L.M.T." or hold themselves out to be so licensed unless licensed by the State Medical Board of Ohio.

(Ord. 1489-2006 § 1 (part).)

541.01 Definitions—Sign required.

- (a) For purposes of this chapter, a secondhand dealer is defined as a person operating a store, shop, or other business outlet for the purpose of purchasing, selling, exchanging, or receiving secondhand articles of any kind on a continuing basis.
- (b) The term secondhand articles means any item which has previously been used or worn by another; something which is not new.
- (c) A person who is operating as a secondhand dealer in the city, shall post in a conspicuous place in or upon a shop, store, wagon, boat or other place of business, a sign having the name and occupation legibly inscribed thereon.

(Ord. 1952-75.)

541.02 Record information.

- (a) All secondhand dealers shall keep a separate book in which shall be written, in the English language, the following specified items:
 - (1) A complete description including serial number where available of any article listed in subsection (b) hereof, which has been purchased or received by said dealer; and
 - (2) The name, address, social security number, driver's license number and automobile license number of the vehicle of the person from; and
 - (3) The date when such purchase or exchange was made.
- (b) This section shall apply in those instances where the article purchased or received by the dealer is any secondhand, scrap iron, old metal, canvas, rope, branded bottles, junk or lead pipe, household furniture or furnishings, household appliances, office equipment, coins, jewelry, clothing, weapons, bicycles, toys and/or electronic equipment.
- (c) Every entry shall be numbered consecutively, commencing with the number one.
- (d) All books or records which are required to be maintained as a result of this section, shall be open to inspection by any of the following persons:
 - (1) The mayor;
 - (2) The director of public safety;
 - (3) The chief of police; or
 - (4) A police officer or any agent duly authorized by the mayor, the director of public safety, or the chief of police.

Upon demand by any of the previously specified persons, the secondhand dealer shall also produce and show the article or articles thus listed and described which are in the secondhand dealer's possession.

(Ord. 1952-75.)

541.07 Peddlers regulated.

If the dealer under the provisions of C.C. 541.01 is a peddler, the dealer need not hold property thirty days. If the purchaser or receiver, by exchange or otherwise, is a peddler, or goes about with a wagon to purchase or

obtain, by exchange or otherwise, any of such articles not excepted, and does not have a place of business in a building, the purchaser or receiver need not retain such articles for thirty (30) days before selling them; provided, that on Monday of each week, the purchaser or receiver file with the chief of police or the police department a copy of the record required to be kept in a separate book, of the articles purchased or received during the preceding week, including a description of such articles sold, to whom sold and the place of business.

(Sec. 37.6.)

550.01 Definitions.

As used in Chapter 550 of the Columbus City Codes:

"Scrap metal facility" means any facility, establishment or place of business that is maintained or operated for the primary purpose of receiving, storing, processing, buying, or selling scrap metal for remelting or recycling purposes.

"Scrap metal facility licensee" or "licensee" means any person holding a scrap metal facility license issued pursuant to this chapter and includes any person acting as the license holder's authorized agent or employee.

"Scrap metal" means any article or material intended for recycling composed of iron, steel, or nonferrous metal or metal alloy, including but not limited to, copper, brass, bronze, aluminum, or stainless steel. Scrap metal does not include used beverage containers.

"Motor Vehicle" and "Vehicle Identification Number" shall have the same meaning as set forth in Section 4501.01 (B) and (BB), respectively, of the Ohio Revised Code.

"Retail transaction" means any transaction involving any person other than an industrial or commercial account, a nonprofit account, or a governmental account, in which a scrap metal facility purchases or receives scrap metal "Industrial or commercial account" means any person that satisfies one (1) of the following criteria: 1) the business is registered with the Ohio secretary of state; 2) the business has been issued a vendor's license under Ohio Revised Code Section 5739.17; 3) the business advertises its services in a newspaper of general circulation once a week for not less than six (6) consecutive months or provides a receipt showing payment for such advertising, in a telephone book, in electronic media that is available to the public, or in some other type of media that is owned and operated by a person other than the business; and, if an individual operates the business, the individual advertising the business has a specific place of business that is not the individual's permanent home residence. The term may include other scrap metal facilities.

"Nonprofit account" means any nonprofit organization that is exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501(a), and that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

"Governmental account" means any political subdivision, as defined in Section 2744.01(F) of the Ohio Revised Code, that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

(Ord. 0441-2007 § 1 (part); Ord. No. 0882-2009, §§ 1, 2, 7-26-2009; Ord. No. 1788-2010, § 1, 1-31-2011)

550.07 Records of transactions; daily reports to police.

- (A) All scrap metal facility licenses shall maintain a separate record book or electronic file in which the licensee shall keep an accurate, legible and complete record of all of the following specified information for each retail transaction

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- (1) A complete and accurate description of any scrap metal article or material that has been purchased or received by the licensee, which description shall be as set forth in Ohio Revised Code Section 4737.04(B)(5).
 - (2) The seller's name and current address;
 - (3) The identification number from a current and valid driver's license, military identification, or other photo identification card issued to the seller by the federal government or any state;
 - (4) The license plate number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility;
 - (5) An impression of the right or left thumb of the seller;
 - (6) The date and time that the licensee purchased or received the article or material and the name of the individual employee or operator of the facility who conducted the transaction;
 - (7) If the article or material that has been purchased or received by the licensee is a motor vehicle, the record shall include the vehicle identification number of that motor vehicle as shown on the certificate of title.
- (B) Every retail transaction shall be numbered consecutively.
- (C) The licensee shall prepare a daily report listing all retail transactions occurring during the preceding day and containing all the information described in this section for each retail transaction. Before 12:00 noon each day, the licensee shall deliver a copy of the licensee's prior day's report to the chief of police or designee. Delivery of the daily report shall be by means of a computerized tracking system approved by the chief of police or designee. Unless delivered to the chief of police via the approved computerized tracking system, the thumb impression required by division (A)(5) of this section shall be retained by the licensee in accordance with division (D) of this section.
- (D) The records described in this section shall be retained by the licensee for one (1) year following the date of the retail transaction.
- (Ord. 0441-2007 § 1 (part); Ord. No. 0882-2009, §§ 1, 2, 7-26-2009; Ord. No. 1788-2010, § 1, 1-31-2011)

550.09 Retention of articles; permission of police for disposition; recovery of stolen goods by true owner.

- (A) If the chief of police or designee has probable cause to believe that an article or material is stolen property, the chief of police shall notify the licensee in writing. Upon receipt of such a notice, the licensee shall retain the article or material until the expiration of thirty (30) days after receipt of the notice, unless the chief or designee notifies the licensee in writing that retention of the article or material is no longer required. Upon expiration of the thirty (30) day period, absent renewal thereof by the chief or designee, or the failure of the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.
- (B) If the chief of police or designee receives a report that property has been stolen and determines the identity of the true owner of the allegedly stolen property that is in the possession of a licensee, and informs the licensee of the true owner's identity, the licensee shall hold the allegedly stolen property for at least thirty (30) days from the date of notification by the chief of police or designee to enable the true owner to pickup that property from the licensee. If a licensee fails or refuses to return the allegedly stolen property that has been held as required by this division, the true owner may recover the property from the licensee in an action at law. Upon expiration of the thirty (30) day period, absent renewal thereof by the chief or designee,

or the failure of the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

(Ord. 0441-2007 § 1 (part); Ord. No. 0882-2009, §§ 1, 2, 7-26-2009; Ord. No. 1788-2010, § 1, 1-31-2011)

551.04 Requirements of applicant.

No person shall be granted a license hereunder unless the person is:

- (a) A resident of Franklin County.
- (b) Of the age of eighteen (18) years or over.
- (c) Of good moral character.
- (d) Known not to associate with persons of bad moral character.
- (e) A person who has not been convicted of a felony, within five (5) years prior to application, or who, if convicted and sentenced to prison, has not been released from prison within five (5) years prior to application.
- (f) A person who has not been convicted of gambling offenses, sex crimes, involving moral turpitude within five years prior to application, and if sentenced to any place of detention for such offense has not been released at least five years prior to application. Provided, however, that any person who has been convicted of any sex offense more than one time shall not be granted a license.

(Ord. 1080-75.)

551.07 Photographs of licensee and employees.

every person who applies for a license as set forth in this chapter and every person employed by a licensee shall, as and when directed, report to the Columbus police department to be fingerprinted and shall obtain two (2) passport-size photographs. Each such licensee or employee of such licensee shall at all times when in the place of business known as a billiard room have prominently displayed in said billiard room, the photograph required hereby with the license number of the license issued hereunder and the expiration date of said license attached thereto.

(Ord. 53-59.)

551.09 Transfer of license or permit.

- (a) No license or permit issued hereunder shall be transferable from one person to another during the pendency of a prosecution for the violation of any of the provisions of this chapter. In the event of a transfer of a license hereunder, the transferee and employees shall qualify as required by and in every respect to comply with the terms of the provisions of this chapter. Any such transfer shall be subject to approval by the director of public safety.
- (b) No license or permit issued hereunder shall be transferable from one location to another until an application for transfer has been approved by the director of public safety.

(Ord. 53-59.)

551.11 Investigation of applicant; applicant rejection.

The license section shall cause an investigation to be made as to the character and fitness of the applicant or applicants or the officers of the club, society or corporation, or of the person who is to have the general management of the business. The application shall be rejected in accordance with C.C. 501.05 if the license section shall find:

- (a) Any of the persons named in the application not of good moral character, or;
- (b) That any of said persons have previously been connected with any pool room where the license has been revoked, or;
- (c) Where any of the provisions with reference to pool rooms have been violated, or;
- (d) If the pool room place, sought to be so licensed, does not comply in every way with regulations, ordinances and laws applicable thereto, or;
- (e) If at any time within one year prior to the date of said application the said place for which application is made shall have been conducted as a pool room and the sale or giving away of any intoxicating liquors took place or were permitted upon such premises, or;
- (f) If within such time such place was used, frequented or resorted by any riotous, noisy or disorderly persons, or by gamblers or common prostitutes, or;
- (g) If any breach or disturbance of the peace was permitted therein, or;
- (h) If any riotous, noisy or disorderly conduct on such premises was permitted by the proprietor thereof when it was within the proprietor's power to prevent it.

(Ord. 1419-82.)

551.17 Minors under eighteen.

No owner or keeper of a billiard parlor, or owner or keeper of a billiard table at any other public place shall permit a minor under the age of eighteen years to play billiards or pool, or be and remain in such parlor or public place. Provided, a minor under eighteen years of age, when accompanied by either parent or legal guardian may be permitted to play both billiards and pool, or be and remain in such parlor or public place. And provided further that an adult person, who is in charge of a group of minor children under the age of eighteen years, may bring such group into a billiard or pool parlor for the purpose of permitting them to play both billiards and pool and such group may be permitted to play both billiards and pool or be in and remain in such a parlor or public place so long as they remain under, the supervision and control of such adult person.

(Ord. 1257-65.)

Editor's Note: There is no C.C. 551.18.

555.09 Juvenile restrictions.

- (a) It shall be unlawful to permit any persons under the age of twelve years to attend or take part in any public dance after darkness unless accompanied by that person's parent or guardian.
- (b) It shall be unlawful to permit any person over twelve years of age but under the age of eighteen years to attend or take part in any public dance after the hour of 12:00 p.m. (midnight) unless accompanied by that person's parent or guardian.

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- (c) It shall be unlawful to permit any person under the age of eighteen years to attend or take part in a public dance held in a room, place or space in which alcoholic beverages are served or consumed unless accompanied by that person's parent or guardian.
 - (d) It shall be unlawful to permit any person over the age of eighteen years other than that person's parent or guardian, supervisors, managers, chaperons or the entertainers to attend or take part in any public dance being held specifically for juveniles under eighteen years of age.
 - (e) It shall be unlawful for any person to falsely represent to have reached the age of eighteen years in order to obtain admission to a public dance, or to be permitted to remain therein, when such person is in fact under eighteen years of age.
 - (f) It shall be unlawful for any person to falsely represent to be a parent or guardian of any person in order that such a person may obtain admission to a public dance, or shall be permitted to remain therein, when the party making the representation is not, in fact, either a parent or guardian of the other party.

(Ord. 1346-77.)

559.17 Requirement for police supervision.

In the event the safety director exercises the powers granted under Chapters 501 and 559, Columbus City Codes, to suspend or revoke the license of an individual, corporation or other entity for an amusement arcade because of a violation of Section 559.13 of the Columbus City Codes, the safety director may re-instate such license at any time upon the condition that the operator whose license is in question employ a sworn off-duty police officer, regularly employed by a governmental agency having authority to enforce the laws of the city of Columbus and the State of Ohio, to attend the premises on which the amusement arcade is located each day such establishment permits those devices to be operated between the hours of 8:00 p.m. and 7:00 a.m.

Nothing herein shall be interpreted so as to establish authority to control or responsibility for the actions of such police officer by the operator.

The operator must submit a notarized statement to the safety director that the operator agrees to employ such officer for each hour between 8:00 p.m. and 7:00 a.m. each day the establishment permits the devices to be operated, and that the operator will have the officer under employment within five (5) business days after the finding by the safety director that such is necessary in order to continue lawful operation of the amusement arcade.

Upon the request of the operator so directed to employ an officer, the safety director may terminate such condition under which the operator may retain a valid license, if the safety director finds that the operator has permitted the conduct of no activity prescribed by Section 559.13 of the Columbus City Codes for a period of one year after the imposition of the condition for license continuation as specified in this section.

(Ord. 2705-90.)

573.01 Definitions.

When used in this chapter:

- (a) "Board" shall mean the Mobile Food Vending Advisory Board.
- (b) "Columbus Public Health" shall mean the department of health for the city of Columbus, as established in Chapter 135.

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- (c) "Commercial zone" shall mean a geographic area that has a combination of public right of way access, vehicular traffic patterns, pedestrian density, and mobility options, such that reasonable access for mobile food vending does not constitute an unreasonable threat to public health and safety.
 - (d) "Congestion zone" shall mean a geographic area that has a combination of public right of way parking limitations, meter restrictions, vehicular traffic patterns, pedestrian density, and mobility issues, such that unrestricted access for mobile food vending constitutes an unreasonable threat to public health and safety.
 - (e) "Director" shall mean the director of public safety, or designee.
 - (f) "Department of Health" shall have the same meaning as "licensor" for a mobile vending health license in Ohio Revised Code 3717.01(O).
 - (g) "Designated public right of way access permit" shall mean a document issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate for a defined period of time in a specific, designated mobile food vending space in the public right of way or in a mobile food vending court, subject to the limitations and provisions of this chapter.
 - (h) "Division of Fire" shall mean the Department of Public Safety, Division of Fire, and is further defined in Section 217.04.
 - (i) "Downtown District" shall have the same meaning and boundaries as the Downtown District in Chapter 3359.
 - (j) "Food" shall mean a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
 - (k) "Food delivery operation" shall mean a food service operation from which food is ordered off-site by a customer, prepared, and delivered to the customer. "Food delivery operation" includes, by way of example and not by way of limitation, pizza delivery, sandwich delivery, restaurant delivery services, or "food delivery sales operations" as defined in Ohio Revised Code 3717.01(H).
 - (l) "Food service operation" shall mean, for the purposes of a mobile food vending license, a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.
 - (m) "Food trailer" shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.
 - (n) "Food truck" shall mean a vehicle propelled by an engine which has been specifically designed or used for mobile food vending.
 - (o) "Food truck industry" shall mean both food trucks and food trailers.
 - (p) "Food vending operation" shall mean a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.
 - (q) "General public right of way access permit" shall mean a document issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate in the public right of way outside designated spaces or mobile food courts in congestion or commercial zones, subject to the limitations and provisions of this chapter.

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- (r) "Health license" shall mean an official document issued by a department of health pursuant to Section 3701 of the Ohio Revised Code. Such health license shall be separate from any other license required under this chapter. Such document may be either an annual health license or a temporary health license.
 - (s) "License Section" shall mean the Department of Public Safety, Division of Support Services, License Section, and is further defined in Sections 501.02 and 501.03.
 - (t) "Licensing period" shall mean the sixteenth (16th) day of March to the fifteenth (15th) day of March of the next succeeding year.
 - (u) "Mobile food vending court" shall mean a location where the public right of way is closed for vehicular traffic on a temporary or permanent basis to allow two or more mobile food vending units to operate from such location.
 - (v) "Mobile food vending license" shall mean an official document issued by the Department of Public Safety authorizing operation of a mobile food vending unit within the corporate limits of the city of Columbus. Mobile food vending license does not include a health license required by Section 3717 of the Ohio Revised Code. Unless otherwise stated, "license" shall have the same meaning as "mobile food vending license."
 - (w) "Mobile food vending unit" shall mean a food service operation or retail food establishment that is operated from a food truck, food trailer, pedi-food cart, or pushcart, and that can or does routinely change location. For the purposes of a mobile food vending license, "mobile food vending unit" excludes food delivery operations and vending machines, as defined in Ohio Revised Code 3717.01(L).
 - (x) "Mobile food vendor" shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the beneficiaries, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any mobile food vending unit.
 - (y) "Non-commercial zone" shall mean all areas within the corporate limits of the city of Columbus that have not been designated a "congestion zone" or a "commercial zone." Non-commercial zone includes any public right of way where the city of Columbus requires, at all times, a permit for parking.
 - (z) "Operator" shall mean the individual who manages one (1) or more mobile food vending units whether as the owner, an employee of the owner or as an independent contractor.
 - (aa) "Permanently revoke" shall, for the purposes of a mobile food vending license, mean to terminate all rights and privileges under a license for a period of ninety (90) days or greater and to render the holder of a license ineligible to reapply for said license.
 - (bb) "Pedi-food cart" shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending and is or may be operated on a road, street or alley.
 - (cc) "Public event" shall, for the purposes of a mobile food vending license, mean any public activity or gathering or assemblage of people, other than a special event, that is open to the general public for admission, requires payment for entrance, attendance or participation, and requires the issuance of a health license or temporary health license pursuant to Ohio Revised Code 3717.01 for participating mobile food vendors. "Public event" includes, by way of example and not by way of limitation, a sporting event at an arena or stadium, a state fair, a concert, or a theatre production.
 - (dd) "Public right of way" shall mean any property owned by the city of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.
 - (ee) "Pushcart" shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending. Vehicles not specifically designed for mobile food vending including, by way of example and not by way of limitation, racks, wheelbarrows, dollies, grocery carts, baby carriages, tables, chairs,

benches, cabinets, or other furniture and boxes, buckets, tubs, or other containers or devices which normally rest on the ground whether or not wheels have been attached shall not be licensed as pushcarts.

- (ff) "Revoke" shall, for the purposes of a mobile food vending license, mean to terminate all rights or privileges under a license for a period not to exceed ninety (90) days after which the individual must reapply for a license.
 - (gg) "Retail food establishment" shall, for the purposes of a mobile food vending license, mean a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for sale of food to a person who is the ultimate consumer.
 - (hh) "Rule" or "rules" shall, unless otherwise stated in this chapter, mean rules promulgated as provided for in Sections 121.01 through 121.05. Such rules shall not be temporary rules and shall be submitted to the Mobile Food Vending Advisory Board at least thirty (30) days prior to promulgation.
 - (ii) "Short north" shall have the same meaning and boundaries as the Victorian Village Commission and the Italian Village Commission in Chapter 3119.
 - (jj) "Special event" shall, for the purposes of a mobile food vending license, mean any activity or gathering or assemblage of people upon public property or in the public right of way for which a block party, street closure, race event, parade permit, community market, or other like permit has been issued by the city of Columbus.
 - (kk) "Suspend" shall, for the purposes of a mobile food vending license, mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days.
 - (ll) "Temporary commercial zone" shall mean the closing of one (1) or more parking locations in the public right of way between one (1) or more intersections, while maintaining vehicular traffic access on the street, road, or alley, for the purpose of conducting commercial activity, including mobile food vending.
 - (mm) "University district" shall mean the geographical area within the Glen Echo ravine on the north, Penn Central railroad on the east, Fifth Avenue on the south and the Olentangy River on the west.
 - (nn) "Vending" shall mean the sale of food to a person who is the ultimate consumer. Such sales do not include those from a vending machine, as define in Ohio Revised Code 3717.01(L).
- (Ord. No. 0773-2014, § 1, 4-7-2014)

573.131 Operation in the public right of way.

- (a) No individual or organization shall operate or cause to be operated any mobile food vending unit in the public right of way within the corporate limits of the city of Columbus without meeting the licensing and fee requirements of this chapter.
- (b) Mobile food vending units operating in the public right of way shall comply with the requirements of Titles 9 and 21, where applicable. No individual or organization shall cause or allow the operation of a mobile food vending unit in any of the following:
 - (1) A disability parking space;
 - (2) A valet zone during hours of normal operation;
 - (3) A loading zone during hours of normal operation;
 - (4) Any metered parking space with a maximum parking time of thirty (30) minutes or less;
 - (5) Any taxi stand during hours of operation;
 - (6) Any bus stop at any time;

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- (7) The public right of way abutting a commercial establishment utilizing a current and valid sidewalk dining permit, as this constitutes unreasonable interference with pedestrian traffic;
 - (8) The public right of way abutting public or city permitted bicycle parking, a fire hydrant, or a public trash or recycling receptacle;
 - (9) Any non-commercial zone without a temporary commercial permit;
 - (10) Anywhere in the public right of way when a street and/or sidewalk closure has been issued by the city of Columbus for construction, maintenance, or any other permitted purpose, unless authorized by written agreement with the individual or entity requesting the closure;
 - (11) The public right of way between the hours of 3:00 a.m. and 6:00 a.m.;
 - (12) The public right of way within one-thousand (1,000) feet of any pre-K-12 school, provided that nothing herein shall prohibit operation on school property at the discretion of the school;
 - (13) The public right of way on either side of the portion of a street, road or alley that abuts any city of Columbus Recreation and Parks facility, other than administrative facilities or facilities within the Downtown District, without a temporary commercial permit or as part of a special event or public event;
 - (14) A sidewalk unless the unit is a pushcart;
 - (15) Within one-thousand (1,000) feet of any special event, except as follows: with the express written permission of the event organizer; as an authorized participant in said event; or utilizing a designated mobile food vending access permit in an area not impacted by a street closure;
 - (16) The public right of way if the unit is not parallel to the curb;
 - (17) The public right of way on any bridge or other elevated roadway;
 - (18) The public right of way so as to unreasonably impede the flow of pedestrian traffic, including pedestrian ingress and egress from a building abutting such right of way;
 - (19) The public right of way so as to unreasonably impede the flow or operation of vehicular traffic; or
 - (20) A parking space unavailable for mobile food vending, as provided for in subsection (c).
- (c) The director of public service, in consultation with the director of public safety or designee, may designate parking spaces as unavailable for mobile food vending if operation of a mobile food vending unit at such location would constitute a threat to public health and safety. Such designation may be initiated by the department; at the request of the director of public safety or designee; or as follows:
- (1) A property owner or occupant-tenant abutting such location may submit to the director of public service or designee a written request for such designation.
 - (2) Such request must be on a form prescribed by the director of public service, setting forth the specific reasons for the request and any supporting information required by the director or designee.
 - (3) To submit such request, an occupant-tenant must possess a current and valid lease.
 - (4) To submit such request, an occupant-tenant must attest that either the governing lease requires the occupant-tenant to take such action, or a good faith effort has been made to obtain the property owner's permission prior to submitting such request, whichever is applicable.
 - (5) For the purposes of this subsection, "good faith effort" includes, by way of example and not by way of limitation, an electronic or physical request for permission which is dated at least seven (7) days prior to the date of request, or an affidavit stating that the owner was contacted at least seven (7) days prior to the date of request, but such owner refused or failed to respond to the request.

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- (6) The decision of the director of public service shall be rendered in a reasonable amount of time, as established by rules, and shall be final.
 - (7) Once decided, no additional requests for designation or removal of designation for such location may be considered within twelve (12) consecutive months, except as provided for in [Subsection] 573.165(c).
 - (d) The director of public service shall establish, modify and change from time to time, rules and regulations for subsection (c) and reasonable costs associated with such request.

(Ord. No. 0773-2014, § 1, 4-7-2014)

573.16 Mobile food vending advisory board.

There is created a Mobile Food Unit Advisory Board, which shall consist of fifteen (15) members as follows:

- (a) The city of Columbus representatives shall consist of:
 - (1) A representative from the department of public safety;
 - (2) A representative from the department of public service; and
 - (3) A representative from Columbus City Council.
- (b) The appointed members shall consist of the following, appointed by the mayor and approved by ordinance of council:
 - (1) A representative from the Columbus tourism industry;
 - (2) Two (2) representatives from the Columbus community that are not otherwise represented on the Mobile Food Vending Advisory Board;
 - (3) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas north of 670 in the city of Columbus;
 - (4) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas south of 670 in the city of Columbus; and
 - (5) A representative from a city of Columbus restaurant.
- (c) Elected members shall consist of:
 - (1) Two (2) representatives from the food truck industry who operate in the public right of way;
 - (2) Two (2) representatives from the food truck industry who operate only on private property; and
 - (3) Two (2) representatives from pushcarts.
- (d) The representative from the department of public safety shall serve as chairperson of the board. In the representative's absence, the representative from the department of public service shall serve as chairperson.
- (e) No person may be appointed to the board if the person has any financial interest in the mobile food vending industry. This shall not limit those members elected to the board.

(Ord. No. 0773-2014, § 1, 4-7-2014)

573.164 Notification of board member selections.

Notice of the selection of board members shall be given to the director of public safety as follows:

- (a) The License Section shall submit the names of elected representatives by means of a letter;
- (b) The mayor shall submit the names of the six (6) members which were appointed as provided in Section 573.16 by means of a letter; and
- (c) The mayor shall announce a tie breaking selection if necessary as provided in Sections 573.161, 573.162, and 573.163.

(Ord. No. 0773-2014, § 1, 4-7-2014; Ord. No. 3247-2017 , § 1(Att.), 12-11-2017)

573.17 Suspension, revocation or permanent revocation of license.

- (a) The department of health may suspend or revoke the health license of any mobile food vending unit and/or owner pursuant to local and state rules and regulations. "Suspend" and "revoke" shall have the same meaning as Ohio Revised Code Chapter 3717 for the purpose of this subsection.
- (b) The director of public safety may suspend, revoke, or permanently revoke the license of any mobile food vending unit and/or owner who engages in any of the following conduct:
 - (1) Obtaining a license by a false statement in his or her application;
 - (2) Failing to comply with the mobile food vending unit operation and vehicle standards established in this chapter;
 - (3) Misrepresenting or otherwise making false statements in an affidavit that any mobile food vending unit and/or owner would conduct criminal background checks on all employees;
 - (4) Failing to post and maintain required decal(s) and information;
 - (5) Failing to offer receipts to customers or to supply receipts when the customer answers in the affirmative;
 - (6) Receiving citations for impeding the flow or operation of pedestrian and vehicle traffic, creating unsanitary conditions, becoming an attractive nuisance for children or any other infraction of the Columbus City Codes;
 - (7) Repeated violations of Titles 9 or 21;
 - (8) Failing to pay parking meters or obtain reservations when applicable;
 - (9) Failing to comply with Section 573.14;
 - (10) Failing to appear before the director when properly notified to do so;
 - (11) Verbally threatening or attempting to intimidate any employee of the city of Columbus for actions taken in the enforcement of the provisions of this chapter;
 - (12) Failing to maintain general liability insurance for each mobile food vending unit;
 - (13) Conviction for any crime committed in or from the mobile food vending unit;
 - (14) Violation of the operational requirements of Section 573.136, including the requirement that such unit only vend when hailed by a customer or vend for no more than fifteen (15) minutes after being hailed; or

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- (15) Any other form of misconduct, which shall mean conduct apart from the generally accepted practices of mobile food vending unit owners and employees, which demonstrates personal, corporate, managerial, ethical or professional characteristics or disposition rendering a person unsuitable to own or work in a mobile food vending unit.

(Ord. No. 0773-2014, § 1, 4-7-2014)

585.01 Definitions

When used in Chapters 585 through 594 of the Columbus City Code:

- (a) "Board" shall mean the Vehicle for Hire Board as created by Section 585.03 of the Columbus City Code.
- (b) "Director" shall mean the Director of Public Safety, or the Director's designee.
- (c) "License" shall mean an official document issued by the Department of Public Safety authorizing operation of a licensed taxicab, livery, pedicab, horse drawn carriage, or any other vehicle for hire on the streets of the city.
- (d) "License Section" shall mean the Department of Public Safety, Division of Support Services, License Section and is further defined in Sections 501.02 and 501.03 of the Columbus City Code.
- (e) "Suspend" shall mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days.
- (f) "Revoke" shall mean to terminate all rights or privileges under a license. The individual may reapply for a license on or after 91 days following the date of revocation.
- (g) "Permanently revoke" shall mean to terminate all rights and privileges under a license and to render the holder of a license ineligible to reapply for said license.
- (h) "Vehicle for hire" shall mean any passenger vehicle engaged in the transportation of person(s) with the intent to receive direct or indirect compensation that is determined by mutual agreement, by contract, by mileage, or by the length of time the vehicle is used for providing such transportation.
- (i) "Vehicle for hire owner" shall mean every corporation, limited liability corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the beneficiaries, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, or managing any vehicle for hire. However, a vehicle for hire driver, driving a vehicle for hire pursuant to a contract of employment or a lease arrangement with the holder of a license for such vehicle, shall not be deemed a "vehicle for hire owner".
- (j) "Vehicle for hire driver" shall mean the individual driving, operating or in physical control of the vehicle for hire.
- (k) "Taxicab" shall mean all public passenger motor vehicles carrying passengers for hire, gift, donation or other direct or indirect compensation or consideration on the streets of the city, where the route traveled and trip destination are controlled by the passenger and at a charge or fare based upon time and mileage as recorded and indicated on a taximeter. The term "taxicab" includes all motor vehicles that are used as taxicabs, cabs or for-hire cars, and engaged as such in the transport of passengers for hire, gift, donation or other direct or indirect compensation or consideration.
- (l) "Taxicab owner" shall mean every corporation, limited liability company, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the beneficiaries, executors, administrators, or personal representatives or

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(Supp. No. 69, 4/21)

assignees of any deceased owner, owning, controlling, operating or managing any taxicab. A taxicab driver, driving a taxicab pursuant to a contract of employment or a lease arrangement with the holder of a license for such taxicab, shall not be deemed a "taxicab owner".

- (m) "Taxicab driver" shall mean the individual driving, operating or in physical control of a taxicab.
- (n) "Taximeter" shall mean an instrument or device attached to a taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.
- (o) "Waiting time" shall mean any time a taxicab is engaged or hired by a passenger but not in motion.
- (p) "Livery vehicle" shall mean:
 - (1) A limousine or an at least four (4) door passenger vehicle not equipped with a taximeter and for hire only by prearrangement, provided that such livery vehicles do not drive in search of patronage or park on any public street, or place of assemblage to solicit patronage not prearranged;
 - (2) Rental vehicles for use in the performance of the business of a limousine company; and
 - (3) Any other vehicle for hire not equipped with a taximeter and for hire only by prearrangement.
- (q) "Prearranged" when used in connection with a livery vehicle shall mean an agreement to provide transportation by registration through phone dispatch or an online application in advance of boarding from a specific location at an agreed upon rate.
- (r) "Omnibus" shall mean a motor vehicle designed to carry sixteen (16) or more passengers.
- (s) "Scheduled limousine" or "shuttle vehicles" shall mean an omnibus or similar vehicle operated over an established route and on a regular schedule, regardless of whether passengers are present for pickup or not. This type of service will generally be provided pursuant to a contract for a prearranged service. The rate charged shall be a flat fee charged equally to all locations on the route regardless of time or distance traveled. Scheduled limousines shall not be sedans or station wagons. These vehicles will comply with the licensing requirements established in Chapter 593 for liveries.
- (t) "Livery chauffeur" shall mean the individual driving, operating or in physical control of a livery vehicle.
- (u) "Pedicab" shall mean a bicycle upon which a person may ride, propelled by human power through a belt, chain or gears, or powered by electronic assist, and constructed in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger.
- (v) "Bicycle" shall have the same meaning as defined in Section 2101.04 of the Columbus City Code.
- (w) "Pedicab driver" shall mean the individual driving, operating or in physical control of a pedicab.
- (x) "Horse carriage" shall mean a horse drawn vehicle or carriage operating in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger.
- (y) "Wheelchair specialty vehicle" shall mean a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for the transportation of persons who require use of a wheelchair.
- (z) "Contract vehicle" shall mean a vehicle providing for hire transportation by a written contract agreement with an entity, not the passenger, and when the contract entity compensates the for-hire service and no compensation is accepted from the passenger. A contract vehicle shall not engage in

cruising or operating on demand service or accept other passengers not covered by the contract. These vehicles must comply with the licensing and other requirements for liveries in Columbus City Code Chapter 593.

- (aa) "Alternative vehicle" shall mean a pedicab, commercial quadricycle, or a micro transit vehicle as defined in chapters 585, 586, and 592 of the Columbus City Codes, respectively.
- (bb) "Church bus" shall mean a vehicle owned by a church and used exclusively for church activities and licensed and registered by the state of Ohio as defined in Section 4503.07 of the Ohio Revised Code.
- (cc) "Funeral vehicle" shall mean vehicles owned by a funeral director and used exclusively for funeral services or vehicles for hire while being used for funeral services. This does not prohibit a vehicle from being used as a livery vehicle and a funeral vehicle, such vehicle when used as a livery vehicle must be licensed in accordance with Chapters 585 through 594 of the Columbus City Code.
- (dd) "Motor bus" shall mean a vehicle owned by a registered common carrier and registered with the Public Utilities Commission of the State of Ohio (PUCO), and operated for the purpose of intrastate or interstate commerce on regulated routes or schedules.
- (ee) "Hotel and/or motel courtesy vehicles" shall mean a limousine, specialized passenger vehicle, omnibus or similar vehicle operated by a hotel or motel as a courtesy for its patrons or its employees at no cost to its patrons or employees. These vehicles will comply with the licensing requirements established by Chapter 593 for liveries if at any time they carry the general public in violation of this definition.
- (ff) "Day care facility and automobile dealer shuttle/bus" shall mean a vehicle operated by a daycare facility or automobile dealer to transport its customers and patrons at no cost to said customers and patrons.
- (gg) "Hourly rate" shall be a charge for the actual time consumed in the transportation of passengers together with any waiting time consumed at the direction of the passenger.
- (hh) "Special trip" shall mean a trip to and from points of interest for which a rate, approved by the Vehicle for Hire Board, is filed with the Director of Public Safety.
- (ii) "Complainant" shall mean a person that has filed a verbal or written complaint against a vehicle for hire owner or driver.
- (jj) "Ridesharing agreement" shall mean 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.
- (kk) "Compensation" shall mean any form of payment received in exchange for providing a service.
- (ll) "Direct Compensation" shall mean any monetary compensation received in exchange for providing a service.
- (mm) "Indirect Compensation" shall mean any non-monetary compensation received in exchange for providing a service.

(Ord. No. 1548-2013, § 1, 7-1-2013; Ord. No. 2929-2013, § 1, 12-16-2013; Ord. No. 1377-2014, § 1, 7-21-2014; Ord. No. 3009-2015, § 1, 1-11-2016; Ord. No. 0249-2016, § 1, 1-25-2016; Ord. No. 0604-2020, § 1, 5-4-2020)

585.10 Appeals.

Any action of the Director may be appealed to the Board of License Appeals as provided in Chapter 505. The Director shall abstain from voting on appeals of decisions the director has made.

(Ord. No. 1548-2013, § 1, 7-1-2013)

585.12 Board members' terms; compensation.

The Director and the City Auditor shall serve during the Director's and City Auditor's incumbency. The chairperson of the public safety committee of City Council shall serve as long as the chairperson holds this position on City Council. All other members shall serve for a term of six (6) years and until their successors have been appointed and have qualified. All members shall serve without compensation.

(Ord. No. 1548-2013, § 1, 7-1-2013; Ord. No. 1377-2014, § 10, 7-21-2014; Ord. No. 3247-2017, § 2(Att.), 12-11-2017)

586.01 Definitions.

- (A) "Director" means the Director of Public Safety and/or authorized designee.
- (B) "License Section" means the License Section of the Department of Public Safety.
- (C) "Micro transit vehicle" or "MTV" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(Ord. No. 3156-2017, § 1, 12-11-2017)

586.04 Identification of micro transit vehicles.

Every person owning or operating a licensed micro transit vehicle may adopt any business name, design, color scheme or method of painting or lettering that is approved by the Director. Every micro transit vehicle shall comply with the following requirements:

- (A) All MTV must be registered with the State of Ohio and display a valid Ohio license plate.
- (B) The identification number assigned by the Director to each micro transit vehicle shall be painted on the rear of the vehicle in letters that are not less than two (2) inches and not more than six (6) inches in height, with each line a minimum of one-half (½) inch wide;
- (C) The name of the owner, or the business name under which the owner conducts business, shall be painted on the rear of the vehicle. The letters shall not be less than two (2) inches and not more than six (6) inches in height, with each line a minimum of one-half (½) inch wide; and
- (D) All mandatory lettering, identification numbers and wording shall contrast distinctly with the color of the body of the vehicle, be reflective, and applied with non-water soluble paint, decals or adhesive-backed lettering.

(Ord. No. 3156-2017, § 1, 12-11-2017)

586.08 MTV operating regulations.

- (A) MTV use of side streets, alleys or secondary streets at all times is preferred. MTVs must use side streets, alleys or secondary streets between the hours of 7:00 a.m. - 9:00 a.m. week days and 4:00 p.m. - 7:00 p.m. weekdays and weekends and during city approved special events.
- (B) The Director's approval shall be required for routes that are outside the business boundaries.
- (C) Every person owning, operating or in physical control of a MTV shall be subject to all applicable laws, rules and regulations of Chapter 2173 of the Columbus City Code pertaining to bicycles and motorcycles, Chapters

587, 589 and 592 of the Columbus City Code pertaining to vehicles for hire and the City of Columbus and the State of Ohio traffic laws. All persons owning, operating or in physical control of a MTV shall not:

- (1) Impede or block the normal or reasonable movement of pedestrian or vehicular traffic in compliance with law;
- (2) Wear earphones or headsets over the ears;
- (3) Use an electronic device while transporting passengers except while actively utilizing it for routing;
- (4) Fail to clearly display a personal driver identification card;
- (5) Peddle or allow peddling from the vehicle;
- (6) Allow more passengers than it has working, factory installed seat belts;
- (7) Consume or use any type of alcoholic beverage or drug of abuse or allow any passenger to do so while being transported.

(Ord. No. 3156-2017 , § 1, 12-11-2017)

587.04 License fees.

Any owner of a taxicab, micro-transit vehicle, pedicab, quadricycle, livery vehicle, or horse drawn carriage to be used as a vehicle for hire must pay to the License Section an annual license fee based on the type of vehicle that is being licensed and to be determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

(Ord. No. 1548-2013, § 2, 7-1-2013; Ord. No. 3268-2017 , § 1, 12-11-2017; Ord. No. 0604-2020 , § 1, 5-4-2020)

587.08 Transfer of license to other vehicle.

In the event the owner of a licensed vehicle shall cease to own the same, or in the event that such vehicle shall become unsuitable for operation after inspection, an affidavit to such effect may be filed with the Director. The Director shall, upon approval, transfer the license to any other vehicle belonging to such owner once the following requirements have been met:

- (a) The vehicle is approved by the Director;
- (b) The vehicle complies with applicable provisions of Chapter 587 through 594 specifying vehicle for hire requirements; and
- (c) The owner pays the License Section a processing fee in an amount determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

(Ord. No. 1548-2013, § 2, 7-1-2013; Ord. No. 0740-2014, § 5, 3-31-2014; Ord. No. 0604-2020 , § 1, 5-4-2020)

587.09 Transfer of license to other owner.

o Vehicle for Hire Owner's License for a taxicab shall be transferred from one (1) taxicab owner to another unless an application for transfer has been filed with the License Section. The applicant for the transfer of a license shall file with an application the written consent of the existing taxicab owner of the license and shall comply with all the terms and conditions of the Columbus City Code governing vehicles for hire. A processing fee shall be imposed for such transfer in an amount determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501. Every taxicab owner of a licensed vehicle for hire shall notify

the Director upon the sale of any licensed vehicle when it is intended that the purchaser shall continue to operate it as a vehicle for hire within the City.

No Vehicle for Hire Owner's License issued to a livery vehicle, pedicab, or horse carriage shall be transferred from one (1) owner to another. Any Vehicle for Hire Owner's License issued for a livery vehicle, pedicab, or horse carriage and shall revert back to the city of Columbus.

(Ord. No. 1548-2013, § 2, 7-1-2013; Ord. No. 2929-2013, § 3, 12-16-2013; Ord. No. 0740-2014, § 6, 3-31-2014; Ord. No. 0604-2020, § 1, 5-4-2020)

587.10 Records; trip sheets.

- (a) The owner shall maintain a record of all vehicles showing the body number, the city license number, and data necessary to identify the driver of such vehicle at all times. The owner shall also keep a record of the time of departure from and arrival at a garage or headquarters of such vehicle(s).
- (b) Owners shall require their drivers to submit completed trip sheets on a regular basis, but in no case shall this be greater than weekly. The trip sheet shall record the identification number of the vehicle, name of the driver, date of trip, number of passengers and the total amount of the fare paid. Pedicab drivers are exempt from keeping trip sheets under this section but pedicab owners must otherwise comply with Sections 587.10(a) and (c).
- (c) All such records shall be maintained and not destroyed for a period of six (6) months, and shall be subject to inspection at all times by the Division of Police and by the Director.

(Ord. No. 1548-2013, § 2, 7-1-2013; Ord. No. 2929-2013, § 4, 12-16-2013; Ord. No. 0604-2020, § 1, 5-4-2020)

587.11 Grounds for permanent revocation, revocation and suspension of vehicle for hire owner's license.

The Director may permanently revoke, revoke or suspend the license of any licensed owner for any of the following acts or omissions by the owner:

- (a) Permitting the operation of a vehicle for hire by any person who is not licensed pursuant to Chapter 589;
- (b) Obtaining a license by a false statement in his or her application;
- (c) Misrepresenting or otherwise making false statements in an affidavit when applying for a duplicate license or driver identification card;
- (d) Knowingly permitting the operation of a vehicle for hire by any person who is not suitably dressed, neat in appearance, and exercising good personal hygiene habits;
- (e) Failing to post and maintain the schedule of rates filed with the Director for that vehicle in an area readily visible to the passenger;
- (f) Knowingly permitting the operation of a vehicle for hire which displays the emblem of a credit card program or a discount program when the owner does not participate in such program;
- (g) Knowingly permitting the operation of a vehicle for hire that displays the emblem of a credit card program but the credit card machine is currently out of service or not functioning properly;
- (h) Failing to supply blank receipts to any vehicle for hire driver or failing to provide any passenger with a receipt that sets forth all of the following: the name of the owner of the vehicle, its identification

number, the identification of the driver, the date, a list of all items for which a charge is made, and the total amount paid;

- (i) Failing to maintain the records and trip sheets required by Section 587.10;
- (j) Soliciting or knowingly permitting the solicitation of potential passengers by employees, agents or drivers operating the owner's vehicles by any means at a facility served by a designated taxi stand or by horn, bell, or other audible signal at any location. Solicitation shall not include the direction of a passenger to the first vehicle in a loading area, or to courtesy phones or nonaudible advertising located on the taxicab;
- (k) Failing to appear before the Director when properly notified to do so;
- (l) Disruptive behavior or misconduct at a meeting of the Board that prevents or disrupts an orderly meeting. This includes but is not limited to the use of profanity, yelling or screaming, preventing a recognized speaker from speaking, and failing to follow the rulings of the chairperson;
- (m) Verbally threatening or attempting to intimidate any employee of the city of Columbus for actions taken in the enforcement of the provisions of Chapters 585 through 594; or
- (n) Any other form of misconduct, which shall mean conduct apart from the generally accepted practices of vehicle for hire owners, which demonstrates personal, corporate, managerial, ethical or professional characteristics or disposition rendering a person unsuitable to own a vehicle for hire.

The Director shall revoke or permanently revoke an owner's license if it appears upon investigation and hearing that the license has been obtained by willful misrepresentation.

(Ord. No. 1548-2013, § 2, 7-1-2013; Ord. No. 0740-2014, § 7, 3-31-2014; Ord. No. 0604-2020, § 1, 5-4-2020)

587.12 Inspections.

- (a) The Director shall establish the criteria and the procedure for a reasonable inspection to be performed prior to initial licensing and prior to any renewal.
 - (1) The Director shall provide all vehicle for hire owners with a City of Columbus annual mechanical inspection form for the specific vehicle to be licensed. The owner must have the vehicle inspected by one (1) of the following: a certified mechanic, ASE Blue Seal Shop, dealership that is not employed by the driver and/or owner of the vehicle and that does not have a vested interest in the management affairs of the driver and/or owner of the vehicle. With respect to pedicabs an inspection must be obtained from a reputable bicycle shop that does not have a vested interest in the management affairs of the driver and/or owner of the pedicab. The inspection form must be signed and stamped by the mechanic and/or inspecting facility and submitted to the License Section with original invoice and any defect repair paperwork. Any additional inspection requirements for micro-transit vehicles, pedicabs or commercial quadricycles, livery vehicles, or horse drawn carriages are set forth in Chapters 586, 592, 593, and 594, respectively.
 - (2) The inspecting establishment shall provide a copy of the annual mechanical inspection form to the owner of the vehicle. The original form shall be taken to the License Section prior to the issuance or renewal of the license for that vehicle, pursuant to Section 587.05.
 - (3) All inspection criteria must be satisfactory prior to the approval of licensing. If any portion of the inspection is unsatisfactory, the vehicle owner shall cause the condition to be corrected and shall have the vehicle reinspected by the original certified mechanic or inspection facility.
- (b) The Director shall make or cause to be made an additional inspection of all vehicles for hire to take place at License Section facilities prior to the issuance of the vehicle for hire owner's license. The Director may, with

discretion, make or cause to be made additional inspections of any vehicle for hire at any other time at no charge to the owner or operator.

- (1) If, upon any inspection, a vehicle is found to be unsafe, unclean or unsightly, a license officer or law enforcement officer may remove the decal and direct the vehicle be taken out of service until the vehicle is in compliance. Such vehicle taken out of service must be reinspected at a cost to be determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501. The vehicle must be approved by a license officer before being returned to service.
 - (2) The license officer shall cause a memorandum of such inspection failure to be recorded on the record of the owner of said vehicle that is maintained by the License Section.
 - (3) The license officer shall provide the vehicle owner the cause(s) for failure in writing.
- (c) After a vehicle successfully completes the inspection and pays a decal fee to be determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501, the decal shall be issued by the Director and be affixed to the vehicle in an assigned location. The decal shall clearly indicate that the vehicle has received and satisfied the inspection.

(Ord. No. 1548-2013, § 2, 7-1-2013; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.03 Application information.

- (a) Applications shall be made to the Director upon forms provided by the License Section and shall set forth that the applicant is:
- (1) A citizen of the United States or a legal permanent resident;
 - (2) In possession of a valid Ohio Driver's License and has been a licensed driver for at least six (6) months prior to the application date;
 - (3) Eighteen (18) years of age or older; and
- (4) Is in compliance with any additional licensure requirements for drivers of micro-transit vehicles, pedicabs or commercial quadricycles, livery vehicles, or horse drawn carriages, as applicable, and as set forth in Chapters 586, 592, 593, and 594, respectively.
- (b) The Director has the authority to request any additional information that the Director deems pertinent or necessary to verify or clarify information in the applicant's application.
- (c) Along with each application, all applicants are required to submit:
- (1) An Ohio Bureau of Criminal Investigation criminal background check as required by Section 501.08(2) of the Columbus City Code and driver abstract at a cost to the applicant;
 - (2) A certificate from a licensed physician or licensed nurse practitioner who, after examination of the applicant, shall:
 - (A) Certify that the applicant is free from defective or uncorrected vision, defective or uncorrected hearing, epilepsy, vertigo, heart trouble, and any other infirmity, physical or mental, detected upon examination which would prevent the applicant from safely operating a vehicle for hire; and
 - (B) Set forth the applicant's condition as to visual acuity, field of vision and color visions, together with a statement that the applicant has no eye condition which would prevent the applicant from driving a vehicle for hire.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.04 License fee.

Every driver of a vehicle for hire shall pay a fee in an amount determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501 with the submission of his or her application. Any applicant who is denied a license shall have this fee returned. Additional administrative fees may be assessed by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 2506-2014, § 2, 12-15-2014; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.05 Issuance of license.

- (a) If the Director determines that an applicant satisfies the requirements for operating a vehicle for hire, under the provisions of Chapter 585 through 594 and under the rules or regulations adopted by the Director, the Director shall have the authority to issue the license upon payment of the proper fee(s) as provided in C.C.C. 589.04.
- (b) No license shall be issued to any applicant that has been convicted of the following offenses within the last seven (7) years:
 - (1) Operating, driving or being in physical control of a vehicle while under the influence of intoxicating liquor or drugs;
 - (2) Manslaughter or homicide of any degree resulting from the operation of a motor vehicle;
 - (3) Any felony in which physical violence is used;
 - (4) A felony, misdemeanor or code violation involving a sex offense, trafficking in controlled substances, or any offense of violence as defined in C.C.C. 2301.0;
 - (5) Any person required to register with the Sheriff's Office in the residing county as a sexual offender or sexual predator pursuant to Ohio Revised Code 2950.03; or
 - (6) Any person convicted of a weapon violation.
- (c) The Director shall review the application of the following persons prior to issuing a license and may require additional information and/or a personal appearance by the applicant:
 - (1) Any person on probation or parole for a felony or aggravated felony at the time of application;
 - (2) Any person released from a correctional facility within twelve (12) months from the date of application; or
 - (3) Any person convicted of two (2) or more offenses relating to the illegal use or possession of drugs.
- (d) Any applicant who has accumulated eight (8) or more points on an Ohio Driver License within the three (3) year period preceding the date of application may be required to appear before the Director who shall determine if a vehicle for hire driver's license should be issued.
- (e) Nothing in this section shall be construed to limit the discretion of the Director to refuse to issue a license for these or other background related issues that may be outside of the above listed look back period.
- (f) The Director shall have the authority to require up to four (4) hours of training or review relevant to the vehicle for hire industry as a prerequisite to the issuance or renewal of a Vehicle for Hire Driver's License. The applicant or licensee shall be responsible for any cost associated with this training.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 0740-2014, § 10, 3-31-2014; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.06 Expiration and Renewal.

- (a) Except for those vehicle for hire driver's licenses issued pursuant to Division (b) of this Section, all vehicle for hire driver's licenses issued pursuant to this chapter shall expire on the final day of the month occurring one year or twelve months from the date of issuance. In accordance with Columbus City Code Section 501.17, applications for renewal may be submitted to the License Section no earlier than 60 days prior to expiration. Failure to submit a renewal application at least 30 days prior expiration may cause a delay of the renewal of the license. Any licensee who fails to submit all the required application materials prior to the expiration of the license will have to apply for a new license. year.
- (b) Any applicant that submits a renewal application for a vehicle for hire driver's license during the calendar year 2020 shall be allowed to elect, using discretion, the expiration month of the vehicle for hire driver's license, provided that the month must be at least twelve months from the date of issuance and may be no more than 23 months from the date of issuance. The license fee will be based on the duration of the license period and will be determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.08 Driver standards.

- (a) Any license officer shall have the power to inspect a vehicle for hire driver upon any complaint or for any other reason.
 - 1) If, upon any inspection, a driver is found to be not in compliance with the standards established for drivers in the rules and regulations adopted by the Board, the license officer shall impound the driver identification card of the driver until condition is corrected.
 - (2) If the driver desires to contest the action of the license officer, the driver must inform the license officer at the time the driver identification card is impounded. A formal complaint will then be filed by the license officer who will present the complaint to the Director. Such a request by the driver shall be deemed a waiver of the ten-day notice required by C.C.C. 585.15. Any driver who requests a formal review shall be allowed to retain a personal driver identification card and the right to drive pending action by the Director.
- (b) No person shall operate, drive or be in physical control of a vehicle for hire while under the influence of intoxicating liquor or illegal drugs.
- (c) No driver shall talk or text on a mobile/smart phone while operating, driving or in physical control of a vehicle for hire while a paying fare is in the vehicle.

(Ord. No. 1548-2013, § 3, 7-1-2013)

589.09 Grounds for permanent revocation, revocation and suspension.

The Director may permanently revoke, revoke or suspend the license of any licensed vehicle for hire driver for any of the following acts or omissions by the driver:

- (a) Obtained a license by a false statement on the application, or upon misrepresentation or false statements in an affidavit in applying for a duplicate license or driver identification card;
- (b) Has become physically or mentally incapable of operating a vehicle for hire;
- (c) Been convicted of a crime involving moral turpitude;

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- (d) The driver has engaged in misconduct, which includes, but is not limited to:
- (1) Failing to report within twenty-four (24) hours any accident in which the licensee is involved to the appropriate law enforcement agency;
 - (2) Possessing or using any controlled substance, as defined in Ohio Revised Code 3719.01 not specifically prescribed to the driver by a physician, or possessing any open intoxicating liquor container while in a vehicle for hire;
 - (3) Operating, driving or in otherwise being physical control of a vehicle while under the influence of intoxicating liquor or drugs;
 - (4) Operating, driving or in otherwise being physical control of a vehicle for hire where gambling is occurring regardless of whether the operator receives a percentage of the proceeds or not;
 - (5) Failing to display a personal driver identification card in the rear passenger compartment, or failing to provide a personal driver identification card upon demand of the passengers of a livery, failing to preserve such card in good order and condition, or displaying an expired driver identification card;
 - (6) Permitting a non-fare paying passenger to occupy a vehicle for hire while a paying passenger is present in the vehicle;
 - (7) Failing to deliver a correct and legible receipt to the person paying for the vehicle for hire if a receipt is requested. The receipt shall contain the identification numbers of the vehicle and its driver, all items for which a charge is made, the total amount paid and the date of payment;
 - (8) Failing to maintain the driver records and trip sheets required by C.C.C. 587.10;
 - (9) Operating a vehicle for hire which is unclean or unsightly. If, upon inspection under C.C.C. 587.12, a vehicle is found to be in violation of this subsection, the Director shall cause a memorandum of the inspection failure to be placed on the record of the driver, in addition to any action taken against the license of the vehicle;
 - (10) Operating a vehicle for hire while not in compliance with the standards established for drivers in the rules and regulations adopted by the Board. Any reprimand for this subsection shall be recorded on the permanent record of the driver.
 - (11) Subsequent offenses, extreme situations, or appeals of a license officer's determination under this subsection or Section 589.08 shall be brought before the Director;
 - (12) Accumulating twelve (12) or more points within a three (3) year period on the drivers Ohio Driver License. This shall apply whether any number of such points were accumulated before the granting of a Vehicle for Hire Driver's License or while operating a vehicle for hire;
 - (13) Violating enumerated in C.C.C. 589.05(b), or committing any crime which demonstrates personal characteristics rendering a person unsuitable to drive a vehicle for hire;
 - (14) Violating of C.C.C. 589.08(b), with the exception of C.C.C. 589.08(b)(3) which may result in suspension rather than revocation;
 - (15) Operating a vehicle for hire while wearing earphones, earbuds or headsets over the ears or with a television operating in the vehicle;
 - (16) Entering the airport grounds during a period for which the airport administrator or designee has suspended the right of the driver to operate on those grounds, except that such driver may discharge a passenger at the airport if the trip has originated off airport property;

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- (17) Failing to summons the closest available vehicle if the vehicle for hire becomes disabled causing a delay that is unacceptable to the passenger(s). The driver may not charge more than the original trip would have cost if the disability did not occur;
 - (18) Failing to appear before the Director when properly notified to do so;
 - (19) Any other form of misconduct which shall mean conduct apart from the generally accepted practices of vehicle for hire drivers which demonstrates personal characteristics rendering a person unsuitable to operate a vehicle for hire;
 - (20) Engaging in disruptive behavior or misconduct at a meeting of the Board which prevents or disrupts an orderly meeting. This includes but is not limited to the use of profanity, yelling, screaming, preventing a recognized speaker from speaking, and failing to follow the rulings of the chairperson; or
 - (21) Verbally threatening or attempting to intimidate any employee of the city of Columbus for actions taken in the enforcement of the provisions of Chapters 585 through 594.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 0740-2014, § 11, 3-31-2014; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.10 Suspension by Director.

When a vehicle for hire driver presents an immediate danger to the health, safety or welfare of the citizens of Columbus, the Director may immediately suspend the license of such person using discretion. When a driver is notified of the suspension, the driver shall surrender a personal license and driver identification card to the Director or the License Section. Pending a decision by the Director, the Support Services Administrator may impose a temporary suspension for a period not to exceed twenty-four (24) hours. This temporary suspension shall not be extended by the Support Services Administrator.

A driver shall have the right of appeal to the Board of License Appeals any such suspension in accordance with C.C.C. 505.06.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.11 Driving while Ohio Driver's License is suspended or revoked.

Whenever a licensed driver has a personal Ohio Driver's License suspended or revoked, the Vehicle for Hire Driver's License shall automatically be suspended or revoked for the same period of time. The vehicle for hire driver is required to report such license suspension to the License Section immediately upon the suspension.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 0604-2020 , § 1, 5-4-2020)

589.13 Return of license and driver identification card.

Upon the Director's refusal to grant renewal under the provisions of C.C.C. 589.05, or upon the Director's suspension, revocation or permanent revocation of any Vehicle for Hire Driver's License, the driver shall return to the Director a personal Vehicle for Hire Driver's License and driver identification card. In the event such items have been lost, the applicant shall file an affidavit to that effect with the Director. Failure to file such affidavit or to return the license and driver identification card shall be punishable according to Section 589.99.

(Ord. No. 1548-2013, § 3, 7-1-2013; Ord. No. 0740-2014, § 12, 3-31-2014)

591.03 Identification of taxicabs.

Every person owning or operating a licensed taxicab may adopt any business name, design, color scheme or method of painting or lettering that is approved by the Director. Every taxicab shall comply with the following requirements:

- (a) The identification number assigned by the Director to each taxicab shall be painted on each side and on the rear of the taxicab in letters not less than four (4) inches and not more than eight (8) inches in height, and with each line a minimum of one-half ½ inch wide;
- (b) The name of the owner, or the trade name under which the owner does business, shall be painted on each side and the rear of the taxicab. The side letters will not be less than four (4) inches and not more than eight (8) inches in height, with each line a minimum of one-half ½ inch wide;
- (c) All mandatory lettering, identification numbers and wording shall be clearly identifiable and contrast distinctly with the color of the body of the taxicab and shall be applied with non-water soluble paint, decals or adhesive-backed lettering; and
- (d) Every taxicab must be equipped with an operating cruise light on the roof.

(Ord. No. 1548-2013, § 4, 7-1-2013)

591.04 Fare rate schedule.

All fares, charges, or fees for the use of taxicabs shall be determined by one (1) of the following:

- (a) Taximeter rate which shall be computed by a taximeter and such rate shall not be more than the maximum rate in the following schedule:
 - (1) For the first one-ninth ($\frac{1}{9}$) mile or fraction thereof: \$3.00
 - (2) For each additional two-ninths ($\frac{2}{9}$) mile: \$0.45
 - (3) Waiting time: For each appropriate period of one (1) minute waiting time as registered by the taximeter clock: \$0.45
- (b) Hourly rate which shall be computed at twenty-seven dollars (\$27.00) per hour or meter fare, whichever is greater.
- (c) Special trip rate which is established for special trips as defined in C.C.C. 585.01(hh) by being submitted to the Board, approved by the Board, and filed with the Director. Such rate may exceed the maximum meter rate. The Board may require prior to the approval of the special trip rate written evidence that the fare-paying passenger or organization sponsoring the passenger has been notified of the lower taximeter rate and agrees to the special trip rate.
- (d) Charges on trips to destinations outside the county shall not be limited by the taximeter rate but shall be mutually agreed upon by the driver and the passenger. The charge shall not exceed two dollars and twenty-five cents (\$2.25) per one-way mile.
- (e) Whenever two (2) or more passengers agree to share a taxicab, the charge to each passenger shall be subject to mutual arrangement among the passengers and driver. The driver may not provide service to the passengers until the driver explains to all passengers the manner in which the fare will be calculated and obtains the oral consent of all passengers. In no event shall the mutually agreed upon charge for all the passengers exceed three-quarters ($\frac{3}{4}$) of the total of all the charges based on the maximum taximeter rate that would have been charged to each passenger if they had been traveling

separately. Two (2) or more passengers traveling together to the same destination shall be charged no more than the meter rate plus any applicable surcharges.

(Ord. No. 1548-2013, § 4, 7-1-2013)

591.06 Taximeter inspections.

- a) It shall be the duty of the Sealer of Weights and Measures to inspect, test and seal every taximeter used at least once (1) per year. The Sealer shall keep a record of the identification number of every taximeter and the date of inspection in the office. The fee established by C.C.C. 2903.01 shall be charged to the owner of each licensed taxicab for each annual taximeter inspection.
- (b) If the Sealer finds any taximeter not accurate or not calculating and registering in accordance with the rates filed with the Director and posted in the taxicab, the Sealer shall notify the Director.
 - (1) When a taxicab is not in service, the taximeter shall show no fare.
 - (2) When a taxicab is in service and the taximeter rate is used, the taximeter shall be in the calculating position.
 - (3) Upon the completion of service by a taxicab, the taximeter shall be returned to the non-calculating position and its indicator cleared.
 - (4) Whenever a taxicab owner files an amended rate schedule, in which the taximeter is altered, the taximeter on the taxicab involved shall be adjusted to the new rate and the taximeter shall be inspected, tested and sealed by the Sealer before the new rate shall become effective.

(Ord. No. 1548-2013, § 4, 7-1-2013)

591.08 Taxicab vehicle standards.

- (a) All licensed taxicabs shall be reasonably clean and in safe condition so as to not cause personal injury or damage the clothing or possessions of the passenger(s). Every taxicab shall be equipped with the following:
 - (1) Two-way radio or dispatch service; this service shall be listed in the telephone directory assistance listings by the business name of the taxicab. The two-way radio will have the capability of vehicle to base and base to vehicle communications to a person or company in a business relationship with the owner. All radios used in taxicabs shall be registered with the License Section. A reasonable time for repair of the radio will be allowed provided the License Section is notified as soon as practicable upon the determination by the owner or driver that the radio is not properly functioning. In no case shall this period of time be more than ten (10) days without the approval of the Board;
 - (2) A minimum of three (3) doors;
 - (3) Safety or shatterproof glass in all windshields and windows;
 - (4) A light within the passenger compartment;
 - (5) Manufacturer installed safety belts, which may be used at the option of the passenger, numbering no fewer than the maximum occupancy of the taxicab;
 - (6) Must not require the movement of a seat or any portion of a seat to gain access to another seat, with the exception of wheelchair and specialty taxicabs; and
 - (7) By June 30, 2014, every taxicab shall have a credit card swipe machine that is PCI compliant installed in the rear compartment of the vehicle as to allow the passenger to personally swipe a credit card and

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choose a tip amount. If the credit card machine is not functioning properly, the driver must inform any prospective passenger(s) before entering the vehicle. A reasonable time for repair of the credit card machine will be allowed provided the License Section is notified as soon as practicable upon the determination by the owner or driver that the credit card machine is not functioning properly. In no case shall this period of time be more than ten (10) days without the approval of the Board.

(Ord. No. 1548-2013, § 4, 7-1-2013)

591.09 Grounds for permanent revocation, revocation and suspension.

The Director may permanently revoke, revoke or suspend the license of any taxicab driver and/or owner who engages in any of the following conduct:

- (a) While on duty, refusing trip service to any orderly person(s) who desires transport for lawful purposes whether the demand is by passengers who personally engage the driver or by dispatch, unless the vehicle for hire is currently engaged with another trip or the vehicle for hire has become disabled or unsafe;
- (b) Failing to post and maintain the schedule of rates filed with the Director for that taxicab in a location that is readily visible to the passenger;
- (c) Knowingly operating a taxicab in which a taximeter is not attached or inspected, registers improperly, displays a fee in excess of the rate on file with the Director or posted in the taxicab, in which the seal affixed by the Sealer of Weights and Measures is broken or expired and failing to use a taximeter whenever transporting passenger(s) even if the driver and passenger(s) have mutually agreed to the fare amount regardless of the destination;
- (d) Collecting a fare in excess of the meter rate or showing a fare on the meter when the taxicab is not transporting passengers or packages for which the meter is being used to determine the charge, or failing to use the taximeter when transporting passengers;
- (e) Violating the fare rates for more than one passenger as described in Section 591.05 or failing to take the most direct route or the most convenient route for the passenger;
- (f) Soliciting of passengers by horn, bell or other audible signal at any location, or soliciting passengers by any means, at a facility served by a designated taxi stand. Solicitation shall not include the direction of a passenger to the first vehicle in a loading area or to courtesy phones, or other nonaudible advertising;
- (g) Parking a vehicle for hire at any taxi stand when not for hire, or when not available for hire for a period of fifteen (15) minutes or more, as evidenced by failing to return to proximity of the vehicle within that period of time unless the vehicle has been hired for passenger use or for pick up or delivery of a package;
- (h) Failing to, at all times, maintain a trip sheet in accordance with C.C.C. 587.10. Such entries on the trip sheet are to be made at the time of each act to be recorded, as directed in this section. All such records shall be submitted to the owner periodically as the owner determines; or
- (i) Requiring payment by cash when the vehicle for hire has a working credit card machine.

(Ord. No. 1548-2013, § 4, 7-1-2013)

592.04 Identification of pedicabs/commercial quadricycles.

Every person owning or operating a licensed pedicab/commercial quadricycle may adopt any business name, design, color scheme or method of painting or lettering that is approved by the Director. Every pedicab/commercial quadricycle shall comply with the following requirements:

- (A) The identification number assigned by the Director to each pedicab/commercial quadricycle shall be painted on the rear of the pedicab/commercial quadricycle in letters that are not less than two (2) inches and not more than six (6) inches in height, with each line a minimum of one-half (½) inch wide;
- (B) The name of the owner, or the business name under which the owner does business, shall be painted on the rear of the pedicab/commercial quadricycle. The letters shall not be less than two (2) inches and not more than six (6) inches in height, with each line a minimum of one-half (½) inch wide; and
- (C) All mandatory lettering, identification numbers and wording shall contrast distinctly with the color of the body of the pedicab/commercial quadricycle, be reflective, and applied with non-water soluble paint, decals or adhesive-backed lettering.

(Ord. No. 3245-2017 , § 1, 12-11-2017)

592.08 Pedicab/commercial quadricycle operating regulations.

- (A) Every person owning, operating or in physical control of a pedicab/commercial quadricycle shall be subject to all applicable laws, rules and regulations of Chapter 2173 of the Columbus City Code pertaining to bicycles and motorcycles, Chapters 587, 589 and 592 of the Columbus City Code pertaining to vehicles for hire and the City of Columbus and the State of Ohio traffic laws.
- (B) All persons owning, operating or in physical control of a pedicab/commercial quadricycle shall not:
 - (1) Impede or block the normal or reasonable movement of pedestrian or vehicular traffic in compliance with law;
 - (2) Wear earphones or headsets over the ears;
 - (3) Use a mobile/smart phone while a paying fare is in the pedicab/commercial quadricycle; and
 - (4) Fail to clearly display a personal driver identification card.

(Ord. No. 3245-2017 , § 1, 12-11-2017)

593.04 Temporary licensing procedures.

- (a) The owner of a licensed livery vehicle may obtain a ten-day temporary livery permit for use only on vehicles rented or leased temporarily from a company in the business of renting vehicles to the general public.
- (b) The application for a temporary livery permit shall be on a form designated by the Director. In addition to all other requirements, a copy of the rental agreement shall be presented with the application. The fee for each permit shall be in an amount determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501 payable upon submission of the application.
- (c) If the applicant meets the requirements established in C.C.C 587.03, 587.14, 587.15, 587.16 and 587.17, and the vehicle passes an inspection, a permit shall be issued.
- (d) If the owner of an existing licensed livery vehicle requires the use of a rented or leased vehicle to supplement its service for a period of time less than thirty-six (36) hours, an application shall be given to the Director for

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approval of a temporary permit. The application shall provide information regarding the lessor, year, make, model, license number of the temporary vehicle, and the beginning and ending period of the temporary rental or lease. The fee for each temporary permit shall be in an amount determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501 and must be submitted to the Director along with a copy of the rental agreement.

- (e) The permit shall be displayed on a placard placed on the left dashboard and visible from the outside of the vehicle through the windshield.
- (f) All provisions of this chapter, except Section 593.03(d) shall apply to vehicles temporarily licensed.

(Ord. No. 1548-2013, § 5, 7-1-2013; Ord. No. 0604-2020 , § 1, 5-4-2020)

594.04 License fees, expiration.

- (a) Fees for all licenses required under this chapter shall be determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501 and shall not include charges required by any other agency.
- (b) The Carriage license and Carriage Horse License issued pursuant to this chapter shall expire at midnight April 30 of each year with the exception of the Vehicle for Hire Driver's License that expires pursuant to the terms set forth in Chapter 589. Licenses may be renewed for each succeeding year if all applicable requirements are met.

(Ord. No. 1548-2013, § 6, 7-1-2013; Ord. No. 0604-2020 , § 1, 5-4-2020)

594.05 Vehicle for hire driver's license requirements.

No person shall drive, operate, or otherwise be in physical control of a licensed carriage without first obtaining a Vehicle for Hire Driver's License issued pursuant to Chapter 589 and comply with the following requirements:

- (a) The company shall furnish a statement that any new applicant has served an apprenticeship with a fully qualified, licensed horse carriage driver for forty (40) hours and has thoroughly learned the proper care, hitching, handling and driving of a carriage.

(Ord. No. 1548-2013, § 6, 7-1-2013)

598.04 Short-Term Rental Hosts and Hosting Platforms—Requirements

598.04 - Short-Term Rental Hosts and Hosting Platforms—Requirements

- (A) ~~The short-term rental host shall provide to the Director one form of proof of identity, and two pieces of evidence that the dwelling is the host's primary residence and/or or two pieces of evidence the host is the owner of the dwelling.~~
- (B) ~~(A) A valid One short-term rental permit shall be required for each dwelling approved as a short-term rental.~~
- (C) ~~(B) A short-term rental host shall be either an owner or a permanent occupant. If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain permission from the property owner of the dwelling to register the dwelling on any hosting platform for use as a short-term rental.~~
- (D) ~~(C) A Short-term rental hosts shall provide written notice to a the short-term rental guest(s) of any known, non-obvious, or concealed condition, whether human-made or artificial, which may present a danger to the short-term rental guest(s), and shall designate a local 24-hour emergency contact person for the short-term rental property.~~
- (E) ~~(D) A Short-term rental hosts must comply with Section RC 2933.52 of the Revised Code. Such compliance shall also include known, non-obvious or concealed surveillance equipment, including, but not limited to, digital video cameras/recorders/monitors, streaming video security cameras, audio recorders/monitors, or any other electronic means of secretly watching, listening, or recording. In the event a short-term rental host utilizes an indoor and/or outdoor interception device(s), or any specific or similar aforementioned device, the short-term rental host shall notify the short-term rental guest. In the event the short-term rental guest does not consent to the short-term rental host utilizing an indoor interception device(s), or any specific or similar aforementioned device, for the duration of the short-term rental period, the short-term rental host shall immediately deactivate the indoor interception device(s) and shall not intercept, listen, monitor, record, or like thereof, any activity inside the short-term rental dwelling.~~
- (F) ~~(E) A Short-term rental hosts shall comply with the city of Columbus short-term rental excise taxes as required by C.C.C. Chapter 371 of the Columbus City Code.~~
- (G) ~~(1) A Rentals for thirty (30) or more consecutive days by the same person(s) guest(s) are not subject to short-term rental regulations or short-term rental excise taxes.~~
- (H) ~~All short-term rental hosts shall obtain liability insurance for each short-term rental. Each short-term rental shall at all times maintain the following insurance coverage meeting all of the following requirements:~~
- ~~(1) A general liability insurance policy or certificate that shall provide the minimum coverage;~~
- ~~a. Not less than three hundred thousand dollars (\$300,000). Such policy or certificate must be issued by an insurance company that is admitted to do business in the state of Ohio or by an eligible surplus lines company or risk retention group.~~
- ~~b. The policy or certificate shall provide notice of cancellation of insurance to the Director at least ten (10) days prior to cancellation.~~
- ~~c. Any cancellation of insurance required by this section shall result in an automatic revocation of the respective short-term rental permit.~~
- ~~(2) In the event that a hosting platform provides liability insurance to a host, such insurance would be deemed acceptable for submission provided the insurance meets the requirements of paragraph (1)(a) above.~~
- (F) ~~No person or entity short-term rental host shall offer, list, advertise or market a dwelling with five guestrooms or less, located within the city of Columbus, on an entity's website, for which such entity is compensated for facilitating or providing for a mechanism for a transaction, to rent or reserve the~~

~~dwelling, in whole or in part, for less than thirty (30) days, to another person engage in a short term rental operation located within the city of Columbus without registering, listing, or accompanying the a valid short term rental permit number, issued in accordance with this chapter and associated with the dwelling. short term rental on any medium used by the short term rental host to advertise the short term rental.~~

(J) (G) No entity, via the entity's website, shall provide for or facilitate a mechanism for ~~and collect a fee for;~~ a transaction between an owner or permanent occupant and another person to rent or reserve, in whole or in part, booking services in connection with any a dwelling with five guestrooms or less, ~~short term rental operation~~ located within the city of Columbus, unless the owner or permanent occupant short term rental host has registered or otherwise provided to the entity website a valid permit number, issued in accordance with this chapter and associated with the dwelling.

(K) (H) Records required.

(1) ~~A S~~short-term rental hosts who engages in, conducts, or carries on a ~~in~~ short-term rentals, and a hosting platforms that ~~engage provides for or facilitates a in~~ booking services, shall maintain and provide, when requested, records documenting the following information:

~~(a)~~ a. The short-term rental physical address;

~~(b)~~ b. The name of the person or entity who registered the short-term rental on the hosting platform or who listed the short-term rental ~~using any medium~~ on the hosting platform; and

~~(c)~~ c. For each short-term rental guest, ~~The~~ dates and duration of stay in a short-term rental, the number of persons who were scheduled to stay each night, and the daily rate charged for each short-term rental guest.

(2) ~~A H~~osting platforms and a short-term rental hosts shall retain records for a period of at least four (4) years.

(3) In order to determine whether an applicant, short-term rental host or hosting platform is in compliance with the requirements of this Chapter, the Director may request that any records relevant to or of assistance in a compliance investigation, be provided for inspection. If such request is denied, the Director may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

(L) (I) Nothing in this section shall be construed as permitting any person or entity to obtain a permit or offer, list, advertise, or market a short-term rental, where prohibited by any other provision of law.

(Ord. No. 2145-2018 , § 1, 7-30-2018; Ord. No. 0352-2019 , §§ 1, 3, 2-4-2019; Ord. No. 1079-2019 , § 1, 5-6-2019)

701.09 Enforcement.

(A) Inspection, Right of Entry, Evidence.

(1) The director in enforcing the provisions of the Health, Sanitation and Safety Code is hereby authorized and directed to make inspections pursuant to procedures of inspection by the department of development; or in response to a complaint that an alleged violation of the provision of this code or of applicable rules or orders pursuant thereto may exist; or when the director has valid reason to believe a violation of this code or any rules and orders pursuant thereto has been or is being committed.

(2) Upon presentation of proper credentials, the director is authorized, where permission is granted, to enter any dwelling, dwelling unit, multiple dwelling, business building or premises in the City of Columbus at reasonable times to perform any duty imposed on the director by this code. If any owner or person having charge of a building or premises subject to the provisions of this code fails or refuses to permit free access and entry to the dwelling, dwelling unit, multiple dwelling, business building or

premises under the control of the owner or person having charge of a building or premises or any part thereof, the director may apply to a judge of a court record, pursuant to Ohio Revised Code 2933.21(F) for a warrant of search to conduct an inspection. A warrant of search to conduct an inspection shall not be issued except upon probable cause as provided in Ohio Revised Code 2933.22.

- (3) Every occupant of a premises or structure shall give the owner or operator thereof, or keeper, agent or employee, access to any part of such structure or its premises at all reasonable times for the purposes of making such inspection, maintenance, repairs or alterations as are necessary to comply with the requirements of this code.
- (4) All records pertaining to the identification of a complainant shall be kept confidential from the public record of inspection and notice of violation in regard to any dwelling, dwelling unit, multiple dwelling, business building or premises.
- (5) The director may obtain samples of evidence during inspections.

(Ord. 858-01 §§ 1 (part), 2 (part); Ord. 1552-01 § 1 (part).)

701.13 Emergencies.

- (A) Whenever the director finds that an emergency exists which requires immediate action to protect the health and safety of any person, he or she may issue an oral or written order reciting the existence of such an emergency and requiring that such action as the director deems necessary be taken to meet the emergency. Notwithstanding the other provisions of this code, such order shall be effective immediately and complied with immediately.
- (B) If necessary to protect the health and safety of any person where an emergency exists in an occupied building, the director shall order that the premises be vacated forthwith and further that it shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the director.
- (C) In cases where it reasonably appears that there is imminent danger to the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the director may cause the immediate abatement, including building demolition, of such emergency condition. The director shall further cause the cost of such abatement to be charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.
- (D) The owner or person having charge shall, upon request pursuant to Section 701.15, be granted a hearing before the property maintenance appeals board on the matter. Such request for appeal shall not stay the requirement for compliance.

(Ord. 858-01 §§ 1 (part), 2 (part).)

703.05 Letter D.

"Debris" means the scattered remains of something or the ruins of something.

"Department", unless otherwise specified, means the department of development.

"Dilapidated" means a general condition of decay or extensive disrepair.

"Director" when used without clarification means the director of the department of development or designee.

"Division" when used without clarification means the code enforcement division of the department of development.

"Dormitory sleeping room" means a room providing sleeping quarters for a number of persons.

"Dumpster" means a type of automated collection container that is made of metal or other material approved by the public service director and is collected primarily by front-loading waste collection vehicles.

" Dwelling " means any building or structure, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.

" Dwelling unit " means one (1) or more habitable rooms forming a single habitable unit within a dwelling with facilities, which are used or intended to be used by one (1) or more persons for living, sleeping, cooking and eating. (Ord. 858-01 §§ 1 (part), 3 (part); Ord. 1552-01 § 1 (part); Ord. No. 0455-2010, § 5, 4-5-2010)

703.09 Letter H.

" Habitable room " means enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closets, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

" Health commissioner " as authorized by the board of health means the designated health authority of the city of Columbus or an authorized representative.

" Health department " means the health department of the City of Columbus, Ohio.

" Health hazard " means that state or condition of the environment, which places, either directly or indirectly, the health or safety of a person in danger or peril.

" Housing appeals board " means the property maintenance appeals board.

(Ord. 858-01 §§ 1 (part), 3 (part).)

703.12 Letter K.

" Keeper " or " proprietor " includes all persons, whether acting by themselves or as a servant, agent or employee of a premise or property.

(Ord. 858-01 §§ 1 (part), 3 (part).)

703.17 Letter P.

" Person " means any individual, firm, corporation, association, partnership, agent, operator, business trust, estate, syndicate, cooperative, or any entity recognized by law, or anyone in charge or in control of a premise or property.

" Premise " or " premises " means land(s) and everything of a permanent nature attached thereto as part of the realty, a platted lot or part thereof or unplatted lot or parcel of land either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

" Premise " or " premises " shall, for purposes of this code shall include all land(s) to the centerline of the street, alley, or right-of-way which this code designates certain responsibilities to a person.

" Property " means real and personal property. " Personal property " includes all property except real property.

"Property maintenance appeals board" includes the term "housing appeals board."

"Property maintenance inspector" and "property maintenance inspector trainee" means a "code enforcement officer", and is a duly authorized representative of the director.

"Proprietor" or "keeper" includes all persons, whether acting by themselves or as a servant, agent or employee of a premise or property.

"Public nuisance" means any structure or vehicle, which is permitted to be or remain in any of the following conditions:

- (A) In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare, or well-being of the surrounding area; or
- (B) A fire hazard; or
- (C) Any vacant building that is not secured and maintained in compliance with Chapter 4513; or
- (D) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used in violation of any division of Section 2925.13, Ohio Revised Code.

"Public nuisance" also means any structure, vehicle or real property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health or sanitation ordinance of the Columbus City Codes or Columbus City Health Code, or any real property upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment.

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

(Ord. 858-01 §§ 1 (part), 3 (part); Ord. No. 1247-2012, § 3, 7-30-2012)

703.19 Letter R.

"Real property" includes lands, tenements and hereditaments.

"Refuse" means all putrescible and nonputrescible solids, except body wastes, including but not limited to garbage, rubbish, ashes and dead animals. Refuse also means anything discarded or rejected as useless, worthless or trash.

"Refuse container" means a watertight, insect-proofed container that is constructed of metal or other durable material impervious to rodents, and that is capable of being serviced without creating insanitary conditions, or such other acceptable refuse containers that may be used for acceptable waste disposal as determined by the director of public service or a duly authorized representative. Openings into the container, such as covers and doors, shall be tight fitting.

"Repair" means to restore to sound condition. The term "repair" here includes renewal, replacement, or reinforcement, of an existing part of a structure but excludes additions made to, or remodeling of a structure.

"Right-of-way" means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public shared-use path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land, developed or undeveloped, dedicated or otherwise designated for the same now or hereafter held by the city.

"Rodent harborage" means any space where rodents live, nest or seek shelter, any condition that provides shelter or protection for rodents in, under, or outside of a structure of any kind or an accumulation of any type of material, which might provide such rodent shelter, or protection.

"Rodent-proofing" means a form of construction that will prevent the ingress or egress of rodents to or from a given space or building, or gaining access to food, water or harborage. The method of construction may include but is not limited to the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rodents by climbing, burrowing or other methods, by the use of materials impervious to rodent gnawing and other methods approved by the appropriate authority.

"Rubbish" means combustible and noncombustible waste materials including such items as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin can, metals, mineral matter, glass, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible material.

(Ord. 858-01 §§ 1 (part), 3 (part); Ord. No. 1247-2012, § 4, 7-30-2012)

705.03 Sanitary maintenance of premises.

- (A) No owner or person having charge shall occupy or let to another a dwelling, dwelling unit, multiple dwelling, business building or premises unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable laws and regulations of the State of Ohio and the City of Columbus.
- (B) Every owner or person having charge of a business building or a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared, common or public areas of the business building, dwelling, and premise thereof.
- (C) Every occupant of a dwelling, dwelling unit, multiple dwelling, business building or premises shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit, multiple dwelling, business building or premises thereof that the occupant occupies or controls.
- (D) The owner or person having charge of any dwelling, dwelling unit, multiple dwelling, business building or premises shall not allow any sewer, water closet or drain to leak, to be out of repair, to be inoperable, or to remain clogged or stopped; nor allow sewage or waste or stagnant water or other fluid to remain in any building or upon any land. Every plumbing fixture and all water and waste pipes shall be installed and maintained in good sanitary and safe working condition.
- (E) All owners or persons having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall be responsible for assuring that the dwelling, dwelling unit, multiple dwelling, business building or premises is graded, drained, free of standing water, in puddles, ponds, depressions, ditches, tires or containers and maintained in a clean, sanitary, and safe condition.
- (F) No owner or person having charge of any public or private premises or land, developed or undeveloped, shall permit the existence of an open abandoned well, pit, septic tank, or similar health and safety hazard; this includes a pit privy not in use, unless such a hazard is either filled or securely sealed in a manner approved by the director or a duly authorized representative.
- (G) The owner or person having charge of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining in a clean, safe and sanitary condition the shared or common areas of the dwelling and the premises thereof including the pavements, gutters, and dedicated portion of the street or alley abutting such premises, including any easements.
- (H) Every occupant of a dwelling, dwelling unit, multiple dwelling, business building or premises thereof that the occupant occupies and controls shall keep the same in a clean and sanitary condition including the pavements, gutters and dedicated portion of the street or alley abutting such premises, including any easements.
- (I) Every occupant of a dwelling, dwelling unit, multiple dwelling, business building or premises shall dispose of all his or her rubbish, garbage, and other solid waste in approved receptacles provided. Discarded or

abandoned articles of such bulk as to preclude disposal in such receptacles shall be conveyed by the occupant to an appropriate city disposal area or approved private disposal area.

- (J) No owner or person having charge shall allow any slaughter house, rendering establishment, factory, fertilizer plant, a business of any kind, or any premises thereof to create an unsanitary condition.

(Ord. 858-01 §§ 1 (part), 4 (part); Ord. No. 1247-2012, § 6, 7-30-2012)

707.03 Standards relative to solid waste.

- (A) Every owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store and dispose of all garbage, rubbish, debris or solid waste from those parts of the premises that the owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises controls in a clean, sanitary, and safe manner. No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store or dispose of garbage, rubbish, debris or solid waste by placing said solid waste in or on any land or premises in the city.
- (B) Every owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store and dispose of all garbage, rubbish, debris and solid waste which might provide food for vermin and/or rodents in a clean, sanitary, safe manner. All garbage cans and refuse containers shall be rodent-proof, insect-proof, water-tight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight fitting covers or similar closures; and shall be maintained at all times in a clean, safe and sanitary condition. Plastic bags may be used as garbage and refuse container liners but shall not be used without the container for on-site storage of garbage or refuse.
- (C) bulk containers, garbage and refuse cans which are used for storage of garbage, refuse and/or other solid wastes shall be placed in an acceptable location approved by the director of public service or a duly authorized representative, so as to not create a safety hazard or public nuisance.
- (D) The total capacity of all provided garbage and/or refuse containers and bulk storage containers shall be adequate to meet the needs of the occupants of the dwelling, dwelling unit, multiple dwelling, business building or premise.
- (E) Every owner or operator of a business building or every owner or person having control of a dwelling containing two (2) or more dwelling units shall provide and maintain adequate garbage disposal and rubbish storage receptacles for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of one (1) dwelling unit, it shall be the responsibility of each occupant to maintain adequate garbage disposal and rubbish storage receptacles in containers approved by the director of public service or a duly authorized representative.
- (F) It shall be the responsibility of the owner or person having charge of any garbage, refuse, or bulk containers to clean and maintain the container in a nuisance-free condition. Accumulation of material on the sides or bottom of the container will constitute a violation of this code. If a bulk container is leased, it shall be the responsibility of the lessee to clean and maintain the container in a nuisance-free condition.
- (G) No person shall deposit or allow to accumulate in any building, premise, yard, court, lot, street, alley, sidewalk, easement, right-of-way, or any other place, except in authorized receptacles, any solid waste, or any other substance, solid, semi-solid or liquid, or animal, vegetable or mineral origin, that by its decay, decomposition, chemical action or by becoming a harbor for animal or insect pests, would become an unsanitary condition.
- (H) No owner or person having charge shall deposit or allow to accumulate upon the pavements or the dedicated portion of the street, alley, sidewalk, easement, or right-of-way abutting the owner's or person having charge's premise(s) and/or property, except in authorized receptacles, any solid waste, or any other

substance, semi-solid or liquid, or animal, vegetable or mineral origin that by its decay, decomposition, chemical action or by becoming a harbor for animal or insect pests, would become an unsanitary condition.

(Ord. 858-01 §§ 1 (part), 5 (part); Ord. No. 1247-2012, § 7, 7-30-2012)

709.03 Standards relative to noxious weeds.

- (A) No owner or person having charge shall suffer to grow upon the pavements or in the gutters or upon the dedicated portion of the street, alley, easement, sidewalk, or right-of-way abutting the owner's or person having charge's premise(s) and/or property any brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other noxious weeds.
- (B) No owner or person having charge shall permit to grow on any property or premises in the city, any brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other noxious weeds, exceeding twelve (12) inches in height.
- (C) No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall allow grass, weeds, noxious weeds, brush or similar vegetation to remain on the premises at such a height and density as to constitute harborage, actual or potential, for rodents or vermin.
- (D) For the purpose of this code, a height of twelve (12) inches constitutes a potential hazard.
- (E) Divisions (A), (B), (C), and (D) of this section shall not apply to a premise or part thereof on which such growth may be reasonably demonstrated to be for agricultural or horticultural use.

(Ord. 858-01 §§ 1 (part), 6 (part); Ord. No. 1720-2009, § 3, 1-25-2010; Ord. No. 1247-2012, § 8, 7-30-2012; Ord. No. 0977-2017, § 3, 5-1-2017)

713.03 Standards relative to rodents, insects, vermin and other pests.

- (A) The owner or person having charge is responsible for elimination of any rodents, insects, vermin, or other pests in a dwelling containing two (2) or more dwelling units and on the premises thereof. The owner or person having charge is also responsible whenever improper rodent proofing of the premises causes the infestation.
- (B) No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall accumulate garbage, rubbish, solid waste, boxes, lumber, scrap metal, motor vehicle bodies or inoperable motor vehicles, or any other materials in such a manner that may provide a rodent harborage, insect harborage, vermin harborage or other pest harborage in or about any dwelling, dwelling unit, multiple dwelling, business building or premises.
- (C) No owner or person having charge of a business building or dwelling containing two (2) or more dwelling units shall accumulate or permit the accumulation of garbage, rubbish, solid waste, boxes, lumber, scrap metal, motor vehicle bodies or inoperable motor vehicles, or any other materials in such a manner that may provide a rodent harborage, insect harborage, vermin harborage or other pest harborage in or about the shared or public areas of that business building, dwelling, multiple dwelling or its premises.
- (D) No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall store, place or allow to accumulate any materials which may serve as food for rodents in a site accessible to rodents.
- (E) Every dwelling, dwelling unit, multiple dwelling, business building or premises on which it is located shall be maintained in a rodent-free, insect-free, and rodent-proof condition.
- (F) All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch ($\frac{1}{2}$) diameter or more opening shall be rodent-proofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings or if they may be reached by rodents from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other such items, such as trees or vines or by burrowing.
- (G) All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level, and all other exterior doorways which might provide an entry for rodents or other vermin shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents, insects, vermin and other pests into the structure.
- (H) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress and egress of rodents, insects and other pests to and from a building.
- (I) Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed or insect-proofed in a manner approved by and with materials acceptable to the director or a duly authorized representative.
- (J) all fences shall be constructed of approved fencing material, shall be maintained in good condition, and shall not create a harborage for rodents.
- (K) Accessory structures on the premises of a dwelling, dwelling unit, multiple dwelling or business building shall be rodent-proofed and free of insects and rodents, or such structures shall be removed from the premises.
- (L) No person shall permit to accumulate on any premise, alley, street or sidewalk in the city, including the easements of those same premises, alleys, streets, and sidewalks, any of the following materials, but not limited to solid waste, lumber, bricks, stones, boxes, barrels, scrap metal, scrap lumber, bottles, cans, motor vehicle bodies or parts, containers or similar materials so that these materials will not create an actual or potential harborage for rodents or insects.

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- (M) No person shall place, leave, dump, or permit to accumulate any garbage, rubbish or solid waste in any dwelling, dwelling unit, multiple dwelling, business building, premises, alley, street or sidewalk in the city, including the easements of those same premises, alleys, streets and sidewalks, so that same shall or may afford food or harborage for rodents or insects.
 - (N) The owner or person having charge of any vacant dwelling, vacant dwelling unit, vacant multiple dwelling, vacant business building or vacant premises shall maintain the structures, buildings, yards and premises thereof free from rodents, insects, vermin and other pests.
 - (O) The owner or person having charge of any dwelling, dwelling unit, multiple dwelling, business building or premises shall store firewood in a pest- and rodent-proof manner.

(Ord. 858-01 §§ 1 (part), 8 (part); Ord. No. 1247-2012, § 9, 7-30-2012)

715.01 Definitions.

For purposes of this chapter:

- (A) "Business" means a sole proprietorship, partnership, association, joint venture, corporation, or any limited liability form of any of the foregoing, or any other entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, financial, counseling or other professional or consumer services are provided.
- (B) "Employee" means a person who is employed by an employer, or who contracts with an employer or who contracts with a third person to perform services for an employer, or who otherwise performs services for an employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers the person's services to such employer for no monetary compensation.
- (C) "Employer" means an individual person, business, partnership, association, corporation, including a municipal corporation, trust, or any non-profit entity that accepts the provision of services from one or more employees.
- (D) "Enclosed area" means all space closed in by a roof or other overhead covering of any kind and walls or other side coverings of any kind on at least three sides with appropriate openings for ingress and egress.
- (E) "Place of employment" means an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including but not limited to, private offices, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, employee gymnasiums, auditoriums, libraries, storage rooms, file rooms, mailrooms, employee medical facilities, rooms or areas containing photocopying or other office equipment used in common by employees, elevators, stairways, hallways, factories, warehouses, garages, laboratories, taxies, limousines, and company-owned vehicles used for a business purpose. An enclosed area as described herein is a "Place of Employment" without regard to time of day or actual presence of employees. "Place of employment" only includes private residences, whether single or multifamily, if used as a child care, adult day care, or health care facility, or if a person uses a private residence in any way otherwise qualifying that person as an employer with respect to the use of that private residence; provided, however, that private residences are exempt from this chapter to the extent that the person providing the services is providing housecleaning, home maintenance or personal care services in the private residence.
- (F) "Proprietor" means the owner, manager, operator, liquor permit holder, or other person in charge or control of a public place or place of employment.

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- (G) "Public place" means an enclosed area to which the public is invited or in which the public is permitted and includes service lines. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
 - (H) "Service line" means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.
 - (I) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other smoking equipment in any manner or in any form. "Smoking" does not include the burning or carrying of incense in a religious ceremony.
 - (J) "Smoking materials" means any cigar, cigarette, pipe, weed, plant or other smoking equipment in any form.
 - (K) "Work area" means any room, desk, station or other area normally occupied by an employee while carrying out the employee's primary work function.
 - (L) "Retail tobacco store" means a retail store used primarily for the sale of smoking materials and smoking accessories and in which the sale of other products is incidental. "Retail tobacco store" does not include a tobacco department of a larger commercial establishment such as a department store, discount store, or bar.
 - (M) "Outdoor patio" means an outdoor area, open to the air at all times, that is either: enclosed by a roof or other overhead covering and not more than two walls or other side coverings; or has no roof or other overhead covering at all regardless of the number of walls or other side coverings.
 - (N) "Private club" means a club as that term is defined in R.C. 4301.01(B)(13) and that is organized as not for profit.

(Ord. 1095-04 § 1 (part).)

715.02 Prohibitions.

- (A) No proprietor of a public place or place of employment shall permit smoking in said public place or place of employment within the city of Columbus, except as provided in section 715.03 of this chapter.
- (B) All enclosed areas, including buildings and vehicles owned, leased, or operated by the city of Columbus, shall be subject to the provisions of this chapter.
- (C) All areas immediately adjacent to the ingress and egress of any enclosed area shall be subject to the provisions of this chapter so as to ensure that tobacco smoke does not enter the enclosed area through entrances, windows, ventilation systems, or other means.
- (D) No person shall refuse to immediately discontinue smoking in a public place, place of employment, or establishment, facility or outdoor area declared nonsmoking under section 3794.05 of Ohio Revised Code when requested to do so by the proprietor or any employee of an employer of the public place, place of employment or establishment, facility or outdoor area.
- (E) Lack of intent to violate a provision of this chapter shall not be a defense to a violation.

(Ord. 1095-04 § 1 (part).)

715.03 Areas where smoking is not regulated by this chapter.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the prohibitions in Section 715.02:

- (A) Private residences, except if used as a licensed child care, adult day care, or health care facility, or if a person uses a private residence in any way otherwise qualifying that private residence as a place of employment; provided, however, that private residences are exempt from this chapter to the extent that the person providing services is providing housecleaning, home maintenance, cable or telephone repair or personal care services in the private residence.
- (B) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty (20) percent of rooms rented to guests in a hotel or motel may be so designated.
- (C) Family-owned and operated businesses in which all employees are related to the owner, and offices of self-employed persons in which all employees are related to the self-employed person, but only if the enclosed areas these businesses and offices occupy are not open to the public, are not in the same building with other enclosed areas subject to this regulation, and smoke from these businesses and offices does not infiltrate into enclosed areas where smoking is prohibited under the provisions of this chapter.
- (D) Any home, as defined in Section 3721.10(A) of the Ohio Revised Code, but only to the extent necessary to comply with R.C. 3721.13(A)(18) and rules promulgated according to that section.
- (E) Retail tobacco stores as defined in Section 715.01(L) of this chapter in operation prior to the effective date of this ordinance. Any new retail tobacco store or any existing retail tobacco store that relocates to another site may only qualify for this exemption if located in a freestanding structure.
- (F) Outdoor patios as defined in Section 715.01(M) of this chapter. If the outdoor patio has a structure capable of being enclosed by walls, covers, solid surface fencing, or tents, regardless of the materials or the removable nature of the walls, covers, solid surface fencing, or tents, the space will be considered enclosed, when the walls, covers, fences, or tents are in place. All outdoor patios shall be physically separated from an enclosed area. If sliding or folding windows or doors or other windows or doors form any part of the border to the outdoor patio, the openings shall be closed to prevent the migration of smoke into the enclosed area. If sliding or folding windows or doors or other windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.
- (G)

Private clubs as defined in Section 715.01(N) of this chapter, provided all of the following apply: the club has no employees; the club is organized as a not-for-profit entity; only members of the club are present in the club's building; no persons under the age of eighteen are present in the club's building; the club is located in a freestanding structure occupied solely by the club; smoke from the club does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter; and, if the club serves alcohol, it holds a valid D4 liquor permit."

(Ord. 1095-04 § 1 (part).)

715.06 Posting of signs; prohibition of ashtrays; responsibilities of proprietors.

In addition to the prohibitions contained in Section 715.02 of this chapter, the proprietor of a public place or place of employment shall comply with the following requirements:

- (A) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter. A sign shall be of sufficient size to be clearly legible to one of normal vision throughout the area it is intended to mark. All signs shall contain a telephone number for reporting violations.
- (B) Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- (C) All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by this chapter unless such ashtrays or receptacles are for ornamental purposes only and are displayed in such a manner so as to preclude their use as receptacles for the disposal of smoking materials.
- (D) By December 31, 2004, every employer subject to the provisions of this chapter shall adopt, implement, make known, maintain and update to reflect any changes, a written smoking policy, which shall contain at a minimum the following requirements:
 - (1) The prohibition of smoking except in accordance with the provisions of this chapter, and a description of the smoking restrictions adopted or implemented.
 - (2) That (i) no person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter; and (ii) the establishment of a procedure to provide for the adequate redress of any such adverse personnel action taken against an employee in retaliation for that employee's attempt to exercise the rights under this chapter with respect to the place of employment.
- (E) Employers shall prominently post the smoking policy in the workplace, and shall, within three weeks of its adoption and any modification, disseminate the policy to all employees, and to new employees when hired.
- (F) Employers shall supply a written copy of the smoking policy upon request to any employee or prospective employee.
- (G) A copy of the smoking policy shall be provided to the Columbus board of health upon request.
- (H) This section shall not be construed to permit smoking in any area in which smoking is prohibited pursuant to Section 715.02.

(Ord. 1095-04 § 1 (part).)

715.07 Enforcement.

This chapter shall be enforced by the Columbus board of health and its designee(s). The health commissioner and designee(s), the director of development and designee(s), and the Director of Public Safety and designee(s) shall have concurrent jurisdiction to enforce all provisions of this chapter.

(Ord. 1095-04 § 1 (part).)

901.02 Improvements for purpose of developing subdivisions.

In the event that a street improvement or sewer construction, or any other comparable improvement, made on an assessment basis for the purpose of developing subdivisions, is sought by petition, the following procedure and petitioner requirements are to be in full force and effect for the sole purpose of facilitating an equitable, business-like and timely action by the council upon such petitions for street improvements or sewer construction or other comparable improvement:

- (a) Each such petitioner shall, at the time of filing a petition with the city clerk, deposit the sum of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00), as may be determined by the city attorney, which such deposit shall be for the appraisal services in connection with the proposed improvement or construction, and shall secure the cost of appraisers' fees and cost of the appraisal board's valuation and feasibility report. The city clerk shall remit any such deposit to the director of public service and/or their designee who shall credit such deposit to the credit of street construction maintenance and repair fund. Any such part of any such deposit so made as is found to be in excess of the fee charged by appraisers, shall be refunded by the director of public service and/or their designee to the depositor within a reasonable time after such determination is made.
- (b) There is created a board to be known as the street improvement and sewer construction appraisal board. Such board shall consist of three (3) members, two (2) to be regularly qualified and acting realtor members of the Columbus Real Estate Board, and one (1) member being a duly qualified and practicing Ohio-registered professional civil engineer. Each such board member shall at all times be a freeholder and a bona fide resident of the city. Members of the board shall be appointed by the city attorney and shall serve for the term of one (1) year from the date of appointment, or until such time thereafter as a qualified successor is appointed. In case of the death, resignation or removal by reason of disqualification, of any member of such board, successor board members shall be appointed by the city attorney in like manner as the original appointments are made.
- (c) It shall be the duty of the street improvement and sewer construction appraisal board to make a timely survey of each such proposed improvement or construction and an appraisal of the values of each and every parcel of real estate affected, the cost of each street improvement or sewer construction or other improvement project, and forthwith to make a full and complete written report of each such survey and appraisal to the city council. Copies of such report shall be submitted to the director of public service and/or their designee and city attorney, such report to contain the board's findings and conclusions as to each such valuation or costs; the feasibility of such improvement or construction, and the board's recommendations to the city council in connection therewith, particularly referable to the justifiable risk or nonjustifiable risk of the city in ordering such proposed improvement or construction. Such original report in each such instance shall be filed with the city clerk. Such reports of the board shall be considered confidential and the city council shall consider each such report with respect to any such proposed street improvement or sewer construction, or other comparable improvements, together with the director of public service and/or their designee's report as to the estimated cost of such improvement or construction, and each such report shall also be used by the city council to assist it in the determination of its course of action in either approving or disapproving the street improvement, or sewer construction or other comparable improvement, as sought by the petitioners.

(Sec. 40.29; Ord. 1909-01 § 1 (part); Ord. No. 0128-2009, § 1, 2-9-2009)

902.00 Right to enforce.

The director of the public service department, the director of the department of safety, the director of the department of development, the health commissioner, and their designees shall have the authority

to enforce all relevant healthy and safety related laws under the Ohio Revised Code and Columbus City Code Chapter 902

(Ord. 1817-96; Ord. 565-98 § 1 (part); Ord. No. 0455-2010, § 6, 4-5-2010)

902.03 Maintaining improper or unsafe sidewalks, shared-use paths or streets.

- (a) Every owner, occupant, or person having charge of any lot or parcel of land in the city shall cause the paved sidewalk or shared-use path, or any part thereof, in front of and abutting, or to the side or rear of and abutting upon such lot or parcel of land, to be clear of snow and ice each day. If for any cause it shall be impossible to remove all the snow and ice which may adhere to such sidewalk or shared-use path, then every such owner, occupant, or person having charge shall cover such snow or ice as shall remain with such coating of sand or other substance as may be necessary to render travel safe and convenient.
- (b) No person shall do any of the following:
 - (1) Place or deposit snow or ice collected from parking lots, driveways, or any other private property onto a street, sidewalk, shared-use path, alley, or right-of-way; place or deposit snow or ice collected from driveway entrances or any other location onto a street, shared-use path or sidewalk in such a manner as to impede safe travel.
 - (2) Open any door constructed in and as a part of a public sidewalk, shared-use path or street and as a covering over an areaway under such sidewalk, shared-use path or over an entrance way to the basement of a building, or use such opening or entrance way, except between the hours of 6:00 p.m. and 8:00 a.m.
 - (3) Allow cellar doors or any other opening of a similar nature to remain open on any sidewalk or shared-use path of any street or alley unless a substantial railing surrounds the opening or unless there is stationed at such cellar door, trap door, or any other opening of a similar nature a guard or watchman during the time or period of its remaining open.
 - (4) Pave, repave, or repair any sidewalk or shared-use path in the public right-of-way, or cause the same to be done, without first obtaining a permit to do so from the director public service and/or their designee.
- (c) No person shall construct:
 - (1) On any sidewalk, shared-use path, street, or alley any smooth iron doors or coverings of maintenance holes, coalholes, or gratings, or by whatever other name they may be called. When such doors or coverings of maintenance holes, coalholes, or gratings are constructed they shall be of rough corrugated iron on the level with such sidewalk, shared-use path, street, or alley neither higher nor lower than the sidewalk, shared-use path, street, or alley on which they are constructed;
 - (2) Any pipe, stopcock or valve on any sidewalk or shared-use path unless they are constructed so as to conform with the level of the sidewalk or shared-use path neither higher nor lower than the sidewalk or shared-use path on which they are constructed.
- (d) No person shall:
 - (1) Remove, displace, destroy, or deface any barrier, marker, sign, obstruction, or light set placed by any person acting under the direction of the director of public service or the director of public safety, in or on any public street or alley for the purpose of temporarily closing such street or alley or for the

purpose of temporarily prohibiting driving, parking, stopping, or standing of vehicles thereon in connection with the improvement, repair, maintenance, or cleaning of such street or alley, or for any other authorized reason;

- (2) Drive, park, stop, or stand any vehicle in or upon any street or alley when street or alley is so marked by any barrier, marker, sign, obstruction or light for the purposes stated in subsection (d)(1);
- (3) This section shall not apply to any person requiring the use of such street or alley so temporarily regulated for access to any premises abutting on the portion of such street or alley so temporarily regulated, when such person shall have obtained a written consent to use the street or alley for such purpose from the officer under whose authority the regulation was established.
- (e) The director of public service and the director of public safety each is authorized, in their separate official capacity, to temporarily regulate the driving, parking, stopping or standing of vehicles upon any street or alley in the city, when such regulation is required for the purpose of improving, repairing, maintaining or cleaning such street or alley.
- (f) No regulation under subsection (e) shall be effective until and unless the street or alley to be regulated is properly posted by appropriate signs or markers.

(Ord. 1817-96; Ord. 565-98 § 1 (part); Ord. 1909-01 § 1 (part); Ord. 1987-2008 Attach. 1 (part); Ord. No. 0128-2009, § 1, 2-9-2009)

902.99 Penalties.

(a) Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both except whoever violates Section 902.03(a) is guilty of a minor misdemeanor and fined not more than one hundred dollars (\$100.00).

(b) Strict liability is intended to be imposed for violation of this chapter. It is an affirmative defense to a charge under Section 902.03(a) that, at the time of the alleged offense, the person charged suffered from physical impairments which caused the person to be incapable of clearing or covering the snow and ice as required by that subsection and was unable to arrange to have another person clear or cover such snow and ice.

(Ord. 1817-96; Ord. 565-98 § 1 (part).)

905.02 Definitions.

For purposes of this chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (A) "Authorized agent" for the abutting property owner shall mean a contractor having an active valid home improvement contractor's (H.I.C.) license on file with the department of trade and development, building services division;
- (B) "City" means the City of Columbus, Ohio;
- (C) "Director" shall mean the director of the public service department or their designee;
- (D) "Director of the department of development" shall by reference include the development director or their designee;
- (E) "Owner" means any of the following:
 - (1) The owner of record as shown on the current tax list of the county auditor in which the property is located;
 - (2) The mortgage holder of record, if any, as shown in the mortgage records of the county recorder in which the property is located;
 - (3) Any person who has a freehold or lesser estate in the premises;
 - (4) A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the county sheriff in which the property is located has issued a deed for the premises whether or not the deed has been recorded;
 - (5) Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;
 - (6) Any person who holds themselves out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.
- (F) "Person" means, without limitation, a natural person, the person's beneficiaries, executors, administrators, or assigns, and also includes a corporation, partnership, an unincorporated society or association, or any other type of business or association, including respective successors or assigns, recognized now or in the future under the laws of the state or the city;
- (G) "Right-of-way" means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public shared-use path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the city;
- (H) "Bikeway" as defined in 900.03.

(Ord. 588-06 § 2 (part); Ord. 1987-2008 Attach. 1 (part); Ord. No. 0128-2009, § 1, 2-9-2009)

905.075 Curb ramp requirements.

All curb ramps constructed, reconstructed, or repaired shall comply with the Americans with Disabilities Act of 1990 and any subsequent modifications or amendments thereto, current Construction and Material Specifications of Columbus (CMSC), current City of Columbus Standard Construction Drawings, and applicable rules and regulations. In order to maintain a compliant Pedestrian Accessibility Route as defined by the Americans with Disabilities Act of 1990, off-premises public curb ramps and other necessary accommodations including pedestrian pushbuttons shall be required opposite the public curb ramps built or reconstructed by a developer adjacent to the property or by a public agency constructing an improvement. Said off-premises public curb ramps and other necessary accommodations including pedestrian pushbuttons shall be eligible for reimbursement according to the provisions of Section 4307.29(H).

(Ord. No. 1713-2010, § 1, 12-13-2010)

909.03 Service of resolution of intent.

Upon the passage of a resolution under Section 909.02, Columbus City Codes, declaring an intent to appropriate property, the city attorney shall cause written notice to be given to the owner of, person in possession of, or person having an interest of record in every piece of property sought to be appropriated, or to an authorized agent. Such notice shall be served by Certified Mail, or by personal service by a person designated by the city attorney, or by residence service by a person designated by the city attorney. Said person shall certify return of or failure of service to the city attorney. If such owner or agent cannot be found, notice shall be given by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the city.

(Ord. 438-78.)

910.01 Definitions.

For purposes of this chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- A. "Applicant" means any person applying for a right-of-way permit hereunder.
- B. "Best efforts" means the best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, all applicable laws, regulations, safety, engineering and operational codes, expedition, available technology and human resources and cost.
- C. "Chapter" means Chapter 910 of the codified ordinances of the city, as amended from time to time, and any regulations adopted hereunder.
- D. "City" means the city of Columbus, Ohio.
- E. "Council" means the legislative body of the city.
- F. "Director" means the director of public service.
- G. "Force majeure" means a strike, act of God, act of public enemy, order of any kind of a government of the United States of America or of the state or any of their departments, agencies or political subdivisions; riot, epidemic, landslides, lightning, earthquake, fire, tornado, storm, flood, civil disturbance, explosion, partial or entire failure of a utility or any other cause or event not reasonably within the control of the party disabled by such force majeure, but only to the extent such disabled party notifies the other party as soon as practicable regarding such force majeure and then for only so

long as and to the extent that, the force majeure prevents compliance or causes noncompliance with the provisions hereof.

- H. "General right-of-way permit" shall have the meaning set forth in Section 910.03(B)(1).
- I. "Governmental purposes" means those purposes classified as governmental under Ohio law, as well as (i) street lighting, (ii) water utility service and (iii) any other city utility service to the extent such other city utility service is provided to city facilities.
- J. "Gross revenues" mean a reasonable estimation of all cash, credit, property of any kind or nature, or other consideration received directly or indirectly by a general permittee arising from or attributable to the sale or exchange of any services within the city in any way derived from the operation of its facilities in or use of the rights-of-way; provided, however, that gross revenues does not include revenues arising from services which, in the case of telecommunications services, neither terminate or originate within the city, or in the case of all other services, are not consumed or used within the city.
- K. "Permittee" means any person issued a right-of-way permit pursuant to this chapter to use or occupy all or a portion of the rights-of-way in accordance with the provisions of this chapter and said right-of-way permit.
- L. "Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.
- M. "Public property" means any real property owned by the city or easements held or used by the city, other than a right-of-way.
- N. "Regulation" means any rule adopted by the director pursuant to the authority of this chapter, and the procedure set forth in Section 910.10, to carry out its purpose and intent.
- O. "Residential purposes" means residential use of right-of-way for such uses as mailboxes, trees, decorative purposes or any curb cuts and driveways, and as may be further defined in the regulations.
- P. "Right-of-way" means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the city which shall, within its proper use and meaning in the sole opinion of the director, entitle a permittee, in accordance with the terms hereof and of any right-of-way permit, to the use thereof for the purpose of installing or operating any poles, wires, cables, transformers, conductors, ducts, lines, mains, conduits, vaults, maintenance holes, amplifiers, appliances, attachments or other property or facilities as may be ordinarily necessary and pertinent to the provision of natural gas, electric, cable television, communications or other utility services as set forth in any service permit or any right-of-way permit. Right-of-way shall not include private easements or public property, except to the extent the use or occupation of public property is specifically granted in a right-of-way permit or by regulation.
- Q. "Right-of-way board" shall have the meaning set forth in Section 910.03(F).
- R. "Right-of-way permit" means the nonexclusive grant of authority to use or occupy all or a portion of city's rights-of-way granted pursuant to this chapter.
- S. "Right-of-way related costs" means the total costs to the city of planning, regulating, purchasing, maintaining and governing the rights-of-way, including any costs of joint planning, enforcement of this chapter, and related costs and overheads, including but not limited to an appropriate allocation of the costs of any geographic information systems utilized by the city.
- T. "Service permit" means a valid service permit or franchise issued by the city pursuant to the Columbus City Charter, the Columbus City Codes or Constitution and laws of Ohio or the United States, and

accepted by any person, pursuant to which such person may operate or provide natural gas, electric, cable television, communication or other utility services to consumers within the city.

U. "Special right-of-way permit" shall have the meaning set forth in Section 910.03(B)(2).

(Ord. 1589-98 § 1 (part).)

911.02 Organization of subcommission; by-laws and rules.

The organization of the Columbus horticultural subcommission shall be as follows:

There shall be a chairperson and a vice-chairperson elected by the subcommission from its members at its first meeting. The chairperson shall not serve as chairperson or member of any other subcommittee or subcommission.

The subcommission shall meet monthly at such time and place as it shall decide and shall meet at such special meetings as shall be called by the chairperson after twenty-four (24) hours' notice to each member.

The subcommission shall adopt such by-laws and rules and regulations as are not inconsistent with the provisions of this chapter and which shall be filed with the clerk of the city.

(Ord. 1053-79.)

911.03 Duties of horticultural subcommission.

The duties of the Columbus horticultural subcommission shall be as follows:

To make studies of the development, improvement, cultivation, selection and installation of gardens in the city and to advise the mayor, the director of recreation and parks and other city officials concerned therewith and to report their programs, plans and recommendations to the recreation and parks commission through their subcommission or subcommittee chairperson.

(Ord. 1053-79.)

912.10 Maintenance permit.

Any person desiring to engage in the maintenance of trees, shrubs and evergreens by spraying, fertilizing, bracing, cabling, pruning, surgery work, cutting above or below the ground, or cutting branches or roots in a public street, park or public place, shall first obtain a permit from the department by written application. The permit shall be issued when the director determines that the work applied for is necessary and approves the proposed method and work.

(Ord. 975-91.)

912.15 Plant material fund.

The city auditor has been authorized and directed to establish a trust fund to be known as the "plant material fund". The director may receive contributions which shall be turned over to the city auditor who shall deposit same with the city treasurer in the "plant material fund".

The director shall provide for the purchase of necessary plant material to be paid out of the plant material fund. The director shall set up rules and regulations governing the kinds or types of plant material, the location of the plantings, the rights of any owner or person in possession of such property who contributed the wholesale cost or more and allowed plant material in front of the owner's property, and the rights of any person contributing a sum of money to have plant materials in a public street, park or a public place.

Any funds that are recovered through the sale of wood or wood products from the maintenance or removal of trees, or funds that are generated through the reimbursement of damages for the injury or destruction of plant material located on public streets, parks or public places, shall become part of the plant material fund.

Expenditures from such fund can be used only for the purchase of plant material to be used on public streets, parks or public places. Expenditures shall be made only upon an approved voucher by the director.

The city auditor shall keep a separate account of all receipts of the plant material fund. No part of the plant material fund shall be commingled with any other funds and no unexpended portion of the fund shall at any time lapse into or become part of the general fund of the city. No part of the plant material fund shall be subject to appropriation by the city council for purposes other than those set forth in this section.

(Ord. 975-91.)

912.21 Dead or diseased trees.

It shall be unlawful for any property owner to maintain, or permit to stand on the owner's property, dead, diseased, damaged or alive, tree, shrub, evergreen or other plant which is deemed by the recreation and parks department to be a menace to the public peace, health or safety.

(Ord. 975-91.)

912.24 Organization of subcommission; by-laws and rules.

The organization of the Columbus tree subcommission shall be as follows:

The subcommission shall elect from its membership at its first meeting a chairperson, vice chairperson and a secretary. The secretary shall be an employee of the recreation and parks department. All secretarial supplies needed by the secretary shall be supplied by the recreation and parks department.

The subcommission shall meet bi-monthly at such time and place as it decides. The subcommission shall meet at special meetings as called by the chairperson, provided twenty-four hours written notice is given to each member.

The Columbus tree subcommission shall adopt by-laws, rules and regulations that are not inconsistent with the provisions of the Columbus City Codes. A copy of the by-laws and rules shall be filed with the clerk of the city of Columbus.

(Ord. 975-91.)

915.02 Members.

The Franklin Park Conservatory subcommission shall be composed of seventeen (17) citizens of the county of Franklin, to be appointed by the mayor with the concurrence of council. Each member will serve without compensation, for the term of three (3) years, and until the member's successor is appointed and qualified. However, the initial subcommission appointments shall be as follows: six (6) members shall serve for three (3) years; six (6) members shall serve for two (2) years; and five (5) members shall serve for one (1) year.

(Ord. 17-85.)

915.04 Organization of subcommission; bylaws and rules.

The organization of the Franklin Park Conservatory subcommission shall be as follows:

There shall be a chairperson, a vice chairperson and a secretary, elected by the subcommission from its members at its first meeting.

The subcommission shall meet not less than four (4) times per year at least once every three (3) months at such time and place as it decides. The subcommission shall meet at special meetings as called by the chairperson, provided twenty-four (24) hours written notice is given to each member.

The Franklin Park Conservatory subcommission shall adopt by-laws, rules and regulations that are not inconsistent with the provisions of the Columbus City Codes.

A copy of the by-laws and rules shall be filed with the clerk of the city.

(Ord. 17-85.)

917.04 Director as officer of Rose subcommission.

The director of recreation and parks shall in addition to the duties as director and as manager of the Park of Roses, Whetstone Park, serve as executive secretary of the "Columbus Rose subcommission" being established by separate ordinance of the council. As such executive secretary the director of recreation and parks shall be the coordinator of all activities with respect to the Park of Roses, between the said subcommission, city council and the city administration.

(Ord. 114-73.)

919.02 Police to enforce chapter.

Every law enforcement officer within the scope of the officer's employment and authority may enforce this chapter of the Columbus City Codes and rules and regulations adopted hereunder.

(Ord. 1648-91.)

919.16 Littering, importing of rubbish and trash prohibited and pet owner(s) responsibility.

(A) No person shall leave, place or dispose of in any manner leaves, grass clippings, garbage, peelings of vegetables or fruit, waste, refuse, rubbish, ashes, can(s), bottle(s), wire, paper carton(s), box(es), motor vehicle or bicycle or wagon parts, furniture, glass, oil, sewage, anything of an unsightly or unsanitary nature under or upon the parks except in a receptacle designated for that purpose.

(B) No person shall import into any area administered by the department from another place any substance described in subsection (A) of this section.

(C) No pet owner shall fail to clean up after their pets by collecting and removing feces from park or reservoir property. Pets shall include dogs, cats, or other animals whose owners knowingly bring them into park or reservoir property.

(D) Section 919.16(C) does not apply to the owner of or person in charge of an animal where that animal is assisting a blind or intellectually disabled person and defecates on property, and such person either is unaware of that fact or is unable to comply with Section 919.16(C). Section 919.16(C) does not apply to law enforcement personnel in charge of an animal which is assisting such personnel in the performance of official duties.

(Ord. 1648-91; Ord. 738-97 § 1 (part).)

921.01-3 Vessel and operations in Griggs Reservoir.

(A) Unless otherwise authorized in this chapter, no person shall operate in Griggs Reservoir any vessel of:

(1) Less than eight (8) feet or more than twenty-two (22) feet.

(2) Less than thirty-six (36) inches in beam or;

(3) Less than fifty (50) pounds in weight.

(B) Exceptions: Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) and recognized by the United States Coast Guard as vessels and watercraft are permitted and are specifically exempted from the length, beam and weight requirements provided;

(1) Rowing shells are permitted during the months of May through September on weekdays from one (1) hour before sunrise until sunset and on weekends and holidays from one (1) hour before sunrise until 10:00 a.m. Rowing shells are permitted at all times during the months of October through April on all days of the week. Rowing shells will be operated parallel to the shoreline at a distance no greater than one hundred (100) feet except that north of the Hayden Run Bridge rowing shells will be operated no greater than fifty (50) feet of the shoreline. Rowing shells longer than forty-five (45) feet will not be permitted north of the Hayden Run Road Bridge. There will be four (4) crossing areas and rowing shells will utilize only those areas designated for crossing.

(2) The crossing areas will be:

(a) The no wake zone south of buoy number one (1).

(b) Between the north side of the Fishinger Road Bridge and buoy number three (3).

(c) At buoy number four (4) ("Fisher's Wall"). Rowing shells will not stop within the open zone when crossing.

(d) Between buoy number five (5) and the south side of the Hayden Run Road Bridge.

(3) The rowing shell course shall be:

(a) Northbound shells leaving the west side boathouse shall immediately assume a course on the west side of the river to the Fishinger Road Bridge. Shells launching on the east side, shall cross to the west side in the no wake zone south of buoy number one (1) to begin the course and use the same route when returning.

(b) Northbound on the east side of the river from the Fishinger Road Bridge to the Hayden Run Road Bridge.

(c) Northbound on the west side of the river between Hayden Run Road Bridge and the Griggs Park northern boundary line approximately two hundred (200) feet south Rt. 161.

(d) Southbound or returning shells shall hug the west bank all the way back to the boathouse.

(4) Canoes, kayaks, pedal boats and inflatable watercraft shall operate parallel to the shoreline at a distance no greater than fifty (50) feet from the shoreline in all areas parallel and adjacent to an open zone except for the safe operation around a navigational hazard. There will be two (2) crossing areas and canoes, kayaks, pedal boats and inflatable watercraft will utilize only those areas designated for crossing.

(a) The crossing areas will be:

(1) Within one hundred (100) feet either side of the Fishinger Road Bridge.

(2) Within one hundred (100) feet either side of the Hayden Run Road Bridge.

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- (b) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft will not operate on the east side of the river between buoy number six (6) and buoy number seven (7).
- (C) Operations of sailboats and sailboards are prohibited.
- (D) The waterway from the safety cables north of the dam shall be open to boating at all times.
- (E) Motorized vessel operations, zones, and their speed limits shall be:
- (1) From the safety cables north of the dam to buoy number one (1), motorized vessels shall be operated at idle speed;
- (2) From buoy number one (1) to buoy number two (2), on the eastern half of the river, motorized vessels shall be operated at idle speed, and on the western half, motorized vessels shall be operated at a speed not to exceed forty (40) miles per hour;
- (3) The speed limit from buoy number two (2) north to buoy number three (3) is idle speed;
- (4) The speed limit from buoy number three (3) north to buoy number five (5) is forty (40) miles per hour.
- (5) The speed limit from buoy number five (5) north to buoy number six (6) is idle speed.
- (6) The speed limit from buoy number six (6) north to buoy number seven (7) shall be forty (40) miles per hour, except within the eastern two-thirds ($\frac{2}{3}$) of the waterways when skiing is being conducted, no motorized vessel, which is not actively engaged in towing water-skiers shall be operated at a speed exceeding idle speed;
- (7) The speed limit from buoy number seven (7) north to two hundred (200) feet south of Rt. 161 shall be idle speed.
- (F) Water-skiing will be permitted only between buoy number three (3) to buoy number five (5) and between buoy number six (6) to buoy number seven (7).
- (G) The eastern two-thirds ($\frac{2}{3}$) of the waterway, from buoy number six (6) to buoy number seven (7) is designated as a water sports practice and tournament zone, with a ski jump area on the eastern portion thereof as well as a slalom course.
- (H) No person shall operate any motorized vessel at a speed exceeding idle speed within a distance of one hundred (100) feet of the shorelines.

(Ord. 805-05 § 1 (part).)

921.01-7 Application for city-owned docks, stakes and moorings.

- (A) Rentals of a city boat dock, boat stake or mooring shall be issued on a permit prepared for that purpose and on file in the office of the director of recreation and parks. The permit shall not be transferred, assigned, loaned or subleased.
- (B) An applicant for a city dock, stake or mooring permit must prove ownership of a vessel by presenting the current state of Ohio registration certificate or similar registration or copy thereof from the state in which the vessel is registered. No vessel other than the one designated on the permit shall be tied to the designated dock, stake or mooring:

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- (1) The director may consider applicants owning vessels with current registrations from states other than Ohio provided the applicant presents a current state of Ohio registration certificate within ten (10) working days, failure to do so shall result in the forfeiture of the fee and revoking of the permit.
 - (2) The director may consider an applicant for any vacant city-owned docks, stakes or mooring without a current registration, provided proof of purchase is presented in writing. Within forty-five (45) calendar days the applicant must prove ownership of a vessel by presenting the state of Ohio registration certificate or copy thereof for the vessel to be placed at the dock, stake or mooring. No vessel other than the one designated on the permit shall be tied to the assigned dock, stake or mooring. Failure to comply with this section shall result in the forfeiture of the fee and revoking of the permit.
 - (3) The director may consider corporate applicants or applicants using leased vessels for docks, stakes or moorings with proper proof of vessel and corporate ownership or proper proof of the lease agreement, current registration and ownership of the leased vessel.
- (C) Permits for the rental of a city slip, private dock, boat-stake or mooring permit shall be signed by the same person whose name appears on the registration certificate or by the power of attorney.
 - (D) Applicants seeking a temporary boat dock or stake will also be required to present an Ohio registration certificate or similar type of registration from the state in which the boat is registered.
 - (1) Provided space is available from May 1 through October 31 of each year, temporary docking may be available on the waterways for a period of not less than one (1) day and not more than fourteen (14) consecutive days. Temporary dock permits shall be obtained from the department of recreation and parks. Boaters utilizing the temporary dock system may not store their boat trailers on park property and/or waterways.
 - (2) Short-term courtesy docks and docking stakes may be provided at each of the waterways for boaters to utilize the recreational facilities for a period of time, not to exceed two (2) hours. Such docks and/or stakes shall be designated by the director of recreation and parks, and posted accordingly.
 - (E) The applicant shall agree to abide by all the laws, rules and regulations relative to the applicant's and/or the applicant's family's conduct, his or their use and operation of watercraft and outboard motors, use of all waterways of the city, adjacent lands, boat docks, boat stakes and moorings. Further, the applicant agrees to assume the defense of and to indemnify and save harmless the city from any and all claims, suits, loss or damage or injury to person(s) or property of any kind or nature whatsoever arising in the use or operation of any vessel, outboard motor, boat dock, boat stake or moorings.
 - (F) The director of recreation and parks shall not be required to approve any permits that are not in the best interest of the city of Columbus. Any misstatement of fact on any permit shall, at the discretion of the director of recreation and parks, constitute sufficient grounds for the rejection or cancellation of any license, or rental permit issued thereunder. The director of recreation and parks shall notify any person whose permit is rejected or cancelled in writing and the reason therefore shall be stated.
 - (G) Any violation of the terms or conditions of any license, or rental permits shall be reported by a law enforcement officer to the director of recreation and parks and may result in the temporary or permanent suspension or cancellation of such license, or rental permit by the director of recreation and parks.
 - (H) The recreation and parks commission shall establish rental fees for both permanent and temporary uses of city-owned boat slips; finger slip docks, boat stakes, and sailboat moorings on the waterways.
 - (I) All moneys received from the annual slip, stake and mooring rental as provided for in this section shall be placed in the operation and extension fund for the department of recreation and parks.
 - (J) With the exception of temporary docks, all dock permits, must be renewed between the dates of January 1 and April 15 of each year. All dock permits provided for in this section shall begin on May 1 and expire on October 31 of the calendar year.

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- (K) All stake permits must be renewed between the dates of January 1 and March 15, inclusive, of the calendar year. All stake permits provided for in this section shall begin on April 1 and expire on October 31 of the calendar year.
 - (L) Dock, stake or moorings will revert back to the city for reissue if the permit is cancelled or not renewed within the time specified elsewhere in this chapter.
 - (M) Installation of lockers of any description is prohibited on all city-owned boat slips on all waterways of the city. No person shall in any manner alter any city-owned boat slips or to attach materials of any nature to any city-owned boat slip on any waterways of the city without the expressed written permission of the director of recreation and parks.
 - (N) Location and installation of each stake shall be under the supervision of the director of recreation and parks. One (1) boat is permitted to one (1) stake, with the exception of pontoon or "float" boats, which shall require two (2) stakes. Stakes will be furnished and installed by the city of Columbus, in a number and location deemed advisable by the director.
 - (O) Areas that are designated as "sailboat," "pontoon" or "float boat" areas will be used exclusively for these boats.
 - (P) Upon the payment of the appropriate fee, the director of recreation and parks will issue a boat, stake or sailboat mooring permit for a designated area at a specific waterway.
 - (Q) Any vessel found unattended in any waterways of the city between the dates of November 30 of each year to April 1 of the following year, will be considered abandoned by the owner and will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.
 - (R) Any vessel found in any waterways of the city in violation of this section will be impounded and will be subject to the provisions as set forth in this chapter regarding the abandonment of vessels.

(Ord. 805-05 § 1 (part).)

921.01-8 Permitting of private docks, stakes and moorings.

- (A) Permitting for a private boat dock, boat stake or mooring shall be issued on a permit prepared for that purpose and on file in the office of the director of recreation and parks. The permit shall not be transferred, assigned, loaned or subleased;
 - (1) As used in this section, private docks refer to, and shall include, docks, platforms or any other such structure which have been privately constructed and maintained by the applicant and which extend over or on the waterways of the city and shall include all such facilities whether extending from private lands, or lands controlled by the city.
 - (2) Each contiguous property owner, applicant, may be issued not more than one (1) permit per legal address which shall include one (1) vessel. Additional vessels registered to the same property owner may be considered and the recreation and parks commission shall establish such fees. The department shall determine the placement of such dock, stake or mooring and reserves the right of denial to any applicant wherein such conditions as natural or navigational hazards/barriers exist or there is a determination made that the issuance of such permit shall negatively impact upon a sensitive shoreline habitat.
- (B) The applicant shall agree to abide by all the laws, rules and regulations relative to the applicant's and/or the applicant's guests' conduct, their use and operation of any vessel, use of all waterways of the city, adjacent lands, boat docks, boat stakes and moorings. Furthermore, the applicant shall agree to assume the defense of and to indemnify and save harmless the city from any and all claims, suits, loss or damage or injury to

person(s) or property of any kind or nature whatsoever arising in the use or operation of any vessel, boat dock or boat stake.

- (C) The recreation and parks commission shall establish permit fees and late charges for private docks, stakes and moorings. All dock; stake and mooring permits must be renewed between the dates of January 1 and March 15 of each year. All dock; stake and mooring permits provided for in this section shall begin April 1 and expire on November 30 of the calendar year;
 - (1) If the waterways of the city have reached the maximum safe boating carrying capacity a grace period may be given until May 1, of that year which shall include a late fee. After May 1, the director may permit the first eligible applicant, whose name appears on the official waterways waiting list, an opportunity to apply for dock, stake or mooring privileges;
 - (2) If the waterways of the city have not reached the maximum safe boating carrying capacity by the recreation and parks commission, a late fee schedule shall apply.
- (D) Any violation of the terms or conditions of any license, or rental permits shall be reported by a city official to the director of recreation and parks and may result in the temporary or permanent suspension or cancellation of such license, or rental permit by the director of recreation and parks.
- (E) A permit will only be issued for private docks, stakes and moorings to the person, persons, or organization whose name appears on the property deed of a contiguous private property. An applicant for a private dock, stake or mooring permit must prove ownership of a vessel by presenting the current state of Ohio registration certificate or copy thereof for the vessel(s) to be moored in the dock, stake or mooring before the permit will be issued. No vessel(s) other than those designated on the permit shall be tied to the designated dock, stake or mooring.
 - (1) The director may issue a special permit to any private dock, stake or mooring applicant not owning a vessel.
 - (2) The director may approve temporary docking privileges for contiguous private permit holders, not to exceed thirty (30) days in a boating season.
 - (3) The director may consider applicants using leased vessels for docks, stakes or moorings with proper proof of the lease agreement, current registration and ownership of the leased vessel.
- (F) Permits for a private dock, stake or mooring shall be signed by the same person whose name appears on the registration certificate or by power of attorney. Certificates of title for vessels moored in private docks, stakes or moorings shall bear the same name as named on the private dock, stake or mooring permit and shall be shown upon request unless exempted by 921.01-8 (E)(2). No vessel other than those designated on the permit shall be tied to the designated dock, stake or mooring. No area of waterfront for private docks, stakes or moorings shall be used for any commercial purposes or for rental or loan to others. Any violation of this section shall be cause for revocation of the permit.
- (G) All vessels must be removed from private docks and stakes between the dates of November 30 of each year to April 1 of the following year.
- (H) Any vessel found unattended in any waterways of the city between the dates of November 30 of each year to April 1 of the following year will be considered abandoned by the owner and will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.
- (I) Any vessel in any waterways of the city in violation of this section will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.
- (J) No boathouses or other structures shall be constructed on permitted ground. Private docks may be left in the water during the winter season, November 30 of each year until the following April 1, provided they were permitted the previous season.

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- (K) No private boat dock, stake or mooring permits shall be allowed on the west side of Griggs Reservoir south of the Fishinger Road Bridge. This does not apply to existing legally maintained boat club leases with the recreation and parks department.
- (L) Application for new private docks, stakes and moorings along the shores of the waterways will be given consideration only for those areas that are contiguous to undeveloped city property provided:
- (1) All applicants for private dock permits must own real property adjacent to undeveloped city controlled property. The applicant's property, at a minimum, must be contiguous and parallel to undeveloped city controlled property for one hundred (100) feet. All new applicants as of January 1, 2005 must own real property contiguous and parallel to undeveloped city property within two hundred and fifty (250) feet of the ordinary high water mark. Current property owners whose real property line are greater than two hundred and fifty (250) feet away from the ordinary high water mark and have a current valid private dock permit will be permitted to renew annually until such time as the property owner fails to renew the annual permit.
 - (2) All applicants for private stake permits must own real property adjacent to undeveloped city controlled property. The applicant's property, at a minimum, must be contiguous and parallel to undeveloped city controlled property for ten (10) feet. All new applicants as of January 1, 2005 must own real property contiguous and parallel to undeveloped city property within two hundred and fifty (250) feet of the ordinary high water mark. Current property owners whose real property line are greater than two hundred and fifty (250) feet away from the ordinary high water mark and have a current valid private stake permit will be permitted to renew annually until such time as the property owner fails to renew the annual permit.
 - (3) The waterways of the city does not exceed established safe boating carrying capacity based on formulas developed by the Ohio Department of Natural Resources, and established and adopted by the recreation and parks commission. If said waterway is at maximum Safe Boating Carrying Capacity, the applicant will be placed on such official waterways waiting list and may receive the first available opening.
- (M) Application for renewal of private boat docks and stakes that are already installed and in use on the waterways of the city as of the effective date of this section shall not be required to meet the requirements of subsection (L)(1) and (L)(2). If permittee fails to renew the permit by the annual renewal date then said application will be considered as new and must meet the provisions of subsection (L).
- (N) The permitted area may include a five (5) foot wide path extending from the applicant's property to the water's edge, as laid out and approved by the director of recreation and parks in accordance with rules adopted by the director of recreation and parks.
- (O) Permittees may erect a floating dock subject to the permission of and in accordance with the standards of the United States Army Corps of Engineers and city of Columbus. Plans for proposed docks must be submitted to and approved by the director.
- (1) The recreation and parks commission may adopt administrative rules for floating boat dock construction, maintenance and other privileges pertaining to the use of undeveloped city parkland. Violation of administrative rules shall result in the temporary or permanent revocation of docking privileges and/or impoundment of vessel(s) and removal of associated structures on parkland.
 - (2) The director must approve any alteration or improvements to existing permitted structure(s) in writing.
- (P) Private boat docks and stakes without the proper permit are prohibited and will be considered abandoned by the owner and will be removed subject to provisions as set forth in this chapter and the administrative rules.

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- (Q) Placement or storage of any private property on reservoir parkland is prohibited without written approval from the director.
 - (R) By March 31, 2001, all applicants for new or renewal of permits for private docks, stakes and moorings along the shore of the waterways of the city must have an approved land stewardship agreement on file with the division of water prior to the issuance of said permit. A land stewardship agreement shall define agreed upon water supply reservoir watershed best management practices and landscape enhancements that abutting property owners may perform on city property.
 - (S) All private docks, ramps, improved walkways, improvements, utilities or any other private structures or property shall be removed by the person or person(s) originally granted permission to make the improvements, at their expense, if at any time that person or person(s) fails to renew the annual permit or transfers the adjacent private property to a new owner. These improvements may only be left in place if a new owner advises the city of Columbus, recreation and parks department, in writing that they accept full responsibility for the maintenance and removal (if necessary) of these improvements. This acceptance must be on an approved Columbus recreation and parks department form for this purpose and must be submitted within ninety (90) days of the transfer of the adjacent real property. Any and all encroachment issues must be fully resolved to the satisfaction of the city of Columbus before permission or permits may be granted for any dock, stake, mooring or additional improvements.

(Ord. 805-05 § 1 (part); Ord. No. 1616-2020 , § 1, 9-21-2020)

921.01-14 No liability assumed by city for safety of persons or property.

The city shall assume no liability whatsoever for the safety of boats, vessels, iceboats, boat slip, private boat docks, boat stakes or moorings, or the operators or users thereof or passengers therein or thereon located on waterways of the city and land. In each application for rental of a city slip, a private dock or stake permit, the applicant shall agree to assume the defense of, indemnify and save harmless the city from any and all claims, suits, loss or damage or injury to persons or property of any kind or nature whatsoever occurring to persons or property of the applicant, including, but not limited to the applicant's family, servants, agents, guests, invitees or any other person, arising in connection with the use or operation of any boat, iceboat, outboard motor, boat slip, private boat dock, boat stake or mooring, in, on or about waterways of the city or land.

(Ord. 805-05 § 1 (part).)

921.01-16 Harassment of fishers prohibited.

- (A) No person shall purposely prevent or attempt to prevent any person from fishing for a wild animal as authorized by Chapter 1533 of the Ohio Revised Code by any of the following means:
 - (1) Placing oneself in a location in which the person knows or should know that the person's presence may affect the behavior of the wild animal being fished for or otherwise affect the feasibility of the taking of the wild animal by the fisher;
 - (2) Creating a visual, aural, olfactory, or physical stimulus intended to affect the behavior of the wild animal being fished for;
 - (3) Affecting the condition or location of personal property intended for use in the fishing activity.
- (B) No person shall fail to obey the order of a peace officer or game protector to desist from conduct that violates subsection (A) of this section.
- (C) This section applies only to acts committed on lands or waterways of the city upon which fishing activity may lawfully occur. This section does not apply to acts of a peace officer, the owner of the lands or waters, or a tenant or other person acting under authority of the owner on the lands or water.

(D) As used in this section, "peace officer" has the same meaning as in Section 2935.01 of the Revised Code, and 1531.13 of the Revised Code.

(ORC 1533.03)

(E) Fishing contrivance(s) not attended to in special management areas, as designated by the director, are subject to removal if such contrivance(s) interferes with special management operations.

(Ord. 805-05 § 1 (part).)

921.10 Operator to stop and furnish information upon accident or collision.

In case of accident to or collision with persons or property on the waterways of the city, due to the operation of any vessel, the operator having knowledge of the accident or collision shall immediately stop the vessel at the scene of the accident or collision, to the extent that it is safe and practical, and shall remain at the scene of the accident or collision until the person has given their name and address and, if the person is not the owner, the name and address of the owner of the vessel, together with the registration number of the vessel, if any, to any person injured in the accident or collision or to the operator, occupant, owner or attendant of any vessel damaged in the accident or collision or to any law enforcement officer at the scene of the accident or collision.

If the injured person is unable to comprehend and record the information required to be given by this section, the other operator involved in the accident or collision shall forthwith notify the nearest law enforcement agency having authority concerning the location of the accident or collision, and the operator's name, address, and the registration number, if any, of the vessel the person was operating, and then remain at the scene of the accident or collision or at the nearest location from which notification is possible until a law enforcement officer arrives, unless removed from the scene by an emergency vehicle operated by the state or a political subdivision or by an ambulance.

If the accident or collision is with an unoccupied or unattended vessel, the operator so colliding with the vessel shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended vessel.

(Ord. 805-05 § 1 (part).)

921.14 Water-skiing confined to ski zones.

- (A) Any person who rides or attempts to ride upon one (1) or more water-skis, surfboard, or similar device, or who engages or attempts to engage in barefoot skiing, and any person who operates a vessel towing a person riding or attempting to ride on one (1) or more water skis, surfboard, or similar device, or engaging or attempting to engage in barefoot-skiing, shall confine that activity to the water area within a designated ski zone on all bodies of water whereon a ski zone has been established.
- (B) On all bodies of water designated as "open zone", that is, having a combined speed and ski zone, the activities described in subsection (A) of this section shall be confined to the open zone.
- (C) No person shall operate or permit to be operated any vessel on the waterways of the city in violation of this section.
- (D) Water-skiing in the Griggs and O'Shaughnessy Reservoir, and White Sulphur Quarry, shall be conducted under the following restrictions and no participant shall fail to comply:
 - (1) All towropes shall be of equal length, if the same vessel tows multiple skiers.

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- (2) No towline shall exceed seventy-five (75) feet in length, including the length of the yoke from the rear of the transom.
 - (3) Any vessel towing a water-skier shall at all times be operated on a counterclockwise course parallel to the thread of the waterway and at no time operated in a zigzag or circular course, nor closer than one hundred (100) feet to the shore.
 - (a) Exception: Skiers may make the return trip back through the slalom course; however, if up bound and down bound vessels meet head on in the slalom course the up bound/northbound vessel will give way.
 - (4) In the event of a fallen skier(s) the operator of the towing vessel shall immediately reduce the vessel speed and proceed without delay by the most direct route to the fallen skier.
 - (5) "Shallow water" and "dry water starts" will be permitted in the water sports practice and tournament zones and the White Sulphur Quarry. In the case of shallow water starts, the skier shall be at least fifty (50) feet from shore at the time of the start. The tow vessel, for both shallow and dry water starts, shall be at least seventy-five (75) feet from the shore.
 - (6) After starts, skiers must maintain at least a one hundred (100) foot interval between the skier and all shorelines.
 - (7) Swimming will only be permitted to effect a rescue.
 - (8) No person shall leave a ski afloat in the water unattended.
 - (9) While skiing is being conducted no vessel shall be anchored in the water sports practice and tournament zones more than fifty (50) feet from shore.
 - (10) The public may participate in the water sports practice and tournament zones.
 - (11) No person, operating a vessel or motor vehicle, shall tow or pull in waterways a person having possession or control of an airfoil device or similar device capable of lifting a person airborne. No person, having possession or control of an airfoil device or similar device capable of lifting them airborne, shall permit themselves to be towed in any waterway.
 - (12) Law enforcement officers, upon proper cause, may cause skiing to cease when conditions are such as to render water skiing hazardous. This will be accomplished by placing red flags at the buoys designating the water sports practice and tournament zones. If skiing is ordered stopped, the stoppage shall be of not less than one (1) hour's duration.
 - (13) Inner tubes or other inflatable contrivances used as water-ski devices will not be permitted on the waterways of this city, except that intellectually disabled persons may use inner tubes, other inflatable contrivances, or knee boards as water-ski devices with prior permission from Recreation and Parks, permits section.
 - (A) No person shall tow, or be towed upon, any skiing device unless specifically authorized by this section.
 - (14) No operator of any vessel shall tow any person who fails to comply with this section.
 - (15) The city shall assume no responsibility whatsoever for the safety of person or vessel using or attempting to use the water sports practice and tournament zones as designated or the White Sulphur Quarry and at the related facilities thereto with or without permission. All ski clubs and any other organization using or attempting to use the water sports practice and tournament zones shall agree that the city shall not be held liable and shall agree to save and hold harmless the city from any claim or claims and actions at law for property damaged or personal injuries resulting to any person or persons arising out of the use of the water sports practice and tournament zones.

(Ord. 805-05 § 1 (part).)

921.301 Storage of vessel or motor left in sunken, beached, drifting or docked condition; notice; affidavit; salvage certificate.

The chief of police may order into storage any vessel or outboard motor that has been left in a sunken, beached or drifting condition for any period of time, or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for forty-eight (48) hours or longer without notification to the chief of the reasons for leaving the vessel or motor in any such place or condition. The chief shall designate the place of storage of any vessel or motor ordered removed by the chief.

The chief shall immediately cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lien-holder of a vessel or outboard motor ordered into storage by the chief, and, if known, shall send notice to the owner and lien-holder, if any, at the person's last known address by certified mail, return receipt requested, that the vessel or motor will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of mailing of the notice. The owner or lien-holder of the vessel or motor may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under Section 1548.01 of the Revised Code.

If the owner or lien-holder makes no claim to the vessel or outboard motor within ten (10) days of the date of mailing of the notice, and if the vessel or motor is to be disposed of at public auction as provided in Section 921.302 of the city code, the chief shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk of courts shall without charge issue a salvage certificate of title, free and clear of all liens and encumbrances, to the chief and shall send a copy of the affidavit to the Chief of the Division of Watercraft. If the vessel or outboard motor is to be disposed of to a marine salvage dealer or other facility as provided in Section 921.302 of the city code, the chief shall execute in triplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this section have been complied with. The chief shall retain the original of the affidavit for the chief's records and shall furnish two (2) copies to the marine salvage dealer or other facility. Upon presentation of a copy of the affidavit by the marine salvage dealer or other facility, the clerk of courts shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this section, such owner shall not be required to obtain an Ohio certificate or title to the vessel or motor in the owner's own name if the vessel or motor is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts. Upon receipt of such an affidavit, the clerk of courts shall send one (1) copy of it to the Chief of the Division of Watercraft.

(Ord. 805-05 § 1 (part).)

921.63 Enforcement.

Every law enforcement officer, within the area of the officer's authority, may enforce the provisions of this chapter and Chapter 1547 of the Revised Code, and rules adopted by the Chief of the Division of Watercraft, and in the exercise thereof may stop and board any vessel subject to this chapter, or Chapter 1547 of the Revised Code and rules adopted under it.

(Ord. 805-05 § 1 (part).)

924.07 Notice of rejection of application for a permit.

If the director of recreation and parks disapproves the application, the director shall make a reasonable effort to notify the applicant, either by personal delivery or certified mail, a copy of the notice of rejection and the reason therefor shall be available in the office of the special events section, within twenty-four (24) hours of the director's actions.

(Ord. No. 0574-2013, § 3, 3-18-2013)

1101.03 Termination of water service.

- (a) After twenty-one (21) days' notice, the Director may terminate water services to any person or real estate using city water in violation of this chapter for any of the following conditions:
 - (1) Nonpayment of accounts pursuant to City Code Section 1105.12
 - (2) Violation of any rule and regulation promulgated pursuant to City Code Section 1101.01
 - (3) Violation of City Code Section 1105.038
 - (4) Violation of City Code Chapter 1113
- (b) The notice shall indicate the basis upon which service is being terminated and date after which service will be terminated if the violations are not corrected, or applicable payment or payment agreements are not received by the Division of Water pursuant to City Code Section 1105.12. The notice shall also indicate the hearing rights afforded to any person affected by the termination notice by which the person may contest the water service termination. The notice shall be mailed or hand delivered to the address of the customer of record and to the service address.
- (c) Any affected person desiring a hearing concerning a termination of water service under this section or billing dispute under City Code Section 1105.12(E) must request a hearing with the director by submitting a written and signed request to the Division of Water no later than ten (10) days after receipt of a termination notice, or ten (10) days after the due date of the bill in question, whichever date is later. Failure of an affected person to file a request for hearing within the allotted ten (10) day period shall constitute a waiver by that person of their right to a hearing under this section. A request for hearing shall include as a minimum: name, address and telephone number of affected person; date; a statement requesting a hearing; and a description of the nature of the dispute, including the location of the affected property. The director or designee shall convene a hearing on the matter within ten (10) days of receiving the request for hearing. If a hearing cannot be scheduled within this ten (10) day period, then the water service termination shall be automatically stayed, pending the holding of a hearing on this matter. The director shall adopt regulations establishing procedures by which hearings will be conducted pursuant to this section. For the purposes of this section the meaning of "affected person" shall include, but is not limited to, an owner, occupant, resident or tenant of the affected property.
- (d) This section is not applicable to emergency termination of water services pursuant to City Code Section 1101.06, water service termination for the purpose of enforcing the termination of sewer services pursuant to City Code Section 1145.83, voluntary termination of water services pursuant to City Code Section 1101.07, or disruption of water service due to routine or scheduled maintenance of the water system or emergency circumstances.

(Ord. 2805-91; Ord. 422-06 § 2 (part); Ord. 3251-98 § 1; Ord. No. 0139-2011, § 1, 3-7-2011; Ord. No. 2398-2012, § 2, 12-3-2012)

1101.06 Emergency termination of water service.

The director may order any person to limit or discontinue use of water at a premises and/or disconnect said premises from the city water system whenever such discontinuance or disconnection is necessary, in the opinion of the director, in order to prevent or abate an imminent or substantial threat to the water system or to the health, safety or welfare of the public. Any person notified of such order affecting a premises under the person's control shall immediately comply with the order. In the event of a person's failure to immediately comply voluntarily with the order, the director may take such steps as deemed necessary to prevent or abate the imminent or substantial threat to the water system or to the health, safety or welfare of the public. The director shall allow the person to recommence use of the water service once the imminent or substantial threat has passed, unless the water service has otherwise been terminated pursuant to City Code Section 1101.03.

(Ord. 2805-91; Ord. No. 0139-2011, § 1, 3-7-2011)

1103.01 Illegal use of water; information; posting.

- (a) It shall be unlawful for any person to take water or in any way use water for private use which is furnished by the Division of Water, unless such person shall have first paid for and received a permit for such use from the administrator of the Division of Water. Any person not employed by the city, or any ex-employees of the city, who furnishes information to the Division of Water of any such illegal use of water, may receive as compensation for such information, not to exceed twenty-five (25) percent of any amount received by the Division of Water as a result of such information for such illegal use of water, and the amounts to be paid to such informant under twenty-five (25) percent, to be left to the discretion of the administrator of the Division of Water. The administrator is authorized to make such payments out of the amount so recovered; provided, however, that the foregoing provisions of this section shall not apply to the use of water for the extinguishing of fires.
- (b) The administrator of the Division of Water shall have printed and cause the same to be posted in as many public places in the city as the administrator deems necessary, copies of (a) above.

(Ord. 513-84; Ord. 422-06 § 2 (part); Ord. No. 0139-2011, § 1, 3-7-2011; Ord. No. 2398-2012, § 3, 12-3-2012)

1103.02 Permit for work on pipes.

No plumber, water contractor, or sewer/water contractor shall make any attachments, additions to or alterations in any city service pipe, cock or any fixture connected with the service water pipes, unless the plumber, water contractor, or sewer/water contractor shall first procure a permit from the administrator of the Division of Water for such work, and shall make a written return of the same, as prescribed in the rules and regulations of the Division of Water.

(Ord. 513-84; Ord. 422-06 § 2 (part); Ord. No. 0151-2009, §§ 27, 36, 6-22-2009; Ord. No. 2398-2012, § 3, 12-3-2012)

1103.04 Street opening permit.

Before permits for extending connections are issued the plumber, water contractor, or sewer/water contractor must present a permit from the director of public service authorizing the Director to open the street in which the connection is to be made. No licensed plumber, water contractor, or sewer water contractor shall be granted a permit for work to be done by a person not in the employ of such plumber, water contractor, or sewer/water contractor.

(Sec. 44.4; Ord. No. 0151-2009, §§ 28, 36, 6-22-2009)

1105.01 Definitions.

"Available frontage" shall mean the frontage for all parcels which abut on the water main. On corner parcels the frontage shall be the shortest frontage which abuts on a street right-of-way. Parcels which already abut on a water main shall not be considered as part of the available frontage.

"Commodity charge" shall mean a water use charge that varies in amount with the level of water the customer actually uses. This charge recovers the operating and maintenance costs associated with treating water to drinking water standards, providing the distribution network to provide water to customers, and recovers the cost of system capital improvements.

"Consecutive" shall mean the purchase of bulk water that is distributed to principally residential consumers including but not limited to apartment and condominium complexes, planned unit developments, and manufactured homes.

"Contract areas" means areas served with water by the city where a contract exists between the city and a political subdivision.

"Corner parcel" shall be a lot or parcel abutting on two (2) or more intersecting streets.

"Eligible senior customers" means any customer who:

- (1) Is receiving service by means of a single meter to a single-family residence;
- (2) Is personally responsible for payment of the bill as head of household; and
- (3) Is sixty (60) years of age or older having a total income of less than one hundred fifty (150) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census.

"Front foot" shall mean the frontage that abuts on the street right-of-way. However, if a small section of a large property abuts the right-of-way, the front footage shall be the width of the larger more representative section of the property. When the property to be served does not abut upon a street right-of-way, front foot shall mean the width of the parcel.

"Noncontract areas" means areas outside the city served with water by the city where no contract exists with a political subdivision.

"Service connection" means the connection of all or any part of the service line to the tap.

"Service charge" shall mean a fixed charge to recover the costs incurred to provide service whether or not any consumption is used. These costs may include meter repair and replacement expenses, meter reading expenses, the costs of producing and mailing utility bills, applying payment as it is received, providing customer support and service, and other related water system costs.

"Service line" means the line extending from the tap onto the premises to be served and shall include all the necessary pipes, lines and appurtenances from the tap to and including the meter.

"Tap" means the connection to the water main and the necessary pipes or lines extending from the water main to and including the curb stop or valve and box.

"Total income" means the adjusted gross income of the applicant and spouse for the year preceding the year on which application for the senior consumer water rate is made, as determined under the "Internal Revenue Code of 1954," 26 U.S.C. 1, as amended, plus income from the following sources not included in the federal adjusted gross income: old age and survivors benefits received pursuant to the Social Security Act, retirements, pensions, annuities, payments received pursuant to the "Railroad Retirement Act," 45 U.S.C.231 et seq.; and interest on federal, state and local government obligations. Disability benefits paid by the Veterans' Administration or a

branch of the armed forces of the United States on account of an injury or disability shall not be included in total income.

"Water service outside city" means water service furnished to consumers in contract areas or water service authorized by the Director of Public Utilities for consumers in noncontract areas.

(Ord. 478-92; Ord. 728-99 § 1 (part); Ord. 1804-03 § 1; Ord. 422-06 § 2 (part); Ord. 1132-2008 Attach. (part); Ord. No. 0139-2011, § 1, 3-7-2011; Ord. No. 2398-2012, § 4, 12-3-2012; Ord. No. 2635-2015, §§ 1, 6, 12-7-2015, eff. 2-1-2016; Ord. No. 0329-2019, § 1, 2-11-2019)

1105.10 Fire protection service inside city.

For all fire protection service installations made after the effective date of this chapter requiring a separate fire service line the consumer shall install at the consumer's expense, subject to the inspection and approval of the Division of Water, all of the piping system necessary to extend from the consumer's system and connect to the city's existing water main.

All separate fire service lines shall have installed, before service is established, an approved meter installation. Such meter and the installation shall meet the specifications and approval of the Division of Water and the entire installation shall be at the expense of the consumer.

The following rates shall apply to fire protection services:

For areas covered by retail contracts, the outside city rates shall be the total obtained by adding the inside city rates and the percentage increase or additions specified in the contract. If no percentage is specified in the contract, the outside city rates shall be the inside city rates multiplied by one and three tenths (1.3). For noncontract areas or areas where the contract has expired, the outside city rate shall be the inside city rate multiplied by one and one-half (1.5).

The city reserves the right to order the installation of a meter on an existing fire protection line upon violation of applicable ordinances and the rules and regulations of the Director of Public Utilities.

No charge except the minimum charge will be made for any measured water flow resulting from the use of water for fire fighting purposes when such fire has been reported to the fire department serving the area involved.

Where an unmetered tap for a fire service line exists, the following charge shall be paid in lieu of the minimum charges per month prescribed in C.C. Sections 1105.04 and 1105.05:

When a property is served with both a fire protection service and water service, the amount to be paid for the combined service shall be the charge computed by using the applicable commodity rate established in Sections 1105.04 and 1105.05 and, where applicable, the monthly unmetered fire protection service charge established in Section 1105.10.

When a property is served by more than one (1) fire protection service and such services provide water to a common inter-connected fire protection system, the services shall be considered a single fire protection service with the rates or charges to be based on the largest tap or meter.

All outlets, except sprinkler heads, on unmetered fire protection service shall be sealed under the supervision of the Division of Water. No person shall break a seal or withdraw water from any unmetered fire protection system, except in the case of fire, without prior approval of the administrator of the Division of Water.

(Ord. 478-92; Ord. 2380 § 4; Ord. 2755-80; Ord. 2732-97 (part); Ord. 1715-02 § 4; Ord. 2380 § 4; Ord. 1883-04 § 4; Ord. 422-06 § 2 (part); Ord. No. 0139-2011, § 1, 3-7-2011; Ord. No. 2398-2012, § 4, 12-3-2012)

1105.14 Water main extension.

The Director of Public Utilities is authorized to provide water service to new consumers inside the corporate limits of the city when the Director determines that the water main extension is feasible both economically and from an engineering point of view and will not be detrimental to the best interests of the city having given consideration to the overall effect on the total water system and to the long term plans and probable future growth of the water system of the city.

(Ord. 478-92: Ord. 422-06 § 2 (part); Ord. No. 0139-2011, § 1, 3-7-2011)

1111.05 Inspections.

It shall be unlawful for any person having, owning or using the receptacles referred to in C.C. 1111.04 to refuse to permit the same to be inspected by the Director of Public Utilities or by some person duly authorized by the Director to make such inspection.

(Ord. 478-92: Ord. 422-06 § 2 (part).)

1111.08 Watering stock.

No person shall permit stock belonging to said person or in that person's charge, to wade, swim, or stand in the waters of any watercourse from which the city takes water for its water supply above the intake of any city water filtration plant; provided this section shall apply outside the corporate limits of the city only in those areas in which the city may now or hereafter by law be authorized to regulate.

(Sec. 21.28; Ord. 464-57.)

1111.11 Work or construction in or about streams or watercourses.

No person shall construct any dam, levee, obstruction diminishing the cross section of a stream or watercourse, pier, abutment, bridge, lake, pond, or reservoir in, over, across or about any stream or watercourse, or shall alter the course or channel of any stream or watercourse, or shall widen or deepen any stream or watercourse, or shall perform any other work or construction which diminishes the cross section or capacity of any stream or watercourse without first obtaining a permit to do so from the Director of Public Utilities.

Any person desiring to perform any such work or construction shall make application to the Director of Public Utilities, accompanied by a fee of two dollars (\$2.00), and a copy of the plans and specifications for such work or construction. The director shall issue a permit to the applicant if he determines that the proposed work or construction will not hinder the free flow of water in the stream or watercourse, will not materially reduce the carrying capacity of the stream or watercourse, will not create a flood hazard to any public or private property in times of high water, will not cause injury to or otherwise adversely affect the rights or property of upper or lower riparian owners, and will not be adverse to the public interest. The director shall not issue a permit if the director determines that the proposed work or construction will hinder the free flow of water in the stream or watercourse, will materially reduce the carrying capacity of the stream or watercourse, will create a flood hazard to any property, public or private, in times of high water, will cause injury to or otherwise adversely affect the rights or property of any upper or lower riparian owner or will be adverse to the public interest.

(Ord. 478-92: Ord. 422-06 § 2 (part).)

1113.01 Protection against polluted water.

- (A) If, in the opinion of the administrator of the Division of Water or designees, an approved backflow prevention device is necessary for the safety of the public water system, the administrator of the Division of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at the water consumer's own expense, install an approved device at a location and in a manner approved by the administrator of the Division of Water and shall have inspections and tests made of such approved device as required by the administrator of the Division of Water.
- (B) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City of Columbus, Ohio may enter the supply or distribution system of said municipality.
- (C) The Division of Water shall make surveys and investigations of industrial and other properties served by the public water supply where actual or potential hazards to the public water system may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the administrator of the Division of Water shall deem necessary.
- (D) The administrator of the Division of Water or a duly authorized representative shall have the right to enter any property served by a connection to the city's water supply for the purpose of inspecting the piping system or systems thereof. On request, the owner, lessees or occupants of any property so served shall furnish to the administrator of the Division of Water any information, which the administrator may deem necessary, regarding the piping system or systems or water use on such property. The refusal of such information or entry, when requested, shall, within the discretion of the administrator of the Division of Water, be deemed evidence of the presence of improper connections.
- (E) The administrator of the Division of Water shall be authorized to discontinue, after due notice to the occupants thereof, the water service to any property where any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as the administrators may deem necessary to eliminate any danger to the city's water supply distribution system. Water service to such property shall not be restored until any such dangerous conditions have been eliminated or corrected in compliance with the provisions of this section.
- (F) The Director of Public Utilities shall have the authority as may be necessary in the interest of public safety, health, and general welfare to promulgate rules and regulations, to interpret and implement the provisions of this section and to secure the intent therefor.

(Ord. 478-92; Ord. 422-06 § 2 (part); Ord. No. 0139-2011, § 1, 3-7-2011; Ord. No. 2398-2012, § 7, 12-3-2012)

1113.06 Liability of certain persons for acts of others.

In all cases where any, employee, apprentice or minor shall be guilty of any violation of the provisions of this chapter or any ordinance for the management and protection of the Division of Water or any of the prescribed rules and regulations of the Division of Water, the employer, parent or guardian of such person shall be held responsible for such violation as well as the persons committing the offense.

(Sec. 44.9: Ord. 422-06 § 2 (part); Ord. No. 2398-2012, § 7, 12-3-2012)

1115.03 Administration.

Except as otherwise provided herein, the Director of Public Utilities of the City of Columbus, Ohio, or the Director's designated agents shall administer, implement and enforce the provisions of this chapter.

(Ord. 478-92.)

1115.04 Definitions.

As used in the wellfield protection rules:

- (1) "Above-Ground Storage Tank" means a device meeting the definition of "tank" in this rule but which is not an underground storage tank as defined in 1115-04(30) of this Chapter.
- (2) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.
- (3) "Board" means the Board of Wellfield Protection Appeals.
- (4) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42 U.S.C. Sec. 9601 et seq.
- (5) "Certification" means a statement of professional opinion based upon knowledge and belief.
- (6) "Day" means a calendar day.

(Ord. 2560-90.)

- (7) "Director" means the Director of Public Utilities of the City of Columbus, Ohio, or the Director's designee.

(Ord. 478-92.)

- (8) "Environmental Audit" means an environmental audit as required by Section 1115.08 hereof.
- (9) "Facility" means any premises located in a Wellfield Protection Area the use of which could impact the use of the underlying or adjacent aquifer for public drinking water supply. This definition includes but is not limited to buildings, storage areas, mining or processing operations, septic tanks, farming operations and related activities.
- (10) "Fifty-Five (55) Gallon Drum" means a cylindrical container constructed of steel, plastic, or dense paperboard (commonly called a fiber drum) having a capacity of fifty-five (55) gallons.
- (11) "Ground water" means water below the land surface in a zone of saturation.
- (12) "Hazardous Waste" means a hazardous waste as defined in rule 3745-51-03 of the Ohio Administrative Code or its successors.
- (13) "Journal" means the record or document into which all final actions of the Director are entered as required by section 1115.13 hereof.
- (14) "Mineral Processing Waste" means the sands, fine sands, silts, and clays, and other residual materials generated from on-site mineral processing activities.
- (15) "Month" means a calendar month.
- (16) "Operator" means any person who is directly responsible for the overall operation of a Facility.
- (17) "OSHA" means the Occupational Safety and Health Act, 29 U.S.C. 651 et seq.
- (18) "Owner" means the person who owns a Facility or part of a Facility.
- (19) "Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, the state, a municipality, commission, political subdivision of the state, or any interstate body.

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(Supp. No. 68, 3/21)

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- (20) "Regulated Substance" means any substance which the Director has designated and listed as regulated according to the provisions of 1115.06 of this chapter.
 - (21) "Request to Use Additional Regulated Substances" means a request to use additional regulated substances as required by Section 1115.08 hereof.
 - (22) "Resource Conservation and Recovery Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.
 - (23) "SDWA" means the Safe Drinking Water Act, as amended, 42 U.S.C., Sec. 300f et seq.
 - (24) "Spill" means the spillage, leaking, pumping, pouring, emitting, or dumping of regulated substances or materials which, when spilled, become regulated substances into or on any land or water.
 - (25) "State" means the state of Ohio.
 - (26) "Storage" means the holding of regulated substances for a temporary period, at the end of which the regulated substance is treated, disposed of, or stored elsewhere.
 - (27) "Tank" means a stationary device, designed to contain an accumulation of Regulated Substances which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.
 - (28) "Tank System" means a Regulated Substances storage or treatment tank and its associated ancillary equipment and containment system.
 - (29) "TSCA" means the Toxic Substance Control Act, as amended, 15 U.S.C. 2601 et seq.
 - (30) "Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.
 - (31) "Use" means the handling, placement, deposit, production, transportation, processing, transfer, treatment, storage, disposal, maintenance or installation of regulated substances.
 - (32) "User" means any person who uses Regulated Substances.
 - (33) "Utilities Department" means Department of Public Utilities of the City of Columbus, Ohio.
 - (34) "Waste" means a waste as defined in rule 3745-51-02 of the Ohio Administrative Code or its successors. Mining overburden which remains on site shall not be considered waste for purposes of this chapter.
 - (35) "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from collapsing.
 - (36) "Wellfield Protection Area I" or "WPI" means the land area within one thousand (1,000) feet of the outermost wall or casing of any present or future city-owned and operated public water supply well.
 - (37) "Wellfield Protection Area II" or "WPPII" means the land area surrounding any public water supply wellfield not included in WPI which is delineated by the five-year travel time contour based on the ground water gradients of the area as designated on the Director's hydrogeologic map.
 - (38) WPI and WPPII are hereinafter sometimes referred to as the Wellfield Protection Area or Areas.
 - (39) "Year" means a calendar year.

(Ord. 2560-90; Ord. 422-06 § 2 (part); Ord. No. 2203-2015 , § 1, 12-14-2015)

1115.08 Prohibitions and Restrictions Within Wellfield Protection Areas.

- (A) No person shall use any Regulated Substance in any Wellfield Protection Area in violation of a law, statute, ordinance, rule or regulation.
- (B) No person shall use Regulated Substances in any Wellfield Protection Area (WPI or WPII) unless an environmental audit ("Environmental Audit") has been completed by the Owner of the Facility where the Regulated Substance will be used.
- (C) Additional restrictions within Wellfield Protection Area I
 - (1) No person shall use any Regulated Substance in Wellfield Protection Area I for any purpose other than public water utility purposes.
 - (2) No person other than the Owner of the property or persons acting with the consent of the Owner shall enter Wellfield Protection Area I; provided, however, authorized employees or agents of the city, environmental or regulatory agency representatives and law enforcement and emergency officials with a demonstrable need for access may be allowed to enter Wellfield Protection Area I.
- (D) An approved use of any Regulated Substance within Wellfield Protection Areas shall not be increased except in accordance with this chapter.
- (E) Environmental Audit: An Environmental Audit shall address the following points:
 - (1) A physical description of the Facility which will include a site plan, which at a minimum will clearly define the location and boundaries of the Facility;
 - (2) The exact type, amount, physical characteristics and known health effects of any Regulated Substance used;
 - (3) The potential for release of the Regulated Substances during its use or storage;
 - (4) Any known prior releases of Regulated Substances to the surface soil, subsoil and/or ground water;
 - (5) Recommendations for corrective actions if any prior releases as described in subparagraph (4) above have occurred; and
 - (6) Plans and schedules for implementation of any recommended corrective actions.

The Environmental Audit will be conducted by an independent, licensed engineering firm or licensed engineer not employed by the Owner and qualified to conduct such investigation. The Owner may submit an Environmental Audit conducted by a licensed engineer employed by the Owner, who is qualified to conduct such investigation; provided, however, the Director reserves the right to have an independent Environmental Audit conducted at the User's expense. The Director also reserves the right to approve the qualifications of any person conducting an Environmental Audit, and if the Director desires, to have an Environmental Audit conducted at the City of Columbus' expense. The Director will complete a review of the Environmental Audit and send comments, if any, within sixty (60) days of receipt of the Environmental Audit.
- (F) Compliance schedule for Owners of any Facility where Regulated Substances are used who have not submitted an Environmental Audit:
 - (1) These Owners are defined as:
 - (a) Owners that acquire property within the Wellfield Protection Area who do not already have an Environmental Audit on file with the Director. These Owners must submit an Environmental Audit within one hundred eighty (180) days from the day the property transfer is recorded.

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- (b) Owners that own property that is located within a newly created or modified Wellfield Protection Boundary (WPI or WPPI). These Owners must submit an Environmental Audit within one hundred eighty (180) days from the day the Director approves the new boundary.
- (2) Based on the results of the Owner's Environmental Audit or an independent Environmental Audit conducted by the Director, the Director will, if appropriate, issue a notice of Required Corrective Action ("Required Corrective Action"). The Director shall issue such a notice of Required Corrective Action within six (6) months of the receipt of the Environmental Audit. If the Director does not issue the Required Corrective Action notice within the six (6) month period, the Director then shall have the burden of proving that such a Required Corrective Action is necessary.
- (3) The Owners will have three hundred sixty (360) days after the issuance of the Required Corrective Action in which to implement the Required Corrective Action. If the Required Corrective Action has not been implemented within this time, the Director may conduct the remedial work at the User's expense. Failure to comply with the Required Corrective Action will be subject to the penalties provided in Section 1115.99 hereof. In addition, the Facility will be classified as nonconforming, and any future use by the Owner or other future Owners or Users of any portion of the property will be required to conform as a nonuser of Regulated Substances, with the exceptions being those outlined in subsection (I) of this section, or in accordance with Section 1115.14.
- (G) If a User intends to use additional quantities and/or types of Regulated Substances consistent with the nature of the business which was approved by the Director, the User shall submit a Request to Use Additional Regulated Substances. This request shall contain the following:
- (1) A description of the Regulated Substance to be considered, which shall include the exact type, amount, and physical characteristics;
- (2) An assessment of the environmental and health effects that the increased use of the Regulated Substance will have on the affected population and how the Facility will prevent these effects.
- An increase in the quantity or a change in the character of an approved or existing use of the Regulated Substances will require the approval of the Director. The Director shall act on the Request to Use Additional Regulated Substances within sixty (60) days of its receipt by the Director. If the Director does not act within sixty (60) days, the increase or change in use shall be deemed denied.
- (H) Those Facilities which are in compliance with the provisions of this chapter will be issued a Regulated Substance User permit. This permit will be subject to yearly renewal. Renewal will be based on inspections conducted by the Director or his designated agents. If a Facility changes ownership during the year a permit is issued, the permit will no longer be valid as of the date the Facility changes ownership, and be subject to reissuance to the new Facility Owner.
- (I) Exclusions. Notwithstanding any other provisions of this chapter to the contrary, exclusions set forth in this subsection (I) shall apply; and provided further that any spill, discharge or mishandling shall be subject to the provisions of Section 1115.11(B) of this chapter. Any exclusion granted herein shall not remove or limit the liability and responsibility of any person or activity.
- (1) A limited exclusion from the prohibitions and requirements of this chapter is hereby authorized for incidental use of Regulated Substances in Wellfield Protection Area II in the following amounts:
- (a) The aggregate of Regulated Substances in use may not exceed two (2) pints or two (2) pounds, whichever is less, at any time;
- (b) The total use of Regulated Substances may not exceed ten (10) gallons or eighty (80) pounds, whichever is less, in any twelve (12) month period.

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- (2) A limited exclusion from the prohibitions and requirements of this chapter is hereby authorized for non-routine maintenance or repair of property or equipment in Wellfield Protection Area II involving the following amounts:
 - (a) The aggregate of Regulated Substances in use may not exceed ten (10) gallons or eighty (80) pounds, whichever is less, at any time;
 - (b) The total use of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.
 - (3) An exclusion is hereby authorized for retail activities in Wellfield Protection Area II, provided said activities use any Regulated Substance for resale in their original unopened containers of two (2) gallons each or sixteen (16) pounds each, or less, and having a maximum aggregate inventory of Regulated Substances not exceeding two hundred fifty (250) gallons or two thousand (2,000) pounds at any time. Any person claiming such exclusion shall submit a request for such exclusion in writing to the Director sixty (60) days prior to the date it starts to use the Regulated Substance. In addition, persons claiming such an exclusion must have already submitted an Environmental Audit to the Director. The Director shall act on this request within sixty (60) days of its receipt by the Director. If the Director does not act within sixty (60) days, the use of this exclusion shall be deemed denied.
 - (4) An exclusion is hereby authorized for the transportation of Regulated Substances through Wellfield Protection Area II, provided, however, that the transporting vehicle is in compliance with applicable city ordinances and federal and state law and regulations, and provided that the Regulated Substances are fueling the transporting vehicle or the transporting vehicle is in continuous transit, making delivery, or is stopped for periods of time not to exceed twenty-four (24) hours.
 - (5) An exclusion is hereby authorized for the use of oil, fuel or petroleum lubricants in the operation of motor vehicles, farm equipment, and construction equipment in both Wellfield Protection Area I and Wellfield Protection Area II and for mining equipment only in Wellfield Protection Area II to the limited extent that these substances are being used by the motor vehicle or equipment while operating or are contained within reservoirs or tanks of the motor vehicle or equipment when not in operation.
 - (6) An exclusion is hereby authorized for the use of oil, fuel or petroleum lubricants for the refueling and maintenance of farm equipment, construction equipment and mining equipment only in Wellfield Protection Area II to the limited extent that these substances are necessary for a day's refueling and maintenance of the equipment. The overnight storage of these substances or daily storage of these substances in quantities which are unreasonably in excess of what is needed for a day's refueling and maintenance of equipment is not authorized by this exclusion. The Director's approval is required prior to any use of this exclusion. Persons wishing to claim this exclusion shall submit a request to the Director in writing, which shall include a spill prevention, countermeasure and control, and countermeasure (SPCC) plan as described in Section 1115.11(B)(3) . This request shall be submitted no less than sixty (60) days prior to the date the exclusion is desired to take effect. The Director shall act on this request within sixty (60) days of its receipt by the Director. If the Director does not act within sixty (60) days, the use of this exclusion shall be deemed denied.

(Ord. 2560-90; Ord. No. 2203-2015 , § 1, 12-14-2015)

1115.09 Storage Tanks and Pipelines.

No Above-Ground or Underground Storage Tank, or pipeline which contains or has contained in the past, a Regulated Substance shall be used in Wellfield Protection Area I or Wellfield Protection Area II without the approval of the Director, which approval shall be in accordance with the standards established by federal, state

and local laws, regulations or orders. The Director shall determine whether the tanks or pipelines meet these standards and satisfy the requirements of subsections (a), (b), (c), (d), (e), and (f) below and shall make such determination within sixty (60) days of the submission of a certificate to the Director. If the Director does not act within sixty (60) days of submission of the certification, the tanks or pipelines shall be deemed denied. A registered professional engineer shall certify that all tank and pipeline systems are in compliance with applicable federal and/or state regulations governing such tank and pipeline systems which system shall include:

- (a) Adequate facilities to monitor and prevent Regulated Substances from leaching into the subsurfaces and impacting the ground water quality.
- (b) Single-walled Above-Ground Storage Tanks must be placed within a containment berm constructed to retain two hundred (200) percent of the volume of the Regulated Substance contained in the tanks. The Director may authorize less than two hundred (200) percent containment for single-walled tanks so long as engineering controls are in place to protect the ground water to the Director's satisfaction.
- (c) Double-walled Above-Ground Storage Tanks can be used without additional secondary containment provided that interstitial monitoring and/or other leak prevention technologies are provided.
- (d) Underground Storage Tanks and associated piping must be of double-walled construction and incorporate leak detection and spill prevention technologies.
- (e) Underground pipelines which carry Regulated Substances must be of double-walled construction and have leak prevention technologies.
- (f) Fifty-Five (55) Gallon Drums containing Regulated Substances shall be stored in a covered area and placed in a containment berm having the capacity to contain one hundred (100) percent of the volume of the drums. The Director may authorize less than one hundred (100) percent containment for Fifty-Five (55) Gallon Drums so long as engineering controls are in place to protect the ground water to the Director's satisfaction.

The engineering plans shall show the location of all storage tanks, pipelines, and Fifty-Five (55) Gallon Drums used for Regulated Substances, and how the storage tanks, pipelines, and Fifty-Five (55) Gallon Drums will be developed to contain Spills and prevent ground water contamination. These materials shall be contained in an Environmental Audit to be provided pursuant to Section 1115.08(E) hereof or in a Request to Use Additional Regulated Substances pursuant to Section 1115.08(G) hereof.

All storage tanks, pipelines, and Fifty-Five (55) Gallon Drums located within the Wellfield Protection Area , which contain or have contained a Regulated Substance, must be in compliance with this section, or removed within one (1) year of the effective date of this chapter or the Director approving changes to or creating a Wellfield Protection Area boundary.

(Ord. 2560-90; Ord. No. 2203-2015 , § 1, 12-14-2015)

1115.10 Mining of Industrial Minerals in a Restricted Area.

- (A) No person shall use a Facility to mine industrial minerals in a Wellfield Protection Area without first obtaining from the Director a permit to mine.
- (B) No Mineral Processing Waste shall be disposed of in a mine pit, except the Director may allow the disposal of Mineral Processing Waste in one of the mined pits provided the area of the mined pit to be used does not exceed ten (10) percent of the total land area of the site and the plans for such on-site disposal are approved in writing by the Director prior to use of the pit for disposal. Preferably all Mineral Processing Waste will be disposed of off site. No person shall allow any other Waste material from the site or from off site to be disposed of in a mine pit or at any other location on site.

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- (C) Mining Permit: Any person proposing to obtain a permit to mine or amend an existing permit to mine industrial minerals shall submit to the Director in triplicate an application for permit to mine industrial minerals on forms prescribed for the purpose and submit necessary plans, specifications and information relating to the Facility for the Director's approval. The Director shall act upon an application for a permit to mine or amendment of an existing permit to mine within sixty (60) days of receipt of such application. If the Director does not act on the permit application within this sixty (60) day period, it shall be deemed to be denied. A denial of a permit or amendment of an existing permit application shall be immediately appealable to the Board.

Such detail plans, specifications and information shall be drawn up in a manner acceptable to the Director or an authorized representative in detail sufficient to allow clear understanding and intelligent review thereof, and to provide assurance that the site or Facility is designed and will be operated in accordance with these regulations. The method of operation of the Facility shall be described by the detailed plans and specification, and a report with information in such degree of detail and clarity as to be readily understandable by operating personnel at the Facility.

- (1) The information contained in subparagraphs (a) to (j) below shall be submitted with the permit application:
 - (a) Copies of the approved state mining permit application, all supporting documents submitted to the state and pertinent correspondence with the state during the process of permit approval. Copies of any application for variance, modification, amendment, notices of violation, annual and final maps, and any information submitted to the state at any time during and after the mining permit is issued by the city must also be submitted to the city immediately.
 - (b) Such identification information as:
 - (i) The nature of the mining operation;
 - (ii) The precise geographical location and boundaries of the mining operation which shall be indicated on a seven and one-half (7-½) minute USGS topographical map and by a legal description;
 - (iii) The name and address and telephone number of the mining operator;
 - (iv) The name and address of the Owner(s) of the land to be used for mining; and
 - (v) The name and address of the person who prepared the plans.
 - (c) Such site information as:
 - (i) All land owned, leased, or proposed to be leased or purchased for the mining operation;
 - (ii) All existing land uses on or within one thousand (1000) feet of the mining operation;
 - (iii) All public roads, access roads, communities, and habitable buildings on or within one thousand (1000) feet of the mining operation;
 - (iv) The location of all existing or proposed maintenance, weighing, storage, processing or other facilities or buildings;
 - (v) The location of existing or proposed utilities;
 - (vi) The location of any water well within two thousand (2000) feet of that portion of the site where Above-Ground or Underground Regulated Substances Storage Tanks are to be installed;
 - (vii) The limits of the regulatory flood plain, if applicable, and the facilities proposed for flood protection;

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- (viii) All fencing, gates, and natural or other screening on the site;
 - (ix) Existing topography, topography of the area within one thousand (1000) feet of the site, maximum depths of excavations, and final topography, with clear indications showing all portions of the site where processed and residual materials are to be deposited;
 - (x) Plans for the disposal of fines in a Wellfield Protection Area, including an annual disposal plan; and
 - (xi) Longitudinal and transverse hydrostratigraphic cross sections of the proposed mining pits showing elevations of uppermost aquifer. In the event a clay layer is found to be present below the depth to which the industrial minerals are mined, show how ground water recharge and flow will be protected.
- (d) Such hydrogeologic and surface drainage information as:
- (i) The direction and flow and points of concentration of all surface waters on the site; and
 - (ii) A complete log (description) of each boring made during the exploratory program (with appropriate description and explanation in an accompanying report) showing:
 - (a) The location, depth, surface elevation and water level measurements of all borings; and
 - (b) Textural Classification (Unified Soil Classification System - USCS); and
 - (c) Grain size distribution curves for representative samples of each group of borings of similar soil composition; and
 - (d) Atterberg limits (ASTM method D-4318-10 or its successor), moisture content, and coefficient of permeability, based on field and/or laboratory determinations; and
 - (iii) Depth, lithology (physical character), and hydrologic characteristics of the bedrock formations encountered during the boring operations and/or which outcrop on or adjacent to the site (may be presented in an accompanying report); and
 - (iv) The following information relating to the ground water (may be shown in accompanying report):
 - (a) The depth to maximum elevation of ground water; and
 - (b) Direction of the flow of ground water; and
 - (c) Analysis by an EPA certified laboratory of such a number of samples from such a number of wells as the Director or an authorized representative deems necessary to determine existing ground water quality and monitor future ground water quality in the area:

Field Testing Parameters

- (1) Temperature (measured at the time sample is collected); and
- (2) Conductivity; and
- (3) pH; and Laboratory Testing Parameters
- (4) Total Alkalinity; and
- (5) Total Acidity; and
- (6) Total Dissolved Solids (TDS); and

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- (7) Iron (Fe); and
 - (8) Volatile Organic Compounds (VOCs) (USEPA Method 524.2 or as specified by the Director); and
 - (9) Total Organic Carbon (TOC); and
 - (10) Total organic halogens (TOX)

All monitoring wells installed pursuant to this regulation, shall conform to Chapter 3745-9 of the Ohio Administrative Code or its successors. The city shall have access to the ground water monitoring wells for inspection, sampling and other monitoring purposes. The location of all monitoring wells shall be shown on the engineering plans submitted with the permit application.

- (e) Engineering plans showing the estimated timing and sequence of mining operation, longitudinal and cross sections of proposed mining pits and other parts of the entire land area which is proposed to be used for mining including elevation of uppermost aquifer and hydrostratigraphy. The plans shall also show the location of all above-ground and underground storage tanks, pipelines, and Fifty-Five (55) Gallon Drums, and comply with Section 1115.09 hereof.
- (f) A geotechnical laboratory testing program defining the physical parameters of the cohesive and non-cohesive soils excavated during the mining operation and drilling work. This shall include: soil moisture (ASTM method D-2216-10 or its successor), Atterberg limits (ASTM method D-4138-10 or its successor), and sieve analysis (ASTM method D-422-63 or its successor) on bore holes drilled in the permit area to determine the amount of Waste likely to be generated during mineral processing and washing operations.
- (g) Such operation information as:
 - (i) The mode and sequence of mining operation, including equipment to be used, showing precisely how the minerals will be mined and how the pit remaining after the mining operation is completed will be maintained to minimize silting and consequent adverse impact on the ground water recharge capacity of the area.
 - (ii) Such equipment information as:
 - (a) Types of equipment to be used to operate and maintain the Facility and to maintain the rechargeability of the mined pit; and
 - (b) Hours of operation; and
- (h) Such closure information as:
 - (i) How the portion of the Facility where minerals have been mined will be maintained in order to minimize any further deposits of silty or clayey fines.
 - (ii) How the site will be closed. This information shall include descriptions of:
 - (a) Means by which access to the site will be limited; and
 - (b) Provisions for corrective measures in case of settling of silty and clayey fines in the mine pits in excess of what is allowed pursuant to (1)(f) of this section.
 - (c) Intended use of the site after closure, if known.
- (i) A notarized statement that, to the best of the knowledge of the person who prepared the plans, the information on the detailed plans and specifications are true and accurate.
- (j) (i) Applications for mining permit shall be signed

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- (a) In the case of corporations, by the corporate officer having direct responsibility for the Facility; or
 - (b) In the case of organizations other than corporations by an equivalent responsible individual; or
 - (c) In all other cases, by the operator.
 - (ii) The signatures shall constitute an agreement by the entity that it is responsible for compliance with this section and this chapter.
- (2) If detailed plans, specifications, and information submitted to the Director or an authorized representative do not conform to the requirements for maintaining ground water recharge and quality, the Director or an authorized representative may, within sixty (60) days of receipt thereof, notify the person submitting said plans of the nature of the deficiency, and of the Director's refusal to consider the plans until the deficiency is rectified. If the Director is satisfied that, notwithstanding their deficiency, the detailed plans, specifications, and information are sufficient to determine whether the mining operation and facilities would adversely impact the Wellfield, he shall consider and act upon such detailed plans, specifications, and information notwithstanding their deficiency.
 - (3) If the Director or an authorized representatives determines that information in addition to that required by paragraph (1) of this section is necessary, he may require that the person submitting the plans supply such information as a precondition to further consideration of the detailed plans, specifications, and information.
 - (4) The Director shall not approve any detailed plans, specifications, and information including information regarding the handling of mining fines, unless he determines that the mining operation will not adversely impact the ground water recharge capacity of the aquifer and the quality of the ground water.
 - (5) Information submitted pursuant to (1)(d)(ii) and (1)(d)(iii) of this section shall be confidential, with this information only being available as needed to employees and agents of the City of Columbus.
 - (6) All applications shall be submitted at least sixty (60) days before the commencement of mining operations; provided, however, if a User is conducting a mining operation which has been approved by the Director, it shall not be required to submit an application.

(Ord. 2560-90; Ord. 1132-2008 Attach. (part); Ord. No. 2203-2015 , § 1, 12-14-2015)

1115.13 Public Notice and Appeals.

- (A) Public notice shall be provided in a newspaper of general circulation in Columbus, Ohio, within five (5) working days of any final action by the Director pursuant to Sections 1115.05, 1115.06 and 1115.14 which provide for the modification of maps delineating Wellfield Protection Areas, addition or deletions of Regulated Substances, and granting of waivers, respectively.
- (B) Unless a different time limit is provided by this chapter, the Director shall take the appropriate action within sixty (60) days after submission of the request to the Director. If the Director does not take the action within the sixty (60) day period, the request shall be deemed denied. The Director shall maintain a journal or journals into which shall be entered all actions or decisions that the Director desires to make final and shall notify by certified or registered mail any party adversely affected by the Director's action or decision. The Director shall report to City Council on a monthly basis all actions or decisions journalized by the Director in the preceding month, along with a listing of all pending determinations. All final decisions of the Director shall be appealable to the Board. If any proceedings are conducted as part of the Director's determination, a transcript of the proceedings shall be prepared and maintained.

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- (C) The Board is hereby established, and shall consist of five (5) designees. The five (5) designees shall be appointed by the mayor, with the advice and consent of the city council. All designees shall serve for a term of five (5) years. Each term shall be staggered over the five (5) year period, with one (1) Board member being replaced each year, to maintain the continuity of the Board. In creating the initial Board one (1) member will serve a one (1) year term, one (1) member will serve a two (2) year term, one (1) member will serve a three (3) year term, one (1) member will serve a four (4) year term and one (1) member will serve a five (5) year term. When each initial Board member's term has expired, the person appointed to fill the vacancy then will serve a five (5) year term. The Board shall have the authority to take appeals, investigate matters related to said appeals, deny, uphold or otherwise modify or waive actions or requirements on a case-by-case basis. The Board shall develop rules and regulations of operation consistent with its authority, and subject to approval of City Council.
- (D) Any person adversely affected may appeal a final action of the Director made pursuant to this chapter by filing with the Board a notice of appeal within fourteen (14) days of said action and a statement of appeal within thirty (30) days of the date the action appealed from was journalized. A notice of appeal shall include as a minimum: name; address; telephone number; date; and a statement of intent to appeal. A statement of appeal shall include all information contained in the notice of appeal, a description of the nature of the appeal, and any pertinent documentation. All filings required herein shall be made at the office of the Director.
- (E) The Board shall conduct an adjudication hearing within forty-five (45) days of the receipt of the statement of appeal. The Board shall schedule an adjudication hearing and give public notice of this hearing and written notice to the parties involved at least fourteen (14) days in advance of the adjudication hearing. The Board shall issue a written decision on the appeal within five (5) days of the adjudication hearing. All interested parties, who submit requests in writing, will receive written notification of the decision of the Board.
- (F) Only those parties adversely affected by the Director's action shall be parties to the adjudication hearing before the Board. The Board may require the parties to prepare briefs covering such matters as the Board may specify.
- (G) A transcript of the proceedings shall be prepared and maintained by the Director, with the cost being charged to the non-prevailing party.
- (H) The action of the Director shall be binding pending the decision of the Board.
- (I) The decisions of the Board shall be immediately appealable to the Court of Common Pleas, pursuant to Chapter 2506 of the O.R.C.
- (J) For purposes of appeal pursuant to O.R.C. Chapter 2506, the City of Columbus shall be considered an aggrieved person with the right to appeal the determination of the Board whenever the Board modifies or rescinds an action taken by the Director pursuant to this chapter.

(Ord. 2560-90; Ord. No. 2203-2015 , § 1, 12-14-2015)

1115.15 Inspections.

Subject to applicable provisions of law, the Director or an authorized designees bearing proper identification shall be permitted to enter private property at any reasonable time for such purposes as, but not limited to, inspection, observation, measurement, sampling and records examination pertaining to the requirements of these regulations to ensure that the activities are in accordance with the provisions of this chapter. If the Owner or tenant does not consent to the entry of the Director or an authorized designees for the above stated purposes, the Director may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter the property, and the Owner and the tenant shall bear the costs of the court action. All Users of Regulated Substances

within the Wellfield Protection Area shall be inspected at minimum on a semiannual basis, and all mining operations permitted under Section 1115.10 of this chapter shall be inspected at minimum on a monthly basis.

(Ord. 2560-90.)

1133.01 Only licensed sewer contractors to make excavations.

It shall be unlawful for any person, except a sewer contractor or water/sewer contractor duly licensed by the board of review of plumbing and sewer contractors and journeymen plumbers, to make any excavation in any public right-of-way, easement or private property, for the purpose of constructing, reconstructing, repairing, examining or locating any sewer, drain, catch basin, inlet, maintenance hole, flush tank, trap or any other sewer or drain appurtenance.

(Sec. 38.1; Ord. 1341-2006 § 1 (part); Ord. No. 0151-2009, §§ 33, 36, 6-22-2009)

1133.21 Securing permit for someone not licensed.

No person shall procure a permit in the interest of someone who is not licensed under this chapter. Any person who procures a permit in the interest of someone not licensed shall have the permit revoked.

(Sec. 38.2; Ord. 1341-2006 § 1 (part).)

1133.22 Violator subject to license and permit revocation.

Any violation of this chapter will subject the contractor to a revocation of the license pursuant to Chapter 4114.

(Sec. 38.2; Ord. 1341-2006 § 1 (part).)

1137.01 Tapping sewer where property not assessed.

Upon application to tap any sewer built by the city for the purpose of draining the service lateral of any property directly into such sewer, the Director of Public Utilities shall require a fee of forty-five dollars (\$45.00) per foot of width of front-footage be paid for the privilege of making such a direct connection from the service lateral to the main or lateral sewer before a permit is issued. This charge shall not be imposed if the owner of the property concerned can show that the owner or the owner's predecessor in title paid, or is paying a special assessment for the construction of the sewer to be tapped or that the sewer to be tapped was constructed at no expense to the sanitary enterprise fund. The number of feet to be paid for shall be determined by one of the following applicable methods:

- (1) Lots or parcels of ground having the same width at the front and rear and the same depth on each shall be charged for on the basis of the actual frontage.
- (2) Lots or parcels of ground which are irregular shape shall be charged for on the basis of the width of the property as measured on a line forty (40) feet from the front lot line and parallel to the center line of the street upon which property is to face, except that for lots or parcels of ground having curved frontage the width to be charged for shall be measured on a line parallel to and forty (40) feet distant from a line tangent to the curved frontage at a point midway between the sides of the lots or parcels of ground.

The width of front-footage to be paid for shall be determined by the use of an engineer's scale applied to the record drawings of the sewers sought to be tapped, on file in the office of the Division of Sewerage and Drainage, and the widths so determined by the clerk issuing the permit shall be final. The amounts collected shall be deposited to the credit of the sewer fund.

The Director of Public Utilities may, in the Director's sole discretion, may reduce the amount of the front footage fee if the fee is disproportionate to the benefit to the property due to a significant portion of the property not being subject to development. The director shall promulgate a rule to implement this section.

(Ord. 478-92; Ord. 2527-96 § 1; Ord. 1341-2006 § 1 (part).)

1139.04 Grades and joints of service laterals.

The grade of each drain or sewer intended for a service lateral shall not be less than one-fourth inch per foot, and shall be laid as nearly straight as possible, using curved pipe to connect with the wye branch. The interior of each length of pipe shall be made perfectly clean and free of the jointing material before the next length is laid down. The lateral at its junction with the main sewer shall be well and solidly supported, so that the weight of the backfilling will not settle the pipe, causing the pipe and/or fittings to break and destroy the tightness of the joints. Service laterals shall be made above and near the springline, never in the top of the pipe or into any maintenance hole or catch basin without special permission from the Division of Sewerage and Drainage.

(Ord. 1341-2006 § 1 (part).)

1141.06 Filing of information.

Upon completion of a privately constructed sewer, the owner shall submit a project cost statement containing the entire cost of the sewer. Completion shall mean installation of all pipe, maintenance hole, structures and other features of the sewer, restoration of all disturbed ground, and the sewer has passed all required tests. The project cost statement will be submitted on a form provided by the city and will include the allowable design and construction costs incurred by the owner. The project cost statement must be submitted before the privately constructed sewer is approved for use.

(Sec. 38.9; Ord. 1341-2006 § 1 (part).)

1141.08 Service laterals for abutting property.

Service laterals for any abutting property within the corporate limits of the City of Columbus, may be connected to a privately constructed sewer if in the opinion of the Administrator of the Division of Sewerage and Drainage, the connection is in the best interest of the city. Prior to connecting the service lateral to the privately constructed sewer, written permission must be obtained from the owner of the sewer. The owner of a privately constructed sewer may charge a fee for permission to connect to the sewer based on frontage benefited, and shall not exceed the proportionate value of the total cost to construct the private sewer. The permission for the connection, including capacity and permit fees shall be submitted to the Division of Sewerage and Drainage prior to the sewer permit being issued.

In the event, however, that the parties in interest cannot agree as to the amount of such consideration then it shall be determined by the Administrator of the Division of Sewerage and Drainage. The amount, as determined by the Administrator shall be based upon the project costs statement and any other factors deemed necessary. The amount as so determined shall be binding upon both parties.

In the event that ownership of a privately constructed sewer cannot be determined, or in the event that the owner cannot be located at such time, or if for any other reason, permission to make the connection cannot be

secured from the owner, the city may then issue the necessary permits for a connection and may collect a connection fee as described above.

In the event the owner of the privately constructed sewer has not submitted the cost statement herein required, the sum of money shall be deposited in the City Treasury and there held, subject to the demand of the owner, or the owner's beneficiaries or assigns, for a period of six (6) years after the date of collection. At the expiration of six (6) years if such sum has not been claimed by the owner, or the owner's beneficiaries or assigns, it shall then and thereafter be the property of the city and shall be credited to the sewer fund of the city.

(Ord. 1813-87; Ord. 1341-2006 § 1 (part).)

1141.09 Maintenance deposits.

Upon application to construct a private sanitary sewer the owner thereof shall deposit with the city a maintenance deposit to cover the cost of maintenance/ repairs performed by city maintenance personnel while the sewer remains under private ownership. The maintenance deposit may take the form of a cash deposit, an escrow agreement acceptable to the city, or any other form acceptable to the city. Any monies not charged to the maintenance deposit account will be refunded to the owner when final dedication to the city has occurred. The maintenance deposit shall be calculated in the following manner:

- A. Minimum deposit of one dollar and twenty-five cents (\$1.25) per lineal feet of pipe plus fifty dollars (\$50.00) per maintenance hole.
- B. Maximum deposit of five thousand dollars (\$5,000.00).

For projects that are constructed in phases, each phase will be considered a separate project. An exception to this requirement is when the owner constructs all phases under one construction inspection deposit and the project phases will be finalized simultaneously. Any maintenance charges that surpass the maintenance deposit amount will be billed to the sewer owner and final dedication will be delayed until those charges are satisfied.

(Sec. 38.10; Ord. 1341-2006 § 1 (part).)

1141.10 Assignment of rights.

The owner of a privately constructed sewer shall make no assignment of any or all of the owner's rights or obligations without the consent of the city.

(Sec. 38.10; Ord. 1341-2006 § 1 (part).)

1141.11 Owner's liability.

The owner of the private sewer shall indemnify the city and hold it free and harmless from any and all damages or claims for damages which may arise or grow out of the construction of such private sewer and shall defend at the owner's own expense any and all suits for the recovery of damages arising or growing out of the construction of such sewer and which may be brought or prosecuted against the city.

(Sec. 38.10; Ord. 1341-2006 § 1 (part).)

1141.12 Dedication to city.

The owner shall dedicate the privately constructed sewer to the city, subject to its acceptance, following which the city shall be responsible for all maintenance and repair.

Prior to requesting the city to accept a dedication of a private sewer, the owner shall perform a video inspection of the interior of the pipe and a visual inspection of all maintenance holes, castings and surface areas over the trench of the installation. The owner shall then, at the owner's expense, make all necessary repairs. If the owner cannot be located or if the owner is unable to perform this work, the city will have the work completed and charged against the maintenance deposit.

Prior to dedication to the city, the city may, provided access to the sewer is available through the maintenance holes and subject to the approval of the Administrator for the Division of Sewerage and Drainage, assume responsibility for the cleaning and removal of any stoppages that may occur, but all other maintenance and repair work required to keep the sewer in operation shall be the responsibility of the owner. The owner will be required to reimburse the city for all time and materials involved in cleaning the privately constructed sewer from the maintenance deposit.

If the owner fails to dedicate the privately constructed sewer to the city within the five (5) year period because all the possible connections have not been made, or for any other reasonable explanation, an extension of one additional five (5) year period may be granted by the city but only upon the basis of a written application submitted to the Director of Public Utilities prior to the expiration of the first mentioned five (5) year period.

The owner of a privately constructed sewer may request the city to accept a dedication of the sewer as follows:

1. The one year warranty of the privately constructed sewer has expired.
2. All possible connections to the privately constructed sewer have been completed.
3. The city will assume ownership after expiration of the five (5) year period.

If dedication of the privately constructed sewer is not made, or an application for a time extension is not made or if such extension of time is not granted, or if the owner fails to dedicate the sewer within any extension of time that may be granted, then, upon the expiration of the five (5) year period, or upon the expiration of any extension of time, the sewer, together with all the rights and obligations of the owner shall, then, and thereafter become the responsibility of the city, unless the private sewer agreement entered into by the city and the owner provides otherwise.

(Ord. 478-92; Ord. 1341-2006 § 1 (part).)

1145.02 Definitions.

Whenever used in this Chapter 1145, the meaning of the following words and terms shall be as defined in this section:

1145.02.001 Amalgam or mercury amalgam: Any of various alloys of mercury with other metals, especially an alloy of mercury and silver used in dental fillings.

1145.02.002 Approved laboratory procedures: The measurements, tests, and analyses of characteristics of water and wastes in accordance with analytical Federal guidelines as established in Title 40, Code of Federal Regulations (CFR) Part 136; or when none exists, as required by, or approved by, the regional Administrator of the United States Environmental Protection Agency; or when none exists, by the State of Ohio, or the Director.

1145.02.003 Authorized or duly authorized representative of the user:

- (A) If the user is a corporation:
- (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

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- (2) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (B) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (C) If the user is a federal, state, or local governmental facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (D) The individuals described in paragraphs A through C, above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Columbus.

1145.02.004 **Best management practices (BMPs):** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rule 3745-3-04 of the Ohio Administrative Code. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

1145.02.005 **Biodegradable:** Any material capable of being decomposed by biological agents especially bacteria and is easily broken down by biologic processes to nontoxic substances that exert an acceptable oxygen demand or nondeleterious effect on the receiving environment.

1145.02.006 **BOD or Biochemical oxygen demand:** The quantity of oxygen utilized in the biochemical oxidation of organic and inorganic matter in five (5) days at twenty (20) degrees C in accordance with an approved test procedure.

1145.02.007 **Bypass:** The intentional diversion of wastestreams from any portion of a user's treatment facility.

1145.02.008 **Categorical industrial user:** An industrial user subject to a categorical pretreatment standard or categorical standard.

1145.02.009 **Categorical pretreatment standard:** Any regulation containing pollutant discharge limits enacted by USEPA in accordance with section 307(b) and (c) of the Clean Water Act (33 U.S.C. Section 1317(b) and (c)) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Part 403. Centralized waste treatment facility: means a facility that treats or recovers hazardous or non-hazardous industrial metal-bearing waste, oily waste, and organic-bearing waste from off-site.

1145.02.010 **CFR:** Code of Federal Regulations.

1145.02.011 **City:** The City of Columbus, Ohio.

1145.02.012 **City of Columbus Construction and Material Specifications:** A manual compiled by the department of public service, which outlines specifications for construction of public works for the City of Columbus.

1145.02.013 **Clean Water Act or CWA:** Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. Sec. 1251 et seq., 86 Statutes 816, Public Law 92-500.

1145.02.014 **COD or Chemical oxygen demand:** A quantitative measure of the oxygen equivalent of the organic matter present in a sample that is susceptible to oxidation by a strong chemical oxidant in accordance with an approved test procedure.

1145.02.015 **Combined sewer:** A sewer, which was designed to carry sanitary wastewater and stormwater to the POTW or waters of the state.

1145.02.016 **Combined wastewater:** Wastewater including any combination of sanitary wastewater and stormwater carried to the POTW treatment plants by a sewer.

1145.02.017 **Commercial Activity Areas** — Outdoor areas where the following activities are conducted and are exposed to stormwater:

- (A) Processing, manufacturing, fabrication, cleaning, or other permanent outdoor equipment or work areas,
- (B) Areas where vehicles and equipment are repaired, maintained, stored, disassembled, or disposed, and
- (C) Areas where high-risk materials, as defined by the Director, are handled and stored, including but not limited to loading docks, fuel and other liquid storage/dispensing facilities; material bins, containers, stockpiles, and other storage containers; and waste dumpsters, bins, cans, tanks, stockpiles, and other waste containers.

1145.02.018 **Composite sample:** A combination of individual samples representative of water or wastewater taken at preselected intervals to minimize the effect of the variability of the individual sample. Composite samples may be collected as either:

- (A) Flow proportional composite samples-collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each sample as the flow increases while maintaining a constant time interval between the samples.
- (B) Time proportional composite samples-composed of discrete samples collected in one (1) container at constant time intervals providing representative samples irrespective of flow.

1145.02.019 **Cooling water:** Water used for contact and noncontact cooling, including, but not limited to, water used for equipment cooling, evaporative cooling tower makeup, or reduction of effluent heat content.

1145.02.020 **Daily maximum:** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

1145.02.021 **Daily maximum limit:** The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

1145.02.022 **Day:** Calendar day.

1145.02.023 **Decontamination wastewater:** Wastewater generated during the process of neutralizing contaminants that have accumulated on personnel or equipment due to a nuclear, biological or chemical emergency.

1145.02.024 **Deleterious substance:** Any material which may be harmful to the POTW, the POTW treatment plant processes, the health and safety of POTW workers, and the POTW effluents or residual products.

1145.02.025 **Department:** The Department of Public Utilities, City of Columbus, Ohio.

1145.02.026 **Director:** The Director of the Department of Public Utilities, City of Columbus, or designee.

1145.02.027 **Discharge:** The introduction of liquids or wastes into the sewer system.

1145.02.028 **DOSD**: Division of Sewerage and Drainage.

1145.02.029 **Domestic origin waste**: Waste materials that originate solely from domestic wastewater which are removed from sewage disposal systems such as septic tanks, aeration systems, portable toilets, and sewage holding tanks.

1145.02.030 **Domestic wastewater**: Wastewater derived solely from household sources, business buildings, and institutions, exclusive of any industrial wastewater.

1145.02.031 **Downspout**: A vertical structure used to drain rain collected in gutters from a roof to the ground.

1145.02.032 **Existing source**: Any source of discharge that is not a "new source".

1145.02.033 **Extra-strength**: Any discharge to the POTW that has strength characteristics, which exceed two hundred fifty (250) mg/l of BOD⁵, four hundred fifty (450) mg/l of COD, three hundred (300) mg/l of Total Suspended Solids (TSS), and forty (40) mg/l of Total Kjeldahl Nitrogen (TKN).

1145.02.034 **Foundation drain**: A drainage system for the lowest portion of a structure, typically a basement.

1145.02.035 **Fats, oils and grease** or **FOG**: a semi-solid, viscous liquid organic polar compound derived from petroleum, animal or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 Code of Federal Regulations (CFR) Part 136, as may be amended.

1145.02.036 **Flammable**: Any substance that has a flashpoint of less than or equal to one hundred forty (140) degrees Fahrenheit.

1145.02.037 **FSO** or **food service operation**: A commercial facility engaged in preparing or serving food for consumption by the public, such as but not limited to: restaurant, commercial kitchen, cafeterias, nightclubs, delicatessen, meat cutting-preparation, bakeries, bagel shops, grocery stores, caterer, hotel, school, hospital, correctional facility or care institution.

1145.02.038 **Grab sample**: A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

1145.02.039 **Grease-laden waste**: Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats and oils enter automatic dishwasher pre-rinse stations, sinks or other appurtenances.

1145.02.040 **Grease Interceptor**: Fats, oils and greases (FOG) disposal system. A plumbing appurtenance that reduces nonpetroleum fats, oils and greases in effluent by separation or mass and volume reduction.

- (A) **Gravity**: Plumbing appurtenances of not less than 500 gallons (1893 L) capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.
- (B) **Hydromechanical**: Plumbing appurtenances that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.

1145.02.041 **Grease Removal Device, Automatic (GRD)**: A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste water discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user except for maintenance.

1145.02.042 **Hazardous waste**: A waste, as defined by Ohio Administrative Code Rule 3745-51-03.

1145.02.043 **Household sources:** Any source of wastewater limited to sanitary wastes from single and multiple family residences, hotels, motels, crew quarters, camp grounds, picnic grounds, or day use recreation areas. Household sources shall not include any industrial or commercial process wastewater.

1145.02.044 **Illicit discharge:** Discharge of any pollutant to the stormwater drainage system that occurs or may occur unless the discharge is authorized under a discharge permit issued by the Ohio EPA.

1145.02.045 **Incompatible:** Any wastewater or other substance that is deleterious or which degrades the quality of the POTW effluent or its sludges and residual products.

1145.02.046 **Indirect discharge or discharge:** The introduction of pollutants into the POTW from any nondomestic source.

1145.02.047 **Industrial cost recovery:** The system for recovery of the industrial portion of the United States Environmental Protection Agency Project Grant Funds, as required by CFR Title 40 or subsequent revisions.

1145.02.048 **Industrial user or IU:** Any user who discharges, or permits the discharge of industrial wastewater to the city's POTW.

1145.02.049 **Industrial wastewater:** Any combination of liquid and water-carried wastes, discharged from any industrial or commercial establishment, and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water. Any wastewater from nondomestic sources.

1145.02.050 **Infiltration:** Stormwater and groundwater that enters a sanitary sewer system through such means as, but not limited to, defective pipes, pipe joints, connections, or maintenance hole walls. Infiltration does not include, and is distinguished from, inflow.

1145.02.051 **Inflow:** Stormwater and groundwater that enters a sanitary sewer system, from such sources as, but not limited to, roof leaders; cellar, yard and area drains; foundation drains; cooling water discharges; drains from springs and swampy areas; maintenance hole covers; cross connections from storm sewers; combined sewers; catch basins; storm waters; surface runoff; street wash-waters; or drainage. Inflow does not include, and is distinguished from, infiltration.

1145.02.052 **Inflow and Infiltration or I/I:** The total quantity of water from both infiltration and inflow entering a sanitary sewer system without distinguishing the source.

1145.02.053 **Instantaneous limit:** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

1145.02.054 **Interference:** A discharge which, alone or in conjunction with the discharge or discharges from other sources, either:

- (A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal.
- (B) Is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with state and federal statutory provisions and regulations or permits issued thereunder.

1145.02.055 **Local limit:** Specific discharge limits developed and enforced by the City of Columbus upon industrial or commercial facilities or users to implement the general and specific discharge prohibitions pursuant to Section 1145.23 of this chapter.

1145.02.056 **Medical waste:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, hypodermic needles, disposable scalpels, and other sharp implements used in medical care,

body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

1145.02.057 **Monthly average:** The sum of all "daily discharges" measured during a calendar month by dividing by the number of "daily discharges" measured during that month.

1145.02.058 **Monthly average limit:** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

1145.02.059 **mg/l:** Milligrams per liter.

1145.02.060 **Monitoring facility:** A site accessible to the city for the collection of samples, flow data, or other parameters representative of the user's discharge to the POTW.

1145.02.061 **MS4:** an acronym for "municipal separate storm sewer system" and is used to refer to the storm sewer owned or operated by the city.

1145.02.062 **Natural outlet:** Any outlet for discharge of stormwater into a watercourse, pond, ditch, lake, or other body of surface water.

1145.02.063 **New source:**

- (A) Any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) of the Clean Water Act (33 U.S.C. Section 1317(c)) which will be applicable to such source, if such standards are thereafter enacted in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the above criteria are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, shall be considered.
- (B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building structure, facility, or installation meeting the criteria of Section (A)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (C) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous onsite construction program
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or

contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

1145.02.064 **Noncompliance:** Any violation of this chapter.

1145.02.065 **Nondomestic user:** Any user, which discharges wastewater other than from household sources.

1145.02.066 **NPDES:** National Pollutant Discharge Elimination System.

1145.02.067 **NPDES permit:** A permit issued to the city pursuant to Section 402 of the Clean Water Act.

1145.02.068 **Oil:** Any vegetable, mineral, animal, or synthetic substance which are generally slippery, combustible, viscous, liquid or liquefiable, soluble in various organic solvents or water.

1145.02.069 **Operator:** The person responsible for the overall operation of a facility.

1145.02.070 **ORC:** Ohio Revised Code.

1145.02.071 **Organic:** Any compound containing carbon in any form other than carbonate.

1145.02.072 **Owner:** The person who owns a facility, or any part of a facility.

1145.02.073 **Pass-through:** A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

1145.02.074 **Person:** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

1145.02.075 **pH:** The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.

1145.02.076 **Pollution:** The artificial alteration of the chemical, physical, biological, or radiological integrity of water.

1145.02.077 **POTW or publicly owned treatment works:** A treatment works owned by the City of Columbus as defined by Section 212 of the Clean Water Act (33 U.S.C Section 1292). This definition includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature, including sewers, pipes and other conveyances that convey wastewater to a POTW treatment plant.

1145.02.078 **Post-construction Stormwater Control Practice** — Is a permanent, structural practice intended to capture or treat stormwater runoff; reduce stormwater runoff rate or volume; or minimize contact between pollutant sources and precipitation or runoff.

1145.02.079 **POTW treatment plant:** That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

1145.02.080 **Pretreatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

1145.02.081 **Pretreatment requirements:** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

1145.02.082 **Pretreatment standards or standards:** Shall include prohibited discharge standards, categorical pretreatment standards, and local limits as defined herein.

1145.02.083 **Private Sanitary Lateral:** The pipe carrying wastewater from a building to the sanitary sewer.

1145.02.084 **Prohibited discharge standards or prohibited discharges:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 1145.20 through 1145.29 of this chapter, as well as, regulations adopted by the Director.

1145.02.085 **Public sewer:** Any sewer owned by the city, suburb, or entity contracting with the city, including storm, sanitary, or combined sewers.

1145.02.086 **Radioactive:** The property of a material providing spontaneous decay or disintegration of an unstable, atomic nucleus, accompanied by the emission of radiation.

1145.02.087 **RCRA or Resource Conservation and Recovery Act:** The Solid Waste Disposal Act (SWDA), as amended by the Resource Conservation and Recovery Act of 1976 and amendments to the Act, 42 U.S.C. Sec. 6901 et seq.

1145.02.088 **Rehabilitate:** To repair an existing sewer line.

1145.02.089 **Replace:** To put something new in the place of.

1145.02.090 **Surface runoff:** The flow of water, from rain, snowmelt, or other sources, over land.

1145.02.091 **SDWA:** Safe Drinking Water Act, as amended, 42 U.S.C. Sec. 300f et seq.

1145.02.092 **Sanitary sewer:** A sewer which by design is intended to carry sanitary wastewater or industrial wastes into which storm, surface and ground waters are not intentionally admitted.

1145.02.093 **Sanitary Sewer Overflow or SSO:** An overflow, spill or release of wastewater from the separate sanitary sewer system into the environment.

1145.02.094 **Sanitary wastewater:** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities of dwellings, office buildings, industrial plants or institutions.

1145.02.095 **Septic tank waste:** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

1145.02.096 **Sewage:** Human excrement and gray water (household showers, dishwashing operations, etc.).

1145.02.097 **Sewer collection system, sewer system or collection system:** All of the facilities required to transport stormwater, sanitary wastewater or combined wastewater from the source to the POTW treatment plant or waters of the state.

1145.02.098 **Sewer service charge:** The total monetary amount billable to a user for the provision of wastewater treatment and related activities.

1145.02.099 **Significant industrial user or SIU:** Except as provided in paragraphs (C) and (D) of this section, a significant industrial user is:

- (A) An industrial user subject to categorical pretreatment standards; or
- (B) An industrial user that:
 - (1) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (2) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

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- (3) Is designated as such by the City of Columbus on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Non-significant categorical industrial user

- (C) The City of Columbus may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard) and the following conditions are met:
 - (1) The industrial user, prior to the City of Columbus' finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (2) The industrial user annually submits the certification statement required in Section 1145.59(B), together with any additional information necessary to support the certification statement; and
 - (3) The industrial user never discharges any untreated concentrated wastewater.
 - (4) The industrial user is not located upstream of a combined sewer overflow or a sanitary sewer overflow, unless the following conditions are met:
 - (a) The industrial user does not discharge wastewater regulated by categorical pretreatment standards at any time; or
 - (b) The industrial user has not been in significant noncompliance, as defined in OAC 3745-3-03(C)(2)(h) for any time in the past two (2) years.
- (D) Upon a finding that a user meeting the criteria in Subsection (B) under the definition of significant industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City of Columbus may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

1145.02.100 **Slug load or slug discharge:** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 1145.20 through 1145.29 of this chapter, as well as, regulations adopted by the Director. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has the reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

1145.02.101 **Standard:** Any limit or prohibition on discharges as provided for by this chapter.

1145.02.102 **SIC or Standard industrial classification:** A classification pursuant to the most current edition of the Federal Standard Industrial Classification Manual and North American Industrial Classification System, as published by the Executive Office of the President, Office of Management and Budget.

1145.02.103 **Standard methods:** Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. References are to the current edition unless otherwise indicated.

1145.02.104 **Standard strength:** Wastewater of strength equivalent to domestic wastewater, i.e. having BOD⁵ of two hundred fifty (250) mg/l or less; COD of four hundred fifty (450) mg/l or less; TSS of three hundred (300) mg/l or less; and TKN of forty (40) mg/l or less.

1145.02.105 **S.U.:** Standard units.

1145.02.106 **State:** State of Ohio.

1145.02.107 **Storm water:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

1145.02.108 **Storm Water Pollution Prevention Plan (SWP3) or (SWPPP):** The plan required by the Ohio EPA for compliance with its general or individual NPDES permit.

1145.02.109 **Storm sewer:** A conveyance or system of conveyances designed or used for collecting and conveying storm water which is not a combined sewer. A storm sewer includes but is not limited to catch basins, curbs, gutters, ditches, man-made channels, or storm drains and the roads or streets that include or are drained by these features.

1145.02.110 **Stream:** A surface watercourse having a channel with a well defined bed and bank, either natural or artificial, which confines and conducts continuous or periodic flowing water.

1145.02.111 **Total dissolved solids (TDS):** The sum of all dissolved solids (volatile and non-volatile) in water or wastewater.

1145.02.112 **Total Kjeldahl Nitrogen (TKN):** Is the sum of nitrate (NO₃), nitrite (NO₂), organic nitrogen and ammonia (all expressed as N). Note: for laboratory analysis purposes, Total Kjeldahl Nitrogen (TKN) is a test performed that is made up of both organic nitrogen and ammonia.

1145.02.113 **Total non-filterable residue (TNFR):** Same as Total Suspended Solids (TSS).

1145.02.114 **Total Organic Carbon (TOC):** The measure of the concentration of covalently bonded carbon, which is combustible to carbon dioxide. It is not to be confused with elemental carbon, dissolved carbon dioxide, inorganic carbonates or bicarbonates.

1145.02.115 **Total silver process wastewater:** The sum of all aqueous solutions used in silver imaging processes, including photography film developers, fixers, bleach-fix, stabilizers, low flow washes, rinse waters, other washes and all similar solutions.

1145.02.116 **Total suspended solids (TSS):** The total suspended matter that either floats on the surface of, or is in suspension within, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed by Standard Methods (same as TNFR).

1145.02.117 **Toxic:** Any pollutant, or combination of pollutants, listed as toxic in regulations enacted by the Administrator of the USEPA, or under the provision of the Clean Water Act, Section 307(a) (33 U.S.C. Section 1317(a)) or other Acts.

1145.02.118 **Trucked waste disposal site or TWDS:** The location(s) designated by the Director for receiving trucked wastes into the POTW.

1145.02.119 **Trucked wastes:** Any materials, usually liquid, such as, but not limited to, wastes from septic tanks, aeration systems, portable toilets, sewerage holding tanks, and industrial processes which are collected at the source by tank truck for disposal elsewhere.

1145.02.120 **ug/l:** Micrograms per liter.

1145.02.121 **USC:** United States Code.

1145.02.122 **USEPA:** United States Environmental Protection Agency.

1145.02.123 **Used oil:** Any oil that has been used, and, as a result of such use, contaminated with chemical or physical impurities.

1145.02.124 **User:** Any person who contributes, causes, or permits the contribution of wastewater or stormwater into the city's sewer system or POTW.

1145.02.125 **Wastewater:** The combination of the liquid and water-carried wastes and sewage from residences, commercial buildings, industrial plants and institutions including polluted cooling water, whether treated or untreated.

1145.02.126 **Water in Basement (WIB) Event:** Wastewater backups into buildings that are caused by flow conditions in a sewer main due to a rain event. Wet Weather Water in Basement (WIB) events do not include basement backups that occur in dry weather.

1145.02.127 **Waters of the state:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

(Ord. No. 1327-2012, § 1, 7-23-2012, eff. 10-1-2012; Ord. No. 2905-2015, § 1, 12-14-2015; Ord. No. 2553-2020, § 2, 2-8-2021)

1145.06 Department property.

No person shall break, damage, destroy, deface, cover or tamper with any property of the department including, but not limited to the POTW treatment works or appurtenant devices and structures such as buildings, sewers, maintenance hole lids, treatment equipment, sampling equipment, flow monitoring equipment, signage, vehicles, or any other equipment, device, or property owned by the department or which is under the Director's management.

(Ord. No. 1327-2012, § 1, 7-23-2012, eff. 10-1-2012; Ord. No. 2553-2020, § 1, 2-8-2021)

1145.24 Production based standards.

The Director may, at the Director's discretion for any categorical pretreatment standard, calculate the equivalent mass per day limit, or concentration limit respectively, when the other is stated. Compliance with these equivalent measures shall be required the same as compliance with categorical standards. In establishing discharge restrictions, discharge standards, discharge limits, or categorical pretreatment standards pursuant to this chapter, if the Director establishes concentration limits to be met by an industrial user, the Director may, in lieu of, or in addition to concentration limits, establish mass limits of comparable stringency for an individual user.

(Ord. No. 1327-2012, § 1, 7-23-2012, eff. 10-1-2012; Ord. No. 2553-2020, § 1, 2-8-2021)

1145.41 Permit application.

To obtain an industrial wastewater discharge permit, all users must submit an application for same on a form approved by the Director that contains the information as required by regulations promulgated by the Director pursuant to this chapter. All plans required by this section must be certified for accuracy by a professional engineer registered by the State of Ohio. All applications must contain the certification statement and be signed in accordance with Section 1145.59(A) of this chapter. The Director will evaluate the data furnished by the user and may require additional information. After the Director's evaluation, the Director may issue an industrial wastewater discharge permit subject to terms and conditions provided herein. Permit applications must contain the following information:

(A) Identifying Information.

- (1) The name and address of the facility, including the name of the operator and owner.

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- (2) Contact information, description of activities, facilities, and plant production processes on the premises;
 - (B) Environmental Permits. A list of any environmental control permits (individual and/or general) and approved plans held by or for the facility.
 - (C) Description of Operations.
 - (1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes,
 - (2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Type and amount of raw materials processed (average and maximum per day);
 - (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (D) Time and duration of discharges;
 - (E) The location for monitoring all wastes covered by the permit;
 - (F) Flow Measurement. Information showing the measured average daily and maximum flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 1145.24.
 - (G) Measurement of Pollutants.
 - (1) The categorical pretreatment standards applicable to each regulated process and any new categorical regulated processes for existing sources.
 - (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or the Director, of regulated pollutants in the discharge from each regulated process.
 - (3) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 1145.62 of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Director or the applicable standards to determine compliance with the standard.
 - (5) Sampling must be performed in accordance with procedures set out in Section 1145.62 of this ordinance.
 - (H) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 1145.54(B).
 - (I) Any other information as may be deemed necessary by the Director to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. No. 1327-2012, § 1, 7-23-2012, eff. 10-1-2012; Ord. No. 2553-2020 , § 1, 2-8-2021)

1145.78 Prohibited activities.

No trucked waste hauler shall access the sewer system or POTW for any activity including discharge or withdrawal of material, except at locations and at times as designated by the Director. Any removal of maintenance hole lids, or other access to the sewer system at times or places other than those designated by the Director, or without express permission of the Director shall be considered a violation of the conditions of this section, and subject the violator to revocation of the trucked waste discharge permit and other enforcement activity as indicated in this chapter and in other applicable City Code chapters.

(Ord. No. 1327-2012, § 1, 7-23-2012, eff. 10-1-2012; Ord. No. 2553-2020 , § 1, 2-8-2021)

1145.84 Stormwater and surface drainage.

Stormwater shall be discharged into sewers specifically designed and designated as storm or combined sewers. Stormwater shall be directed to storm sewers or open drainage courses instead of combined sewers, if both are reasonably available.

- (A) Except as otherwise provided by this section, no person shall connect roof, foundation area way, parking lot, roadway, or other surface runoff or ground water drains to any sanitary sewer which is connected to the city's POTW. Any such connections shall be considered illegal, and shall be subject to immediate removal by the owner of the premises so connected, and at such owner's expense.
- (B) Foundation drains legally connected to sanitary sewers before the effective date of this section may be required to be removed, if it is established by the Director that such connection is detrimental to the operation of the POTW, and that such removal is cost effective.
- (C) If it is demonstrated, to the satisfaction of the Director, that it is impracticable to control pollutants from being taken up in stormwater runoff from commercial activity areas associated with businesses covered under SIC 4952 and SIC 4953, the Director may, in the Director's discretion, authorize in writing the acceptance of said discharge to the sanitary sewer to be treated at the city's POTW subject to any terms and conditions specified. Terms and conditions of the Director's written authorization shall include, but are not limited to, compliance with all pretreatment requirements specified in this Chapter and compliance with user class and billing rates specified in Section 1147 of Columbus City Code.

(Ord. No. 1327-2012, § 1, 7-23-2012, eff. 10-1-2012; Ord. No. 2553-2020 , § 4, 2-8-2021)

1145.87 Authority of the Director to Designate Areas for Implementation of Inflow and Infiltration Reduction Program

- (A) The Director may designate areas within the sanitary sewer system where excessive I/I is causing SSOs and/or WIB events. The areas so designated shall be subject to the I/I reduction program on a schedule to be determined by the Director. The Director may designate more than one area at a time, and if so, the designation may include a prioritization of the areas for implementation of the I/I reduction program. The prioritization may be made on the basis of the number, frequency and duration of the SSOs and WIB events, the likelihood of human exposure and the priority, if any, assigned by Ohio EPA or other relevant factors. The Director shall provide notice of the Director's designation and the opportunity for public comment on the proposed designation.
- (B) Final action taken by the Director with respect to the designation of an area for implementation of the I/I reduction program is appealable in accordance with Section 1145.94. For purposes of this section, a person

may appeal the order if the person lives in or owns property within an area designated for an I/I reduction program.

(Ord. No. 2905-2015 , § 3, 12-14-2015; Ord. No. 2553-2020 , § 1, 2-8-2021)

1145.92 Spill abatement and mitigation.

The Director, or designee, may order any clean-up, abatement, or mitigation action determined reasonable, including using a private contractor, when any environmental spill or discharge of any material to the sewer system, POTW or MS4:

- (A) Poses a threat or damage to any structure of the sewer system or POTW;
- (B) Poses a threat or damage to any treatment process or sludge disposal practice of the POTW;
- (C) Endangers the health or safety of any employees of the department;
- (D) Could pass-through the POTW;
- (E) Causes violation of any federal or state discharge permit issued to the city; or
- (F) Damages the environment or receiving waters.

Any and all expenses for any such action, including labor costs incurred by the city shall be charged to the person responsible for the spill or discharge. The Director may add such charges to the person's sewer service charge, and pursue other available collection remedies. Such charges shall be in addition to, and not in lieu of, any other remedies the city may have under this chapter, statutes, regulations, at law or in equity.

(Ord. No. 1327-2012, § 1, 7-23-2012, eff. 10-1-2012; Ord. No. 2553-2020 , § 1, 2-8-2021)

1147.11 Rate schedules.

- (a) Charges Within Corporate Limits. For the purpose stated in Sections 1147.02 and 1147.12 there is hereby charged to each user situated within the corporate limits of the city, having any active sewer connection with the sewerage system of such city or otherwise discharging sewerage, industrial wastes, water or other liquids, either directly or indirectly into the city's sewerage system, sewer charges as hereinbefore provided, and in the amount determinable as follows:
 - (1) For any such lot, parcel of land, building or premises having any connection with the city's sewerage system or otherwise discharging sanitary sewerage, industrial wastes, water or other liquids, either directly or indirectly into the city's sewerage system, such charge shall be based upon the quantity of water used therein as the same is measured by a water meter or meters there in use, as hereinafter described, and there shall be charged:

The charges as prescribed in the rate schedule as follows:

| Rate Component | Units | 2021 | | |
|-------------------------|----------|------------------------|-----------------------------------|--------------------------------|
| | | Standard Strength User | Standard Strength Industrial User | Extra Strength Industrial User |
| INSIDE CITY | | | | |
| Billing Charge | | | | |
| Quarterly Accounts | \$/Month | \$4.50 | \$4.50 | \$4.50 |
| Monthly Accounts | \$/Month | \$13.48 | \$13.48 | \$13.48 |
| Commodity Charge | | | | |

| | | | | |
|---------------------------------|--------------|---------------|---------------|---------------|
| Operation & Maintenance Charge | \$/CCF | \$1.88 | \$1.88 | \$1.88 |
| Capital Charge | \$/CCF | \$2.15 | \$2.15 | \$2.15 |
| Sewer Maintenance Charge | \$/CCF | \$0.60 | \$0.60 | \$0.60 |
| Industry Specific Charge | \$/CCF | \$0.00 | \$0.36 | \$0.36 |
| Total Commodity Charge | \$/CCF | \$4.64 | \$5.00 | \$5.00 |
| Wet Weather Charge | | | | |
| | \$/ERU/Month | \$3.81 | \$3.81 | \$3.81 |
| Extra Strength Surcharge | | | | |
| Extra Strength BOD | \$/lb | | | \$0.45 |
| Extra Strength SS | \$/lb | | | \$0.31 |
| Extra Strength TKN | \$/lb | | | \$0.49 |

- (b) Charges Outside Corporate Limits. For the purpose stated in Sections 1147.02 and 1147.12, there is hereby charged to each user situated outside the corporate limits of the city, having any active sewer connection with the sewerage system of such city or otherwise discharging sewage, industrial wastes, other liquids, either directly or indirectly into the city's sewerage system, sewer charges as hereinbefore provided, and in the amount determinable as follows:
- (1) For any such lot, parcel of land, building or premises having any connection with the city's sewerage system or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the city's sewerage system, such charge shall be based upon the quantity of water used thereon or therein as the same is measured by a water meter or meters there in use, as hereinafter described, and there shall be charged:

The charges as prescribed in the rate schedule as follows:

| Rate Component | Units | 2021 | | |
|---------------------------------|--------------|------------------------|-----------------------------------|--------------------------------|
| | | Standard Strength User | Standard Strength Industrial User | Extra Strength Industrial User |
| OUTSIDE CITY | | | | |
| Billing Charge | | | | |
| Quarterly Accounts | \$/Month | \$4.50 | \$4.50 | \$4.50 |
| Monthly Accounts | \$/Month | \$13.48 | \$13.48 | \$13.48 |
| Commodity Charge | | | | |
| Operation & Maintenance Charge | \$/CCF | \$1.88 | \$1.88 | \$1.88 |
| Capital Charge | \$/CCF | \$2.88 | \$2.88 | \$2.88 |
| Sewer Maintenance Charge | \$/CCF | \$0.29 | \$0.29 | \$0.29 |
| Industry Specific Charge | \$/CCF | \$0.00 | \$0.36 | \$0.36 |
| Total Commodity Charge | \$/CCF | \$5.06 | \$5.42 | \$5.42 |
| Wet Weather Charge | \$/ERU/Month | \$2.27 | \$2.27 | \$2.27 |
| Extra Strength Surcharge | | | | |
| Extra Strength BOD | \$/lb | | | \$0.51 |
| Extra Strength SS | \$/lb | | | \$0.35 |
| Extra Strength TKN | \$/lb | | | \$0.51 |
| WASTEHAULER RATES | | | | |
| Septic Tank Waste | \$/100 gal | | | \$8.17 |
| Sewerage Holding Tank Waste | \$/100 gal | | | \$0.44 |
| Portable Toilet Waste | \$/100 gal | | | \$8.06 |
| Grease Interceptors | \$/100 gal | | | \$27.60 |

- (c) In addition to the charges listed above, the following charge shall apply to the industrial user classes established in C.C. 1147.08:

| | |
|--------------|--------------|
| Subgroup A1 | \$ 19.68/Mo. |
| Subgroup A2 | 29.52/Mo. |
| Subgroup A3 | 98.40/Mo. |
| Subgroup A4 | 197.90/Mo. |
| Subgroup A5 | 393.58/Mo. |
| Subgroup A6 | 590.36/Mo. |
| Subgroup A7 | 197.90/Mo. |
| Subgroup A8a | 197.90/Mo. |
| Subgroup A8b | 2,459.87/Mo. |
| Subgroup B1 | 19.68/Mo. |
| Subgroup B2 | 98.40/Mo. |
| Subgroup B3 | 98.40/Mo. |
| Subgroup B4a | 197.90/Mo. |
| Subgroup B4b | 98.40/Mo. |
| Subgroup B5a | 245.99/Mo. |
| Subgroup B5b | 147.59/Mo. |
| Subgroup B5c | 49.20/Mo. |

| | |
|-------------|-----------|
| Subgroup B6 | 49.20/Mo. |
|-------------|-----------|

- (d) Septic Tanks and Scavenger Waste Haulers. Fees and charges for treatment of normal scavenger wastes shall be based on the costs of providing such services and on the expected overall average characteristics of such discharges, which shall be designated as 3,902 mg/l BOD, 17,934 mg/l S.S. and 1,301 mg/l TKN for septic tank wastes, 311 mg/l BOD, 596 mg/l S.S. and 104 mg/l TKN for sewage holding tank wastes, 7,407 mg/l BOD, 8,895 mg/l S.S. and 2,469 mg/l TKN for portable toilet wastes, and 27,142 mg/l BOD, 26,345 mg/l S.S. and 9,047 mg/l TKN for grease interceptors. With prior approval of the Director (or designee), when available treatment capacity allows, high-strength trucked wastes that have total solids between thirteen and thirty (13—30) percent of which eighty to one hundred (80—100) percent are volatile solids and which originate from food packaging or processing or similar facilities may be accepted for special disposal at designated location(s) within the treatment plant(s). The Director may designate characteristics on which to base charges in special situations on submission of proof that waste discharges have other than expected overall average concentrations and with provisions of positive identification procedures. Charges may be billed at monthly intervals or at the discretion of the Director, and shall be considered delinquent if not paid within thirty (30) days of billing date. Delinquency in payment shall be basis for revocation of permit.

For each one hundred (100) gallons, or portion thereof, of either truck capacity or actual measured discharge, the fee shall be as follows:

| Wastehauler Rates | Per 100 Gallons |
|---------------------------|-----------------|
| Septic Tank Waste | \$7.93 |
| Sewage Holding Tank Waste | 0.43 |
| Portable Toilet Waste | 7.83 |
| Grease Interceptors | 26.80 |

In addition, a service fee of five dollars and fifty cents (\$5.50) shall be charged for each load discharged into the Columbus sewerage system. Persons wishing to discharge sanitary wastes from recreational vehicle holding tanks into the Columbus sewerage system shall be charged a fee of six dollars (\$6.00) for each load discharged into the system.

(Ord. 2894-90; Ord. 2747-93; Ord. 2640-99 § 1; Ord. 1717-02 § 1; Ord. 2359-03 § 1; 1899-04 § 1; Ord. 1904-05 § 1; Ord. 309-06 § 2; Ord. 1741-2006 § 1; Ord. 1742-2007 § 1; Ord. 1708 § 1 (part); Ord. No. 1439-2009, § 1, 11-23-2009, eff. 1-1-2010; Ord. No. 1595-2009, §§ 3, 4, 2-1-2010; Ord. No. 1540-2010, § 1, 11-15-2010, eff. 1-1-2011; Ord. No. 1882-2011, § 1, 11-21-2011, eff. 1-1-2012; Ord. No. 2358-2012, § 1, 11-19-2012, eff. 1-1-2013; Ord. No. 2499-2013, § 1, 11-18-2013; Ord. No. 2475-2014, § 1, 11-17-2014; Ord. No. 2698-2015, §§ 1—3, 11-23-2015; Ord. No. 2643-2016, § 1(Att.), 11-21-2016, eff. 1-1-2017; Ord. No. 2768-2017, § 1(Att.), 11-20-2017; Ord. No. 2938-2018, § 1(Att.), 11-19-2018, eff. 1-1-2019; Ord. No. 2983-2019, § 1, 11-25-2019, eff. 1-1-2020; Ord. No. 2419-2020, § 1, 11-19-2020, eff. 1-1-2021)

1147.13 Agreements for use of city sewerage system.

The Director of Public Utilities is hereby authorized upon prior approval of city council by ordinance to enter into agreements with the state of Ohio, the county of Franklin, cities, villages, corporations, firms, public institutions and individual owners whose premises are located without the corporate limits of the city, who desire to discharge sewage, industrial wastes, water or other liquids into the city's sewerage system, which agreements shall fix the terms and conditions under which said sewage, industrial wastes, water or other liquids may be discharged into said sewage system and shall be in conformity with all of the provisions of this chapter; provided, however, that all such agreements entered into as enumerated above relative to the use of the city's sewerage system shall make provision for and be subject to any change in rates of charge as may be established by ordinance of council, and, provided, further, in the case of agreements as enumerated above, but excepting those with individual owners, all such agreements entered into subsequent to the effective date of January 1, 1978, shall

terminate on December 31 of the first even year following the date of execution thereof, and thereafter, unless specifically authorized by ordinance passed by the city council, may be renewed for periods of not to exceed two (2) years. In the case of agreements with individual owners, the Director of Public Utilities, in lieu of specifying a fixed date of termination therein, as hereinabove provided, may in the Director's own discretion enter into agreements without such fixed date of termination; provided, however, that such agreement shall stipulate that the right is reserved to either party to the agreement to terminate the same upon sixty (60) days notice in writing to the other party of such intention.

(Ord. 478-92; Ord. 422-06 § 2 (part).)

1147.14 Measurement of water, determination and payment of charges.

A proportionate charge shall be made to all users that discharge wastewater, either directly or indirectly, into the city sewerage system. Such charges shall be based on the quantity of water used as measured by a water meter or through the use of a sewage flow meter and the users wastewater strength classification as determined in accordance with this chapter. All water and sewage flow meters and their installation shall meet the acceptability of the director.

- (a) In the event a lot, parcel of land, building premises, municipal corporation or other political subdivision, discharging sanitary sewage, industrial wastes, water or other liquids into the city sewerage system, either directly or indirectly, is a user of water supplied by the Division of Water of the city, and the quantity of water used is measured by a water meter acceptable to the city's Director of Public Utilities, then, in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge as provided in this chapter.
- (b) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision discharging sanitary sewage, industrial wastes, water or other liquids into the city sewerage system, either directly or indirectly, is a user of water supplied by the Division of Water of the city, and the quantity of water used is not measured by a water meter or is measured by a water meter not acceptable to the Director of Public Utilities, then, in each such case, the owner or other interested party shall, at his or its own expense, install and maintain a water meter acceptable to the director and the quantity of water used, as measured by said meter, shall be used to determine the sewer charge as provided in this chapter.
- (c) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision, discharging sanitary sewage, industrial wastes, water or other liquids into the city sewerage system, either directly or indirectly, is not a user of water supplied by the Division of Water of the city, and the water used thereon or therein is not measured by a water meter or is measured by a water meter not acceptable to the Director of Public Utilities, then, in each such case, the owner or other interested party shall, at his or its own expense, install and maintain a water meter acceptable to the director and the quantity of water used, as measured by said meter shall be used to determine the sewer charge as provided in this chapter.
- (d) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision, discharging sanitary sewage, industrial wastes, water or other liquids into the city sewerage system, either directly or indirectly, is a user of the water supplied by the Division of Water of the city, and, in addition, uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Director of Public Utilities, then, in each case, the owner or other interested party shall, at his or its own expense, install and maintain water meters satisfactory to the Director on all supplies and the quantity of water used to determine the sewer charge shall be the sum of the quantities of water measured by the several meters.

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- (e) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision, discharges sanitary sewage, industrial wastes, water or other liquids into the city sewerage system, either directly or indirectly, and it can be shown by such party, to the satisfaction of the Director of Public Utilities, that a portion of the water as measured by the water meter or meters does not and cannot enter the sewerage system, then the Director of Public Utilities may determine in such manner and by such method as the Director may find practicable the percentage of metered water entering the sewerage system, and the quantity of water used to determine the sewer charge shall be that percentage, so determined, of the quantity of water measured by the water meter or meters, or, the Director of Public Utilities may require or permit the installation of acceptable additional meters at such party's expense and in such a manner as to determine the quantity of water actually entering the sewerage system, in which case the quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewerage system as so determined. In the event such additional meters are installed, an additional charge of two (\$2.00) dollars shall be made to cover the cost of reading and computing the flow of each such meter and such additional charge shall be added to each sewer charge bill rendered as otherwise herein provided and described.
 - (f) The sewer charge provided in this section shall be payable at the office of the city treasurer and, at the option of the Director of Public Utilities, shall be made payable at the same time as the water bill for the lot, parcel of land, building, premises, municipal corporation or other political subdivision, payable.
 - (g) The Director of Public Utilities may require, as a condition to any sewerage agreements entered into as hereinabove provided, that the city shall be furnished with information and data as to all sources of water supply, other than the Columbus' Division of Water, which may be in existence or may later be developed within the confines of the premises covered in such agreement, such data and information, in the case of wells, to include the location, size, capacity and depth thereof.

(Ord. 478-92; Ord. No. 2398-2012, § 9, 12-3-2012)

1147.19 Low income discount for commodity charges.

- (A) For purposes of this section, "low income residential customer" is defined as a direct residential customer of the city (whether inside the city or outside the city) having a total income of less than one hundred fifty (150) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census or who is eligible for food stamp benefits, Ohio Medicaid, Low Income Home Energy Assistance (LIHEAP), Home Energy Assistance (HEAP), Ohio Works First, Social Security Disability, public housing benefits, or any other state or federal low income assistance program acceptable to the director.
- (B) All low income residential customers may receive a twenty (20) percent discount on the commodity portion of their sewer bill. This discount will be available to the low residential customer upon application to and approval of the department of public utilities.
- (C) The Director may adopt regulations necessary to administer and enforce the provisions of this section. Regulations promulgated, pursuant to this chapter by the Director shall be published in the City Bulletin, with copies of the regulations being available for public review at the Director's office and other locations which may be designated by the Director.
- (D) Master metered properties are eligible to receive a twenty (20) percent discount on the commodity portion of their sewer bill if the property owner proves to the satisfaction of the Director that eighty (80) percent or more of the rental units are participants in qualifying programs outlined in 1105.21, (A). If the eighty (80) percent threshold is met, the entire building or complex will be eligible to receive the twenty (20) percent commodity rate discount. The discount shall be applied to the master meter bill. Property owners must transmit the full benefit of the discount to residents through the resident's utility billing from the property owner or agent.

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(Supp. No. 69, 4/21)

(E) Master metered suburban community customers are eligible to receive the low income discount if the master metered suburban customer adopts the low income discount program as described in Sections 1105 and 1147 of Columbus City Code. Participating master metered suburban community customers must provide a detailed listing of all qualifying customers and their commodity usage prior to application of the discount to the master metered account billing. The discount shall apply only to the measured commodity usage of qualifying customers within the master metered suburban community's customer accounts.

(Ord. 1904-05 § 2; Ord. 962-06 § 1 (part); Ord. 1708 § 1 (part); Ord. No. 2635-2014 , §§ 3, 6, 12-7-2015, eff. 2-1-2016)

1149.02 Definitions.

Whenever used in this Chapter 1149, the meaning of the following words and terms shall be defined in this section:

1149.02.001 "Abatement " means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.

1149.02.002 "Approved plans " shall mean plans approved according to a permits and plan review which will govern all improvements made within the city that require stormwater facilities or changes or alterations to existing stormwater facilities.

1149.02.003 "Director " means the Director of the department of public utilities, City of Columbus, Ohio.

1149.02.004 "Equivalent Residential Unit (ERU) " is a value, equal to two thousand (2,000) square feet of impervious area of residential properties within the City of Columbus.

1149.02.005 "Facilities" mean various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, maintenance holes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

1149.02.006 "Impervious area" means areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, and blacktop.

1149.02.007 "NPDES" means National Pollutant Discharge Elimination System.

1149.02.008 "NPDES Permit" means a permit issued to the city pursuant to Section 402 of the Clean Water Act [Codified as 33 USC Sect. 1342].

1149.02.009 "Residential property" means all single family properties and duplexes within the city.

1149.02.010 "Square footage of impervious area" means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.

1149.02.011 "Storm sewer" means a sewer which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

(Ord. 1381-94.)

1149.02.012 "Stormwater system" means all manufactured facilities, structures, and natural watercourses owned by the city, or over which the city has jurisdiction by law to operate or maintain, used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams,

gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, retention or detention facilities, rivers, public stormwater open channels and pumping stations.

1149.02.013 "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

1149.02.014 "Public stormwater open channel" means all open channels which convey, in part or in whole, stormwater, and (1) are owned, operated or maintained by a city division other than the division of sewerage and drainage; or (2) a stormwater open channel which has a permanent drainage/stormwater easement owned by the city and drains an area which includes city-owned property or right-of-way. A public stormwater open channel does not include roadside ditches which convey only immediate right-of-way drainage.

1149.02.015 "Retention facility" means a facility which provides storage of stormwater runoff and is designed to eliminate subsequent surface discharges.

1149.02.016 "Detention facility" means a facility, by means of a single control point, provides temporary storage of stormwater runoff in ponds, parking lots, depressed areas, rooftops, buffed underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.

1149.02.017 "Credit" means an on-going reduction in a customer's stormwater service fee given for certain qualifying activities which reduce either the impact of increased stormwater runoff or reduces the city's costs of providing stormwater management.

(Ord. 2500-94; Ord. 1132-2008 Attach. (part).)

1149.09 Right to appeal.

An owner may challenge the ERU multiple assigned to the owner's property by filing an appeal with the administrator of the division of sewerage and drainage for adjustment thereof, stating in writing the grounds for the appeal. The administrator shall cause appropriate investigation thereof and report the findings to the appellant. The administrator, or the administrator's designee, shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate.

(Ord. 1381-94; Ord. 2100-96 § 1 (part).)

1150.03 Definitions.

For the purpose of flood plain development only, the following terms, phrases, words and their derivations have the meaning given herein. Other terms used in this chapter may be defined elsewhere in this code. For the purpose of flood plain development only, where a conflict occurs, the most restrictive definition takes precedence.

Where not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" [See: "Special Flood Hazard Area".]

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.

"Base flood elevation" means the projected water surface level, measured from mean sea level, at any given point in a base flood.

"Basement" means any area of the building having its floor sub grade (below ground level).

"Director" means the Directors of the Department of Public Utilities or designee.

"Development" means any artificial change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

"Federal Emergency Management Agency" or "FEMA" means the agency with the overall responsibility for administering the National Flood Insurance Program.

"Fill" means a deposit of earth material placed by artificial means.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry areas from the overflow of a watercourse, or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood plain" or "100-year flood plain" [See: "Special Flood Hazard Area".]

"Flood profile" means any one (1) or all of the cross-sectional profiles of the water surface elevations for the base flood (base flood elevations) along watercourses, as delineated on the Flood Insurance Rate Map and the Flood Insurance Study.

"Flood Insurance Rate Map" or "FIRM" means an official map on which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has delineated the Special Flood Hazard Areas.

"Flood Insurance Study" or "FIS" means the official report in which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

"Floodproof" means any structural feature, addition, change or adjustment to a building, structure or property primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, buildings, structures and contents of buildings.

"Flood protection elevation" means that elevation not less than one and one-half (1½) feet above the base flood elevation to which uses regulated by the flood plain development regulations are required to be elevated or floodproofed.

"Floodway" means that portion of the "Special Flood Hazard Area," excluding the "floodway fringe," which is the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the "base flood" without cumulatively increasing the water surface elevation by more than one-half (½) foot.

[Note: Floodways are delineated on the Flood Boundary and Floodway Map, or on the Flood Insurance Rate Map or profiled in the Flood Insurance Study. Floodways may also be delineated in other sources of flood information.]

"Floodway fringe" means that portion of the "Special Flood Hazard Area," excluding the "floodway," which is subject to inundation by the "base flood" in which development may occur.

"Floodway obstruction" means any object in, along, across, or projecting into any portion of the floodway which may impede, slow, or change the direction of the flow of water, either in and of itself or by catching or collecting waterborne debris, or that is placed where the flow of water would carry the same downstream to the damage or detriment of life or property.

"Historic Structure" means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

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- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
 - D. Individually listed on the inventory of historic places maintained by the Columbus Register of Historic Properties whose historic preservation program has been certified by the Ohio Historic Preservation Office.

"Lowest floor" means the lowest level of the lowest enclosed area, including basement or crawlspace, of a building or structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in the Columbus City Codes for enclosures below the lowest floor.

"Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

"Manufactured home park" means, as specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three (3) or more manufactured homes, used for habitation, are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

"New construction" means a structure for which the "start of construction" commenced on or after the initial effective date of the city of Columbus, Ohio, Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

"Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) four hundred (400) square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Recurrence interval" means the average interval of time, based upon a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified flood.

"Special Flood Hazard Area" means a river or other watercourse and its adjacent area subject to inundation by the "base flood." A "Special Flood Hazard Area" is also known as a "flood plain" or "100-year flood plain" and is composed of the "floodway" and the "floodway fringe." Special Flood Hazard Areas are designated by the Federal Emergency Management Agency as either Zone A, AE, AH, AO, A1-30, or A99.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

"Structure" means:

- A. A building or any structure having a roof supported by columns or walls, or any series of structures separated only by "fire separations" but contained under a common roof or within common walls, and requiring a building permit in accordance with Title Forty-One of the Building Code that is used for shelter, occupancy, enclosure, or support of persons, animals, or property; or
- B. A combination of materials, other than a building, to form a construction that is safe and stable including, but not limited to, stadiums, gospel or circus tents, reviewing stands, platforms, staging, observation towers, sheds, coal bins, above grade gas or liquid storage tanks, or fences in excess of six (6) feet in height.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the fair market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) of the fair market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term "substantial improvement" does not include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, safety and building code specifications which have been identified by the applicable code enforcement official, prior to the application for a development permit and which are the minimum necessary to assure safe living conditions;
- B. Any alteration of an "historic structure" provided that the alteration shall not preclude the structure's continued designation as an "historic structure;" or
- C. Any improvement to a structure that is considered "new construction."

"Variance" means a grant of relief from the standards of these regulations consistent with the variance conditions herein.

"Violation" means the failure of a structure or other development to be fully compliant with these regulations.

(Ord. No. 1177-2010, § 1, 9-27-2010)

1150.35 Variances to the required flood protection elevation.

The Columbus Building Commission, as established under the Columbus Building Code, Title 41, is hereby empowered to hear and decide requests for variances to the provisions of this code for a site located within a

Special Flood Hazard Area and may grant a variance for construction below the flood protection elevation only upon determination that:

- A. For variance requests in the floodway fringe:
 - 1. The variance is the minimum necessary to afford relief;
 - 2. There is good and sufficient cause for the variance;
 - 3. The failure to grant a variance would result in an exceptional hardship to the applicant;
 - 4. The variance shall not result in increased base flood levels;
 - 5. The variance shall not result in any additional threat to public safety, extraordinary public expense, creation of a nuisance, create fraud on or victimize the public, or conflict with existing city codes or ordinances;
 - 6. The activity, development, and/or use is protected by methods to minimize flood damage; and
 - 7. All conditions listed in subsection C. of this section are addressed.
- B. For variance requests in the floodway:
 - 1. All conditions listed in subsections A. and C. of this section are addressed; and
 - 2. Prior approval by FEMA is included if the activity, development, and/or use would result in an increase in base flood levels.
- C. All required technical evaluations, relevant factors, and standards specified in this code are submitted in a report form to address:
 - 1. The danger that materials may be swept onto other lands;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The safety of vehicular access to the property in times of flood for ordinary and emergency vehicles;
 - 5. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities such as electrical, gas, sewer, and water systems; streets and bridges;
 - 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the city sanctioned plans and flood plain management programs for that area;
 - 9. The importance of the services provided by the proposed facility to the city;
 - 10. The necessity to the facility of a waterfront location, where applicable; and
 - 11. The expected heights, velocity, duration, rate of rise, and sediment transport of floodwaters and the effect of wave action, if applicable, expected at the site.

The Director may request other data and documentation as a condition to the granting of a variance to flood plain development regulations, as the Director deems necessary to further the purpose of this chapter and to assure compliance with other city codes.

Written notice shall be given to an applicant to whom a variance is granted stating that construction shall be permitted with a lowest floor elevation below the flood protection elevation but the cost of flood insurance shall be commensurate with the increased risk resulting from the reduced floor elevation.

(Ord. No. 1177-2010, § 1, 9-27-2010)

1150.39 Warning and disclaimer of liability.

The degree of flood protection required by the Columbus City Codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can occur on rare occasions. Flood height may be increased by artificial or natural causes. This chapter does not imply that land outside the special flood hazard areas or activities, development and/or uses permitted within such areas shall be free from flooding or flood damage. This chapter does not create liability on the part of the City, any officer or employee thereof or the Federal Insurance Administration, for any flood damage that results from reliance on this chapter or any lawfully made administrative decision or variance granted by the Columbus Building Commission.

(Ord. No. 1177-2010, § 1, 9-27-2010)

1153.01 Sewer and water advisory board.

There shall be a sewer and water advisory board consisting of the city auditor or a representative; the Director of Public Utilities or a representative; the director of finance and management or a representative; six (6) citizens of the City of Columbus, one (1) of whom is knowledgeable and representative of residential customers, one (1) of whom is knowledgeable and representative of low-income residential customers, and one (1) of whom is knowledgeable and representative of senior citizen residential customers, and one (1) citizen of a political subdivision other than Columbus which is a customer of the Columbus Division of Water and the Columbus Division of Sewerage and Drainage, appointed by the mayor with the concurrence of city council in accordance with Section 61 of the Charter of the city to serve for a term of four (4) years; the four (4) appointed members of the board currently serving four (4) year terms shall serve those terms to conclusion; the three (3) new members of the board shall initially be appointed as follows: one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years, all subsequent appointments, except those to fill vacancies for the unexpired term, shall be for a full term of four (4) years.

The board shall select one (1) of its members as chairperson, and a rate clerk of the Department of Public Utilities shall act as secretary, but shall have no vote. The board shall meet upon call of the chairperson or any three (3) members upon at least seventy-two (72) hours written notice to each member or at such time as may be set by the board at any regularly called meeting.

The sewer and water advisory board shall review at least annually the operation of the Division of Sewerage and Drainage and the Division of Water for the purpose of reviewing the adequacy of the rates established for and charged by said divisions and recommending to council such changes in rates, if any, as in the opinion of the board are necessary. In making such review and recommendations, the board shall be guided by Sections 118 through 124 of the Charter of the City of Columbus and the projected needs, and plans of the division, and the past and projected expenses and revenues of the division.

On or before the last Monday of October of each year, or at such other times as requested by council, the sewer and water advisory board shall prepare a report to council with the board's recommendations as to whether a rate change is required in either the Division of Sewerage and Drainage or the Division of Water, and if so, the

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recommended rates that should be established for each such division together with such detailed information and data, and in such form, as the board deems necessary.

(Ord. 478-92; Ord. 1102-05 § 1 (part); Ord. 422-06 § 2 (part); Ord. 1132-2008 Attach. (part); Ord. No. 2398-2012, § 10, 12-3-2012)

Article V. Electricity

Editor's Note: This Article V covers ordinances relating to the Municipal Electricity Service, which is administered by the Division of Power of the Department of Public Service.

The Department of Public Utilities exercises administrative power over privately owned electric utility companies. Maximum rates to be charged by privately owned electric utility companies granted a City franchise are prescribed by ordinance. Due to the temporary and specialized nature of such rate ordinances they are not included in the Columbus City Codes. Please consult the Department of Public Utilities for current maximum rates applicable to privately owned electric utilities.

1160.03 Termination of electricity service.

- (a) After fourteen (14) days' notice, the Director may terminate electricity services to any person or real estate using city electricity in violation of this chapter for any of the following conditions:
 - (1) Nonpayment of accounts pursuant to City Code Section 1163.21.
 - (2) Violation of any rule and regulation promulgated pursuant to City Code Section 1160.01.
 - (3) Violation of City Code Section 1163.025.
 - (4) Violation of City Code Chapter 1167.
- (b) The notice shall indicate the basis upon which service is being terminated and date after which service will be terminated if the violations are not corrected, or applicable payment or payment agreements are not received by the Division of Power pursuant to City Code Section 1163.21. The notice shall also indicate the hearing rights afforded to any person affected by the termination notice by which the person may contest the electricity service termination. The notice shall be mailed or hand delivered to the address of the customer of record and to the service address.
- (c) Any affected person desiring a hearing concerning a termination of electricity service under this section or billing dispute under City Code Section 1163.21(D) must request a hearing with the director by submitting a written and signed request to the Division of Power no later than ten (10) days after receipt of a termination notice, or ten (10) days after the due date of the bill in question, whichever date is later. Failure of an affected person to file a request for hearing within the allotted ten-day period shall constitute a waiver by that person of their right to a hearing under this section. A request for hearing shall include as a minimum: name, address and telephone number of affected person; date; a statement requesting a hearing; and a description of the nature of the dispute, including the location of the affected property. The director or a designee shall convene a hearing on the matter within ten (10) days of receiving the request for hearing. If a hearing cannot be scheduled within this ten-day period, then the electricity service termination shall be automatically stayed, pending the holding of a hearing on this matter. The director shall adopt regulations establishing procedures by which hearings will be conducted pursuant to this section. For the purposes of this section the meaning of "affected person" shall include, but is not limited to, an owner, occupant, resident or tenant of the affected property.
- (d) This section is not applicable to voluntary termination of electricity services pursuant to City Code Section 1160.06 or disruption of electricity service due to routine or scheduled maintenance of the electrical system or emergency circumstances.

(Ord. No. 0139-2011, § 2, 3-7-2011; Ord. No. 2398-2012, § 11, 12-3-2012)

1160.06 Emergency termination of electricity service.

The director may order any person to limit or discontinue use of electricity at a premises and/or disconnect said premises from the city electricity system whenever such discontinuance or disconnection is necessary, in the opinion of the director, in order to prevent or abate an imminent or substantial threat to the electricity system or to the safety or welfare of the public. Any person notified of such order affecting a premises under that person's control shall immediately comply with the order. In the event of a person's failure to immediately comply voluntarily with the order, the director may take such steps as deemed necessary to prevent or abate the imminent or substantial threat to the electricity system or to the safety or welfare of the public. The director shall allow the person to recommence use of the electricity service once the imminent or substantial threat has passed, unless the electricity service has otherwise been terminated pursuant to City Code Section 1160.03.

(Ord. No. 0139-2011, § 2, 3-7-2011)

1162.01 Illegal use of electricity; information; posting.

- (a) It shall be unlawful for any person to take electricity or in any way use electricity for private use which is furnished by the Division of Power, unless such person shall have first received permission from the Director of Public Utilities. Any person not employed by the city, or any ex-employees of the city, who furnishes information to the Division of Power of any such illegal use of electricity, may receive as compensation for such information, not to exceed twenty-five (25) percent of any amount received by the Division of Power as a result of such information for such illegal use of electricity, and the amounts to be paid to such informant under twenty-five (25) percent, to be left to the discretion of the administrator of the Division of Power. The administrator is authorized to make such payments out of the amount so recovered.
- (b) The administrator of the Division of Power shall have printed and cause the same to be posted in as many public places in the city as the administrator deems necessary, copies of (a) above.

(Ord. No. 0139-2011, § 2, 3-7-2011; Ord. No. 2398-2012, § 13, 12-3-2012)

1167.01 Protection of electricity system.

- (A) The administrator of the Division of Power or a duly authorized representative shall have the right to enter any property served by a connection to the city's electricity system for the purpose of inspecting the electricity system or systems thereof. On request, the owner, lessees or occupants of any property so served shall furnish to the administrator of the Division of Power any information, which the administrator may deem necessary, regarding the electricity system or electricity use on such property. The refusal of such information or entry, when requested, shall, within the discretion of the administrator of the Division of Power, be deemed evidence of the presence of improper connections.
- (B) The administrator of the Division of Power shall be authorized to discontinue, after due notice to the occupants thereof, the electricity service to any property where any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as the administrator may deem necessary to eliminate any danger to the city's electricity distribution system. Electricity service to such property shall not be restored until any such dangerous conditions have been eliminated or corrected in compliance with the provisions of this section.

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(C) The Director of Public Utilities shall have the authority as may be necessary in the interest of public safety, health, and general welfare to promulgate rules and regulations, to interpret and implement the provisions of this section and to secure the intent therefore.

(Ord. No. 0139-2011, § 2, 3-7-2011; Ord. No. 2398-2012, § 16, 12-3-2012)

1167.03 Liability of certain persons for acts of others.

In all cases where any, employee, apprentice or minor shall be guilty of any violation of the provisions of this chapter or any ordinance for the management and protection of the Division of Power or any of the prescribed rules and regulations of the Division of Power, the, employer, parent or guardian of such person shall be held responsible for such violation as well as the persons committing the offense.

(Ord. No. 0139-2011, § 2, 3-7-2011; Ord. No. 2398-2012, § 16, 12-3-2012)

1305.10 Pushcarts Prohibited.

No person shall transport or haul acceptable or unacceptable waste through the streets and public ways of the city with a pushcart or container propelled by human effort.

(Ord. No. 1717-2020 , § 1, 7-27-2020)

1501.02 Superintendent of markets.

The superintendent of markets shall perform all duties that may be enjoined upon the superintendent of markets by any law of the state, and all duties that may be enjoined upon the superintendent of markets by any ordinance of the city. The superintendent of markets shall have the care and superintendency of the market houses, market spaces, and markets, and it shall be the superintendent of markets' duty to preserve order therein and to carry into effect and enforce all the ordinances, rules and regulations adopted for the government thereof. The superintendent of markets shall cause the market houses to be kept clean and in good order and shall remove all nuisances and obstructions therefrom, and arrest and remove all vagrants, or idle and disorderly persons found loitering about the market houses at any time. For the purpose of enabling the superintendent of markets to carry into effect the ordinances and regulations for the government of the market houses and markets, the superintendent of markets is invested with police power, and shall have authority to arrest all persons upon view or complaint, who shall violate any of the market ordinances or regulations, and it shall be the superintendent of markets' duty to cause all such offenders promptly to be prosecuted. Any person who shall resist, hinder or obstruct the superintendent of markets or assistants in the discharge of their duties, or shall refuse to obey any of their lawful orders and directions shall be deemed guilty of a misdemeanor.

(Sec. 26.1.)

1505.05 Application for space.

Any persons desiring to sell products in the producer's market shall properly fill out an application on the blank therefor to be furnished by the Superintendent of Markets and, after preparing such application blank, shall sign and swear to the truthfulness of the statement made therein before some officer authorized to administer oaths. Agents shall submit to the Superintendent of Markets proper evidence of their agency, also, the amount of compensation received for their services as such agent.

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It shall be unlawful for any producer or the producer's agent to make any false statement or affidavit to the Superintendent of Markets in connection with obtaining space, or the use thereof, under any of the provisions set forth in this section.

(Sec. 26.4-2; Ord. 511-54.)

1505.09 Vending restrictions.

- (a) It shall be unlawful for any person to display or offer for sale in the producer's market any product purchased directly or indirectly from any other person. It shall be unlawful for any producer, by the producer or the producer's agent, to offer for sale in the producer's market any product not produced upon land either owned or leased by the producer or the producer's agent.
- (b) It shall be unlawful for any producer's agent to offer for sale or sell in the producer's market any product which is not grown or produced upon land owned or leased by the producer the agent represents.
- (c) It shall be unlawful to offer for sale or sell any manufactured or prepared article in the producer's market, unless the main ingredient of the article has been produced upon the land owned or leased by the producer offering for sale or selling the article.

(Sec. 26.4-1; Ord. 511-54.)

1507.05 Obstructing aisles.

No dealer shall use the aisles or passageways of the market houses or sidewalks in front of the dealer's stall, stand or bench, for the purpose of selling the dealer's goods, but must use only such space as given the dealer behind the dealer's counter, table or bench in making such sales.

(Sec. 26.29.)

1507.11 Purchases prior to opening hours.

No person shall sell, or cause to be sold, or engage or cause to be engaged, or take into possession, or permit said person to be put into possession of any article of provisions or other articles to be sold at any market place within the City limits before the hours of opening the markets.

(Sec. 26.15.)

1507.23 Dogs and dangerous animals.

No person shall bring or permit to come with said person into the market any dog, bitch or whelp or any unruly or dangerous animal.

(Sec. 26.34.)

1507.24 Profane language and disorderly conduct.

No lessee or occupant of a stall, stand or bench in any of the market houses or streets or sidewalks used as market spaces in the City, shall use profane, abusive or indecorous language, or utter loud cries, or crowd about or interfere with any other occupant in the transaction of the occupant's legitimate business, or throw any missile, refuse, meat, vegetables or other articles, or make indecent remarks or comments, or apply the same to any customer or person who may be passing through the markets.

(Sec. 26.28.)

1507.25 Loitering.

No person shall stand, loiter or lounge in, about or around the market houses, unless the person has good and sufficient reason for so doing in the prosecution or pursuit of the person's legitimate business.

(Sec. 26.33.)

1713.0111 Definitions.

For purposes of this chapter, the definitions set forth in this section shall apply:

- A. "Air commerce" means interstate, intrastate, overseas, or foreign air commerce or the transportation of mail by aircraft by any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects or which may endanger safety in interstate, intrastate, overseas, or foreign air commerce.
- B. "Air transportation" means interstate, intrastate, overseas, or foreign air transportation or the transportation of mail by aircraft.
- C. "Aircraft" means a device that is used or intended to be used for flight in the air.
- D. "Airport" means an area of land or water used or intended to be used for the landing and takeoff of aircraft and includes its buildings and facilities, if any. Specifically, in this context, "airport" shall include Port Columbus International Airport, Bolton Field Airport or any City-owned or operated airport.
- E. "Avionics" means communication, navigation, flight control systems, flight director systems, and radar equipment.
- F. "City" shall mean the municipal corporation organized under the laws of the State of Ohio known as the City of Columbus, Ohio.
- G. (1) "Commercial ground transportation vehicle" means any motor vehicle used to transport persons to or from the premises of Port Columbus International Airport:
 - (a) As a service which is incidental to another commercial transaction or service provided to, or for the benefit of, the person transported and for which commercial transaction or service the person providing transportation, or for whom the transportation is provided receives compensation.
 - (b) For a fee or other compensation.
- (2) "Commercial ground transportation vehicle" shall not include:
 - (a) Taxicabs which pay a use fee pursuant to Section 1713.09.
 - (b) Vehicles used by governmental or other public agencies or public schools, exclusive of post secondary schools.
 - (c) Parking lot courtesy vehicles which are regularly operated for the transportation of customers and/or baggage between the terminal building and any parking lot owned and operated by the City of Columbus, Division of Airports or its contractor.
 - (d) Any vehicle used by any person having a current contract with the City of Columbus to conduct business activity on the airport premises, provided such contract requires the payment of fees to the City based on the operation of said business.
 - (e) Any vehicle used by an air carrier authorized to operate at the airport to provide transportation for air carriers' passengers to or from the airport because of flight cancellations or delays.
- H. "Commercial operator" means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or

under the authority of Part 375 of Title 14 of Code of Federal Regulations. Where it is doubtful that an operation is "for hire" the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, being offered to the public. Any advertisement, for example: business card, newspaper ads, yellow page listings, etc., offering said services and/or equipment to the general public qualifies as "for hire."

- I. "Compensation" means any thing of value including, but not limited to, a rebate, refund, reward, reduction in rates or charges, merchandise, gifts, stamps or coupons, food, fuel, or any commodity or service whatsoever, or where transportation charges are paid by the patron of a business entity which otherwise does not provide transportation to or from the airport.

(Ord. 2066-90.)

1903.02 Report procedure.

The chief of police, upon the request of the city attorney, shall forward to the city attorney, a copy of any report made pursuant to Section 1903.01 of the city code.

(Ord. 533-94.)

1903.03 Fees for reports.

The division of police, department of public safety, is hereby authorized to charge and collect such fees as are prescribed by the Director of Public Safety for the following:

- (a) For preparing and furnishing, upon request therefor, a photocopy(s) of a motor vehicle accident report, including the reproduction of photographs or other reports on record in the offices of the division of police. Nothing contained in the preceding sentence shall be construed as preventing any person from preparing or making their own copy of any such accident report upon such terms and conditions as may be prescribed by said division.
- (b) For preparing and furnishing to any person, upon request therefor, a summary of the record of arrest(s) for the violation(s) of statutes and/or ordinances, as contained in the card files of the division of police (commonly referred to as an arrest record check).
- (c) For preparing and furnishing to any person, upon request therefor, a fingerprint card showing a complete set of fingerprints (commonly referred to as rolling fingerprints).

Fees shall not be charged or collected for any such services rendered for or upon request of an agent or officer of the United States of America, or any state, city, county or other governmental body. Nothing in this section shall be construed to make it mandatory for the division of police to furnish the said requested information.

Under the provisions of this section, all monies received by the division of police for said fees shall be deposited into the treasury of the city of Columbus to be credited to the fund known as the "fund for general purposes."

(Ord. 536-82.)

1905.09 Certification by Civil Service Commission.

Upon the filing of the police and fire surgeon's certificate with the Civil Service Commission, under the provisions of C.C. 1905.08, the Civil Service Commission is authorized to certify the pensioner for the position referred to in C.C. 1905.08, and the pension theretofore received shall cease and terminate upon the actual reinstatement of such pensioner in the service, or upon the pensioner's refusal to accept the appointment so made.

(Sec. 33.15.)

1909.10 Executive orders.

The Director of Public Safety is authorized and directed to promulgate such executive orders, rules and regulations as, in the Director of Public Safety's discretion, are either necessary or desirable, in the administration of the reserve police force.

(Ord. 1906-88.)

1921.01 General powers and duties.

The chief of the division of fire shall have general care and supervision over the division. The chief of the division of fire shall devote their entire time to the interests of the division. The chief of the division of fire shall see that all of the provisions of the Columbus City Codes and other ordinances for the government thereof be strictly enforced and obeyed, and that all the companies are properly regulated and disciplined.

(Sec. 17.2.)

1921.02 Authority at fires and other emergencies.

The chief of the division of fire or a duly authorized representative, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The chief of the division of fire or a duly authorized representative may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the division of fire. The chief of the division of Fire or a duly authorized representative may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the chief of the division of fire or a duly authorized representative.

The city police while at a fire or other emergency shall, subject to the order of the chief of the division of police, obey the chief of the division of fire or a duly authorized representatives' commands.

(Ord. 40-85.)

1921.04 Attendance at fires and other emergencies.

Upon the occurrence of a fire or other emergency in the city, it shall be the duty of the chief of the division of fire or a duly authorized representative, as soon as practicable to respond to the place of the fire or other emergency, and take charge of and arrange the division of fire apparatus and equipment in such manner as the chief of the division of fire he may deem most advantageous for the protection of life and property.

(Ord. 40-85.)

1921.06 Protection of persons and property.

The chief of the division of fire, and assistant chief, may appoint guards to protect goods removed from buildings, and other property, and to keep the streets adjoining the fire from being crowded, obstructed or occupied by any of the bystanders, for which purpose the chief of the division of fire may call upon the city police for assistance, and shall take such measures as may be deemed necessary for the safety of persons and property.

(Sec. 17.6.)

1921.07 Removal of dangerous structures.

Where in the opinion of the chief of the division of fire or a duly authorized representative a wall or building is in danger of collapse due to damage sustained from a fire or explosion or from fire-fighting efforts to control the spread of fire, the chief of the division of fire or a duly authorized representative shall order the owner or responsible person of such wall or building to immediately cause the same to be taken down. If the chief of the division of fire or a duly authorized representative is unable, after a reasonable effort, to contact the owner or responsible person of such wall or building or if said owner or responsible person shall fail to immediately cause the wall or building to be taken down, then in that event, the chief of the division of fire or a duly authorized representative may cause the same to be promptly taken down at the expense of the owner, the same to be recovered in an action in the name of the city of Columbus and such claims to be in lien upon the lot upon which such wall or building stood.

(Ord. 40-85.)

1921.09 Compliance with orders.

No person shall willfully fail or refuse to comply with any lawful order or direction of the chief of the division of fire or a duly authorized representative or interfere with the compliance attempts of another individual.

(Ord. 40-85)

1921.12 Unlawful boarding or tampering with division of fire emergency vehicle.

No person shall, without proper authorization from the division of fire officer, firefighter or other person in charge of said division of fire emergency vehicle, cling to, attach themselves to, climb upon or into, board or swing upon any division of fire emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell, or other sound-producing device thereon, or manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any division of fire emergency vehicle.

(Ord. 40-85.)

1925.01 Bureau of Fire Prevention.

There is hereby established a Bureau of Fire Prevention in the division of fire which shall have as its primary duty the enforcement of the Fire Prevention Code. The chief of the division of fire is authorized and directed to assign to the Bureau of Fire Prevention such members or employees to work under the direction of the chief of the division of fire as the chief of the division of fire may decide, one of whom shall be designated as the Chief of the Bureau of Fire Prevention, and while so assigned shall be designated as the Fire Marshal of the City of Columbus. Under the direction of the chief of the division of fire, the Chief of the Bureau of Fire Prevention shall have control of all fire prevention inspection and fire investigation activities within the City of Columbus. In the absence of the Chief of the Bureau of Fire Prevention, one other member or employee shall be assigned by the chief of the division of fire to act as alternate during the absence of the Chief of the Bureau of Fire Prevention. Other members or employees of the division of fire assigned to the Bureau shall be known as either Fire Prevention Inspectors or Fire Investigators.

(Ord. 40-85.)

1925.04 Investigation of cause of fire.

- (a) The chief of the division of fire or designee shall investigate the cause, origin and circumstances of every fire or explosion occurring in the municipality, as determined by the rules of the chief of the division of fire, by which property has been destroyed or damaged, and shall make an investigation to determine whether the fire or explosion was the result of accident, carelessness or design. Such investigation shall begin immediately upon the occurrence of such a fire or explosion.
- (b) Every fire shall be reported in writing to the Bureau of Fire Prevention within two days after the occurrence of the same, by the division of fire officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the chief of the division of fire and shall contain a statement of facts relating to the cause, origin and circumstances of such fire, injury to persons, and extent of the damage thereof, and the insurance upon such property, and such other information as may be required.
- (c) Fire investigators shall investigate the cause, origin and circumstances of every fire occurring in the municipality which is of a suspicious nature or which involves loss of life or in which a substantial amount of property has been damaged or destroyed. In these situations the fire investigator shall immediately be notified of the facts: the division of fire officer in whose jurisdiction such a fire occurred shall immediately take charge of the physical evidence and, in order to preserve such physical evidence, shall take means to prevent access by any person to such building, structure or premises until such evidence has been properly processed or until the arrival of the fire investigator. The division of fire officer in whose jurisdiction such a fire has occurred shall assist the fire investigator in the investigation of the incident and shall cooperate with the fire investigator in the collection of evidence and in the prosecution of the case.
- (d) The division of police, upon request of the chief of the division of fire, shall assist the fire investigators in the investigation of any fire which, in the fire investigators opinion, is of suspicious origin.

(Ord. 40-85.)

1925.05 Power to compel attendance of witnesses.

The chief of the division of fire, designee, or a fire investigator may summon and compel the attendance of witnesses to testify in relation to any matter which is a proper subject of inquiry and investigation, and may require the production of any book, paper, or document.

(Ord. 40-85.)

1925.07 Taking of testimony.

If in the opinion of the chief of the division of fire, designee, or a fire investigator further investigation is necessary, the chief of the division of fire, designee, or a fire investigator shall take or cause to be taken the testimony on an oath of any person supposed to be cognizant of any fact, or to have means of knowledge in relation to the matter concerning which an examination is required to be made, and cause such testimony to be reduced to writing.

(Ord. 40-85.)

1925.08 Investigation may be private.

Investigation by or under the direction of the Chief of the Division, designee, or a fire investigator may be private. Said officers may exclude from the place where such investigation is held all persons other than those required to be present, and witnesses may be kept separate from each other and not allowed to communicate with each other until they have been examined.

(Ord. 40-85.)

1925.09 Arrest of suspect.

If the chief of the division of fire, designee, or a fire investigator is of the opinion that there is evidence sufficient to charge a person with arson or a similar crime, or with carelessly causing a fire, the chief of the division of fire, his designee, or a fire investigator may arrest such person or cause the person to be arrested or charged on a summons with such offense. Said officer shall furnish the prosecuting attorney such evidence, with the names of witnesses, and a copy of material testimony taken in the case.

(Ord. 40-85.)

1925.11 Fire records.

The chief of the division of fire shall keep, in the office of the Bureau of Fire Prevention, a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the Fire Department officers and inspectors. All such records shall be public.

(Ord. 40-85.)

1929.04 Voluntary service; compensation; duties.

The auxiliary firefighters shall serve on a voluntary basis within the City, and without pay or compensation. They shall be under the direct supervision of the chief of the division of fire. They shall be subject to call upon the order of the Director of Public Safety of the City, or in the Director of Public Safety's absence upon written order of the chief of the division of fire, and at all times when they are called upon to perform duties as auxiliary firefighters they shall observe the rules and regulations and traditions of the regular constituted Fire Department. The auxiliary firefighters shall obey the chain of command of the division of fire and shall take orders from all regularly appointed officers thereof, including the rank of firefighter.

(Sec. 17.28.)

1929.05 Term of service; uniforms.

The auxiliary firefighters shall serve a period of time to be designated by the Director of Public Safety, and shall serve until the Director of Public Safety shall release them. The auxiliary firefighters, during the time that they are performing their duties, shall wear such uniform or part of a uniform as shall be prescribed by the Director of Public Safety.

(Sec. 17.29.)

1929.06 Orders, rules and regulations.

In order to protect the lives of the inhabitants, their property, and the property of the City, the Director of Public Safety is authorized and directed to promulgate such executive orders, rules and regulations, as, in the Director of Public Safety's discretion, are either necessary or desirable, in the administration of the auxiliary firefighters.

(Sec. 17.31.)

1933.01 Fees for copies of reports and photographs.

The division of fire, department of public safety, is hereby authorized to charge and collect such fees as are prescribed by the Director of Public Safety for the following:

- (a) For preparing and furnishing to any person, upon request therefor, a photocopy(s) of a Basic Incident Report (commonly referred to as fire report), as contained in the files of the division of fire. Nothing contained in the preceding sentence shall be construed as preventing any person from preparing or making their own copy of any such Basic Incident Report upon such terms and conditions as may be prescribed by said Division.
- (b) For preparing and furnishing to any person, upon request therefor, a photocopy(s) of an Emergency Medical Services Report (commonly referred to as squad report), as contained in the files of the division of fire. Nothing contained in the preceding sentence shall be construed as preventing any person from preparing or making their own copy of any such Emergency Medical Services Report upon such terms and conditions as may be prescribed by said Division.
- (c) For preparing and furnishing to any person, upon request therefor, a photograph(s) of a fire scene or evidence found therein, as contained in the files of the division of fire.

Fees shall not be charged or collected for any such services rendered for or upon request of an agent or officer of the United States America, or any state, city, county or other governmental body. Nothing in this section shall be construed to make it mandatory for the division of fire to furnish the said requested information.

Under the provisions of this section, all monies received by the division of fire for said fees shall be deposited into the Treasury of the City of Columbus to be credited to the fund known as the "Fund for General Purposes."

(Ord. 537-82.)

1941.04 Powers and duties of the support services administrator.

- (a) The support services division administrator shall be the head of the division of support services and shall have the management of all matters and affairs pertaining thereto.
- (b) The support services division administrator shall prescribe rules and regulations for the persons engaged in the service of the division, and such persons shall do and perform such duties as the support services division

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administrator may require or direct and shall be under the support services division administrator direction, supervision and control.

(Ord. 84-93; Ord. 2610-03 § 1 (part).)

2101.04 Bicycle.

"Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(ORC 4511.01(G); Ord. 787-90; Ord. No. 1182-2014, § 2, 6-16-2014; Ord. No. 2539-2018, § 2, 9-24-2018)

2101.041 Bikeway.

"Bikeway" means a facility that explicitly provides for bicycle and mobility device travel. A bikeway may vary from a completely separated facility to simple signed streets as follows:

- a) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.
- (b) "Bike lane" (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles and mobility devices in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.(c) "Bike route" (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle and mobility device traffic is provided as only signs are present to indicate the course of the bike route.
- (c) "Bike Boulevards and Sharrows" (Class III Bikeway) utilize existing streets and roads with no separation of motor vehicle and bicycle and/or mobility device traffic provided. Pavement markings or signage is present to indicate the course of the bikeway only.

(Ord. 1050-77; Ord. 1987-2008 Attach. 1 (part); Ord. No. 1182-2014, § 2, 6-16-2014; Ord. No. 2539-2018, § 2, 9-24-2018)

2101.19 Motorcycle.

"Motorcycle" means every motor vehicle, other than a tractor, having a seat or 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 cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

(ORC 4511.01(C); Ord. 599-78: Ord. 2120-03 § 1 (part).)

2101.195 Motorized bicycle or moped.

"Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than

fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.

(Ord. 599-78; Ord. No. 2539-2018 , § 2, 9-24-2018)

2101.20 Motor vehicle.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric 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, and trailers 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.

(ORC 4511.01(B); Ord. 599-78: Ord. 2120-03 § 1 (part).)

2101.22 Pedestrian.

"Pedestrian" means any natural person afoot. "Pedestrian" includes a personal delivery device as defined in section 4511.513 of the Revised Code unless the context clearly suggests otherwise.

(ORC 4511.01(X); Ord. 1579-72.)

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 firefighters 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)) (Ord 677-93: Ord. 2120-03 § 1 (part).)

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 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](#), [4511.433](#), [4511.432](#), [4511.44](#), [4511.441](#), [4511.451](#), [4511.452](#), [4511.46](#), [4511.47](#), [4511.48](#), [4511.481](#), [4511.49](#), [4511.50](#), [4511.511](#), [4511.522](#), [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;
- (2) 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;
- (3) 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;
- (4) A violation of section [4511.214](#) of the Revised Code;
- (5) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in division (III)(1), (2), (3), or (4) of this section.

(ORC 4511.01(III)); Ord. 2120-03 § 1 (part).)

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)); Ord. 2120-03 § 1 (part)., *Ord. 2120-03 § 1 (part)*

2101.355 School zone.

"School zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of the state highway. The distances described in this definition shall not exceed three hundred (300) feet per approach per direction and are bounded by whichever of the following distances or combinations thereof that the director of public service approves as most appropriate:

- (a) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred (300) feet on each approach direction;
- (b) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred (300) feet on each approach direction;
- (c) The distance encompassed by the special marking of the pavement for a principal school crosswalk plus a distance of three (300) hundred feet on each approach direction of the highway

(ORC 4511.21(B)(1)(c); Ord. 1145-02 § 1, 2002.)

2101.51 Vehicle.

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in section 4511.513 of the Revised Code, any device that is moved by power collected from overhead electric trolley wires or 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); Ord. 1679-94; Ord. 2120-03 § 1 (part); Ord. No. 1182-2014, § 2, 6-16-2014; Ord. No. 2539-2018, § 2, 9-24-2018)

2101.54 Motorized wheelchair.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

(ORC 4511.01(EEE); Ord. 1679-94.)

2105.01 Designation and placement of traffic control devices.

The service director is authorized, and it shall be the service director's duty to cause to be placed and maintained all official traffic control devices. All traffic control devices required shall so far as practicable be uniform as to type and location throughout the city, and shall conform to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways, or to the Federal Manual of Uniform Traffic Control Devices, Section 2B.05 Stop Sign Applications and Section 2B.07 Multiway Stop Applications, when considering stop and multiway stop applications.

(Ord. 1680-82; Ord. 1182-02 § 1 (part).)

2105.03 Traffic regulations by service director.

The service director is empowered to make regulations necessary to make effective the provisions of this traffic code and to make temporary regulations to cover emergencies or special conditions.

HThe service director shall also establish, by regulation promulgated in accordance with Section 121.05, reasonable rates for public parking facilities operated by the department of public service. Such rates will be based upon relevant cost factors as well as market conditions prevailing in the area served by the facilities and the need for public parking facilities to expedite the flow of traffic. In the event the service director is not available due to emergency or other reason, and the placement of such devices may be necessary to preserve the public safety and welfare the service director may delegate the promulgation of the relevant traffic orders to a designee.

(Ord. 1683-92; Ord. No. 0128-2009, § 1, 2-9-2009; Ord. No. 1182-2014, § 2, 6-16-2014)

2105.04 Filing notice with clerk—Effective date of regulations.

The service director shall announce the intention to act pursuant to and under the authority granted this chapter by filing notice thereof with the City Clerk. Such action shall thereafter become effective at the date set forth in the notice unless council, by appropriate action, shall designate otherwise.

(Ord. 2168-76; Ord. No. 1182-2014, § 2, 6-16-2014)

2105.06 Traffic control signals.

The service director shall establish and designate traffic control signal intersections, at which intersections shall be maintained traffic control signals to regulate traffic. The service director shall have all necessary authority to install at such locations any lawful traffic control signal when in the service director's discretion it is necessary to expedite travel and promote public safety.

(Ord. 2168-76; Ord. No. 1182-2014, § 2, 6-16-2014)

2105.12 Crosswalks.

The service director shall establish and designate by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in the service director's opinion there is particular danger to pedestrians crossing the roadway, and at such other places as the service director may deem necessary in the interests of public safety.

(Ord. 2168-76; Ord. No. 1182-2014, § 2, 6-16-2014)

2105.13 Safety zones.

The service director shall establish safety zones of such kind and character and at such places as the service director may deem necessary for the protection of pedestrians.

(Ord. 2168-76; Ord. No. 1182-2014, § 2, 6-16-2014)

2105.17 Parking prohibitions or restrictions.

Whenever the service director determines that traffic congestion on a street in the city is such that the restriction or prohibition of parking thereon is necessary to assure the safety of the public and the free flow of vehicular traffic, the service director may issue regulations restricting or prohibiting parking thereon. No prosecution shall be commenced for a violation of a regulation issued under this section unless adequate notice has been given to the public by means of signs or signals.

(Ord. 2168-76; Ord. No. 1182-2014, § 2, 6-16-2014)

2105.18 Traffic lanes—No passing zones.

The service director shall:

- (a) Mark lanes for traffic on street pavements at such places as the service director may deem advisable in the interest of public safety; and
- (b) Determine those portions of any street where overtaking and passing other traffic or driving to the left of center, or offset center, or center line of the street or roadway would be especially hazardous, and may, by appropriate signs or markings on the street or roadway, indicate the beginning and end of such zones. Such zones shall be so designated in the following manner, to-wit: an auxiliary yellow line placed parallel and to the right of the normal center line or offset center line.

(Ord. 2168-76; Ord. No. 1182-2014, § 2, 6-16-2014)

2105.19 Bike lanes, bike routes, bike parking and bike crossings.

The Public Service Director shall:

- (a) Mark roadway pavement with painted lines, pavement coloration, symbols, curbing or other barriers to establish bikeways and bicycle parking on streets as the service director may deem advisable in the interest of public safety;
- (b) Mark by appropriate signs, bikeways and bicycle parking on streets as the service director may deem necessary in the interest of public safety; and
- (c) Mark by markings on the pavement and appropriate signs, bike crossings at such places on streets as the service director may deem necessary in the interest of public safety.
- (d) The foregoing authority shall apply equally to other mobility devices.

(Ord. 1050-77; Ord. 1987-2008 Attach. 1 (part); Ord. No. 1182-2014, § 2, 6-16-2014; Ord. No. 2539-2018 , § 2, 9-24-2018)

Editor's note(s)—Ord. No. 1182-2014, § 2Editor's note(s)—, adopted June 23, 2014, amended the title of § 2105.19Editor's note(s)— to read as set out herein. Previously § 2105.19Editor's note(s)— was titled bike lanes, bike routes and bike crossings.

2105.25 No engine braking zones.

The service director shall establish no engine braking zones of such kind and character and at such locations as the service director may deem necessary for the protection of the public.

(Ord. 1550-04 § 1; Ord. No. 1182-2014, § 2, 6-16-2014)

2107.05 Notice to owner—Redemption.

If, at the expiration of twelve (12) hours after any vehicle has been impounded, the owner, chauffeur, driver or other person in charge thereof, has not presented himself at the vehicle pound to claim the vehicle, it shall be the duty of the officer in charge of such pound to notify in writing, the owner, chauffeur, driver or other person in charge of the same, at the individual's last known place of residence, informing the individual of the nature and circumstances of the violation on account of which such vehicle has been impounded, and also the amount of charges for re-delivery.

When the owner, chauffeur, driver or other person in charge of the vehicle impounded presents themselves at the vehicle pound to claim his vehicle, the person shall furnish satisfactory proof of his right and title therefor to the officer in charge of such pound.

(Ord. 1579-72.)

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 one hundred twenty-five (\$125.00) dollars to the parking violations bureau 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 fifty-five (\$155.00) dollars shall be paid to the parking violations bureau for any motor vehicle weighing more than seven thousand (7,000) pounds but not more than ten thousand fifty (10,050) pounds. A service charge of two hundred (\$200.00) dollars shall be paid to the parking violations bureau for any motor vehicle weighing more than ten thousand fifty (10,050) pounds but not more than fourteen thousand nine hundred ninety-nine (14,999) pounds. A service charge of two hundred eighty (\$280.00) dollars shall be paid to the parking violations bureau for any motor vehicle weighing more than fourteen thousand nine hundred ninety-nine (14,999) 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 vehicle or pull a vehicle from an obstruction, an additional hourly rate will be charged. This additional charge will be at the following rates:

1. One hundred twenty-five (\$125.00) dollars per hour for vehicles weighing seven thousand (7,000) pounds or less.
2. One hundred fifty-five (\$155.00) dollars per hour for vehicles weighing more than seven thousand (7,000) pounds, but not more than ten thousand fifty (10,050) pounds.
3. Two hundred seventy (\$200.00) dollars per hour for vehicles weighing ten thousand fifty (10,050) pounds but not more than fourteen thousand nine hundred ninety-nine (14,999) pounds.
4. Fees for vehicles weighing over fourteen thousand nine hundred ninety-nine (14,999) pounds are as follows:

Hourly charge after thirty (30) minutes is sixty-three (\$63.00) dollars per quarter hour.

Extra human effort fee is forty-five (\$45.00) dollars per hour per worker.

Four-wheel drive wrecker fee is one hundred twenty-five (\$125.00) dollars per hour.

Crane fee is two hundred fifty (\$250.00) dollars per hour.

Heavy duty service truck fee is one hundred twenty-five (\$125.00) dollars per hour.

5. A fee of one hundred twenty-five (\$125.00) dollars may be added if a trailer dolly is required due to the trailer not being attached to a tractor.

A storage fee of eighteen (\$18.00) dollars 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 twenty-three (\$23.00) dollars 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. (Ord. 2808-90; Ord. 80-02 § 4.)

- (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 a reduced impounding fee of fifty-five (\$55.00) dollars and/or the applicable 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. The reduced impounding fee of fifty-five (\$55.00) dollars for a stolen vehicle is a one-time reduction per owner. Subsequent impounding fees related to stolen vehicles shall be at the normal impounding rate.
- (c) Any vehicle weighing less than seven thousand (7,000) pounds of 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 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, sidewalks or public grounds pursuant to Section 2107.01 of the city codes 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.
- (e) In addition to the towing charges or expenses incurred in the removal and storage of vehicles as listed above, the owner or lienholder shall pay an additional administrative processing fee of thirty dollars (\$30.00).

(Ord. 2555-91 §§ 1, 2; Ord. 854-01 § 1 (part); Ord. 1230-01 § 1: Ord. 2120-03 § 1 (part): Ord. 1544-04 § 1: Ord. 0105-2007 § 1 (part); Ord. No. 1667-2008, § 1, 10-27-2008; Ord. No. 2608-2014, § 1, 12-15-2014)

Chapter 2109 - ENFORCEMENT AND GENERAL CODE PENALTY^[3]

Footnotes:

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Cross reference— See sectional histories for similar State law Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16; State point system suspension - see Ohio R.C. 4507.40; Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06; Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13; Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15; Traffic obstructions from excavations - see PUB. PROP. 903.04; Exceptions for emergency or public safety vehicles - see TRAF. 2131.20, 2133.06

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 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.

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- (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 (1) 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 (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (c) of this section is guilty of a misdemeanor of the third degree.

(Ord. 1901-89: Ord. 2120-03 § 1 (part).)

2111.04 Traffic control.

In reviewing the application for parade permit, the Director of Public Safety shall determine the number of police officers reasonably necessary to control traffic in the area of the requested parade. In making this determination, the Director of Public Safety shall consider such factors as the time, date, route, length, number of participants and vehicles contained in the application for the parade permit. The Director of Public Safety shall inform the applicant for the parade permit of the number and cost of police officers and vehicles which the Director of Public Safety determines to be necessary to control the traffic for the requested parade. The cost for each police officer shall be the current standard hourly special duty rate. The cost for each police vehicle shall be the standard hourly rental rate prescribed by the Director of Public Safety. The applicant for a parade permit shall deposit the amount of money designated by the Director of Public Safety as necessary for police traffic control and police vehicles with the Traffic Bureau of the Columbus division of Police forty-eight (48) hours prior to the date requested for the parade.

(Ord. 1264-84.)

2111.06 Notice of rejection of application for a permit.

The Director of Public Safety shall act upon the application for a permit within seventy-two (72) hours after the filing thereof. If for any reason a longer period of time is required, the reason for such a delay shall be provided in writing to the applicant. If the Director of Public Safety disapproves the application, the Director of Public Safety shall make a reasonable effort to notify the applicant, either by personal delivery or certified mail, a copy of the notice of rejection and the reason therefor shall be available in the office of the License Section, within twenty-four (24) hours of the Director of Public Safety's actions.

(Ord. 1264-84.)

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 maintenance hole 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 (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) 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 (1) year of the offense, the offender previously has been convicted of two (2) 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; Ord. 1849-90: Ord. 2120-03 § 1 (part).)

2115.02 Adoption and enforcement.

- (A) The City of Columbus hereby adopts a photo traffic enforcement system for the purpose of using photographic, video, or digital imaging equipment to record visual images of vehicles entering intersections or exceeding the maximum speed limit in violation of Section 2115.03 of this chapter, and using said images as the basis for issuing a notice of liability to the owners of such vehicles within thirty (30) days of the violation.
- (B) The director of public safety or designee(s) shall be responsible for implementing the photo traffic enforcement system for traffic signals and speed enforcement. The director or designee is hereby empowered to designate the intersections and other locations to be monitored by the photo traffic enforcement system, to issue notices of liability for persons who commit violations at such intersections or places, to select a hearing officer for the purpose of hearing appeals of notices of liability, and to promulgate any rules and regulations deemed to be necessary for the enforcement of this chapter.
- (C) The intersections selected for photo enforcement under this chapter must display a yellow traffic control signal for a time that complies with the Ohio Department of Transportation's Manual of Uniform Traffic Control Devices.

(Ord. 958-05 § 1 (part); Ord. No. 1785-2010, § 1, 12-13-2010)

2115.03 Notice of liability.

- (A) Prior to the activation of a photo traffic enforcement system at an intersection, the director of public safety or designee shall erect a sign in a conspicuous location that provides notice that a photo traffic enforcement system is being used to monitor traffic.
- (B) For thirty (30) days after the activation of a traffic signal photo red light traffic enforcement system at an intersection, no notices of liability will be issued based upon the images produced by the system. Warnings may be issued during this thirty (30) -day period.
- (C) A police officer employed by the Columbus division of police shall examine the image recorded by the photo traffic enforcement system to determine whether a violation as defined in Section 2115.01(C) of this chapter has occurred. If the image recorded by the photo traffic enforcement system shows a violation, contains a date and time of the violation, and shows the vehicle's license plate number and the state in which the license was issued, the officer may use any lawful means to identify the vehicle's owner.
- (D) The fact that a person is the owner of a vehicle shall be prima facie evidence that said person was operating the vehicle at the time of a violation recorded by a photo traffic enforcement system.
- (E) Within thirty (30) days of the violation and upon identification of the owner of the vehicle, the director of public safety or designee may issue a notice of liability, charging the owner with a violation. The notice of

liability shall be sent by regular U.S. mail and must state the date on which the notice of liability was issued, the date, time, and location of the violation, the time in which an answer must be made by the owner, and the manner in which the notice of liability may be appealed. In addition, a copy of the image(s) that served as a basis for the violation must accompany the notice of liability.

- (F) A person who receives a notice of liability pursuant to this section shall be required to respond in one of the following methods:
- (1) By paying the administrative fine as directed on the notice of liability within thirty (30) days of the date the notice was issued; or
 - (2) By submitting evidence of one of the exceptions to liability listed in division (G) of this section within thirty (30) days of the notice's issue date; or
 - (3) By submitting to the address listed on the notice of liability a request for a hearing within thirty (30) days of the notice's issue date.
- (G) The owner of the vehicle shall not be liable for a penalty under this section if the director of public safety or designee determines that sufficient evidence of one of the following conditions exist:
- (1) At the time of the violation, the vehicle was in the custody of someone other than its owner pursuant to a written lease or rental agreement and the owner submits, to the address listed on the ticket, a copy of the lease or rental agreement along with the name and address of the lessee or renter.
 - (2) At the time of the violation, the vehicle or the license plate depicted in the image which served as the basis for the notice of liability was stolen and the owner submits, to the address listed on the ticket, a copy of the police report stating the vehicle or license plate had been reported stolen at the time.
 - (3) At the time of the violation, the vehicle was in the custody and control of someone other than its owner, and the owner submits an affidavit identifying under penalty of perjury the name and current address of said person.
- (H) Except as set forth herein, nothing in this chapter shall be construed to limit the liability of an operator of a motor vehicle for any violation of the Ohio Revised Code or the Columbus Traffic Code.

(Ord. 958-05 § 1 (part); Ord. No. 1785-2010, § 1, 12-13-2010)

2115.04 Appeal of notice of liability.

- (A) A person who received a notice of liability pursuant to this section may appeal the notice of liability by making a written request for a hearing to the address listed on the notice of liability. Prior to the hearing, a bond must be posted in the amount of the fine. The bond shall be payable by either a check or money order. If the former, the check is to be made payable to "Columbus Focus on Safety Program". If the latter, the money order is to be made payable to "cash". Should the owner or designee be found by the hearing officer to be not liable and/or the citation is dismissed by the officer, then the check or bond will be immediately returned after the hearing.
- (B) Within forty-five (45) days of the receipt of the request for a hearing, a hearing officer appointed by the director of public safety or designee shall hold a hearing. The hearing officer shall determine whether the city has demonstrated by a preponderance of the evidence that a violation occurred and that the person who received the notice of liability is liable for the penalty set forth in Section 2115.05 of this chapter.
- (C) A certified copy of the notice of liability alleging the violation, along with a copy of the image that served as a basis for the notice of liability, shall be prima facie evidence of the facts contained therein, and shall be admissible in a proceeding alleging a violation under this ordinance.

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- (D) In considering whether the person is liable, the hearing officer shall consider any of the following as an affirmative defense of a violation:
- (1) That the notice of liability was issued and sent more than thirty (30) days after the date of the violation recorded by the photo traffic enforcement system.
 - (2) That the driver of the vehicle passed through the intersection or had increased speed in order to yield the right of way to an emergency vehicle, in accordance with R.C. 4511.45 or to a funeral procession, in accordance with R.C. 4511.451.
 - (3) That either the vehicle or the license plate depicted on the image, which served as the basis for the notice of liability, was stolen before the violation occurred and was not in possession of the owner at the time of the violation. To qualify as an affirmative defense under this provision, the owner must submit proof that a police report about the stolen vehicle or license plate was filed prior to or within forty-eight (48) hours after the violation.
 - (4) That this section is unenforceable because the photo traffic enforcement system was not operating properly, or the automated traffic enforcement system was not in a proper position, or that the image that served as the basis for the notice of liability is not legible enough to show the letters and numbers or the state that issued the license plate on the vehicle.
 - (5) That the driver of the vehicle entered the intersection as part of a funeral procession or at the direction of a police officer.
 - (6) That the owner or person named in the notice of liability was not operating the vehicle at the time of the violation. To satisfy the evidentiary burden under this provision, the owner or person named in the notice of liability shall provide the hearing officer with evidence of the identity of the person who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.
- (E) The hearing officer shall issue a written decision within ten (10) days of the hearing and serve the person named on the notice of liability and the issuing police officer with a copy of said decision. All such decisions shall be entered into the records of the department of public safety.
- (F) If the hearing officer determines by a preponderance of the evidence that the city has demonstrated that the person named in the notice of liability committed the violation, the hearing officer's decision shall be against the person and require him or her to pay the appropriate fine and any additional penalties, fees and costs.
- (G) If the hearing officer determines by a preponderance of the evidence that a person has not committed the violation named in the notice of liability, the hearing officer's decision shall be against the City of Columbus, and the hearing officer shall dismiss the notice of liability against the person and immediately return the bond.
- (H) If the hearing officer concludes that the testimony and/or exhibits presented at the hearing shows by a preponderance of the evidence that someone other than the person named in the notice of liability was operating at the time of the violation, the hearing officer shall forward to the department of public safety all evidence provided to him at the hearing as to the operator's identity.
- Within ten (10) business days of receiving evidence from the vehicle owner indicating that the vehicle owner was not operating the vehicle at the time of the violation, the director of public safety or designee may issue a notice of liability to the person whom the evidence indicates was operating the vehicle at the time of the violation.
- (I) Any person against whom a decision is entered pursuant to this section may appeal the decision to the Franklin County Municipal Court by filing notices of appeal to the Columbus Division of Police and the Municipal Court within thirty (30) days of the date of entry of the decision and by the payment of such reasonable costs as the court requires.

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- (J) Upon the filing of the appeal, the court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing.
 - (K) The hearing shall be held by the court in accordance with local court rules and a decision shall be rendered by the court on the appeal.
 - (L) Service of a notice of appeal under this division does not stay enforcement and collection of the appropriate fine and any additional penalties, fees and costs unless the person who files the appeal posts bond with the court in the full amount of the fine, penalties and costs at or before the service of the notice of appeal.

(Ord. 958-05 § 1 (part); Ord. No. 1785-2010, § 1, 12-13-2010)

2115.05 Penalties.

- (A) Unless the operator of a vehicle receives a traffic citation from a police officer at the time of the violation:
 - (1) an administrative fine in the amount of ninety-five dollars (\$95.00) shall be assessed against the vehicle owner for the commission of a violation as defined in Section 2115.01(C)(1) of this chapter;
 - (2) an administrative fine in the amount of ninety-five dollars (\$95.00) shall be assessed against the vehicle owner for the commission of a violation as defined in Section 2115.01(C)(2) of this chapter, except that an administrative fine in the amount of one hundred forty-six dollars (\$146.00) shall be assessed against the vehicle owner for the commission of a violation as defined in Section 2115.01(C)(2) of this chapter where the vehicle was traveling greater than twenty (20) miles per hour over the maximum speed limit in a school zone.
- (B) A violation for which an administrative fine is imposed under this section shall not be considered a traffic offense or a moving violation for the purpose of assessing points under Ohio Revised Code 4507.021 and shall not be reported to the Bureau of Motor Vehicles of any state.
- (C) Upon receipt of a notice of liability pursuant to the method described in Section 2115.03(E), the vehicle owner shall have thirty (30) days to pay the administrative fine without additional monetary penalty.
- (D) If the vehicle owner does not respond to the notice of liability within this period, the following action shall be taken by the director of public safety designee:
 - (1) A notice of decision by default shall be sent by regular U.S. mail to the recipient of the notice of liability indicating that an adverse decision has been entered by default and that payment is due within thirty (30) days after receipt of said notice.
 - (2) The notice of decision by default shall contain the following information:
 - (a) An identification of the violation with which the person was charged and the time and date of the violation, which identification may be a copy of the notice of liability charging the violation that was served upon the person;
 - (b) An identification of the amount of the administrative fine, late fees and costs arising out of the violation that is due;
 - (c) A warning that the person must answer the notice of decision by default within thirty (30) days or collection of the fine, penalties and costs due may begin against the person;

(d) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the hearing officer if the vehicle owner denies in the vehicle owner's answer that the vehicle owner committed the violation;

(e) An identification of the manners in which and the entity to which an answer may be made;

(f) A warning that if the person fails to appear at a requested hearing, the decision by default previously entered will be [upheld/maintained] and collection of the fine, penalties and costs due may begin against the person. In addition to the original fine, penalties, and costs, any costs incurred after the original decision by default may be added to the amount owed, and become immediately collectable.

(3) If a person who is issued a notice of decision by default fails to timely answer, the failure to answer shall be considered an admission that the person committed the violation and the decision by default previously entered shall stand, in the amount of the fine, penalties and costs previously due. Failure to timely answer the notice of liability identified in the notice of decision by default may result in the imposition of an additional penalty of twenty-five dollars (\$25.00).

(4) A person who receives a notice of decision by default pursuant to this section may answer the violation with which the person is charged, identified in the notice of decision by default in any of the manners provided in division (F) of Section 2115.03 for answers to violations charged in a notice of liability. An answer under this section shall be made within thirty (30) days after the date on which the notice of decision by default was mailed in accordance with the methods provided in Section 2115.03(G), except that if the answer consists solely of payment of the administrative fine arising out of the notice of liability any penalty arising out of failing to timely answer shall also be imposed.

(5) If a person for whom a hearing is to be conducted under Section 2115.04 of this chapter fails to appear at the scheduled hearing and fails to submit evidence the hearing officer shall uphold the original decision by default against the person and require the person to pay the appropriate fine and any additional penalties, fees and costs. A decision by default upheld under this division shall be reentered in the records of the department of public safety and filed with the clerk of the Franklin County municipal court.

(6) The hearing officer may vacate a decision by default entered under this section if all of the following apply:

(a) The person against whom the decision by default was entered files a motion with the department of public safety within one (1) year of the date of entry of the decision; and

(b) The motion sets forth a sufficient defense to the violation out of which the decision arose; and

(c) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notice of decision by default.

(7) Payment of any fine, penalties, fees and costs pursuant to an upheld decision by default entered against a person pursuant to this section shall be made to the department of public safety within ten (10) days of the date of entry by the hearing officer. The director of public safety or designee shall create and maintain a record of all money paid in satisfaction of a decision by default.

(Ord. 958-05 § 1 (part); Ord. No. 1785-2010, § 1, 12-13-2010)

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 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 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 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 (4) 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 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 (4) 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 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 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 (\$500.00). 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:

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- (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 (15) 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.

(Ord. 1425-82: Ord. 2120-03 § 1 (part).)

**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

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(Supp. No. 68, 3/21)

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 (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) 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 (1) year of the offense, the offender previously has been convicted of or pleaded guilty to three (3) 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 (35) miles an hour in a business district, faster than fifty (50) miles in other portions of the city, or faster than thirty-five (35) 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 (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) 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 (35) miles an hour in a business district, faster than fifty (50) miles an hour in other portions of the city, or faster than thirty-five (35) 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 (2) times the usual amount imposed for the violation. No court shall impose a fine of two (2) 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; Ord. 1419-88; Ord. 1145-02 § 2: Ord. 1718 § 1: Ord. 2120-03 § 1 (part).)

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.

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- (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 (205).
- (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 disabled 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, "disabled 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; Ord. 2120-03 § 1 (part).)

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 5577.07(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 (25) percent;

The Director, at least one (1) 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; Ord. 580-93: Ord. 2120-03 § 1(part).)

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 (3) tons, with intent to defraud by misrepresenting thereon 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, the law enforcement officer shall endorse it with the law enforcement officer's 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; Ord. 580-93: Ord. 2120-03 § 1(part).)

2150.03 Parking ticket, service and liability.

(A) The parking tickets adopted by the Parking Violation Bureau shall be used by law enforcement officers, and Parking Violations Bureau enforcement personnel, or License Officers within the course of enforcement duties pursuant to Title 5, in all cases in which a person is charged with committing a parking infraction within the City of Columbus. Each parking ticket shall contain provisions that advise the person upon whom it is served that the person must answer in relation to the parking infraction charged in the ticket and that certain penalties may result from a failure to timely answer, indicate the allowable answers that may be made and that the person will be afforded a hearing if the person denies in the person's answer that he committed the parking infraction, specify the entity to which, the time within which, and the allowable manners in which the answer must be made, indicate the penalties that may result from failure to timely answer and the fine that arises from the parking infraction, warn that failure to timely answer or to appear at a requested hearing will be considered an admission of the parking infraction, and warn that a default civil judgment potentially may be entered against the person and, if different, the owner of the vehicle if the person fails to timely answer or to appear at a requested hearing. The parking ticket shall be the summons and complaint for purposes of this chapter.

(B) A law enforcement officer, or Parking Violation Bureau enforcement personnel or License Officer in the course of enforcement duties pursuant to Title 5 who issue 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 or parking violations enforcement personnel 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 or parking violations enforcement personnel 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.

(Ord. 32-83: Ord. 2120-03 § 1 (part); Ord. 0867-2006 § 1 (part); Ord. 0105-2007 § 1 (part).; Ord. No. 3169-2017 , § 1, 12-11-2017)

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 (10) 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 the law enforcement officer's presence in the person's answer.
- (B) (1) A person who admits committing a parking infraction shall, and a person who admits committing 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 committing 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 (10) 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 fifteen dollars (\$15.00).

- (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.

(Ord. 227-94: Ord. 2120-03 § 1 (part); Ord. 1664-2008 § 2.)

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 Ohio 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 Ohio 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 (12) 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 (30) 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 the person denies in the person's answer that the person 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.

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- (C) A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which the person 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 (30) 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 twenty dollars (\$20.00).
- (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.

(Ord. 227-94: Ord. 2120-03 § 1 (part); Ord. 1664-2008 § 3.)

2150.07 Hearing procedure.

- (A) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction or who receives a notification of infraction, in the person's answer to the charge denies that the person committed the infraction, the parking violations bureau shall conduct a hearing to determine if the person committed the parking infraction. Each hearing shall be conducted by a hearing examiner of the parking violations bureau. Each hearing shall be conducted in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.

At the hearing, the City of Columbus has the burden of proving, by a preponderance of the evidence, that the person for whom the hearing is being conducted committed the parking infraction. If the person, in the person's answer, denied that the person committed the parking infraction and requested the presence at the hearing of the law enforcement officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance. The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if the person submits documentary evidence to the hearing examiner prior to the day of the hearing.

The City of Columbus shall submit the original parking ticket that was personally or constructively served on the person or a true copy of that ticket and information from the bureau of motor vehicles that identifies the owner of the vehicle. The ticket and the information in proper form is prima-facie evidence that the registered owner of the vehicle was the person who committed the parking infraction. The City of Columbus may present additional evidence and testimony at the hearing. The City of Columbus does not have to be represented at the hearing by an attorney.

- (B) (1) If a person for whom a hearing is to be conducted under division (A) of this section appears at the scheduled hearing or submits evidence in accordance with that division, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the City of Columbus has established, by a

preponderance of the evidence, that the person committed the parking infraction. If the hearing examiner determines that the person committed the infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties, fees and costs shall be entered in the records of the parking violations bureau.

- (2) If a person for whom a hearing is to be conducted under division (A) of this section fails to appear at the scheduled hearing and fails to submit evidence in accordance with that division, the hearing examiner shall, if the hearing examiner determines from any evidence and testimony presented at the hearing, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees and costs. A default judgment entered under this division shall be entered in the records of the parking violations bureau.
 - (3) If a person who is sent a notification of infraction pursuant to Section 2150.06 of this chapter does not timely answer, as provided in division (C) of that section, the hearing examiner of the parking violations bureau shall, if the hearing examiner determines from any evidence and testimony presented to the hearing examiner by the local authority, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees and costs. A default judgment entered under this division shall be entered in the records of the parking violations bureau.
 - (4) If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in division (B)(1), (2) or (3) of this section committed the parking infraction, the hearing examiner shall enter judgment against the City of Columbus, shall dismiss the charge of the parking infraction against the person and shall enter the judgment and dismissal in the records of the parking violations bureau.
 - (5) A default judgment entered under this section may be vacated by the hearing examiner who entered it if all of the following apply:
 - (A) The person against whom the default judgment was entered files a motion with the parking violations bureau within one year of the date of entry of the judgment;
 - (b) The motion sets forth a sufficient defense to the parking infraction out of which the judgment arose;
 - (c) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of infraction.
- (C) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the violations clerk of the parking violations bureau in which the judgment was entered within ten (10) days of the date of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the clerk to the City of Columbus and the clerk shall enter the fact of payment of the money and its disbursement in the records of the bureau. If payment is not made within this time period, the judgment or default judgment shall be filed with the clerk of the Franklin County Municipal Court and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that court.

As required by division (C) of Section 4521.08 of the Ohio Revised Code, judgments and default judgments filed with the Franklin County Municipal Court pursuant to this division shall be maintained in a separate index and judgment roll from other judgments rendered in that court, computer printouts, microfilm, microdot, microfiche or other similar data recording techniques may be utilized to record such judgments. When a judgment or default judgment is filed with the court, execution may be levied and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that court. The municipal court may assess costs against the judgment debt or, in an amount not exceeding ten dollars (\$10.00) for each parking infraction, to be paid upon satisfaction of the judgment.

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- (D) Any person against whom a judgment or default judgment is entered pursuant to this section and the City of Columbus, if a judgment is entered against the city pursuant to this section, may appeal the judgment or default judgment to the Franklin County Municipal Court by filing notices of appeal with the parking violations bureau and the municipal court within fifteen (15) days of the date of entry of the judgment and by the payment of such reasonable costs as the court requires. Upon the filing of an appeal, the court shall schedule a hearing date and notify the parties of the date, time and place of the hearing. The hearing shall be held by the court in accordance with the rules of the court. Service of a notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the parking violations bureau in the amount of the judgment, plus costs, at or before service of the notice of appeal.

Notwithstanding any other provision of law, the judgment on appeal of the municipal court is final and no other appeal of the judgment of the parking violations bureau and no appeal of the judgment of the municipal court may be taken.

- (E) A default judgment entered pursuant to this section may be filed with the municipal court under division (C) of this section at any time within three years after the date of issuance of the parking ticket charging the parking infraction out of which the judgment arose. This division applies to any ticket issued for an offense that would be a parking infraction on or after the effective date of this section if the ticket was issued within three (3) years prior to the effective date of this section.

(Ord. 480-83.)

2150.08 Nonliability of owner.

- (A) An owner of a vehicle is not jointly liable with an operator of the vehicle whose act or omission resulted in a parking infraction for the parking infraction or any fine, penalty, fee or cost arising out of the parking infraction under this chapter if either of the following apply:
- (1) The owner answers the charge of the parking infraction under Sections 2150.05 or 2150.06 of this chapter, the answer denies that he committed the infraction and requests a hearing concerning the infraction, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking infraction, was being used by the operator without the owner's express or implied consent, and the parking violations bureau determines that the vehicle was being used without the owner's express or implied consent at that time. If the bureau does not so determine, it shall conduct the hearing concerning the infraction according to Section 2150.07 of this chapter.
 - (2) The owner answers the charge of the parking infraction under Sections 2150.05 or 2150.06 of this chapter, the answer denies that he committed the parking infraction, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the infraction, the owner was either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles under written rental or lease agreements and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking infraction, the vehicle in question was in the care, custody or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business or otherwise pursuant to a written rental or lease agreement. If the owner does not so prove, the parking violations bureau shall conduct a hearing relative to the infraction according to Section 2150.07 of this chapter.
 - (3) The owner, at a hearing concerning the parking infraction conducted in accordance with Section 2150.07 of this chapter, proves that the vehicle, at the time of the parking infraction, was being used

by the operator without the owner's express or implied consent or proves the facts described in division (A)(2) of this section.

- (B) An owner of a vehicle who is either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles under written rental or lease agreements, but who does not satisfy the additional requirement of division (A)(2) of this section is not liable for any penalties arising out of a parking infraction involving the vehicle if at the time of the commission of the parking infraction, the vehicle was in the care, custody or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business or otherwise pursuant to a written rental or lease agreement and if the owner answers the charge of the parking infraction by denying that he committed the parking infraction or by paying the fine arising out of the parking infraction within thirty (30) days after actual receipt of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty (30) days after receipt of notification of infraction.

Proof that the vehicle was in the care, custody or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking infraction shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the parking violations bureau within thirty (30) days after the date of receipt by the owner of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty (30) days after receipt of the notification of infraction. The submission of a true copy of a written rental or lease agreement or affidavit shall be prima-facie evidence that a vehicle was in the care, custody or control of a person other than the owner. In addition, any information required by division (A)(2) of this section may be provided on magnetic tape or another computer readable media in a format acceptable to the City of Columbus.

(Ord. 32-83.)

2150.10 Parking infraction fines.

The following fines for parking infractions are hereby established:

| Code Section | Violation | Current Penalty |
|--------------|--|-----------------|
| 919.23(C) | Parking on Grass in city Park | \$30.00 |
| 2105.16 | Individual Parking Spaces | \$47.00 |
| 2137.09 | Lights on Parked Vehicle | \$47.00 |
| 2151.03 | Parking without 10 ft. clearance | \$25.00 |
| 2151.04 | Stopping not to obstruct street or crossing | \$39.00 |
| 2151.08 | Motor running or brakes not set | \$47.00 |
| 2151.09 | Parking more than 72 hours | \$30.00 |
| 2151.11 | Parking near railroad spur tract | \$22.00 |
| 2151.12 | Blocking driveway or garage | \$63.00 |
| 2151.13 | Funeral service parking in front of church or funeral home | \$25.00 |
| 2151.14 | Parking prohibited for displaying vehicle for sale | \$25.00 |
| 2151.15 | Parking limited for displaying advertising | \$22.00 |
| 2151.16 | Parking limited while offering materials for sale | \$25.00 |
| 2151.17 | Parking for washing, greasing or repairing | \$25.00 |
| 2151.18 | Parking in permit parking area | \$50.00 |
| 2151.19 | Moving vehicle when loading space requested | \$25.00 |
| 2151.2 | Overtime, truck, bus or house vehicle | \$30.00 |
| 2151.21 | Fail to register or display | \$50.00 |
| 2151.22 | Junk motor vehicles | \$89.00 |

| | | |
|------------|---|----------|
| 2151.23 | Junk motor vehicles on private property | \$47.00 |
| 2155.02 | Meter spaces limited to vehicles only | \$39.00 |
| 2155.05 | Meter Non-Payment | \$30.00 |
| 2155.06 | Illegal parking | \$30.00 |
| 2157.04 | Parking, standing of vehicles prohibited - snow emergency | \$63.00 |
| 2131.27(B) | Parking Near Emergency Vehicle | \$63.00 |
| 2151.01A | Parking prohibited on a sidewalk, shared-use path, curb, or street lawn area between a curb and right-of-way line, except a bicycle | \$55.00 |
| 2151.01AA | Parking - prohibited within 1 ft. of wheelchair ramp | \$55.00 |
| 2151.01B | Parking - prohibited within 5 ft. of drive | \$55.00 |
| 2151.01BB | Obstructing bus loading area | \$63.00 |
| 2151.01C | Parking - within an intersection | \$55.00 |
| 2151.01CC | Parking in a loading zone | \$30.00 |
| 2151.01D | Parking - prohibited within 10 ft. of fire hydrant | \$55.00 |
| 2151.01DD | Parking in a bike lane | \$55.00 |
| 2151.01E | Parking - prohibited on crosswalk | \$55.00 |
| 2151.01F | Parking - prohibited within 20 ft. of crosswalk | \$39.00 |
| 2151.01G | Parking - prohibited within 30 ft. of stop sign | \$39.00 |
| 2151.01H | Parking in or near a safety zone | \$55.00 |
| 2151.01I | Parking within 50 feet of railroad crossing | \$55.00 |
| 2151.01J | Parking near fire station entrance | \$55.00 |
| 2151.01K | Parking near street excavation or obstruction | \$55.00 |
| 2151.01L | Double Parking, Standing or Stopping | \$55.00 |
| 2151.01M | Parking - prohibited, bridge, viaduct or tunnel | \$55.00 |
| 2151.01N | Parking - prohibited within 1 ft. of another auto | \$25.00 |
| 2151.01O1 | Parking - prohibited, signs, no parking | \$55.00 |
| 2151.01O2 | Parking - prohibited, signs, no stopping | \$55.00 |
| 2151.01P | Parking - prohibited in front of schools | \$63.00 |
| 2151.01Q | Parking - prohibited in front of theaters | \$22.00 |
| 2151.01R | Parking - prohibited in street or alley 23 ft. or less in width | \$63.00 |
| 2151.01S | Parking - prohibited in front of church | \$22.00 |
| 2151.01T | Parking - prohibited in parkway | \$25.00 |
| 2151.01U | Parking - prohibited in front of auto mail box | \$25.00 |
| 2151.01V | Parking - prohibited on expressway | \$30.00 |
| 2151.01W | Parking - prohibited on service road | \$55.00 |
| 2151.01X | Parking - prohibited 20 ft. of junction of alley & street | \$55.00 |
| 2151.01Y | Parking - prohibited within 10 ft. of bulk refuse container | \$55.00 |
| 2151.01Z | Parking prohibited in disability space | \$500.00 |
| 2151.06A | More than 12 inches from curb | \$22.00 |
| 2151.06B | Parking facing wrong direction | \$25.00 |
| 2151.10B | Parking on public property | \$25.00 |
| 2151.10C | Parking on private property | \$22.00 |
| 2151.25 | Parking in dedicated car-sharing parking space | \$50.00 |
| 2151.26 | Overtime Parking | \$30.00 |

(Ord. 2622-93; Ord. 80-02 § 1; Ord. 0787-02 § 6; Ord. 2120-03 § 1 (part); Ord. 1664-2008 § 1; Ord. No. 1465-2012, § 1(Attach.), 7-16-2012; Ord. No. 2532-2014, § 1, 12-15-2014; Ord. No. 1189-2018, §§ 2, 3, 5-21-2018; Ord. No. 1823-2018, § 1, 7-9-2018; Ord. No. 2449-2018, § 1, 9-17-2018)

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(Supp. No. 68, 3/21)

2150.12 Unpaid judgments.

(A) (1) If a judgment or default judgment is entered against a person pursuant to Section 4521.08 of the Revised Code and Chapter 2150 of this code for a violation of an ordinance, resolution, or regulation that regulates the standing or parking of a vehicle in a disability parking space and the person has not paid the judgment or default judgment within ten days of the date of entry of the judgment, the parking violations bureau, joint parking violations bureau, or traffic violations bureau in which the judgment was entered may give notice of that fact to the registrar of motor vehicles. The notice, if given, shall be given not earlier than sixteen days nor later than three years after the date of entry of the judgment, and shall be in a form and manner, and contain such information, as the registrar prescribes.

(2) Pursuant to the provisions of Section 4521.10, Ohio Revised Code, the parking violations bureau is authorized to give notice to the registrar of the Ohio Bureau of Motor Vehicles of the fact that three (3) or more judgments or default judgments have been entered against a person under the provisions of Section 4521.08, Ohio Revised Code and Chapter 2150 of this code. The notice, if given, shall be given not earlier than sixteen (16) days nor later than three (3) years after the date of entry of the third judgment or default judgment and shall be in a form and manner and contain such information as the registrar of the Ohio Bureau of Motor Vehicles prescribes.

(B) When a notice as provided in division (A) of this section is given to the registrar of the Ohio Bureau of Motor Vehicles and the judgments or default judgments are subsequently paid, dismissed, reversed on appeal, or it is discovered that such notice was given in error the parking violations bureau shall immediately notify the registrar of such fact in a form and manner as prescribed by the registrar.

If the notice was not given in error, the parking violations bureau shall charge the person a five dollar (\$5.00) processing fee for each judgment or default judgment for which notice has previously been given under this section to cover the costs of the bureau of motor vehicles in administering this section. Upon payment of that fee, together with the payment of all outstanding judgments and default judgments, the parking violations bureau shall provide such person a release to be presented at the time of registering or transferring the registration of a motor vehicle owned or leased by him and notify the registrar that the judgments have been paid. The total amount of such five dollar (\$5.00) fees collected under this section shall be transmitted monthly to the registrar of the Ohio Bureau of Motor Vehicles for deposit in the state highway safety fund established by Section 4501.06, Ohio Revised Code.

(C) The parking violations bureau shall comply with Section 4521.10, Ohio Revised Code and such rules as the registrar shall adopt pursuant to that section.

(Ord. 2899-90; Ord. 0867-2006 § 1 (part).)

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, shared-use path, curb, or street lawn area between a curb and right-of-way line, except as provided in subsection (2);
 - (b) In front of or within five (5) feet of a public or private driveway;
 - (c) Within an intersection;
 - (d) Within ten (10) feet of a fire hydrant;
 - (e) On a crosswalk;

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- (f) Within twenty (20) feet of a crosswalk at an intersection, or, if there is no crosswalk, within twenty (20) feet of an intersection, except for bicycles at any place designated as bicycle-only parking by the director of public service, or as otherwise designated by the director of public service under the authority provided in Chapter 2105;
 - (g) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device, except for bicycles at any place designated as bicycle-only parking by the director of public service, or as otherwise designated by the director of public service under the authority provided in Chapter 2105;
 - (h) Between a safety zone and the adjacent curb or within thirty (30) 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, except for bicycles at any place designated as bicycle-only parking by the director of public service. Or as otherwise designated by the director of public service under the authority provided in Chapter 2105;
 - (i) Within fifty (50) feet of the nearest rail of a railroad crossing;
 - (j) Within twenty (20) 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 (75) 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 (1) foot of another parked vehicle, except for bicycles at any place designated as bicycle-only parking by the director of public service;
 - (o) (1) At any place designated as no parking pursuant to rules and regulations promulgated by the director of public service under the authority provided in Chapter 2105;
(2) At any place designated as no stopping pursuant to 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 (75) 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 (25) 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 (23) 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 (20) 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;

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- (x) Within twenty (20) feet of the junction of an alley and a street, except for bicycles at any place designated as bicycle-only parking by the director of public service under the authority provided in Chapter 2105;
 - (y) In a public right-of-way, within ten (10) feet of a bulk refuse container;
 - (z) In a disability designated parking space as defined in Section 2155.01(h) unless the vehicle is a disability designated vehicle as defined in Section 2155.01(g) or a disability designated vehicle from a state other than Ohio entitled to reciprocity pursuant to Section 4503.37 of the Ohio Revised Code;
 - (aa) In front of, or within one (1) 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;
 - (dd) Upon a bike lane, except to lawfully load and unload passengers or freight.
- (2) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred and fifty (150) cubic centimeters, or a bicycle, provided that the motor-driven cycle, motor scooter, or bicycle does not impede the normal flow of pedestrian traffic. This subsection does not authorize any person to operate a vehicle in violation of Section 2173.105.
- (3) 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.

(Ord. 1171-88: Ord. 2120-03 § 1 (part); Ord. 0867-2006 § 1 (part); Ord. No. 0128-2009, § 1, 2-9-2009; Ord. No. 0411-2009, § 3, 4-19-2010; Ord. No. 1465-2012, § 1(Attach.), 7-16-2012; Ord. No. 1182-2014, § 2, 6-16-2014)

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.
 - (6) The vehicle fails to display a valid front and rear license plate issued by the state of Ohio pursuant to Chapter 4503 of the Ohio Revised Code. A law enforcement officer as defined in Section 2301.01(K) shall only issue a ticket, citation, or summons, or cause the arrest or commence a prosecution, for the

failure to display a license plate in plain view on the front of a parked motor vehicle if the officer first determines that another offense has occurred and either places the operator or vehicle owner under arrest or issues a ticket, citation, or summons to the operator or vehicle owner for the other offense.

- (7) The vehicle fails to display a disability parking placard or disability license plate for an authorized disability designated vehicle as defined under Section 2155.01(g).
- (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.

(Ord. 2622-93: Ord. 2120-03 § 1 (part); Ord. 0867-2006 § 1 (part); Ord. No. 1189-2018 , §§ 2, 3, 5-21-2018)

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 approximately twenty (20) feet in length along the curb of streets and shall accommodate a vehicle when the same is parked as prescribed by Section 2151.06.
- (b) "Parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in compliance with directions of a police officer or traffic control device.
- (c) "Parking meters" means any mechanical or electronic device used, placed, installed, or erected at or near the curb adjacent to the parking lane, or otherwise on property which is owned, leased, or operated by the city. A parking meter includes, but is not limited to, single space meters, multi-space meters, and parking mobile payment applications authorized by the city of Columbus.
- (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 (20) feet in length and nine (9) feet in width.
- (g) "Disability 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 disabled person. For purposes of this section "disabled person" means any person who has lost the use of one (1) or both legs or one (1) or both arms, who is blind or deaf, or so severely disabled 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 disabled 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 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) "Disabled designated parking space" means parking spaces on public or private streets, parking lots and parking garages designated for the exclusive use of a disability designated vehicle and denoted as such in accordance with the requirements of the Ohio Revised Code Section 4511.69 (E), Ohio Revised

Code Section 3781.111 (C), the Ohio Manual of Uniform Traffic Control Devices and the city of Columbus Transportation Sign Installation Manual.

- (i) "Meter day" means any day that parking meters are enforced.

(Ord. 581-88: Ord. 2120-03 § 1 (part); Ord. 220-06 § 1; Ord. 0867-2006 § 1 (part): Ord. 0105-2007 § 1 (part); Ord. No. 0128-2009, § 1, 2-9-2009; Ord. No. 1182-2014, § 2, 6-16-2014; Ord. No. 1189-2018 , §§ 2, 3, 5-21-2018)

2155.05 Deposit of funds required; meter non-payment.

- (a) Whenever a vehicle shall be parked at a parking meter, 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 funds, except as provided for in the rules and regulations promulgated pursuant to Section 2105.27. Upon the deposit of such funds, 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 fails to deposit the required funds and remains in an individual street or off-street parking space after the prescribed time for parking will be determined to be illegally parked and in violation of the provisions of this chapter. When a disabled designated vehicle is parked in a disabled designated space or any legal available parking space the vehicle shall be permitted to park two (2) 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.

(Ord. 26-91: Ord. 2120-03 § 1 (part); Ord. No. 2105-2013, § 1, 9-23-2013; Ord. No. 2029-2014, § 4, 9-29-2014; Ord. No. 1189-2018 , §§ 2, 3, 5-21-2018)

2155.055 Fees for parking meters out of service.

Whenever a parking meter is temporarily removed from service by hooding 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 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 hooding 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.

(Ord. 1334-92: Ord. 2120-03 § 1 (part).)

2155.06 Illegal parking.

- (a) All parking is prohibited in any individual street or off-street 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 disability designated vehicle to park in a disability designated parking space. The fact that the 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.

(Ord. 1905-78; Ord. 2120-03 § 1 (part); Ord. 220-06 § 2.)

2173.03 Attaching to vehicle.

- (A) No person riding upon any motorcycle, bicycle, mobility device, coaster, roller skates, sled, or toy vehicle shall attach the same or themselves to any vehicle upon a roadway. No operator shall knowingly permit any person riding upon any motorcycle, bicycle, mobility device, coaster, roller skates, sled or toy vehicle to attach the same or self 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 (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.54; Ord. 1579-72; Ord. 2120-03 § 1 (part); Ord. 0950-2008 § 1 (part); Ord. 1987-2008 Attach. 1 (part); Ord. No. 2539-2018 , § 2, 9-24-2018)

2301.01 Definitions.

As used in Title 23 of the Columbus City Codes:

- (A) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.
- (B) "Deadly force" means any force which carries a substantial risk that it will proximately result in the death of any person.
- (C) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.
- (D) "Physical harm to property" means any tangible or intangible damage to property which, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.
- (E) "Serious physical harm to persons" means any of the following:

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- (1) Any intellectual disability or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
 - (2) Any physical harm which carries a substantial risk of death;
 - (3) Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;
 - (4) Any physical harm which involves some permanent disfigurement, or which involves some temporary, serious disfigurement;
 - (5) Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.
- (F) "Serious physical harm to property" means any physical harm to property which does either of the following:
- (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort, or money to repair or replace;
 - (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use or enjoyment for an extended period of time.
- (G) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.
- (H) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- (I) "Offense of violence" means any of the following:
- (1) A violation of Sections 2303.13, 2303.21, 2303.22, 2317.31, 2323.12 of the Columbus City Codes;
 - (2) A violation of any section listed in division (I)(I) of Section 2901.01(A)(9)(a) of the Revised Code;
 - (3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;
 - (4) An attempt to commit, or complicity in committing, any offense under division(I)(1), (2), or (3) of this section.
- (J) (1) "Property" means any property, real or personal, tangible or intangible, and any interest or license in such property. "Property" includes, but is not limited to, cable television service, computer data, computer software, financial instruments associated with computers, and other documents associated with computers, or copies of the documents, whether in machine or human readable form. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.
- (2) As used in this division and division (M) of this section, "cable television service," "computer," "computer software," "computer system," "computer network," and "data" have the same meaning as in Section 2313.01 of the Columbus City Codes and 2913.01 of the Revised Code.
- (K) "Law enforcement officer" means any of the following:
- (1) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a

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- metropolitan housing authority under division (D) of Section 3735.31 of the Revised Code, or State highway patrol trooper;
- (2) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of such statutory duty and authority;
 - (3) A mayor, in the mayor's capacity as chief conservator of the peace within the municipal corporation;
 - (4) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of such member's appointment or commission;
 - (5) A person lawfully called pursuant to Section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when such person is called;
 - (6) A person appointed by a mayor pursuant to Section 737.01 of the Revised Code as a special patrol or officer during riot or emergency, for the purposes and during the time when such person is appointed;
 - (7) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
 - (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;
 - (9) An Ohio veterans' home police officer appointed under Section 5907.02 of the Revised Code;
 - (10) City employees whose duties include the issuance of parking infractions.
- (L) "Privilege" means an immunity, license, or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office, or relationship, or growing out of necessity.
- (M) "Contraband" means any property described in the following categories:
- (1) Property that in and of itself is unlawful for a person to acquire or possess;
 - (2) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a court of this state, in accordance with law, to be contraband because of its use in an unlawful activity or manner, of its nature, or of the circumstances of the person who acquires or possesses it;
 - (3) Property that is specifically stated to be contraband by a section of the Revised Code or by an ordinance, regulation, or resolution;
 - (4) Property that is forfeitable pursuant to a section of the Revised Code, or an ordinance, regulation, or resolution, including but not limited to, forfeitable firearms, dangerous ordinance, and obscene materials;
 - (5) Any controlled substance, as defined in Section 3719.01 of the Revised Code, or any device, paraphernalia, money as defined in Section 1301.01 of the Revised Code, or other means of exchange that has been, is being, or is intended to be used in an attempt to violate, or in a violation of, Chapter 2925 or 3719 of the Revised Code;
 - (6) Any gambling device, paraphernalia, money as defined in Section 1301.01 of the Revised Code, or other means of exchange that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, Chapter 2315 of the Columbus City Codes;
 - (7) Any equipment, machine, device, apparatus, vehicle, vessel, container, liquid, or substance that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, any law of this state relating to alcohol or tobacco;

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- (8) Any personal property that has been, is being, or is intended to be used in an attempt or conspiracy to commit, or in the commission of, any offense or in the transportation of the fruits of any offense;
 - (9) Any property that is acquired through the sale or other transfer of contraband or through the proceeds of contraband, other than by a court or a law enforcement agency acting within the scope of its duties;
 - (10) Any computer, computer system, computer network, or computer software that is used in a conspiracy to commit, an attempt to commit, or in the commission of any offense, if the owner of the computer, computer system, computer network, or computer software is convicted of or pleads guilty to the offense in which it is used.
- (N) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in Section 2901.05 of the Revised Code, that at the time of the commission of the offense, the person did not know, as a result of a severe intellectual disability or defect, the wrongfulness of his acts.

(ORC 2901.01)

- (O) "School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.
- (P) "School premises" means either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under Section 3301.07 of the Ohio Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (Q) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(ORC 2925.01)

- (R) "City owned property," for purposes of increased penalties in certain Title 23 offenses means property that is owned, leased, operated, or used by the city of Columbus as a recreation center, senior center, a city park, or a municipal golf course.

(Ord. 2535-94.)

2301.13 Limitation of criminal prosecutions.

- (A) Except as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

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- (1) For a misdemeanor other than a minor misdemeanor, two (2) years;
 - (2) For a minor misdemeanor, six (6) months.
- (B) If the period of limitation provided in division (A) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one (1) year after discovery of the offense either by an aggrieved person, or by the person's legal representative who is not the person's self a party to the offense.
 - (C) If the period of limitation provided in division (A) of this section has expired, prosecution shall be commenced for an offense involving misconduct in office by a public servant as defined in Section 2321.01 of the Columbus City Codes, at any time while the accused remains a public servant, or within two (2) years thereafter.
 - (D) An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever comes first.
 - (E) A prosecution is commenced on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation, or other process is issued, whichever occurs first. A prosecution is not commenced upon issuance of a warrant, summons, citation or other process, unless reasonable diligence is exercised to execute the same.
 - (F) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.
 - (G) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused absented the accused's self from this state or concealed the accused's identity or whereabouts is prima-facie evidence of the accused's purpose to avoid prosecution.
 - (H) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this state, even though the process which commenced the prosecution is quashed or the proceedings thereon are set aside or reversed on appeal.

(ORC 2901.13)

- (I) This section shall not apply to prosecutions commenced within the period of limitations set forth in Section 718.06(B) of the Revised Code for violations of the Municipal income tax law.

(Ord. 2535-94.)

2301.15 Misdemeanor investigation; examination of witnesses.

- (A) After a misdemeanor offense has been committed, and before a criminal complaint has been filed or an arrest has been made, the city attorney or any judge of the Franklin County Municipal Court, may cause a subpoena to issue returnable before such court, for any person to give information concerning such misdemeanor offense, including designated books, records, or other documents. The subpoena shall require the witness to appear forthwith at a time designated in the subpoena.
- (B) Before a witness is required to give information or produce documents under this section the witness must be informed of the purpose of the inquiry, and that the witness is required to tell the truth concerning same. The witness shall then be sworn and be examined under oath by the city attorney, or the city attorney's assistant, or by the court, subject to the constitutional right against self-incrimination.
- (C) If after being sworn, or during the inquiry, a witness subpoenaed under this section asserts the constitutional right against self-incrimination the city attorney, the city attorney's assistant, or the court shall cease the inquiry until the validity of such claim is determined by the court. If the court determines that the witness

possesses a valid claim that the information sought is protected by the constitutional privilege against self-incrimination the inquiry shall cease until a determination is made whether to continue the inquiry under paragraph (D) of the section.

- (D) If the court determines that a witness possesses a valid claim that the information sought under this section is protected by the privilege against self-incrimination, then the city attorney shall advise the court whether the inquiry shall continue. If the inquiry continues then no testimony, or the fruits derived from such testimony or an act of record production, shall be used against the witness in a criminal prosecution.

Prior to continuing the inquiry, the city attorney shall certify the existence of any independent evidence tending to establish the existence of a crime by the witness. Independent evidence that is not contained in that certification shall not be used against the witness in a subsequent criminal prosecution unless the court finds that it is not based upon or derived from such testimony or record production.

- (E) Prior to the date specified in the subpoena a witness may comply with a subpoena issued under this section for books, records, or other documents by voluntarily producing such items to the party who issued the subpoena.

- (F) No person shall fail to appear, or fail to be sworn, at the designated time and place in response to a subpoena issued under this section. A witness who has been subpoenaed and intends to assert the constitutional right against self-incrimination is not excused from appearing or being sworn in response to a subpoena issued under this section but may assert such privilege after appearing and being sworn and at such time the parties shall proceed in accordance with paragraphs (C) and (D) of this section.

- (G) Any person who violates paragraph (F) of this section is guilty of a minor misdemeanor upon first offense, and is guilty of a misdemeanor of the fourth degree upon second and subsequent offenses.

- (H) That if any provisions of this Title 23, General Offenses Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of such Code which can be given effect without the invalid provision or application, and to this end the provisions are severable.

(ORC 2935.23; Ord. 2535-94.)

2301.21 Requirements for criminal liability.

- (A) Except as provided in division (B) of this section, a person is not guilty of an offense unless both of the following apply:
- (1) The person's liability is based on conduct which includes either a voluntary act, or an omission to perform an act or duty which the person is capable of performing;
 - (2) The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the section defining the offense.
- (B) When the section defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in such section, then culpability is not required for a person to be guilty of the offense. When the section neither specifies culpability nor plainly indicates a purpose to impose strict liability, recklessness is sufficient culpability to commit the offense.
- (C) As used in this section:
- (1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control thereof for a sufficient time to have ended the possessor's possession;
 - (2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts;

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- (3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 2301.22 of the Columbus City Codes.

(ORC 2901.21; Ord. 2535-94.)

2301.22 Culpable mental states.

- (A) A person acts purposely when it is the person's specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of certain nature, regardless of what the offender intends to accomplish thereby, it is the person's specific intention to engage in conduct of that nature.
- (B) A person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.
- (C) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a known risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a known risk that such circumstances are likely to exist.
- (D) A person acts negligently when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that the person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist.
- (E) When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge, or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element.

(ORC 2901.22; Ord. 2535-94.)

2301.23 Organizational criminal liability.

- (A) An organization may be convicted of an offense under any of the following circumstances:
- (1) The offense is a minor misdemeanor committed by an officer, agent, or employee of the organization acting in its behalf and within the scope of the officer, agent, or employee's office or employment, except that if the section defining the offense designates the officers, agents, or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
 - (2) A purpose to impose organizational liability plainly appears in the section defining the offense and the offense is committed by an officer, agent, or employee of the organization acting in its behalf and within the scope of the officer, agent, or employee's office or employment, except that if the section defining the offense designates the officers, agents, or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
 - (3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.
 - (4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated, or performed by the board of

directors, trustees, partners, or by a high managerial officer, agent, or employee acting in behalf of the organization and within the scope of the officer, agent, or employee's office or employment.

- (B) When strict liability is imposed for the commission of an offense, a purpose to impose organizational liability shall be presumed, unless the contrary plainly appears.
- (C) In a prosecution of an organization for an offense other than one for which strict liability is imposed, it is a defense that the high managerial officer, agent, or employee having supervisory responsibility over the subject matter of the offense exercised due diligence to prevent its commission. This defense is not available if it plainly appears inconsistent with the purpose of the section defining the offense.
- (D) As used in this section, "organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program.

(ORC 2901.23; Ord. 2535-94.)

2301.24 Personal accountability for organizational conduct.

- (A) An officer, agent, or employee of an organization as defined in Section 2301.23 of the Columbus City Codes may be prosecuted for an offense committed by such organization, if the officer, agent, or employee acts with the kind of culpability required for the commission of the offense, and any of the following apply:
 - (1) In the name of the organization or in its behalf, the officer, agent, or employee engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which the officer, agent, or employee has direct responsibility;
 - (2) The officer, agent, or employee has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.
- (B) When a person is convicted of an offense by reason of this section, the officer, agent, or employee is subject to the same penalty as if the officer, agent, or employee had acted in the person's own behalf.

(ORC 2901.24; Ord. 2535-94.)

2301.26 Imposing sentence for misdemeanor.

- (A) In determining whether to impose imprisonment or a fine, or both, for violation of the Columbus City Codes, and in determining the term of imprisonment and the amount and method of payment of a fine, the court shall consider the risk that the offender will commit another offense and the need for protecting the public from the risk, the nature and circumstances of the offense, the history, character, and condition of the offender and the offender's need for correctional or rehabilitative treatment, and the ability and resources of the offender and the nature of the burden that payment of a fine will impose on the offender.
- (B) The following do not control the court's discretion, but shall be considered in favor of imposing imprisonment for a violation of the Columbus City Codes:
 - (1) The offender is a repeat or dangerous offender;
 - (2) Regardless of whether or not the offender knew the age of the victim, the victim of the offense was sixty-five (65) years of age or older, permanently and totally disabled, or less than eighteen (18) years of age at the time of the commission of the offense.

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- (C) The criteria listed in Section 2929.12 of the Revised Code, favoring shorter terms of imprisonment for felony, do not control the court's discretion, but shall be considered against imposing imprisonment for a misdemeanor.
 - (D) The criteria listed in divisions (B) and (C) of this section shall not be construed to limit the matters which may be considered in determining whether to impose imprisonment for a misdemeanor.
 - (E) The court shall not impose a fine in addition to imprisonment for a misdemeanor, unless a fine is specially adapted to deterrence of the offense or the correction of the offender, the offense has proximately resulted in physical harm to the person or property of another, or the offense was committed for hire or for purpose of gain.
 - F) The court shall not impose a fine or fines which, in the aggregate and to the extent not suspended by the court, exceeds the amount which the offender is or will be able to pay by the method and within the time allowed without undue hardship to the offender or the offender's dependents, or will prevent the offender from making restitution or reparation to the victim of the offender's offense.
 - (G) At the time of sentencing or as soon as possible after sentencing, the court shall notify the victim of the offense of his right to file an application for an award or reparations pursuant to Sections 2743.51 to 2743.72 of the Revised Code.

(ORC 2929.22; Ord. 2535-94.)

2303.31 Hazing; recklessly participating or permitting.

- (A) As used in this section, "hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.
- (B) (1) No person shall recklessly participate in the hazing of another.
 - (2) No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.
- (C) Whoever violates this section is guilty of hazing, a misdemeanor of the fourth degree.

(ORC 2903.31; Ord. 2535-94.)

2305.03 Unlawful restraint.

- (A) No person, without privilege to do so, shall knowingly restrain another of the person's liberty.
- (B) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.

(ORC 2905.03; Ord. 2535-94.)

2305.12 Coercion.

- (A) No person, with purpose to coerce another into taking or refraining from action concerning which the person has a legal freedom of choice, shall do any of the following:
 - (1) Threaten to commit any offense;
 - (2) Utter or threaten any calumny against any person;

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- (3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage his personal or business repute, or to impair his credit;
 - (4) Institute or threaten criminal proceedings against any person;
 - (5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.
- (B) divisions (A)(4) and (5) of this section shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interests of justice:
- (1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Section 2945.44 of the Revised Code;
 - (2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the person is not a party, offering or agreeing to dismiss, or dismissing one or more charges periling against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;
 - (3) Imposing probation on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of his offense.
- (C) It is an affirmative defense to a charge under division (A)(3), (4), or (5) of this section that the actor's conduct was a reasonable response to the circumstances which occasioned it, and that his purpose was limited to:
- (1) Compelling another to refrain from misconduct or to desist from further misconduct;
 - (2) Preventing or redressing a wrong or injustice;
 - (3) Preventing another from taking action for which the actor reasonably believed such other person to be disqualified;
 - (4) Compelling another to take action which the actor reasonably believed such other person to be under a duty to take.
- (D) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.
- (E) As used in this section, "threat" includes a direct threat and a threat by innuendo.
- (ORC 2905.12; Ord. 2535-94.)

2307.11 Suppression of certain information.

Upon the request of the victim or offender in a prosecution under Section 2307.06 of the City Code, the judge before whom any person is brought on a charge of having committed an offense under Section 2307.06 or 2307.07 of the City Code shall order that the names of the victim and offender and the details of the alleged offense as obtained by any law enforcement officer be suppressed until the preliminary hearing, the charge is dismissed, or the case is otherwise concluded, whichever occurs first. Nothing herein shall be construed to deny to either party in the case the name and address of the other party or the details of the alleged offense.

(Ord. 2535-94.)

2307.23 Procuring.

- (A) No person, knowingly and for gain, shall do either of the following:
- (1) Entice or solicit another to patronize a prostitute or brothel;

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- (2) Procure a prostitute for another to patronize, or take or direct another at the person's request to any place for the purpose of patronizing a prostitute.
- (B) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.
- (C) Whoever violates this section is guilty of procuring, a misdemeanor of the first degree. Any person convicted for violating this section shall be imprisoned not less than thirty (30) days for a first offense and not less than sixty (60) days if such person has been previously convicted of this section or Section 2307.24, of the Columbus City Codes, or Section 2907.03, 2907.23 or 2907.24 of the Revised Code. No court shall suspend the first thirty (30) days for a first offense conviction or the first sixty (60) days for a subsequent conviction.
- (ORC 2907.23; Ord. 2535-94.)

2307.27 Examination and treatment for venereal disease.

- (A) If a person is charged with a violation of Section 2307.24, or 2307.25 of the Columbus City Codes, the arresting authorities or a court shall cause the accused to be examined by a physician to determine if the accused is suffering from a venereal disease.
- B) If the accused is found to be suffering from a venereal disease in an infectious stage, the person shall be required to submit to medical treatment for that disease. If the accused is convicted of or pleads guilty to the offense with which the person is charged and is placed on probation, a condition of probation shall be that the offender submit to and faithfully follow a course of medical treatment for the venereal disease.
- (ORC 2907.27; Ord. 2535-94.)

2307.33 Deception to obtain matter harmful to juveniles.

- (A) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles, shall do either of the following:
- (1) Falsely represent that the person is the parent, guardian, or spouse of such juvenile;
 - (2) Furnish such juvenile with any identification or document purporting to show that such a juvenile is eighteen (18) years of age or over or married.
- (B) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:
- (1) Falsely represent that the person is eighteen (18) years of age or over or married;
 - (2) Exhibit any identification or document purporting to show that the person is eighteen (18) years of age or over or married.
- (C) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates division (B) of this section shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Chapter 2151 of the Revised Code.
- (ORC 2907.33; Ord. 2535-94.)

2307.331 Reporting suspected child pornography.

- (A) No commercial film or photographic print processor acting within the scope of employment or profession who obtains knowledge of any film, photography, movie film, videotape, negative, or slide depicting a child engaged in sexual activity, bestiality, or masturbation of the child or another, depicting a child as the victim of sadomasochism or depicting erotic juvenile nudity, shall knowingly fail to do both of the following:

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- (1) Immediately report that knowledge or observation; the name of the person who presented the film, photograph, movie film, videotape, negative or slide for processing, and any available address or telephone number of that person to a Columbus police officer.
 - (2) Provide a copy of the film, photograph, movie film, videotape, negative or slide that is the subject of the report made pursuant to subsection (A)(1) of this section to the police officer who investigates the report.
- (B) No person, or employee of any person, acting as an agent of a commercial film or photographic print processor who obtains knowledge that any film, photograph, movie film, videotape, negative or slide depicts a child engaged in sexual activity, bestiality, or masturbation of the child or another; depicts a child as the victim of sadomasochism, or depicts erotic juvenile nudity shall knowingly fail to do both of the following:
- (1) Immediately report that knowledge or observation; the name of the person who presented the film, photograph, movie film, videotape, negative or slide for processing; and any available address or telephone number of that person to a Columbus police officer.
 - (2) Provide a copy of the film, photograph, movie film, videotape, negative or slide that is the subject of the report made pursuant to subsection (B)(1) of this section to the police officer who investigates the report, if it is available to the person.
- (C) (1) Any report made pursuant to this section is confidential and shall be used or disseminated only as necessary for any court proceedings held as a result of the report or as otherwise ordered by a court.
- (2) No person shall knowingly use or disseminate any report made pursuant to this section or divulge the name of the person who made the report, except as necessary for any court proceedings held as a result of the report, or as otherwise ordered by a court.
- (D) Any person who, in good faith, makes a report pursuant to this section or otherwise participates in any court proceeding that arises out of the making of a report pursuant to this section, is immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of the mailing of the report or participating in court proceedings. Any person who makes a report pursuant to this section or participates in any court proceeding that arises out of any report made pursuant to this section, is rebuttably presumed to be acting in good faith.
- (E) Any Columbus police officer who receives a report pursuant to subsection (A) or (B) of this section shall notify the county children's services board of the county department of human services that exercises the children's services function of the report.
- (F) As used in this section:
- (1) "Commercial film or photographic print processor" means a person, or the employee of a person, who for a fee does any of the following:
 - (a) Develops exposed photographic film into movies, negatives, slides or prints;
 - (b) Makes photographic prints from negatives or slides;
 - (c) Makes copies of videotapes;
 - (d) Makes videotapes from any type of movies, negatives, slides, or prints.
 - (2) "Erotic juvenile nudity" means a display, description, or representation of a child's genitals, rectal area, or pubic area, or a display, description or representation of a female child's developed or developing breast, which display, description or representation is lewd and appeals to prurient interest.
 - (3) "Sexual activity" has the same meaning as in Section 2907.01 of the Ohio Revised Code.

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- (4) For the purposes of this section, a person acts as an agent of a commercial film or photographic print processor if the person is not an employee of the commercial film or photographic print processor and if the person does any of the following:
- (a) Collects film, photographs, movie film, videotapes, negatives or slides at the person's place of business for delivery to the commercial film or photographic print processor.
 - (b) Permits customers of a commercial film or photographic print processor to deposit on premises that the processor owns, leases or otherwise has under the person's control: film, photographs, movie film, videotapes, negatives or slides for pick-up or delivery.
 - (c) Otherwise assists in the delivery of film, photographs, movie film, videotapes, negatives or slides to or from a commercial film or photographic print processor.
- (G) Whoever violates this section is guilty of failure to report suspected child pornography, a misdemeanor of the fourth degree.

(Ord. 2535-94.)

2309.06 Criminal damaging or endangering.

- (A) No person shall cause, or create a substantial risk of physical harm to any property of another without the person's consent:
- (1) Knowingly, by any means;
 - (2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.
- (B) (1) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree.
- (2) If the offense occurred on city owned property, in a school building, on school premises, or within one thousand (1,000) feet of the boundaries of school premises, then the court shall impose a mandatory term of imprisonment of at least thirty (30) days, which shall not be suspended, shall be a period of consecutive imprisonment, and during which mandatory minimum term of imprisonment the defendant shall not be eligible for probation, house arrest, or work release.
- (C) This section shall not apply if the property involved in a violation of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a risk of physical harm to any person or if the property involved in a violation of this section is an occupied aircraft.

(ORC 2909.06; Ord. 2535-94.)

2309.27 Graffitiism.

- (A) No person, without privilege to do so, shall commit graffitiism upon any public or private, real or personal property.
- (B) Every person who operates a retail commercial establishment that sells spray paint or wide-tipped markers shall place a sign in clear public view at or near the display of such products that states: "Graffiti application is against the law. Any person who defaces real or personal property with paint or any other liquid or device

is guilty of a crime punishable by imprisonment for up to six months and/or a fine of up to \$1000," in bold dark letters each at least one (1) inch high on a white background.

- (C) Whoever violates subsection (A) of this section is guilty of graffitiism, a misdemeanor of the first degree.
- (D) Whoever violates subsection (B) of this section is guilty of failing to warn potential graffitiists, a minor misdemeanor, and shall be fined not less than one hundred dollars (\$100.00). Each day that such failure to warn continues shall be treated as a separate offense.
- (E) In addition to any other punishment imposed, the court shall, as a separate and independent penalty for such an offense, order any person convicted of graffitiism to make restitution by monetary payment for the loss or damage incurred, directly or indirectly, or restoration by physical labor to the property's former condition; and to perform one hundred (100) hours of community service removing graffiti from public or private, real or personal property. If a convicted minor defendant and the minor defendant's parents establish indigency at a hearing, the court shall require the convicted defendant to perform public work under the terms of Section 2309.27(G) as part of the sentence, the imposition of which, or the execution of such part of the sentence, shall not be suspended by the court.
- (F) In the event a minor convicted of graffitiism establishes indigency at a hearing, the court may order the minor's parent or legal guardian to pay the fine and any restitution required up to the sum of three thousand dollars (\$3,000.00). If a convicted minor defendant is unable to pay the fine and restitution due to indigency, and that minor's parents or legal guardian either refuse or are unable due to indigency to pay the fine and restitution, then the court shall require the convicted minor defendant to perform public work under the terms of Section 2309.27(G) as part of the sentence, the imposition of which, or execution of such part of the sentence, shall not be suspended by the court.
- (G) Any person who violates subsection (A) or (B) hereof, on application to, and approval by, the judge hearing such complaint, in lieu of paying the fine, restitution or restoration imposed, may remove graffiti other than that at that location identifiably linked to the violator for which the person is to make restitution or restoration under (E) above, and the judge shall require; and upon completion of such public work, the fine, restitution or restoration, shall be reduced by an amount equal to the federal minimum hourly wage then in effect for each such hour of service to the extent of such fine, restitution or restoration.
- (H) Possession of all rights to any paint, brush, spray paint, wide-tipped marker or other material or tool used in the commission of the offense of graffitiism shall be forfeited and disposition thereof made as provided in Section 2329.07, Columbus City Codes.
- (I) The provisions of this section shall be in addition to the provisions of any other law concerning offenses against property rights and shall in no way limit such other provisions.

(Ord. 1862-95; Ord. 1686-03 § 2 (part).)

2309.30 Purchase or possession of spray paint or wide-tipped markers by minors prohibited.

- (A) It shall be unlawful for any person under the age of eighteen (18) years to purchase spray paint or a wide-tipped marker that is capable of defacing property.
- (B) It shall be unlawful for any person under the age of eighteen (18) to possess or to have under the person's control spray paint or a wide-tipped marker that is capable of defacing property.
- (C) It shall be unlawful for any person under the age of eighteen (18) to possess or to have under the person's control spray paint or a wide-tipped marker with purpose to deface property while on any public highway, street, alley, or way, or other public place, regardless of whether that person is or is not in any automobile, vehicle, or other conveyance.

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- (D) Subsection (B) hereof does not apply to the possession of spray paint or a wide-tipped marker by a person under the age of eighteen (18) in the circumstances described in subsection (C) and (D) of Section 2309.28.
- (E) Whoever violates this section is guilty of unlawful purchase or possession of spray paint or a wide-tipped marker, a misdemeanor of the first degree.

(Ord. 1862-95.)

2313.02 Theft.

- (A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:
- (1) Without the consent of the owner or person authorized to give consent;
 - (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
 - (3) By deception;
 - (4) By threat;
 - (5) By intimidation.
- (B) Whoever violates this section is guilty of theft. If the value of the property or services stolen is less than one thousand dollars (\$1,000.00), a violation of this section is petty theft, a misdemeanor of the first degree.
- (C) This section shall not apply if:
- (1) The value of the property or services stolen is one thousand dollars (\$1,000.00) or more;
 - (2) The property stolen is any of the property listed in Section 2913.71 of the Revised Code;
 - (3) The victim of the offense is a senior or a disabled adult;
 - (4) The property stolen is a firearm or dangerous ordinance;
 - (5) The property stolen is a motor vehicle, as defined in Section 4501.01 of the Revised Code;
 - (6) The property stolen is any dangerous drug, as defined in Section 4729.01 of the Revised Code;
 - (7) The property stolen is a police dog or horse or an assistance dog;
 - (8) The property stolen is anhydrous ammonia;
 - (9) The property stolen is a special purpose article as defined in Section 4737.04 of the Revised Code or is a bulk merchandise container as defined in Section 4737.012 of the Revised Code.

(ORC 2913.02; Ord. 2535-94; Ord. 785-01 § 1; Ord. No. 1229-2014, § 1, 6-16-2014)

2313.03 Unauthorized use of a vehicle.

- (A) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.
- (B) The following are affirmative defenses to a charge under this section:
- (1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property;

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- (2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.
 - (C) Whoever violates this section is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree.
 - (D) This section shall not apply if:
 - (1) The offender removes the vehicle from this state;
 - (2) The offender retains possession of the vehicle for more than forty-eight (48) hours;
 - (3) The offender previously has been convicted of a violation of division (A) of this section or any other theft offense.
- (ORC 2913.03; Ord. 2535-94.)

2313.11 Passing bad checks.

- (A) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored.
 - (B) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:
 - (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later;
 - (2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty (30) days after issue or the stated date, whichever is later, and the liability of the drawer, indorser, or any party who may be liable thereon is not discharged by payment or satisfaction within ten (10) days after receiving notice of dishonor.
 - (C) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with Section 1349.16 of the Revised Code by doing any of the following when opening a checking account intended for personal, family, or household purposes at a financial institution:
 - (1) Falsely stating that the person has not been issued a valid driver's or commercial driver's license or identification card issued under Section 4507.50 of the Revised Code;
 - (2) Furnishing such license or card, or another identification document that contains false information;
 - (3) Making a false statement with respect to the person's current address or any additional relevant information reasonably required by the financial institution.
 - (D) Whoever violates this section is guilty of passing bad checks. If the check or other negotiable instrument is for the payment of less than one thousand dollars (\$1,000.00) passing bad checks is a misdemeanor of the first degree.
 - (E) This section shall not apply if:
 - (1) The check or other negotiable instrument is for payment of one thousand dollars (\$1000.00) or more;
- (ORC 2913.11; Ord. 2535-94; Ord. No. 1229-2014, § 1, 6-16-2014)

2313.21 Misuse of credit cards.

- (A) No person shall do any of the following:

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- (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;
 - (2) Knowingly buy or sell a credit card from or to a person other than the issuer.
- (B) No person, with purpose to defraud, shall do any of the following:
- (1) Obtain control over a credit card as security for a debt;
 - (2) Obtain property or services by the use of a credit card, in one (1) or more transactions, knowing or having reasonable cause to believe that such card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;
 - (3) Furnish property or services upon presentation of a credit card, knowing that such card is being used in violation of law;
 - (4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that such representation is false.
- (C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.
- (D) Whoever violates this section is guilty of misuse of credit cards, a misdemeanor of the first degree.
- (E) This section shall not apply if:
- (1) The cumulative retail value of the property and services involved one (1) or more violations, which violations involve one (1) or more credit card accounts and occur within a period of ninety (90) consecutive days commencing on the date of the first violation;
 - (2) The amount of property or services is one thousand dollars (\$1,000.00) or more;
 - (3) The victim of the offense is a senior or disabled adult as defined Ohio Revised Code 2913.01, and the offense involves a violation of subsection (B)(1) or (2).
- (ORC 2913.21; Ord. 2535-94; Ord. No. 1229-2014, § 1, 6-16-2014)

2313.41 Defrauding a livery or hostelry.

- (A) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:
- (1) Hire an aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, or buggy, or keep or operate any of the same which has been hired;
 - (2) Engage accommodations at a hotel, motel, inn, campground, or other hostelry.
- (B) It is prima-facie evidence of purpose to defraud if the offender does any of the following:
- (1) Uses deception to induce the rental agency to furnish the offender with any of the property listed in division (A)(1) of this section, or uses deception to induce the hostelry to furnish the person with accommodations;
 - (2) Hires any of the property names in division (A)(1) of this section, or engages accommodations, knowing the offender is without sufficient means to pay the hire or rental;
 - (3) Absconds without paying the hire or rental;
 - (4) Knowingly fails to pay the hire or rental as required by the contract of hire or rental, without reasonable excuse for such failure;

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- (5) Knowingly fails to return hired property as required by the contract of hire, without reasonable excuse for such failure.
 - (C) Whoever violates this section is guilty of defrauding a livery or hostelry, a misdemeanor of the first degree.
 - (D) This section shall not apply if:
 - (1) The offender previously has been convicted of an offense under this section, Section 2913.41 of the Revised Code, or any other theft offense;
 - (2) The offender previously has been convicted of any other theft offense.
- (ORC 2913.41; Ord. 2535-94.)

2313.44 Personating an officer.

- (A) No person, with purpose to defraud or knowing that the person is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator, or agent of any governmental agency.
 - (B) Whoever violates this section is guilty of personating an officer, a misdemeanor of first degree.
- (ORC 2913.44; Ord. 2535-94.)

2313.45 Defrauding creditors.

- (A) No person, with purpose to defraud one or more of the person's creditors, shall do any of the following:
 - (1) Remove, conceal, destroy, encumber, convey, or otherwise deal with any of the person's property;
 - (2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage the person's affairs or estate, the existence, amount, or location of any of the person's property, or any other information regarding such property which the person is legally required to furnish to the fiduciary.
 - (B) Whoever violates this section is guilty of defrauding creditors, a misdemeanor of the first degree.
- (ORC 2913.45; Ord. 2535-94.)

2315.02 Gambling; exceptions for charitable organizations.

- (A) No person shall do any of the following:
 - (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
 - (2) Establish, promote, or operate or knowingly engage in conduct that facilitates any scheme or game of chance conducted for profit;
 - (3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit;
 - (4) Engage in betting or in playing any scheme or game of chance, except a charitable bingo game, as a substantial source of income or livelihood;

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- (5) With purpose to violate division (A)(1), (2), (3), or (4) of this section, acquire, possess, control, or operate any gambling device.
 - (B) For purposes of division (A)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A)(2) of this section, a person facilitates a scheme or game of chance conducted for profit if the person in any way knowingly aids in the conduct or operation of any such scheme or game, including, without limitation, playing any such scheme or game.
 - (C) This section does not prohibit conduct in connection with gambling expressly permitted by law including but not limited to Chapter 2915 of the Revised Code.

(ORC 2915.02)

- (D) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. This section shall not apply if the offender has previously been convicted of or pleaded guilty to any gambling offense as defined in Section 2915.01 of the Revised Code.

(Ord. 2535-94.)

2315.05 Cheating.

- (A) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of:
 - (1) The subject of a bet;
 - (2) A contest of knowledge, skill, speed, strength, or endurance;
 - (3) A scheme or game of chance.
- (B) Whoever violates this section is guilty of cheating, a misdemeanor of the first degree.
- (C) This section shall not apply if:
 - (1) The potential gain from cheating is three hundred dollars (\$300.00) or more;
 - (2) The offender previously has been convicted of any gambling offense or of any theft offense as defined in Section 2913.01 of the Revised Code.

(ORC 2915.05; Ord. 2535-94.)

2317.11 Disorderly conduct.

- (A) No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:
 - (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
 - (2) Making unreasonable noise or offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;
 - (3) Insulting, taunting, or challenging another, under circumstances in which such conduct is likely to provoke a violent response;

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- (4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;
 - (5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.
- (B) No person, while voluntarily intoxicated shall do either of the following:
- (1) In a public place or in the presence of two (2) or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have such effect on others;
 - (2) Engage in conduct or create a condition which presents a risk of physical harm to the person's self or another, or to the property of another.
- (C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (B) of this section.
- (D) When to an ordinary observer, a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purposes of subsection (B) of this section.
- (E) Whoever violates division (A) or (B) of this section is guilty of disorderly conduct, a misdemeanor of the fourth degree.
- (ORC 2917.11.)
- (F) If the offense under division (A)(1), (3), or (5) occurred on city owned property, in a school building, on school premises, or within one thousand (1,000) feet of the boundaries of school premises, then the court shall impose a mandatory term of imprisonment of at least ten (10) days which shall not be suspended, shall be a period of consecutive imprisonment, and during which mandatory minimum term of imprisonment the defendant shall not be eligible for probation, house arrest, or work release.

(Ord. 2535-94; Ord. 1686-03 § 3 (part).)

2317.33 Improper use of 9-1-1 telephone system.

- (A) No person shall knowingly use the telephone number of the 9-1-1 system if the person knows that no emergency exists or for non-emergency telephone calls.
- (B) As used in this section, "emergency" is defined as any situation that requires an immediate response by police or fire personnel to preserve life or property.
- (C) Whoever violates this section is guilty of improper use of 9-1-1 telephone system, a misdemeanor of the first degree.

(ORC 4931.49(D); 4931.99(K); Ord. 2535-94.)

2319.23 Interference with custody.

- (A) No person, knowing the person is without privilege to do so or being reckless in that regard, shall entice, take, keep, or harbor any of the following persons from the person's parent, guardian, or custodian:
 - (1) A child under the age of eighteen, or an intellectually or physically disabled child under the age of twenty-one;

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- (2) A person committed by law to an institution for delinquent, unruly, neglected, abused, or dependent children;
 - (3) A person committed by law to an institution for intellectually disabled.
- (B) No person shall aid, abet, induce, cause, or encourage a child or a ward of the juvenile court who has been committed to the custody of any person, department, or public or private institution to leave the custody of that person, department, or institution without legal consent.
 - (C) It is an affirmative defense to a charge of enticing or taking under division (A)(1) of this section, that the actor reasonably believed that the actor's conduct was necessary to preserve the child's health or safety. It is an affirmative defense to a charge of keeping or harboring under division (A) of this section, that the actor in good faith gave notice to law enforcement or judicial authorities within a reasonable time after the child or committed person came under the actor's shelter, protection, or influence.
 - (D) Whoever violates this section is guilty of interference with custody. A violation of division (A) of this section is a misdemeanor of the third degree. A violation of division (B) of this section is a misdemeanor of the first degree. Each day of violation of division (B) of this section is a separate offense.
 - (E) This section shall not apply if the child herein is kept or harbored in a foreign country.
- (ORC 2919.23; Ord. 2535-94.)

2319.25 Domestic violence.

- (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.
 - (B) No person shall recklessly cause serious physical harm to a family or household member.
 - (C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.
 - (D) No person shall knowingly cause or attempt to cause physical harm to an intimate partner.
 - (E) No person shall recklessly cause serious physical harm to an intimate partner.
 - (F) No person, by threat of force, shall knowingly cause an intimate partner to believe that the offender will cause imminent physical harm to the intimate partner.
- (G) (1) Whoever violates divisions (A), (B) or (C) of this section is guilty of domestic violence and whoever violates divisions (D), (E) or (F) of this section is guilty of intimate partner violence. The court shall sentence the offender as provided in divisions (G)(2) to (6) of this section.
 - (2) Except as otherwise provided in divisions (G)(3) to (6) of this section, a violation of division (C) or (F) of this section is a misdemeanor of the fourth degree, and a violation of division (A), (B), (D), or (E) of this section is a misdemeanor of the first degree.
 - (3) Except as otherwise provided in division (G)(4) or (6) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence or intimate partner violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence or intimate partner violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of divisions (C) or (F) of this section is a misdemeanor of the second degree.

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- (4) Except as otherwise provided in division (G)(6) of this section, if the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence/intimate partner violence or two or more violations or offenses of the type described in division (G)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (C) or (F) of this section is a misdemeanor of the first degree.
- (5) Except as otherwise provided in division (G)(3), (4), or (6) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (C) or (F) of this section is a misdemeanor of the third degree.
- (6) If at the time of the commission of the offense, the offender had a firearm or dangerous ordnance on or about the offender's person or under the offender's control, a violation of division (A), (B), (D) or (E) of this section is a misdemeanor punishable by up to one year in jail with a mandatory minimum jail term of at least one hundred eighty (180) consecutive days during which mandatory jail term the defendant shall not be eligible for community control, probation, house arrest, or work release, and up to a \$1500 fine and a violation of division (C) or (F) of this section is a first degree misdemeanor, with a mandatory minimum jail term of at least sixty (60) consecutive days during which mandatory jail term the defendant shall not be eligible for community control, probation, house arrest, or work release, and up to a \$1000 fine.
- (H) This section shall not apply to circumstances which, by law, constitute felony violations to be prosecuted under either ORC section 2919.25 or other applicable state law.
- (I) Any instrumentality that has been used in a violation of this section shall be seized and is subject to forfeiture pursuant to Chapter 2981 of the Ohio Revised Code.
- (J) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.
- (K) As used in this section:
- (1) "Family or household member" means any of the following:
- (a) Any of the following who is residing or has resided with the offender:
- (i) A spouse, a person living as a spouse, or a former spouse of the offender;
- (ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;
- (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.
- (b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
- (2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.
- (3) "Intimate partner" means a person with whom the offender is or has been in a dating relationship but who does not meet the definition of a family or household member.

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- (4) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary socialization in a business or social context.

(Ord. No. 1328-2018 , § 7, 5-14-2018)

2319.30 Minor's curfew.

- (A) No minor under the age of thirteen years shall loiter, idle, wander, stroll, or play in or upon the public streets, other public places, places of amusement and entertainment, vacant lots or other unsupervised places during the period from one hour after sunset to 4:30 a.m. of the following day, official city time.
- (B) No minor thirteen years of age or older shall loiter, idle, wander, stroll or play upon the public streets, other public places, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of midnight and 4:30 a.m. of the following day, official city time, if the minor is not a member of the United States Military or a registered full-time student at a business school or institution of higher learning.
- (C) The provisions of divisions (A) and (B) of this section do not apply to a minor accompanied by the minor's parents, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by the minor's parents, guardian, or other adult person having the care and custody of the minor.
- (D) Whoever violates division (B) of this section is guilty of curfew violation, a misdemeanor of the third degree.

(Ord. 2535-94.)

2321.01 Definitions.

As used in Title 23 of the Columbus City Codes:

- (A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision whether in a temporary or permanent capacity, and including without limitation legislators, judges, and law enforcement officers.
- (B) "Public servant" means any of the following: (1) Any public official;
- (2) Any person performing ad hoc a governmental function including without limitation a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;
- (3) A candidate for public office, whether or not the candidate is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.
- (C) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.
- (D) "Official proceeding" means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

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(Supp. No. 68, 3/21)

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- (E) "Detention" means arrest, confinement in any vehicle subsequent to an arrest, confinement in any facility for custody of persons charged with or convicted of crime or alleged or found to be delinquent or unruly, or detention for extradition or deportation. For a person confined in a county jail who participates in a county jail industry program pursuant to Section 5147.30 of the Revised Code, "detention" includes time spent at an assigned work site and going to and from the work site. Detention does not include supervision of probation or parole, nor constraint incidental to release on bail.
 - (F) "Detention facility" means any place used for the confinement of a person charged with or convicted of crime or alleged or found to be delinquent or unruly.
 - (G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before the effective date of this amendment, September 17, 1986.
 - (H) "Campaign committee, contribution," "political action committee," and "political party" have the same meanings as in Section 3517.01 of the Revised Code.
 - (I) "Provider agreement" and "medical assistance program" have the same meanings as in Section 2913.40 of the Revised Code.

(ORC 2921.01; Ord. 2535-94.)

2321.021 School attendance.

- (A) No person between the ages of six and under the age of eighteen years, shall be upon or about the public streets, public places, commercial establishments or places of amusement or entertainment within the city during the hours of 9:00 a.m. and 3:30 p.m. except where one of the following applies:
 - (1) The child has written proof from school authorities excusing the child from school attendance at that particular time.
 - (2) The child is accompanied by a parent, guardian or person having legal custody and control of that child.
 - (3) At the time the child was found at a place other than in school, for reasons other than being expelled or suspended, the child was not required by law to be in school.
 - (4) The child is employed pursuant to ages and schooling certificate, during actual working hours or travelling directly to or from the job site.
 - (5) The child is on an emergency errand.
- (B) A child who violates division (A) shall be guilty of a fourth degree misdemeanor.
- (C) A child who violates division (A) shall be taken into custody under authority of Ohio Revised Code Section 2151.31(A)(2) and (A)(6)(a) and the child shall then be processed and released within statutory guidelines set forth in Ohio Revised Code Sections 2151.311 and 2151.312(A) (4).

(Ord. 1973-95.)

2321.04 Intimidation of crime victim or witness.

- (A) No person shall knowingly attempt to intimidate or hinder the victim of a crime in the filing or prosecution of criminal charges, or a witness in a criminal case in the discharge of the person's duty.
- (B) This section does not apply to any person who is attempting to resolve a dispute pertaining to the alleged commission of a criminal offense, either prior to or subsequent to the filing of a complaint, or who is

attempting to arbitrate or assist in the conciliation of any such dispute, either prior to or subsequent to the filing of a complaint.

- (C) Whoever violates this section is guilty of intimidation of a crime victim or witness, a misdemeanor of the first degree.
- (D) This section shall not apply if any person, knowingly and by force or by unlawful threat of harm to any person or property, attempts to influence, intimidate, or hinder the victim of a crime in the filing or prosecution of criminal charges, or a witness in a criminal case in the discharge of the person's duty.

(ORC 2921.04; Ord. 2535-94.)

2321.13 Falsification.

- (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:
 - (1) The statement is made in any official proceeding.
 - (2) The statement is made with purpose to incriminate another.
 - (3) The statement is made with purpose to mislead a public official in performing the official's function.
 - (4) The statement is made with purpose to secure the payment of unemployment compensation, aid for the aged, aid for the blind, aid for the permanently and totally disabled, aid to dependent children, general assistance, disability assistance administered by the Department of Human Services, retirement benefits, or other benefits administered by a governmental agency or paid out of a public treasury.
 - (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.
 - (6) The statement is sworn or affirmed before a notary public or other person empowered to administer oaths.
 - (7) The statement is in writing on or in connection with a report or return which is required or authorized by law.
 - (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom such statement is directed relies upon it to the official's detriment.
 - (9) The statement is made with purpose to commit or facilitate the commission of a theft offense involving the proceeds of an insurance policy.
 - (10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.
 - (11) The statement is made on an application for a marriage license under Section 3101.05 of the Ohio Revised Code.

(ORC 2921.13)

- (B) It is no defense to a charge under division (A)(4) of this section that the oath or affirmation was administered or taken in an irregular manner.

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- (C) Where contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.
 - (D) Whoever violates division (A) of this section is guilty of falsification, a misdemeanor of the first degree.
 - (E) This section shall not apply if:
 - (1) The statement is made with purpose to commit or facilitate the commission of a theft offense involving a motor vehicle; or
 - (2) A violation of division (A)(9) if the amount of the claim is three hundred dollars or more.

(Ord. 2535-94.)

2321.21 Compounding a crime.

- (A) No person shall knowingly demand, accept, or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.
- (B) It is an affirmative defense to a charge under this section when both of the following apply:
 - (1) The pending prosecution involved is for a violation of Section 2313.02 or 2313.11, division (B)(2) of Section 2313.21 of the Columbus City Codes, of which the actor under this section was the victim.
 - 2) The thing of value demanded, accepted, or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due the actor as restitution for the loss caused the actor by the offense.
- (C) When a prosecuting witness abandons or agrees to abandon a prosecution under division (B) of this section, the abandonment or agreement in no way binds the city to abandoning the prosecution.
- (D) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree.

(ORC 2921.21; Ord. 2535-94.)

2321.22 Reporting felony; medical personnel to report injuries.

- (A) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.
- (B) Except for conditions that are within the scope of division (E) of this section, no physician, limited practitioner, nurse, or person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the physician, limited practitioner, nurse, or person giving aid to a sick or injured person, or any serious physical harm to persons that the physician, limited practitioner, nurse, or person giving aid to a sick or injured person knows or has reasonable cause to believe resulted from an offense of violence.
- (C) No person who discovers the body or acquires the first knowledge of the death of any person shall fail to report the death immediately to any physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.
- (D) No person shall fail to provide upon request of the person to whom the person has made a report required by division (C) of this section, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(E) (1) As used in this division, "burn injury" means any of the following:

- (a) Second or third degree burns;
 - (b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;
 - (c) Any burn injury or wound that may result in death.
- (2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (4) No person who is required to report any burn injury under division (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall be made on a form provided by the state fire marshal.
- (5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Section 4731.22 of the Revised Code, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted pursuant to division (E) of this section.

(F) Division (A) or (D) of this section does not require disclosure of information, when any of the following applies:

- (1) The information is privileged by reason of the relationship between attorney and client, doctor and patient, licensed psychologist or licensed school psychologist and client, member of clergy or rabbi or minister or priest and any person communicating information confidentially to a member of clergy or rabbi or minister or priest for a religious counseling purpose in the person's professional character, or spouse, or a communications assistant and those who are a party to a telecommunications relay service call.
- (2) The information would tend to incriminate a member of the actor's immediate family.
- (3) Disclosure of the information would amount to revealing a news source, privileged under Section 2739.04 or 2739.12 of the Revised Code.
- (4) Disclosure of the information would amount to disclosure by an ordained member of clergy of an organized religious body of a confidential communication made to an ordained member of clergy in an ordained member of clergy's capacity as such by a person seeking his aid or counsel.
- (5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or

persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or organization registered pursuant to Section 3793.06 of the Revised Code.

- (6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Section 2907.02, 2907.05, or 2907.12 of the Revised Code. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide such services.
- (G) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.
- (H) Whoever violates division (A) or (B) of this section is guilty of failure to report knowledge a crime. Violation of division (A) of this section is a misdemeanor of the fourth degree. Violation of division (B) of this section is a misdemeanor of the second degree.
- (I) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.
- (J) (1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.
(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.
- (ORC 2921.22; Ord. 2535-94.)

2321.31 Obstructing official business.

- (A) No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act which hampers or impedes a public official in the performance of his lawful duties.
- (B) Whoever violates this section is guilty of obstructing official business, a misdemeanor of the second degree.
- (ORC 2921.31; Ord. 2535-94.)

2321.32 Obstructing justice.

- (A) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime, or to assist another to benefit from the commission of a crime, shall do any of the following:
- (1) Harbor or conceal such other person;
 - (2) Provide such other person with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
 - (3) Warn such other person of impending discovery or apprehension;
 - (4) Destroy or conceal physical evidence of the crime, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
 - (5) Communicate false information to any person.
- (B) Whoever violates this section is guilty of obstructing justice, a misdemeanor of the first degree.
- (C) This section shall not apply if the crime committed by the person aided is a felony.
- (ORC 2921.32; Ord. 2535-94.)

2321.33 Resisting arrest.

- (A) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person's self or another.
 - (B) Whoever violates this section is guilty of resisting arrest, a misdemeanor of the second degree.
- (ORC 2921.33; Ord. 2535-94.)

2321.331 Failure to comply with officer's order or signal.

- (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 violation of division (A) of this section is a misdemeanor of the first degree. A violation of division (B) of this section is a misdemeanor of the first degree, except when any of the following apply:
 - (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.
 - (D) As used in this section, "police officer" has the same meaning as in Section 4511.01 of the Revised Code.
- (ORC 2921.331; Ord. 2535-94.)

2321.51 Impersonation of certain officers.

- (A) As used in this section:
 - (1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a political subdivision of this state, a member of a police force employed by a metropolitan housing authority under division (D) of Section 3735.31 of the Revised Code, a state university law enforcement officer appointed under Section 3345.04 of the Revised Code, an Ohio veterans' home police officer appointed under Section 5907.02 of the Revised Code, or a state highway patrol trooper and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws, ordinances, or rules of the state or any of its political subdivisions.
 - (2) "Private police officer" means any security guard, special police officer, private detective, or other person who is privately employed in a police capacity.
 - (3) "Federal law enforcement officer" means an employee of the United States, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.
 - (4) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

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- (B) No person shall impersonate a peace officer, private police officer, or federal law enforcement officer.
 - (C) No person, by impersonating a peace officer, a private police officer, or federal law enforcement officer shall arrest or detain any person, search any person, or search the property of any person.
 - (D) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private police officer, federal law enforcement officer, or an officer, agent, or employee of the state.

(E) It is an affirmative defense to a charge under division (B) of this section that the impersonation of the peace officer was for a lawful purpose.

(F) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (C) or (D) of this section is guilty of a misdemeanor of the first degree.

(G) This section shall not apply if:

- (1) The purpose of a violation of division (D) of this section is to commit or facilitate the commission of a felony, or,
- (2) If any person commits a felony while impersonating a peace officer, a private police officer, federal law enforcement officer, or an officer, agent, or employee of the state.

(ORC 2921.51; Ord. 2535-94: Ord. 1056-06 § 1.)

2321.54 Legislative agent registration.

(A) Definitions. As used in this section:

- (1) "Actively advocate" means to promote, advocate, or oppose the passage, modification, defeat, or mayoral approval or veto of any legislation by direct communication with any elected official or appointee of elected official, or any member of an elected official's staff, or the mayor or any director of any department described in the City Charter, or any member of the staff of the mayor or of any director described above. "Actively advocate" does not include the action of any individual not engaged by a client who has a direct interest in legislation if the person, acting under Section 3 of Article I, Ohio Constitution, assembles together with other persons to consult for their common good, instructs a public officer or employee who is listed in this chapter, or petitions that public officer or employee for the redress of grievances.
- (2) "Client" means any individual, partnership, trust, estate, business trust, association, or corporation; any labor organization or manufacturer association; any department, commission, board, publicly supported college or university, chapter, institution, bureau, or other instrumentality of the state; or any county, township, municipal corporation, school district, or other political subdivision of the state who, directly or indirectly, engages a legislative agent.
- (3) "Compensation" means a salary, gift, payment, benefit, subscription, loan, advance, reimbursement, or deposit of money or anything of value; or a contract, promise, or agreement, whether or not legally enforceable, to make compensation.
- (4) "Engage" means to make any arrangement, and "engagement" means any arrangement, whereby an individual is employed or retained for compensation to act for or on behalf of a client to actively advocate.
- (5) "Legislation" means ordinances, resolutions, amendments, nominations, communications and any other matter pending before city council, or the mayoral approval or veto of any legislation acted upon by city council.

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- (6) "Legislative agent" means any individual, except an elected official or a member of the staff of any elected official, who is engaged during at least five (5) percent of the legislative agent's compensated time to actively advocate as one of the legislative agent's main purposes.
 - (7) "File" means electronically or manually submitting information fulfilling the requirements of this section to the office of the city clerk.
 - (8) "Distribution" means the act of making information available either by traditional or electronic mail or by other traditional or electronic means.
 - (9) "Publish" means making available, as a book, electronic document, or other traditional means, a document or series of documents, either for sale or for general distribution.
- (B) Registration Requirements for Legislative Agents.
- (1) Each legislative agent, within ten (10) days following an engagement of that legislative agent, shall file with the city clerk a completed initial registration statement, the form of which shall be prescribed by the city clerk, showing all of the following:
 - (i) The name, business address, and occupation of the legislative agent;
 - (ii) The name, business address, and industry information of the client on whose behalf the legislative agent is actively advocating, unless otherwise prohibited by law or by the Rules for the Government of the Bar of Ohio, in which case the legislative agent or client shall indicate that disclosure of the information requested is prohibited by law or by the Rules for the Government of the Bar of Ohio. For the purposes of this section, where a trade association or other charitable or social organization that is exempt from federal income taxation under subsection 501(c) of the federal Internal Revenue Code is the client, the statement need not list the names and addresses of each member of the association or organization, so long as the association or organization itself is listed; and, a brief indication of the type of legislation and/or issues to which the engagement relates.
 - (2) In addition to the initial registration statement(s) required by this division, each legislative agent shall file with the city clerk, not later than the last day of January, May, and September of each year, an updated registration statement, the form of which shall be prescribed by the city clerk, that confirms the continuing existence of each engagement described in the initial registration statement(s) and that lists the specific ordinances or resolutions on which the agent actively advocated under the engagement(s) during the period covered by the updated statement.
 - (3) If a legislative agent is engaged by more than one client, the agent shall file an initial registration statement listing all clients, and separate updated registration statements, as required by this section, for each client engagement.
 - (4) Each legislative agent must file separately, regardless of collaboration and/or employment with other legislative agents or clients.
 - (5) A registration fee of forty-five (45) dollars shall be charged when a legislative agent files the legislative agent's first initial registration statement and yearly, thereafter, so long as the legislative agent is still engaged by one or more clients to actively advocate. All money collected from this registration fee shall be deposited to the credit of the Lobbyist Registration Fund.
 - (6) Upon registration pursuant to this division, the legislative agent shall be provided a copy of the registration, either electronically or in printed form, for the legislative agent and/or client's records.
 - (7) The city clerk shall be responsible for reviewing each registration statement filed under this division and for determining whether the statement contains all of the information required by this division. If the city clerk determines that the registration statement does not contain all of the required

information or that a legislative agent has failed to file a registration statement, the city clerk shall notify in writing the individual who filed the registration statement regarding the deficiency in the statement or the individual who failed to file the registration statement regarding the failure. Any individual so notified by the city clerk shall, not later than fifteen days after receiving the notice, file a registration statement or an amended registration statement that does contain all of the information required by this section. If any individual who receives a notice under this section fails to file a registration statement or such an amended registration statement within this fifteen-day period, the city clerk will send out a second written notification to that individual and notify the city attorney of the deficiency in the statement or the failure to file a registration statement. Any individual so notified by the city clerk shall, not later than fifteen days after receiving the notice, file a registration statement or an amended registration statement that does contain all of the information required by this section. If any individual who receives a notice under this section fails to file a registration statement or such an amended registration statement within this additional fifteen (15)-day period, the city attorney's office will take appropriate action as authorized under this section. If the city clerk provides notification to the city attorney under this division, the city clerk shall also notify in writing the mayor and each member of the council of the pending investigation.

- (8) The city clerk shall, in the manner and form that the city clerk determines, maintain a current list based upon the registration statements and make it available to the public.

(C) Prohibitions.

- (1) No individual shall knowingly fail to register as a legislative agent as defined in this section or fail to file on or before the applicable deadline any statement that the person is required to file under division (B) of this section.
- (2) No individual shall knowingly file a false statement that the individual is required to file under division (B) of this section.

(D) Exceptions.

- (1) The requirements and prohibitions of this section do not apply to efforts to actively advocate by any of the following:
- (a) Appearances before meetings of the committees of city council or the full council, and appearances before public hearings of the committees of the council;
 - (b) News, editorial, and advertising statements published in bona fide newspapers, journals, or magazines, or broadcast over radio or television;
 - (c) The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described hereinabove;
 - (d) Publications primarily designed for and distributed to members of bona fide associations or charitable or social nonprofit corporations.
- (2) The requirements and prohibitions of this section do not apply to the rendering of professional services in drafting ordinances or resolutions, preparing arguments thereon, or in advising clients and rendering opinions as to the construction and the effect of proposed or pending legislation, provided the services are not otherwise connected with actions to actively advocate.

(E) Registration duties of the city clerk

- (1) The city clerk shall keep a file of the registration statements required by this section. Those statements are public records and open to public inspection according to law, and the city clerk shall computerize them so that the information contained in them is readily accessible to the general public. The city

clerk shall provide copies of the statements to the general public upon request and may charge a reasonable fee to cover the cost of copying and delivering each statement.

- (2) The city clerk shall prescribe and make available an appropriate form for filing the information either electronically, or by hard copy, or both. The form shall contain the following notice in boldface type: "ANY INDIVIDUAL WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2321.13 OF THE COLUMBUS CITY CODES, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE."
 - (3) The city clerk shall publish on-line instructions, which are also available in hard copy for a reasonable fee to cover the cost of copying and delivering the instructions, which explain this section in clear and concise language.
 - (4) Within thirty (30) days of the filing deadlines listed in division (B)(2) of this section, the city clerk shall compile from registration statements filed, a complete and updated list of active registered legislative agents and their clients and publish that list electronically in the City Bulletin. The city clerk shall provide copies of the list to the general public upon request and may charge a reasonable fee not to exceed the cost of copying and delivering the list. The city clerk shall also ensure that the current list is available online on the website of the city of Columbus.
 - (5) The city clerk may adopt rules as necessary to implement this section.
 - (6) The city clerk shall exercise the powers and duties prescribed under this section.
 - (7) All moneys collected from registration fees prescribed under this section shall be deposited into the city treasury to the credit of the Lobbyist Registration Fund created by this ordinance. Money credited to the fund and any interest and earnings from the fund shall be dedicated to covering the costs of coordinating and enforcing this effort and used solely for conducting the lobbyist registration duties of the city clerk and, as needed for enforcement activities undertaken by the city attorney.
 - (8) The city clerk shall provide an updated list of registered legislative agents to the members of council and to the mayor at any time upon request.
- (F) Authority of the City Attorney. The city attorney may investigate compliance with the filing requirements of this section , in accordance with division (B), or upon a written complaint filed with the city attorney's office.
- (G) Penalties.
- (1) Whoever violates the prohibitions contained in division (C)(1) of this section is guilty of a misdemeanor of the third degree.
 - (2) Whoever violates the prohibitions contained in division (C)(2) of this section is guilty of a misdemeanor of the first degree.

(Ord. 315-06 § 1.; Ord. No. 0084-2016 , § 1, 3-28-2016)

2323.02 Attempt.

- (A) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct which, if successful, would constitute or result in the offense.
- (B) It is no defense to a charge under this section that, in retrospect, commission of the offense which was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.
- (C) No person who is convicted of committing a specific offense, or of complicity in the commission of such offense, shall be convicted of an attempt to commit the same offense in violation of this section.

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- (D) It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.
 - (E) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit any offense is an offense of the next lesser degree than the offense attempted. In the case of an attempt to commit an offense that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor, is not an offense under this section.

(ORC 2923.02; Ord. 2535-94.)

2323.03 Complicity.

- (A) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:
 - (1) Solicit or procure another to commit the offense;
 - (2) Aid or abet another in committing the offense;
 - (3) Cause an innocent or irresponsible person to commit the offense.
- (B) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.
- (C) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 2323.02 of the Columbus City Codes.
- (D) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense, or an offense, the court, when it charges the jury, shall state substantially the following:

"The testimony of an accomplice does not become inadmissible because of the accomplice's complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect the witnesses' credibility and make the witnesses' testimony subject to grave suspicion, and require that it be weighed with great caution. It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth."
- (E) It is an affirmative defense to a charge under this section that, prior to the commission of or attempt to commit the offense, the actor terminated the actor's complicity, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.
- (F) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if the person were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.

(ORC 2923.03; Ord. 2535-94.)

2325.01 Definitions.

- (A) As used in Title 23 of the Columbus City Codes:

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- (1) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (B)(2) of this section containing one-half ($\frac{1}{2}$) of one (1) percent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether the same are medicated, proprietary, or patented. Such phrase includes wine, as defined in subsection (B)(3) of this section even if it contains less than four (4) percent of alcohol by volume, mixed beverages, as defined in subsection (B)(4) of this section even if they contain less than four (4) percent of alcohol by volume, alcohol and all solids and confections which contain any alcohol.
 - (2) Except as used in Sections 2325.01, 2325.03 and 2325.16 of the Columbus City Codes, "sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to Section 2313.02 of the Columbus City Codes. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the department of liquor control authorizing the sale of the same, but no solicitor shall solicit any such orders until the solicitor has been registered with the department of liquor control pursuant to Section 4303.25 of the Revised Code.
 - (3) "Vehicle" includes all means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.
- (B) As used in Chapter 2325 of the Columbus City Codes:
- (1) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
 - (2) "Beer," "malt liquor" or "malt beverages" includes all brewed or fermented malt products containing one-half ($\frac{1}{2}$) of one (1) percent or more of alcohol by volume but not more than six (6) percent of alcohol by weight.
 - (3) "Wine" includes all liquids fit to use for beverage purposes containing not less than one half ($\frac{1}{2}$) of one (1) percent of alcohol by volume and not more than twenty-one (21) percent of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products.
 - (4) "Mixed beverages" such as bottled and prepared cordials, cocktails, and highballs are products obtained by mixing any type of whiskey, neutral spirits, brandy, gin, or other spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one half ($\frac{1}{2}$) of one (1) percent of alcohol by volume and not more than twenty (20) percent of alcohol by volume.
 - (5) "Spirituous liquor" includes all intoxicating liquors containing more than twenty-one (21) percent of alcohol by volume.
 - (6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight (128) fluid ounces, the opening of which is closed to prevent the entrance of air.
 - (7) "Person" includes firms and corporations.
 - (8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.
 - (9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor.
 - (10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale.

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- (11) "Hotel" has the meaning set forth in Section 3731.01 of the Revised Code, subject to the exceptions mentioned in Section 3731.03 of the Revised Code.
 - (12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. Such meaning excludes drugstores, confectionery stores, lunch stands, night clubs, and filling stations.
 - (13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, , political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part thereof operated solely for such purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.
 - (14) "Night club" means a place operated for profit where food is served for consumption on the premises and one (1) or more forms of amusement are provided or permitted for a consideration which may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by the patrons thereof.
 - (15) "At retail" means for use or consumption by the purchaser and not for resale.
 - (16) "Drugstore" means an establishment as defined in Section 4729.27 of the Revised Code which is under the management or control of a legally registered pharmacist.
 - (17) "Enclosed shopping center" means a group of retail sales and service business establishments that face into an enclosed mall, share common ingress, egress, and parking facilities, and are situated on a tract of land that contains an area of not less than five hundred thousand (500,000) square feet.
 - (18) "Controlled access alcohol and beverage cabinet" means a closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device which requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages, or food may be sold.
 - (19) Residence means two (2) or more contiguous election precincts within a county, as described by a petition authorized by Sections 4301.33, 4303.29 or 4305.14 of the Revised Code.
 - (20) "Convention center" means any convention, sports, or entertainment facility, or any combination of these, with a seating capacity of five thousand (5,000) or more that is used by and accessible to the general public.
 - (21) Low-alcohol beverage" means either of the following:
 - (a) Any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one percent of alcohol by volume;
 - (b) Any beverage that is not a brewed or fermented malt product, or that is not a product made from the fermented juices of grapes, fruits, or other agricultural products, but that is advertised or identified as if it were such by its manufacturer, wholesale distributor, or retailer. The beverages described in division (B)(21)(b) of this section do not include a soft drink such as root beer, birch beer, or ginger beer.

(ORC 4301.01)

- (22) "Department" means the Ohio Department of Liquor Control.
- (23) "Commission" means the Ohio Liquor Control Commission.

(Ord. 2535-94.)

2325.03 Unlawful conduct.

- (A) No owner or operator of a premises licensed by the Department of Liquor Control for the sale and/or consumption of beer or intoxicating liquor shall:
- (1) Employ or permit to be employed any musician, entertainer or any other person under the age of eighteen;
 - (2) Permit or allow any employee, entertainer, or patron to expose the employee, entertainer, or patron's genitals, pubic area, or buttocks with less than a full opaque covering, or, if such person is a female, a breast with less than a full opaque covering on any part of the nipple;
 - (3) Permit or allow any employee, entertainer, or patron to place the employee, entertainer, or patron's hand upon, touch with any part of the employee, entertainer, or patron's body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breasts of any female, or if the employee is a female, of any other female;
 - (4) Permit or allow any employee, entertainer or patron to perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.
- (B) No employee of a premises licensed by the Department of Liquor Control for the sale and/or consumption of beer or intoxicating liquor shall:
- (1) Place the employee's other hand upon, touch with any part of the employee's other body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;
 - (2) Perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;
 - (3) Uncover the genitals, pubic area, or buttocks of any other person or the breasts of any female, or if the employee is a female, of any other female.
- (C) Whoever violates this section is guilty of unlawful conduct, a misdemeanor of the first degree.
(Ord. 2535-94.)

2325.14 Use of intoxicating liquor in a public dance hall.

- (A) No person who is the proprietor of any public dance hall, or who conducts, manages, or is in charge of any public dance hall, shall allow the use of any intoxicating liquor or the presence of intoxicated persons in such dance hall or on the premises on which such dance hall is located; but the prohibition against the use of any intoxicating liquor does not apply to establishments that are holders of a D-1, D-2, D-3, D-4, or D-5 permit whose principal business consists of conducting a hotel, a restaurant, a club, or a night club as defined by Section 2313.01 of the Columbus City Codes. No person who is the proprietor of any public dance hall, or who conducts, manages, or is in charge thereof, shall permit the presence at such public dance hall of any child younger than eighteen years of age, not accompanied by the child's parent or legal guardian.
(ORC 4399.14)
- (B) Whoever violates this section is guilty of permitting intoxicating liquor in a public dance hall, a misdemeanor of the first degree.

(ORC 4399.99(E); Ord. 2535-94.)

2325.22 Restrictions on sale of beer and liquor.

Sales of beer and intoxicating liquor under all classes of permits and from State liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the Department of Liquor Control:

- (A) (1) Except as otherwise provided in this chapter, no beer or intoxicating liquor shall be sold to any person under twenty-one years of age.
 - (2) No low-alcohol beverage shall be sold to any person under eighteen years of age.
 - (3) No intoxicating liquor shall be handled by any person under twenty-one years of age, except that a person eighteen years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales, and any person nineteen years of age or older employed by a permit holder may handle intoxicating liquor in open containers when acting in the capacity of a waiter or waitress in a hotel, restaurant, club, or night club, as defined in division (B) of Section 2325.01 of the Columbus City Codes, or in the premises of a D-7 permit holder. This section does not authorize persons under twenty-one years of age to sell intoxicating liquor across a bar. Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading, and may handle beer or intoxicating liquor in open containers in connection with cleaning tables or handling empty bottles or glasses.
- (B) No sales shall be made to an intoxicated person.
- (C) No intoxicating liquor shall be sold to any individual who habitually drinks intoxicating liquor to excess, or to whom the Department of Liquor Control has, after investigation, determined to prohibit the sale of such intoxicating liquor, because of cause shown by the spouse, parent, sibling, or other person dependent upon, or in charge of such individual, or by the mayor of any municipal corporation, or a township trustee of any township in which the individual resides. The order of the Department in such case shall remain in effect until revoked by the Department of Liquor Control.
- (D) No sales of intoxicating liquor shall be made after 2:30 a.m. on Sunday, except that intoxicating liquor may be sold on Sunday under authority of a permit which authorizes Sunday sale.

(ORC 4301.22)

- (E) (1) Whoever violates division (A)(1) of this section is guilty of a misdemeanor, shall be fined not less than five hundred and not more than one thousand dollars, and, in addition to the fine, may be imprisoned for a definite term of not more than sixty days.

(ORC 4301.99(I))

- (2) Whoever violates division (A)(3), (B) or (C) of this section is guilty of misdemeanor of the third degree.

(ORC 4301.99(E).)

- (3) Whoever violates division (A)(2) or (D) of this section is guilty of a misdemeanor of the fourth degree.

(ORC 4301.99(15); Ord. 2535-94.)

2325.58 Activities prohibited without permit.

- (A) No person, by the person's self or by the person's clerk, agent, or employee, who is not the holder of an A permit issued by the Department of Liquor Control, in force at the time, and authorizing the manufacture of beer or intoxicating liquor, or who is not an agent or employee of the Department authorized to manufacture such beer or intoxicating liquor, shall manufacture any beer or intoxicating liquor for sale, or shall manufacture spirituous liquor.
- (B) No person, by the person's self or by the person's clerk, agent, or employee, who is not the holder of a B, C, D, E, F, G, or I permit issued by the Department, in force at the time, and authorizing the sale of beer, intoxicating liquor, or alcohol, or who is not an agent or employee of the Department or the Tax Commissioner authorized to sell such beer, intoxicating liquor, or alcohol, shall sell, keep, or possess beer, intoxicating liquor, or alcohol for sale to any persons other than those authorized by Chapter 2325 of the Columbus City Codes or Chapters 4301 and 4303 of the Revised Code to purchase any beer or intoxicating liquor, or sell any alcohol at retail. This division does not apply to or affect the sale or possession for sale of any low-alcohol beverage.
- (C) No person, by the person's self or by the person's clerk, agent, or employee, who is the holder of a permit issued by the Department, shall sell, keep, or possess for sale any intoxicating liquor not purchased from the Department or from the holder of a permit issued by the Department authorizing the sale of such intoxicating liquor unless the same has been purchased with the special consent of the Department. (ORC 4301.58)
- (D) Whoever violates this section is guilty of conducting liquor activities without a permit, a misdemeanor of the first degree.

(ORC 4301.99(C); Ord. 2535-94; Ord. No. 1300-2010, § 2, 10-28-2010)

2325.631 Prohibition; minors under eighteen years; low alcohol beverages.

- (A) As used in this section, "underage person" means a person under eighteen years of age.
- (B) No underage person shall purchase any low-alcohol beverage.
- (C) No underage person shall order, pay for, share the cost of, or attempt to purchase any low alcohol beverage.
- (D) No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any low-alcohol beverage for an underage person, by purchase or as a gift.
- (E) No underage person shall knowingly show or give false information concerning the person's name, age, or other identification for the purpose of purchasing or otherwise obtaining any low-alcohol beverage in any place in this State.
- (F) No person shall sell or furnish any low-alcohol beverage to, or buy any low-alcohol beverage for, an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

No permit issued by the Department of Liquor Control shall be suspended, revoked, or canceled because of a violation of this division or division (G) of this section.

- (G) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming any low-alcohol beverage, unless the low-

alcohol beverage is given to that person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian, and the parent, spouse who is not an underage person, or legal guardian is present when the person possesses or consumes the low-alcohol beverage.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

- (H) No underage person shall knowingly possess or consume any low-alcohol beverage in any public or private place, unless the person is accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the low-alcohol beverage is given by a physician in the regular line of his practice or given for established religious purposes.
- (I) No parent, spouse who is not an underage person, or legal guardian of an underage person shall knowingly permit the underage person to violate this section.
- (J) Whoever violates division (C), (D), (E), (F), (G), (H), or (I) of this section is guilty of a misdemeanor of the fourth degree.

(ORC 4301.99(B))

- (K) Whoever violates division (B) of this section shall be fined not less than twenty-five nor more than one hundred dollars. The court imposing a fine for a violation of this section may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.

(ORC 4301.99(F); Ord. 2535-94.)

2325.634 Misrepresentation by a minor.

- (A) Except as otherwise provided in this chapter, no person under the age of twenty-one years shall knowingly show or give false information concerning the person's name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this city where beer or intoxicating liquor is sold under a permit issued by the Department of Liquor Control or sold by the Department of Liquor Control.

(ORC 4301.634)

- (B) (1) Whoever violates Section 2325.634 of the Columbus City Codes is guilty of a misdemeanor of the first degree. If, in committing a first violation of that section, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty and not more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months.
- (2) On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The court also may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period not exceeding sixty days.

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- (3) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The court also shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period of ninety days, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court also may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.

(ORC 4301.99(G); Ord. 2535-94.)

2325.639 Immunity of permit holder, agent or employee.

No permit holder, the permit holder's agent, or employee, may be found guilty of a violation of any section of this chapter in which age is an element of the offense, if any court of record finds all of the following:

- (A) That the person buying, at the time of so doing, exhibited to the permit holder, the permit holder's agent or employee or other person, a driver's or commercial driver's license or an identification card issued under Sections 4507.50 to 4507.52 of the Revised Code showing that the person buying was then at least twenty-one years of age if the person was buying beer as defined in Section 2325.01 of the City Code or intoxicating liquor or that the person was then at least eighteen years of age if the person was buying any low-alcohol beverage;
- (B) That the permit holder, the permit holder's agent or employee or the other person made a bona fide effort to ascertain the true age of the person buying by checking the identification presented, at the time of the purchase, to ascertain that the description on the identification compared with the appearance of the buyer and that the identification presented had not been altered in any way;
- (C) That the permit holder, the permit holder's agent or employee, or other person had reason to believe that the person buying was of legal age.

In any action or proceeding before a court of record in which a defense is raised under this section, the registrar of motor vehicles or the registrar's deputy who issued an identification card under Sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records, in the registrar's possession, of such issuance in lieu of the testimony of the personnel of the Bureau of Motor Vehicles at any proceeding.

(ORC 4301.639; Ord. 2535-94.)

2325.67 Illegal possession of intoxicating liquor or beer.

- (A) No person shall have in the person's possession any spirituous liquor, in excess of one quart, in one or more containers, which was not purchased at wholesale or retail from the Department of Liquor Control or otherwise lawfully acquired pursuant to Chapters 4301 and 4303 of the Revised Code, or any other intoxicating liquor or beer, in one or more containers, which was not lawfully acquired pursuant to Chapters 4301 and 4303 of the Revised Code.

(ORC 4301.67)

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- (B) Whoever violates this section is guilty of illegal possession of intoxicating liquor or beer, a misdemeanor of the fourth degree.

(ORC 4301.99(B); Ord. 2535-94.)

2325.69 Sale to underage persons; public places and accommodations restrictions.

- (A) Except as otherwise provided in this chapter, or Chapter 4301 of the Revised Code no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underaged person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.
- (B) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

- (C) No person shall engage or use accommodations at a hotel, inn, cabin, campground, or restaurant when the person knows or has reason to know either of the following:
- 1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and who is not the person's self an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;
 - (2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.
- (D) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possess any beer or intoxicating liquor and is not accompanied by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.
- (2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the person is twenty-one years of age or older for the purpose of violating this section.
- (E) No underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless the person is accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the beer or intoxicating liquor is given by a physician in the regular line of the person's practice or given for established religious purposes.
- (F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or Sections 2325.63, 2325.632, 2325.633, 2325.634 of the Columbus City Codes.

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- (G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.
- (H) As used in this section:
- (1) "Drug of abuse" has the same meaning as in Section 3719.011 of the Revised Code.
 - (2) "Hotel" has the same meaning as in Section 3731.01 of the Revised Code.
 - (3) "Minor" means a person under the age of eighteen years.
 - (4) "Practitioner" and "prescription" have the same meanings as in Section 3719.01 of the Revised Code.
 - (5) "Underage person" means a person under the age of twenty-one years.

(ORC 4301.69)

- (I) (1) Whoever violates division (A) of this section is guilty of a misdemeanor, shall be fined not less than five hundred and not more than one thousand dollars, and, in addition to the fine, may be imprisoned for a definite term of not more than six months.

(ORC 4301.99(J))

- (2) Whoever violates division (B), (C), (D), (E), or (F) of this section is guilty of a misdemeanor of the first degree.

(ORC 4301.99(C); Ord. 2535-94.)

2327.01 Definitions.

As used in this chapter:

- (A) "Health commissioner" means the health commissioner of the city of Columbus, or an authorized representative.
- (B) "Vicious animal" means any animal which has been declared a vicious animal by the animal review board or which represents a danger to any person or to any other domestic animal because it has killed or seriously injured a person.
- (C) "Dangerous animal" means any animal which has been declared a dangerous animal or any animal which represents a danger to any person or to any other domestic animal, for either:
- (1) The animal is attack trained;
 - (2) The animal without provocation has chased or attempted to bite or otherwise endanger any person off the premises of its owner.
- (D) "Owner" means any person owning, handling, keeping, possessing, harboring, maintaining or having the care, custody or control of an animal.
- (E) "Nuisance animal" means any of the following:
- (1) Any animal that has been declared a nuisance animal by the city veterinarian;
 - (2) Any animal that has been cited and/or impounded for running at large and/or not licensed and/or not vaccinated for rabies; or
 - (3) Any animal that has been cited and/or impounded for running at large for a second occurrence within a twelve (12) month period.
- (F) "City veterinarian" shall mean the veterinarian of the city of Columbus or an authorized representative.

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(Supp. No. 68, 3/21)

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- (G) "Attack trained dog" means:
- (1) Any dog which has been specifically trained by any person to take a command to attack or injure a person or animal; or
 - (2) Any dog which has been specially trained or disciplined to protect persons or property;
 - (3) "Attack trained dog" does not include dogs possessed and used by a law enforcement officer in the performance of the dog's official duties.
- (H) "Direct control" means that a dog is within sight and hearing and will respond instantly to the commands or signals to "come," "sit," or "stay."
- (I) "Come" means that the dog shall immediately leave the position where the dog is located and return to the dog's owner;
- (J) "Sit" means that the dog shall immediately cease movement in any direction and assume a sitting position;
- (K) "Stay" means that the dog shall immediately cease movement in any direction and remain at the spot in which the command was heeded until released by the dog's owner.
- (L) "Animal" means any animal, other than person.
- (M) "Tether" means a rope, chain, cord, dog run or pulley, or similar restraint, other than a fence, for holding an animal in place, allowing a radius in which it can move about.
- (Ord. 2535-94.; Ord. No. 2350-2017 , § 2, 10-2-2017)

2327.03 Animal review board.

- (A) There is hereby established an animal review board consisting of the following members who shall be appointed by the board of health:
- (1) The health commissioner or an authorized representative;
 - (2) A representative from the Franklin County Animal Control;
 - (3) A representative from the Capital Area Humane Society;
 - (4) A local practicing licensed veterinarian;
 - (5) One (1) appointee named by the board of health.
- (B) The animal review board shall elect a chairperson from among its members and adopt rules and procedures for carrying out its functions under this chapter.
- (C) The animal review board shall hear cases involving actual and potential animal attacks on persons or domestic animals; make declarations of vicious or dangerous animal determinations in such cases; and decide the disposition of such cases pursuant to the provisions of this chapter.
- In its determination, the board shall consider, but not be limited to the following criteria:
- (1) If a bite was involved in the attack;
 - (a) Was the bite on or off of the owner's property;
 - (b) Details of events surrounding the bite;
 - (c) Severity of injury;
 - (2) Past citations, bite history, and/or vaccination record;

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- (3) Size and strength of animal;
 - (4) Aggressiveness and propensity to bite;
 - (5) Existing confinement;
 - (6) Responsibility of owner;
 - (7) Training background of animal;
 - (8) Public health, welfare and safety.
- (D) The animal review board shall issue written findings within five (5) days after the hearing.
- (E) Any dog that has been declared vicious pursuant to Revised Code Chapter 955 which is subsequently transferred into the city from another political subdivision, must be reviewed by the animal review board.
- (Ord. 2535-94.)

2327.08 Costs.

- (A) The health commissioner or city veterinarian may order an animal which has been determined to be a nuisance, dangerous, or vicious animal to be impounded.
 - (B) When any dog is found on property not that of the dog's owner, and/or is not either securely leashed or under direct control, it shall be subject to impoundment.
 - (C) All costs associated with impoundment, boarding and care shall be the responsibility of the owner.
- (Ord. 2535-94.)

2327.11 Animals running at large.

- (A) No owner of any animal shall permit such animal to run large on any property not the animal's own.
 - (B) No owner of any animal, shall permit the animal to enter upon any property not that of the animal's owner, when it is not securely leashed or under direct control. It shall be prima-facie evidence that a dog is not under direct control if it chases, injures or kills any person or domestic animal or damages or commits any nuisance upon property other than that of its owner.
 - (C) Whoever violates this section is guilty of permitting animals running at large, a minor misdemeanor. If the animal is a dog, a violation of this section is a misdemeanor of the third degree. If the animal causes physical harm to any person, or if the offender is, or has been, the owner of a dog which was declared a dangerous or vicious animal, a violation of this section is a misdemeanor of the first degree.
 - (D) This section does not apply to homing pigeons bearing official bands.
 - (E) Strict liability is intended to be imposed for a violation of this section.
- (Ord. 2535-94.)

2329.01 Littering—Unauthorized use of litter receptacle.

- (A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the city, unless one of the following applies:
 - (1) The person is directed to do so by a public official as part of a litter collection drive;

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- (2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;
- (3) The person is issued a permit or license covering the litter pursuant Chapter 3734 or 6111 of the Revised Code.
- (B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:
- (1) The litter was generated or located on the property on which the litter receptacle is located.
- (2) The person is directed to do so by a public official as part of a litter collection drive.
- (3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.
- (4) The litter consists of any of the following:
- (a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;
- (b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;
- (c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;
- (d) Beverage containers, food sakes, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.
- (C) (1) As used in subsection (B)(1) of this section, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.
- (2) As used in subsection (B)(4) of this section, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.
- (D) As used in this section:
- (1) "Litter" means garbage, trash, waste, rubbish, ashes, cigarette butts, cigar butts, cans, bottles, wire, paper, cartons boxes, automobile parts, furniture, glass, human excreta, or anything else of an unsightly or unsanitary nature.
- (2) "Deposit" means to throw, drop, discard, excrete, or place.
- (3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.
- (ORC 3767.32)
- (E) Whoever violates this section is guilty of littering, a misdemeanor of the third degree. In addition to or in lieu of the penalty provided in this section, the sentencing court may require a person convicted of this offense to remove litter from any public or private property or waters.
- (ORC 3767.99(C); Ord. 2535-94; Ord. 1686-03 § 4.)

2329.06 Abandoned refrigerators.

- (A) No person shall abandon, discard, or knowingly permit to remain on premises under the person's control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half (1-½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering said equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- (B) This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse operator or repair person.
- (C) Whoever violates this section is guilty of abandoned refrigerators, a misdemeanor of the third degree.

(ORC 3767.29; Ord. 2535-94.)

2329.10 Offensive odors and establishments.

- (A) Offensive odors generally. Whoever shall within the corporate limits or within three (3) miles from the corporate limits permit any factory, tannery, distillery, livery stable, cattle or hog yard, or any shed, barn, packing-house, or slaughterhouse to become nauseous, feeding animals, or rendering any animal matter, or manufacturing the same into soap or fertilizing materials, or changing the form thereof in any manner by the use of heat, steam, fire, chemicals or otherwise, do as to taint the air or render it unwholesome or offensive to the smell, shall be deemed guilty of a nuisance.

If any such nuisance is not abated and removed within five (5) days after the giving of such notice, it shall be the duty of the health officer to cause such nuisance to be abated and removed, and the cost and expense of so doing shall be chargeable against the property upon which such nuisance existed, and shall be assessed against the same and become a lien thereon. The agent of any person who shall have the management, care or rental of any property upon which any such nuisance shall exist, as well as the agent's principal and all others causing or permitting such nuisance shall be deemed and considered as causing any nuisance shown to exist after notification to abate or remove the same.

- (B) Odors From Manufacturing Processes. It shall be unlawful for any person, whether the person be owner, manager, superintendent, supervisor or employee, within the corporate limits, to continue manufacture or produce, or assist in the manufacture or production of any product from which in the process of manufacture or production, offensive or unwholesome odors arise or are given off, after notice to cease causing such odors has been given by the city board of health.
- (C) Slaughterhouses. The business of slaughtering animals, or of operating a slaughterhouse or packinghouse within the corporate limits is declared to be a nuisance, and no person shall carry on the business aforesaid.
- (D) Processing Animal and Vegetable Products. It shall be unlawful to render, heat or steam any animal or vegetable product or substance generating noisome or wholesome odors, gases or vapors, unless the same is done in gas or steam-tight vessels, tanks or boilers, and unless such methods are adopted as will entirely condense, decompose, deodorize or destroy such odors, gases and vapors.
- (E) Buildings Dangerous to Health. It shall be unlawful to suffer any building or grounds to remain for a period of twenty-four (24) consecutive hours in such condition as to be offensive, dangerous or prejudicial to the health or safety of the occupants or other persons.
- (F) Penalty.

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- (1) Whoever violates any provision of Section 2329.10 is guilty of a misdemeanor of the third degree and fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both. An organization convicted of a violation of any provision of Section 2329.10, a misdemeanor of the third degree, shall be fined not more than three thousand dollars (\$3,000.00).
 - (2) Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
 - (3) Strict liability is intended to be imposed for violation of any provision of Section 2329.10.

(Ord. 858-01 § 9.)

2329.11 Community noise.

- (A) Definitions. All definitions/terminology used in this chapter, not defined below, shall be in conformance with applicable standards of the American National Standards Institute (ANSI) or its successor body. For the purpose of this chapter certain words and phrases used herein are defined as follows:
- (1) "Auditory device" means any device that can be used to create a sound that can be heard.
 - (2) "Average sound level" means a sound level typical of the sound levels observed at a certain place during a given period of time averaged by the general rule of combination for sound levels, said general rule being set forth in ANSI specifications for sound level meters. Average sound level is also called equivalent continuous sound level.
 - (3) "Decibel" means a unit for measuring the intensity of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals. Decibel is denoted as "dB."
 - (4) "Device" means any system or machine devised or constructed to perform one or more tasks.
 - (5) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
 - (6) "Health commissioner" means the health commissioner of the City of Columbus or an authorized representative.
 - (7) "Musical instrument" means any device designed to produce music.
 - (8) "Land use category" means those land uses defined and established by the Zoning Code and all subsequent changes and additions.
 - (9) "Loud or raucous noise" means any noise or sound that emanates in such manners and/or volume and is of such intensity, character and duration to be offensive or disturbing to a person of ordinary sensibilities.
 - (10) "Machine" means any system or device together with its power source and auxiliary equipment used to accomplish a specific objective.
 - (11) "Person" means any public corporation, private corporation, individual, firm, partnership, association or other entity.
 - (12) "Property line" means the line along the ground surface, and its vertical extension, which separates the real property owned, rented, leased or occupied by one or more persons from that owned, rented, leased or occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, rents, leases, or otherwise occupies an apartment, condominium, hotel or motel room or any other type of occupancy.
 - (13) "Property zoned residential" means any area zoned or utilized for residential purposes.

- (14) "Safety director" means the director of the department of public safety of the City of Columbus or authorized representative.
- (15) "Sound amplification system" means any device used for the amplification of the human voice, music, or other sound and includes, but is not limited to, any radio, tape player, compact disc player or loud speaker.
- (16) "Stationary sound source" means a machine or device capable of creating a noise level at the property upon which it is regularly located, including, but not limited to standing motor vehicles, industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus or refrigeration machines.
- (17) "Warning device" means any device, which signals an unsafe or potentially dangerous situation.
- (B) Sound levels for land use districts.
- (1) The maximum allowable hourly average sound level, emitted from any stationary sound source, auditory device, or sound amplification system shall not exceed the limits set forth in Table I for the respective categories of receiving land use. The actual sound level shall be determined during any measurement period, which shall not be less than sixty (60) consecutive minutes, and shall be measured at the property boundary affected by the sound.

Table I

| Receiving Land Use Category | Time | | 1 hr. Average Sound Level (dBA) |
|------------------------------|------------|------------|---------------------------------|
| Institutional | 10:00 p.m. | 7:00 a.m. | 60 |
| | 7:00 a.m. | 10:00 p.m. | 65 |
| Residential (all categories) | 10:00 p.m. | 7:00 a.m. | 60 |
| | 7:00 a.m. | 10:00 p.m. | 65 |
| Commercial | 10:00 p.m. | 7:00 a.m. | 70 |
| | 7:00 a.m. | 10:00 p.m. | 75 |
| Manufacturing | Anytime | | 80 |

- (2) New Structures and Development. Prior to the approval of a zoning change, the noise impact of the zoning change may be reviewed by the director of the department or his designee, identifying existing and projected noise sources and their associated sound level. Such review shall include, but is not limited to, air transportation and land transportation noise sources as well as stationary noise sources. Adequate control measures may be recommended to mitigate the impact of those identified noise sources to effect compliance with this code.
- (C) Prohibited sounds:
- (1) No person shall make or allow to be made any unreasonably loud and/or raucous noise in such a manner or at such a volume as to disturb the quiet, comfort, or repose of a person of ordinary sensibilities. Strict liability is intended to be imposed for this section.

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- (2) In addition to the prohibition set out in (C)(1), the following specific acts are declared to be in violation of this ordinance:
- (a) No person shall operate or permit the operation of any sound amplification system, auditory device, or stationary sound source from real property that is zoned residential in a manner as to be heard at a distance of fifty (50) feet beyond the property line of the property from which the sound emanates. Strict liability is intended to be imposed for this section.
 - (b) Where there are two (2) or more residential units contained within one (1) structure within a property zoned residential, no person shall operate or permit the operation of any sound amplification system, auditory device, or stationary sound source in a manner as to be heard within said structure at a distance of twenty-five (25) feet beyond the property line of the residential unit from which the sound emanates. Strict liability is intended to be imposed for this section.
 - (c) Where there are adjoining properties that are zoned residential, each of which has a residential unit, and where the residential units are located within fifty (50) feet of one another, no person shall operate or permit the operation of any sound amplification system, auditory device, or stationary sound source in a manner as to be heard at a distance of twenty-five (25) feet onto the adjoining residential property. Strict liability is intended to be imposed for this section.
- (D) Special provisions (exemptions).
- (1) The provisions of Section 2329.11 shall not apply to the following:
 - (a) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
 - (b) Warning devices necessary for the protection of public safety.
 - (c) Outdoor gatherings, public dances, shows, and sporting and entertainment events, provided these events are conducted pursuant to a permit or license issued by the of License Section of the Department of Public Safety or The Special Events Section of The Department of Recreation and Parks.
 - (d) Public works projects as authorized by the state and/or other political subdivisions
 - (e) The emission of sound from property zoned residential that is periodically generated by activities required to maintain the property in compliance with housing, building, zoning, fire, safety, health or sanitation codes and which occurs between the hours of 7:00 a.m. to 10:00 p.m.
- (E) Inspection.
- (1) The appropriate authority may inspect upon consent, at any reasonable time and in a reasonable manner, any device or mechanism, which creates any disturbing noise, including but not limited to the premises where such device or mechanism is used.
 - (2) If entry to the premises is denied or refused, the appropriate authority shall obtain an inspection warrant from a court of competent jurisdiction.
- (F) Variance Procedure.
- (1) Any person who violates any provision of Section 2329.11(B)(1) and (2) not covered by permit or license, may file an application with the Columbus Board of Health for a variance.

The board of health may grant a variance in a specific case and from a specific provision of any regulation, order or notice subject to appropriate conditions and provided the board makes specific findings of fact based on evidence relating to the following:

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- (a) That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any regulation, order or notice; and
 - (b) That the effect of the application of the provisions would be arbitrary in the specific case; and
 - (c) That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
 - (d) That such variance is in harmony with the general purpose and intent of the board in securing the public health, safety and general welfare.

The application shall be accompanied by a fee in the amount of one hundred (\$100.00) dollars. A separate application shall be filed for each noise source; however, several mobile sources under common ownership, or several fixed sources on a single property may be combined into one (1) application. Upon receipt of said application and fee, the board will render a decision within thirty (30) calendar days.

- (2) Any person who violates any provision of Section 2329.11 other than those specified in Section 2329.11(F)(1) which is not covered by permit or license may file an application with the director of public safety for a variance. The applicant shall set forth all actions taken to comply with said provision, the reasons why compliance cannot be achieved, the proposed method for achieving compliance, and the proposed time schedule for its accomplishment. The application shall be accompanied by a fee in the amount of one hundred (\$100.00) dollars. A separate application shall be filed for each noise source; however, several mobile sources under common ownership, or several fixed sources on a single property may be combined into one (1) application. Upon receipt of said application and fee, the safety director will render a decision within thirty (30) calendar days.

(G) Issuance of orders.

- (1) The health commissioner, safety director or their designee may issue orders requiring the abatement of all violations of this chapter and the correction of any condition, which may result in a violation of this chapter. Failure to act upon such order within the time limit set forth therein or within the time extension granted by the commissioner, director or their designee, may result in revocation of any existing permit issued under this chapter.

(H) Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

(I) Penalty.

- (1) Whoever violates division (C)(1) of this section is guilty of unreasonably loud and/or raucous noise. Except as otherwise provided in this division, unreasonably loud and/or raucous noise is a minor misdemeanor. If the offender persists in making or allowing to be made unreasonably loud and/or raucous noise after reasonable warning or request to desist within a twelve-hour period, unreasonably loud and/or raucous noise is a misdemeanor of the fourth degree.
- (2) Whoever violates division (C)(2) of this section is guilty of prohibited sound. Except as otherwise provided in this division, prohibited sound is a minor misdemeanor. If the offender persists in operating or permitting the operation of a sound amplification system, auditory device, or stationary sound source in violation of the prohibitions contained in division (C)(2) after reasonable warning or request to desist within a twelve-hour period, prohibited sound is a misdemeanor of the fourth degree.
- (3) If the offender has previously been convicted of a violation of C.C.C. Section 2329.11, a violation of this section is a misdemeanor of the fourth degree.

(Ord. 453-02 § 1; Ord. 544-03 § 1; Ord. No. 0574-2013, § 2, 3-18-2013)

2331.01 Definitions.

(A) As used in Chapter 2331 of the Columbus City Codes:

- (1) "Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the city of Columbus, and all political subdivisions, authorities, agencies, boards and commissions thereof.
- (2) "Employer" means any person who employs four (4) or more persons, within the City of Columbus, including the city of Columbus, its departments, boards, commissions, and authorities.
- (3) "Employee" does not include any individual employed in the domestic service of any person.
- (4) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (5) "Employment agency" means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.
- (6) "Discriminate and discrimination" includes segregate or separate and any difference in treatment based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.
- (7) "Unlawful discriminatory practice" means any act prohibited by Title 23, Chapter 2331 of the Columbus City Codes.
- (8) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities, or privileges thereof are available to the public, or a private club which has more than two hundred (200) members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business. ~~"Place of public accommodation" does not mean a benevolent corporation incorporated as such or a religious corporation incorporated as such under the laws of Ohio.~~
- (9) "Housing accommodations" includes any building or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied as a home residence or sleeping place of one (1)
It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative.
and any vacant land offered for sale or lease.
- (10) "Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status as a condition of affiliation or approval.

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- (11) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including but not limited to, cemeteries owned and operated by the City of Columbus or companies or associations incorporated for cemetery purposes.
- (12) "Sexual orientation" means a person's actual or perceived homosexuality; bisexuality; or heterosexuality, ~~by orientation or practice, by and between consenting adults.~~
- (13) "Racial profiling" means to stop, detain, investigate, search, seize or arrest an individual based on the racial or ethnic status of such individual except when based upon a physical description of a suspect in a criminal or traffic offense. The use of race or ethnicity as a factor for determining the existence of reasonable suspicion and/or probable cause in the absence of actual physical evidence or observations linking that individual to a crime constitutes a violation of Section 2331.07 of this chapter.
- (14) "Age" means at least forty (40) years old.
- (15) "Disability" means a physical or mental impairment that substantially limits one (1) or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.
- (16) (a) "Except as provided in division (b) of this subsection, "physical or mental impairment" includes any of the following:
- (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine;
 - (ii) Any mental or psychological disorder, including, but not limited to, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
 - (iii) Diseases, blood disorders and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, sickle cell, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction, and alcoholism.
- (b) "Physical or mental impairment" does not include any of the following:
- (i) Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;
 - (ii) Compulsive gambling, kleptomania, or pyromania;
 - (iii) Psychoactive substance use disorders resulting from current illegal use of a controlled substance.
- (17) "Sex" means male, ~~or female, neither, or both.~~ The terms "because of sex" and "on the basis of sex" include but are not limited to pregnancy, any illness arising out of ~~and occurring during the course of pregnancy, childbirth, or related medical conditions, breastfeeding or pumping, or other sexual or reproductive health decisions.~~
- (a) For the purposes of this section the term "sexual or reproductive health decisions" means decisions relating to the use or intended use of products or services for contraception, sterilization, fertility treatment, pregnancy or its termination, hormone therapy including that which alters

gender expression or affirms gender identity, or medical treatments that affirm gender identity. Nothing in this division shall be construed to require an employer to provide health insurance benefits for sexual or reproductive health products or services.

- (18) "Gender identity or expression" means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person's actual or perceived sex.
- (19) "Familial status" means either of the following:
- (i) One (1) or more individuals who are under eighteen (18) years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;
 - (ii) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age.
 - (iii) "Family" includes a single individual.
- (20) "Military status" means a person's status in "service in the uniformed services" as defined in Section 5923.05 of the Ohio Revised Code.
- (21) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.
- (22) "Uniformed services" means the Armed Forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.
- (23) "Race" is inclusive of traits historically associated with race, including, but not limited to, hair textures and protective and cultural hairstyles.
- (24) "Protective and cultural hairstyles" includes, but is not limited to, such hairstyles as braids, locs, cornrows, bantu knots, afros, and twists, whether or not hair extensions or treatments are used to create or maintain any such style, and whether or not hair is adorned by hair ornaments, beads, or headwraps.

(B) Nothing in Columbus City Code Sections 2331.01-2331.04 shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or sales or rentals of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from engaging in the free exercise of religion.

(Ord. 2535-94; Ord. 1475 § 1 (part); Ord. 1865-2008 § 2 (part); Ord. No. 0935-2011, § 1, 7-13-2011; Ord. No. 2880-2020, § 1, 12-14-2020)

2331.07 Interfering with civil rights.

- (A) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or attempt to deprive any person of a constitutional or statutory right or any other protections against discriminatory conduct created by an ordinance of the city of Columbus.
- (B) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.
- (Ord. 2535-94 ; Ord. 1475 § 1 (part); Ord. 1865-2008 § 2 (part).)

2331.10 Efforts to Change Sexual Orientation, Gender Identity, or Expression.

- (A) The following definitions apply in this section:
- (1) "Conversion therapy" means any treatment that aims to change sexual orientation or to convert an individual who identifies with a gender or expresses a gender other than the gender assigned at birth to the originally assigned gender.
 - (2) "Mental health professional" means an individual who is licensed, certified or registered under the laws of the State of Ohio to provide, to an individual or a group, mental health services, including but not limited to, the assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease. Mental health professionals include, but are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services.
 - (3) "Minor" means a person less than eighteen (18) years of age.
 - (4) "Reparative therapy" has the same meaning as the definition of conversion therapy contained in this chapter.
 - (5) "Sexual orientation, gender identity, or expression change efforts" means conversion therapy, reparative therapy or any other practices that seek to change an individual's sexual orientation or to change gender identity or expression to a gender other than that with which the individual personally identifies, including efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. "Sexual orientation or gender identity change efforts" does not include psychotherapies or therapeutic activities that provide acceptance, support, and understanding for an individual or the facilitation of an individual's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, and psychotherapies that do not seek to change sexual orientation or to change gender identity to a gender other than that with which the individual personally identifies.
- (B) No mental health professional shall knowingly engage, within the geographic boundaries of the City of Columbus, in sexual orientation or gender identity change efforts with a minor, without regard to whether the mental health professional is compensated or receives any form of remuneration for the mental health professional's services.

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- (C) Whoever violates Section 2331.10 is guilty of a misdemeanor. The court shall sentence the offender to a minimum fine of \$500 up to a maximum fine of \$1,000 per occurrence and notwithstanding the terms of imprisonment set forth in Chapter 2929 of the Ohio Revised Code, a jail term not to exceed one (1) year.
 - (D) Upon conviction of a violation of Section 2331.10, the relevant licensing board, commission, or entity tasked with review of professional conduct shall be notified of the aforementioned violation.
 - (E) If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

(Ord. No. 0525-2017 , § 1, 3-27-2017)

2501.02 Enforcement officer.

- (A) It shall be the duty and responsibility of the chief of the Fire Prevention Bureau, under the direction of the chief of the division of fire, to enforce the provisions of the Fire Prevention Code as herein set forth. The chief of the Fire Prevention Bureau is the designated enforcement officer of this code and is herein referred to as the fire official.
- (B) The chief of the Fire Prevention Bureau may delegate authority as enforcement officer to any division certified fire safety inspector.

(Ord. 200-87.)

2501.045 Inspections.

- (A) The fire official, or a duly authorized representative, may inspect all structures, premises and vehicles pursuant to Section 3737.14 of the Ohio Revised Code as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or any violations of the provisions or intent of this code or any other ordinance affecting fire safety.
- (B) The fire official, or a duly authorized representative, is directed to enforce the provisions of all city codes, other than the Fire Prevention Code, when an infraction comes to the fire official's attention. The fire official, or a duly authorized representative, shall carry out this directive by referring in writing any such code violation to the department or person having primary responsibility for enforcing that specific code.

(Ord. 59-87.)

2501.13 Special fire protection requirements.

- (A) When the fire official finds that, in the fire official's opinion, adequate protection is not being provided in a building, structure or premises as herein required or where such fire protection is deemed necessary due to hazardous or dangerous conditions involving the occupancy of a building or structure, special fire protection equipment shall be installed in accordance with the requirements of this code and the building code.

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- (B) The fire official may survey and inspect all structures and premises, except single-family dwellings and dwelling units in two-family and multi-family dwellings, as often as may be necessary for the purpose of determining the adequacy of the fire protection equipment in the structures or on the premises.
 - (C) If the fire official determines that the fire protection equipment provided in the structure or on the premises is inadequate due to the fire hazard involved, or that required fire protection equipment has not been provided in the structure or on the premises, then the fire official shall specify and order suitable fire protection equipment to be provided.
 - (D) Such fire protection equipment may consist of private hydrants, automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe systems and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire, manual or automatic covers, or carbon dioxide or other special fire extinguishing systems.
 - (E) In especially hazardous operations fire protection equipment of more than one type or special systems may be required.

(Ord. 59-87.)

2501.14 Existing buildings.

- (A) Buildings built under, and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this code pertaining to:
 - (1) Fire protection of structural elements except as provided for existing buildings under the building code. However, if the Chief of the division of fire determines that the inadequacy or absence of fire protection equipment for protection of structural elements constitutes a distinct hazard to life or property, the Chief of the division of fire may order fire protection equipment to be provided pursuant to Section 2521.01(B) of this code.
 - (2) Exits required, except as provided for existing buildings under this code and the building code.
 - (3) Isolation of hazardous operations; provided, however, that the fire chief may require the installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detection devices, sprinklers or similar systems) where, in the fire chief's judgment, they are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems, or when necessary to secure safety in addition thereto, the fire chief may prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property.

(Ord. 2177-83.)

2501.15 Administrative liability.

The Director of Public Safety, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby render themselves liable personally, and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by The Director of Public Safety, officer or employee in the lawful discharge of their duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Director of Public Safety or any of the Director of Public Safety's subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code;

and any official, office or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of their official duties in connection therewith. The city shall save such officer or employee harmless from personal liability.

(Ord. 1539-80.)

2501.18 Authority at fires and emergencies.

The fire chief or authorized representative shall be in charge at the scene of a fire or other emergency involving the protection of life and/or property, and shall remain in charge until authority is relinquished.

(Ord. 1539-80.)

2501.20 Modifications.

The fire chief may modify any of the provisions of the Columbus Fire Prevention Code upon application in writing by the owner or lessee, or duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief thereon shall be entered upon the records of the Fire Prevention Bureau and a signed copy shall be furnished the applicant.

(Ord. 1539-80.)

2501.23 Research reports and testing laboratories.

(A) In those cases in which a product is proposed for use in Columbus but such product does not meet specific standards set by the Columbus Fire Prevention Code, the fire chief may accept authenticated research reports from the Building Officials and Code Administrators International, Inc., or from other approved authoritative sources to assist the fire chief in determining the acceptability of that product.

(B) The following are authoritative sources recognized by the fire chief:

American Gas Association (AGA)
1032 East 62nd Street
Cleveland, Ohio 44103

Engineering Experiment Station
The Ohio State University
2070 Nell Avenue
Columbus, Ohio 43210

Factory Mutual Research Corporation (FM)
1151 Boston-Providence Turnpike
Norwood, Mass. 02060

National Bureau of Standards (NBS)
Building Research Division
U.S. Department of Commerce
Washington, D.C. 20234

Ohio Board of Building Standards (BBS)
2323 West Fifth Avenue, P.O. Box 825
Columbus, Ohio 43204

Southwest Research Institute
P.O. Drawer 28510
San Antonio, Texas 77228

Underwriters' Laboratories, Inc. (UL)
333 Pfingsten Road
Northbrook, Illinois 60062

United States Testing Company, Inc.
1415 Park Avenue
Hoboken, New Jersey 07030

University of California
Department of Civil Engineering
Berkeley, California 94720

Applied Research Laboratories of Florida, Inc.
650 Palm Avenue
P.O. Box 489
Hialeah, Florida 33011

Environ Testing Laboratories, Inc.
2718 Forrest Lane
Dallas, Texas 75234

(Ord. 1539-80.)

2501.92 Notice of violation or order for correction.

- (A) Whenever the fire official or duly authorized representative observes an apparent or actual violation of a provision of this code, the rules or regulations of the fire official promulgated under Section 2501.17 of this code, or any other code or ordinance under the fire official's jurisdiction, the fire official or duly authorized representative shall prepare a written notice of violation or order for correction describing the section of this code violated and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure.
- (B) The written notice of violation or order for correction shall be served upon the person or responsible person as defined in this code.
- (C) In the case of a repeat offender, or a continuing violation, or for any other violation which in the discretion of the fire official warrants it, a notice of violation or order for correction need not be served upon the person or responsible person. Instead the fire official may issue a citation pursuant to Section 2501.95 or file a criminal complaint in the Franklin County Municipal Court charging the person or responsible person with a violation of this code.
- (D) The notice of violation or order for correction shall be served as follows:
 - (1) Such notice or order shall be made by personal delivery or by certified mail, return receipt requested.
 - (2) If such notice or order is unable to be made by personal delivery, or if the certified mail envelope containing the notice or order is returned with an endorsement showing it was unclaimed or refused, the fire official shall send a copy of the aforementioned notice or order to the last known address of

said person or responsible person by ordinary mail. The fire official shall keep a record of the fact that notice or order was sent by ordinary mail and the service of the notice or order shall be deemed complete when the fact of the mailing is entered in such record provided the ordinary mail envelope is not returned by the postal authorities showing failure of delivery.

- (3) If the address of such person or responsible person referred to in 2501.92(B) is unknown or if service by ordinary mail pursuant to 2501.92(D)(2) is incomplete, the fire official shall cause the notice or order to be published once in the City Bulletin or a newspaper of general circulation in Franklin County.

(Ord. 59-87.)

2501.93 Compliance with orders.

- (A) No person shall fail to comply with a reasonable order issued pursuant to this code by the fire official or duly authorized representative.
- (B) If an order for correction is not complied with within the time specified by the fire official or duly authorized representative then:
- (1) The fire official or duly authorized representative shall issue a citation pursuant to Section 2501.95(A), and
 - (2) The fire official or duly authorized representative may file a criminal complaint in the Franklin County Municipal Court charging the responsible person with a violation of Section 2501.93(A); and
 - (3) The fire official may request the Columbus city attorney to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of a provision of this code or of any order or direction made pursuant thereto.
- (C) The Columbus Division of Police may be requested by the fire official or duly authorized representative to assist in or make the arrest for any offense against this code or orders of the fire official affecting the immediate safety of the public.

(Ord. 59-87.)

2501.94 Failure to comply, citations, civil penalties.

- (A) Any person who fails to comply with an order for correction issued pursuant to Section 2501.92 of this code or who meets the criteria set forth in Section 2501.92(C) of this Code shall be issued a citation by the fire official or duly authorized representative.
- (B) (1) Any person who has received a citation for a serious violation of this code shall be assessed a civil penalty of not more than one thousand dollars for each such order.

(Ord. 986-93.)

- (2) Any person who fails to correct a violation for which an order for correction has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.

(Ord. 1855-93.)

- (C) (1) Any person who has received a citation for a violation which is specifically determined not to be of a serious nature, shall be assessed a civil penalty of not more than five hundred dollars for each order.

(Ord. 986-93.)

- (2) Any person who fails to correct a violation for which an order for correction has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than five hundred dollars for each day during which such failure or violation continues.
- (D) Due consideration to the appropriateness of the penalty with respect to the gravity of the violations, the good faith of the person being charged, and the history of previous violations, shall be given whenever a penalty is assessed under this section.
- (E) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use.
- (F) Civil penalties imposed by this section shall be paid to the fire official for deposit into the general fund. Such penalties may be recovered in a civil action in the name of the city of Columbus brought in the Franklin County Court of Common Pleas.

(Ord. 1855-93.)

2501.95 Issuance of citation, form, contents.

- (A) If the fire official or duly authorized representative finds that a reasonable order for correction has been issued to a responsible person pursuant to Section 2501.92 of this code, and the responsible person has not complied with the order for correction, or if the fire official or duly authorized representative determine that the criteria in Section 2501.92(C) of this Code exists the fire official or duly authorized representative shall issue a citation to the responsible person.

(Ord. 986-93.)

- (B) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the code violated and the order for correction alleged to have been violated.
- (C) Each citation shall notify the responsible person of the penalty proposed to be assessed under Section 2501.94 of this code.
- (D) Each citation shall notify the responsible person of the time and place of the hearing scheduled on the citation.
- (E) Each citation shall be served as prescribed in Section 2501.92(D) of this code.

(Ord. 1855-93.)

2501.96 Hearing, appeal.

- (A) The chief of the division of fire shall, within a reasonable time, appoint a hearing officer, and notify the responsible person of the time and place of the hearing. The hearing shall be held no sooner than seven days after receipt of notice by the responsible person and not later than thirty days after such receipt unless the time is extended by the fire official.
- (B) The hearing officer may summon and compel the attendance of witnesses to testify in relation to any matter which is proper subject of inquiry and investigation, and may require the production of any books, paper, or document.

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- (C) The hearing officer may administer an oath to any person appearing as a witness before the hearing officer. No witness shall refuse to be sworn or refuse to testify, or fail or refuse to produce a book, paper, or document concerning a matter under examination, or be guilty of contemptuous conduct after being summoned by the hearing officer to appear before the hearing officer to give testimony in relation to a matter of subject under investigation.
 - (D) In any case of refusal to be sworn to testify, or to produce any book, paper, or document, or to be guilty of contemptuous conduct after being summoned under Section 2501.96(C) or for any disobedience or neglect of any subpoena pursuant to Section 2501.96(B) above, the Franklin County Common Pleas Court may, upon application by the fire official compel obedience by attachment proceedings for contempt, as in the case of obedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.
 - (E) The hearing officer shall receive any relevant evidence that the responsible person, his attorney, the fire inspector who issued the order for correction, and any other person who, in the discretion of the hearing officer, has an interest in the subject matter of the hearing, may offer. The hearing officer is not bound by the formal rules of evidence in conducting a hearing.
 - (F) The hearing officer shall insure that the responsible person is permitted to appear in person or by his attorney to:
 - (1) Present his position, argument and contentions;
 - (2) Offer and examine witnesses and present evidence in support thereof;
 - (3) Cross-examine witnesses purporting to refute his position, arguments and contentions;
 - (4) Offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions;
 - (5) Proffer any such evidence into the record, if the admission thereof is denied by the hearing officer.
 - (G) All testimony adduced at the hearing shall be given under oath.
 - (H) The hearing officer shall subpoena all witnesses requested by the responsible person or his attorney.
 - (I) The hearing officer shall prepare a complete transcript of the hearing. The transcript shall include all evidence admitted or proffered at the hearing.
 - (J) The hearing officer shall file with the transcript conclusions of fact supporting his decision.
 - (K) The fire official shall inform the responsible person of the hearing officer's decision, in writing, within thirty days after the hearing and such decision shall be final.
 - (L) If the responsible person is aggrieved by an order of the hearing officer made under the section, the person may appeal under Chapter 2506 of the Ohio Revised Code.

(Ord. 59-87.)

2501.97 Failure to appear, default.

If the responsible person shall fail to appear in person or by the responsible person's attorney at a properly scheduled hearing, the hearing may proceed without the responsible person and a penalty may be assessed against the responsible person by the hearing officer.

(Ord. 59-87.)

2502.01 Permits.

- (A) General. No person shall engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or maintain, store or handle materials; or conduct processes which produce condition hazardous to life or property; or install equipment used in connection with such activities; or establish a place of assembly without first notifying the fire official. Permits may be required according to Section 2502.01(B).
- (B) The fire official may require, but need not require, any such permit as specified in this code.
- (C) Required permits shall be obtained from the fire official according to the requirements of this code. Inspection or permit fees, if any, shall be set forth in this code. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the fire official.
- (D) Application for Permit. Application for a permit required by this code shall be made to the fire official in such form and detail as the fire official shall prescribe. Applications for permits shall be accompanied by plans or drawing as required by the fire official for evaluation of the application.
- (E) Action on Application. Before a permit is issued, the fire official or a designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made complies with the provisions of this code.
- (F) Conditions of Permit. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of this code. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.
- (G) Approved Plans. Plans approved by the fire official are approved with the intent they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.
- (H) Revocation of Permit. The fire official may revoke a permit or approval issued under the provisions of this code if upon inspection any violation of the code exists, or if any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based, or if any fees required by this code for inspections or permits have not been paid.
- (I) Suspension of Permit. Any permit issued shall become invalid if the authorized work or activity is not commenced within six (6) months after issuance of the permit or if the authorized work or activity is suspended or abandoned for a period of six (6) months after the time of commencement.
- (J) Payment of Fees. A permit shall not be issued until the designated fees have been paid. All fees shall be deposited into the general fund, unless otherwise specified or provided for. All fees shall be non-refundable unless otherwise specified or provided for.

(Ord. 2049-95; Ord. 448-02 § 1; Ord. No. 2577-2014, § 1, 12-15-2014)

2502.02 Implied consent.

Any application for, or acceptance of, any permit requested or issued pursuant to this code constitutes agreement and consent by the person making application or accepting the permit to allow the fire official or a duly authorized representative to enter the premises at any reasonable time, to conduct such inspections as required by this code or to inspect the permitted activity for compliance with the requirements of this code.

(Ord. 2049-95.)

2502.0599 Pyrotechnic special effects.

The permit applicant shall furnish evidence of insurance in an amount of two million dollars (\$2,000,000.00) for the payment of all damages which may be caused either to a person or persons or to a property by reasons of the permitted display, and arising from any acts of the permit holder, the permit holder's agents, employees or subcontractors. The permit applicant must pay a fire prevention inspection fee of one hundred twenty-five dollars (\$125.00) to the Bureau of Fire Prevention at the time of permit application.

(Ord. 2049-95: Ord. 1210-2006 § 1 (part); Ord. 1446-2007 § 1 (part); Ord. No. 2577-2014, § 1, 12-15-2014)

2502.06 Fireworks.

The permit applicant shall furnish evidence of insurance in an amount of two million dollars (\$2,000,000.00) for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the permit holder's agents, employees or subcontractors. The permit applicant must pay a fire prevention inspection fee of two hundred dollars (\$200.00) to the Bureau of Fire Prevention at the time of permit application.

(Ord. 2049-95: Ord. 1210-2006 § 1 (part); Ord. 1446-2007 § 1 (part); Ord. No. 2577-2014, § 1, 12-15-2014)

2504.03 Pressure reducing standpipe valves.

Pressure restricting type PRVs installed in Class 1 or 3 firefighting standpipe systems where the static pressure is less than 175 psi are undesirable, therefore:

- (A) All flow restricting type PRVs found in existing Class 1 and Class 3 fire suppression standpipe systems for fire department use shall be replaced with standard valves, or the pressure restricting feature of the PRV shall be permanently disabled. Flow restricting type PRVs in existing buildings shall be replaced or modified to disable the flow restricting feature by January 1, 1994.
- (B) For Class 2 hose stations intended for occupant use where a pressure restricting type PRV is specified by the Ohio Basic Building Code, a pressure regulating type PRV shall be used in its place.
- (C) All pressure regulating type PRVs found in existing fire suppression standpipe systems, and all new installations shall be flowed in place, as installed, to verify that the installation is correct, that the device is operating properly, and that the inlet and outlet pressures at the device are in accordance with the design. This testing shall be repeated every 5 years. Initial testing of systems in existing buildings shall be completed by January 1, 1994. Bench testing of the devices is acceptable for subsequent tests, however, the initial testing of any device shall be in place as installed.
- (D) All testing as required in paragraph (C) shall be conducted by and certified by licensed fire protection systems contractors. Static and residual inlet pressure and static and residual outlet pressure and flow shall be recorded on the contractor's test certificate.
- (E) The contractor's test certificates documenting all testing shall be provided to the Fire Prevention Bureau and a copy will be kept by the building owner or the owner's agent and shall be kept on the premises available to fire inspection personnel at their request.

(Ord. 2049-95.)

2513.04 Civil liability.

In addition to the criminal penalty provided by CC 2501.99, and in the event of an unfriendly fire's getting out of control directly or indirectly as a result of omission or neglect properly to comply with the provisions of CC 2513.02, any such person referred to in such section who is culpable or negligent in respect to the duty imposed by CC 2513.02, shall be liable to the city for the payment of all costs and expenses of the division of fire incurred in and about the use of employees, apparatus and materials in the extinguishment of any such unfriendly fire resulting from such failure to discharge the duty imposed by CC 2513.02. The amount of such costs and expenses shall be fixed by the Director of Public Safety and shall be collected by the Director of Public Safety in a civil action wherein the city shall be plaintiff and the party culpable or negligent, as set forth in this chapter, shall be defendant.

(Ord. 1539-80.)

2519.01 Definitions.

As used in this chapter:

- (A) Standard fire extinguisher means a portable fire extinguisher which bears the label of approval of a national testing laboratory acceptable to the fire chief.
- (B) Service means the inspection, repair, recharging, maintaining or testing of fire extinguishers.
- (C) Service member means a person licensed or certified by the State of Ohio Fire Marshal to service, test, repair, or install fire extinguishers, or a person designated by Section 2519.07(B) of this chapter.

(Ord. 1539-80.)

2519.04 Tags to be attached.

- (A) Every fire extinguisher shall have attached thereto a tag which clearly indicates the dates of inspection and recharging, the signature and license number of the service member.
- (B) Every such fire extinguisher which has passed the hydrostatic pressure test as required in CC 2519.03 shall be fitted with a test record of metal or equally durable material on which the following shall appear:
 - (1) Date of test
 - (2) Test pressure
 - (3) Name of person making test.

(Ord. 1539-80.)

2519.06 Rules and regulations.

The chief of the division of fire or the Director of Public Safety at their discretion may make or cause to be made an inspection of the contents and the working conditions of any fire extinguisher.

(Ord. 1539-80.)

2519.07 License required.

- (A) No person shall service a fire extinguisher unless said person shall first have complied with Section 3737.65(b) Ohio Revised Code, except as otherwise provided in this section.

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- (B) Any individual, partnership, association, corporation or other entity recognized by law as being the subject of rights and duties may service their own fire extinguishing equipment without a license, provided a full time employee of said individual, partnership, association, corporation, etc., is designated to be responsible for compliance with the provisions of this chapter applicable to the servicing of their fire extinguishing equipment. The designation of said employee referred to shall be by letter to the chief of the Columbus Fire Prevention Bureau and shall contain the employee's name, address and any title or position said employee may have with said concern.

(Ord. 1539-80.)

2534.07 Hearing on charges; decision.

No certificate or license shall be suspended or revoked until after a hearing had before a hearing officer or employee designated for such purpose by the Director of Public Safety. Notice to the certificates or license holder shall be at least ten (10) days prior to the hearing; notice shall be served either personally or by registered mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the holder. Said holder shall be heard in the holder's defense either in person or by counsel and may produce witnesses and testify in the holder's own behalf. A stenographic record of the hearing may be taken upon request. The hearing may be adjourned from time to time. The person conducting the hearing shall make a written report of their findings and a recommendation to the Director for decision. A copy of the written report shall be sent to the counsel and to the advisory board. The Director shall review such findings and the recommendation and after due deliberation, shall issue an order, accepting, modifying or rejecting such recommendation. For purposes of this Section, the Director or designate, may administer oaths, take testimony, subpoena witnesses, and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

(Ord. 1539-80.)

2534.08 Advisory Board.

- (A) There is hereby established a dangerous ordnance advisory board in the office of the Director. The board shall consist of the director designate, who shall serve as chairperson, and two (2) other members appointed by the mayor. Of the two (2) appointed members, one (1) shall be a certified blaster, who shall represent the industry, and one (1) shall be a member of the Fire Prevention Bureau of the division of fire, who shall be nominated for appointment by the chief of the division of fire. Each appointed member shall serve for a term of four (4) years and until a successor is appointed and qualified except for the initially appointed certified blaster who shall serve a term of two (2) years. Nothing herein shall be construed to limit any number of successive terms by any board member.
- (B) The members of the board shall serve without compensation but may be reimbursed for their actual and necessary expenses in attending meetings of the board.
- (C) The advisory board shall meet at least two (2) times each year at a time and place within the city designated by the Director.

(Ord. 1539-80.)

2534.10 Authority to issue rules and regulations.

The Director, upon approval of the advisory board, shall promulgate a set of rules and regulations to implement this chapter as the Director deems proper.

(Ord. 1539-80.)

2534.12 Reports to Division of Police.

Every person who keeps, stores, or is in possession of dangerous ordnance and who has knowledge of the loss or theft of any dangerous ordnance from the person's stock, shall report such loss or theft within twenty-four (24) hours of discovery thereof to the Division of Police.

(Ord. 1539-80.)

2534.13 Exceptions.

The certification or licensing provisions of this chapter do not apply to:

- (A) Officers, agents or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, law enforcement officers, and members of the division of fire to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of their duties.
- (B) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952.18 U.S.C. 843, and any amendments or additions thereto or re-enactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried or used under the laws of this state or applicable federal law.
- (C) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or re-enactments thereof with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable federal law.
- (D) Persons to whom surplus ordnance has been sold, loaned, or given by the Secretary of the Army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or re-enactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections.
- (E) Owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record pursuant to the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or re-enactments thereof, and regulations issued thereunder.
- (F) Carriers, warehouse operators, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law.

(Ord. 1539-80.)

2551.13 Civil liability.

In addition to the criminal penalty provided by Section 2551.99, in the event of a hazardous materials incident, as described in 49 CFR Section 171.16, requiring the response of the division of fire and/or others to control said incident, the transporter (carrier, trucking company, etc.) shall be liable to the city for the payment of all costs and expenses of the division of fire incurred in and about the use of employees, apparatus and materials in the control and/or neutralization of said incident. The amount of such costs and expenses shall be determined by the Director of Public Safety and shall be collected by the Director of Public Safety in a civil action wherein the city shall be plaintiff and the transporter shall be defendant. This responsibility is not conditioned upon evidence of willfulness or negligence on the part of the transporter.

(Supp. No. 68, 3/21)

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This section shall apply only if the transporter is in violation of the provisions of this chapter.
(Ord. 136-85.)

2592.04 (F - N).

Fire chief: See fire official.

Fire official: Means the chief of the Fire Prevention Bureau or duly authorized representative.

High-rise building: Any building identified as a high-rise building by the OBC.

NFPA: Means the National Fire Protection Association.

(Ord. 3082-86; Ord. 1132-2008 Attach. (part).)

2596.02 Related standards.

- (A) The National Fire Codes, 1992 Edition, are hereby adopted to provide a source of information that may be used when the Columbus Fire Code and its referenced standards do not specifically cover the operation, testing or maintenance of fire protection systems, devices, units or equipment.
- (B) The fire official may use the above-referenced National Fire Codes as the minimum standards when the fire official exercises the authority granted in Section 2501.13 of this code.

(Ord. 2049-95.)

2901.01 Definitions.

When in this code the words "city sealer" are used, they shall mean the city sealer of weights and measures, or any of the deputies or assistants duly authorized to perform the duties of such officer.

1. "Weight(s) and(or) measure(s)" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.
2. "Weight" as used in connection with any commodity means net weight; except where the label declares that the produce is sold by drained weight, the term means net drained weight.
3. "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this code.
4. "Primary standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.
5. "Secondary standards" means the physical standards that are traceable to the primary standards through comparisons, used in acceptable laboratory procedures, and used in the enforcement of weights and measures and regulations in the city of Columbus.
6. "Person" means both plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.
7. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of the sale.

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8. "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.
 9. "Short-weight packages" means any "standard pack" or "pre-pack" commodity whose net content(s) does not meet or exceed the labeled or advertised quantity at the retail outlet.
 10. Vehicle On-Board Weighing System. A weighing system designed as an integral part of or attached to the frame, chassis, lifting mechanism, or bed of a vehicle, trailer, industrial tractor, or forklift truck.
 11. Computing Scale. A device that indicates the money values of amounts of commodity weighed at predetermined unit prices throughout all or part of the weighing range of the scale.
 12. Computing Scale LP. Same as a computing scale but with the capability of printing a label.
 13. Counter Scale. A device that only gives a weight indication and has a maximum capacity of twenty (20) pounds or less.
 14. Platform Scale. A device that only gives a weight indication and has a range of greater than twenty (20) pounds to a maximum of two thousand (2,000) pounds. Usually the scale can be easily transported by lifting, or it is mounted on wheels and can be rolled.
 15. Dormant Scale. This device is the same as a platform, except the capacity is greater than two thousand (2,000) pounds. Usually this type is installed permanently, or is so large that it is not easily moved.
 16. Hanging Spring Scale. A device that is suspended, has a spring mechanism, and is usually with a capacity of less than one hundred (100) pounds.
 17. Track Scale. A device incorporated into a transport system, where a commodity (usually meat) is weighed in transit. This system is a monorail type and the commodity is suspended by a hook that moves along the rail.
 18. Butcher Beam. A device used to weigh a commodity (usually meat) by means of suspending the article from a beam. Similar to a track scale, except the commodity is not in transit.
 19. Hopper Scale. A device designed for weighing bulk commodities whose load - receiving element is a tank, box, or hopper mounted on a weighing element.
 20. Jeweler Scale. A device adapted to weighing gems and precious metals.
 21. Vehicle Scale. A device adapted to weighing highway, farm, or other large industrial vehicles, (except railroad freight cars) loaded or unloaded.
 22. Livestock Scale. A device equipped with stock racks and gates and adapted to weighing livestock standing on the scale platform.
 23. Taximeter. A device that automatically calculates at a predetermined rate or rates and indicates the charge for hire of a vehicle.
 24. Liquid Measuring Device. A mechanism or machine or combination designed to measure and deliver liquid by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
 25. Car Wash Timer. A timer used in conjunction with a coin operated device to measure the time during which car wash water, cleaning solutions, or waxing solutions are dispensed.
 26. Vacuum Timer. A timer used in conjunction with a coin operated device to measure the time the vacuum operates.

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27. **Dryer Timer.** A timer used in conjunction with a coin operated device to measure the time during which clothes are dried.
 28. **Parking Clock Timer.** A timer used to measure parking time for vehicles.
 29. **CNG Device.** A mechanism or machine designed to measure and deliver compressed natural gas by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
 30. **LNG Device.** A mechanism or machine designed to measure and deliver liquidified natural gas by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
 31. **Electrical Vehicle Charging Device.** A mechanism or machine designed to measure and deliver electrical charge by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
 32. **LPG Meter.** A mechanism or machine or combination designed to measure and deliver liquefied petroleum gas by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
 33. **Parking Meter.** A timer used to measure parking time for vehicles.
 35. **Price Verification Inspection.** Verifying labeled shelf prices in an establishment by way of automated or manual inspection to ensure scanned price matches labeled price.
 36. **Package Inspection Lot.** A collection of identically labeled (random packages, in some cases, are exempt from identity and labeled quantity when determining the inspection lot) packages available for inspection at one (1) time.

(Ord. 1584-86; Ord. No. 2454-2014, § 1, 12-15-2014)

2901.03 Appointment and duties.

The sealer of weights and measures shall be appointed by the director of public safety; and the sealer of weights and measures, or the sealer's assistants shall enforce the provisions of this Weights and Measures Code.

(Ord. 542-95.)

To accomplish this, the sealer or the sealer's assistants may:

- (a) Conduct investigations to ensure compliance with this Code.
- (b) Delegate to appropriate personnel any of these necessary responsibilities for the proper administration of this office.
- (c) Test annually the standards of weight and measure used by any commercial business within the city and approve the same when found to be correct.
- (d) Inspect and test weights and measures kept, offered, or exposed for sale.
- (e) Inspect and test, to ascertain if they are correct, weights and measures commercially used:

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- (1) In determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count, or,
 - (2) In computing the basic charge or for services rendered on the basis of weight, measure, or count.

(Ord. 228-94.)

2901.04 Right to examine; marking of commodities in violation of requirements.

The sealer of weights and measures may examine and in the process of examination may:

- (a) Approve for use, and may mark, such weights and measures as are found to be correct, and shall reject and mark as rejected such weights and measures as are found to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The sealer shall condemn and may seize the weights and measures found to be incorrect that are not capable of being made correct.

(Ord. 1584-86.)

- (b) Inspect weight, measures, or inspect packaged commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered, or exposed for sale in accordance with this code or regulations promulgated pursuant thereto. In carrying out the provisions of this section, the sealer shall employ recognized sampling procedures, such as are designated in National Institute of Standards and Technology Handbook 67, "Checking Prepackaged Commodities," or in National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods."

(Ord. 346-89.)

- (c) Enforce the appropriate term or unit of weight or measure to be used, whenever the sealer of weights and measures determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof, does not facilitate value comparisons by consumers, or offers an opportunity for consumer confusion.

(Ord. 1584-86.)

Chapter 2905 - STANDARDS FOR WEIGHTS AND MEASURES^[3]

Footnotes:

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Cross reference— *Comparison with standards of County - see Ohio R.C. 733.66; State standards - see Ohio R.C. Chapter 1327*

2907.01 Duty of testing and sealing.

- (a) When necessary for the enforcement of the weights and measures codes, the Sealer shall and is hereby:
 - (1) Authorized to enter any commercial premises during normal business hours, except that in the event such premises are not open to the public, he shall first present his credentials and obtain consent before making entry thereto, unless a search warrant has previously been obtained.

(Supp. No. 68, 3/21)

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- (2) Empowered to issue stop-use, hold, and removal orders with respect to any weights and measures commercially used, and stop-sale, hold, and removal orders with respect to any packaged commodities or bulk commodities kept, offered, or exposed for sale.
 - (3) Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the provisions of this code or regulations promulgated pursuant thereto.
 - (4) Empowered to stop any commercial vehicle and, after presentment of his credentials, inspect the contents, require that the person in charge of that vehicle produce any documents in his possession concerning the contents, and require the Sealer to proceed with the vehicle to some specified place for inspection.
 - (5) With respect to the enforcement of the Weights and Measures Codes of the city of Columbus, the sealer is hereby vested with the authority and is commanded to file charges against any commercial vendors within the city of Columbus found to possess weighing and/or measuring devices which are in violation of the Weights and Measures Code.
- (b) It shall be the duty of the sealer of weights and measures and the Sealer is authorized and required to test all weighing and measuring devices in the fee schedule used commercially in the city of Columbus at least once each calendar year, or as often as deemed desirable by the Sealer. However, in no case will the owner, operator, or user of said devices be charged for the required inspection fee more than once in any calendar year, unless the device(s) are found to be faulty, or by request of the vendor, or if the initial inspection fails, in which case the owner, operator, or user will be charged the appropriate fee regardless of the number of inspections in a calendar year. If he shall have found the same to be correct, according to the standards established by the Department of Agriculture of the state of Ohio, he shall seal and mark the same with a stamp or seal, or by pasting a card thereon, or with a tag showing that such weighing or measuring device has been tested, or in any other manner that he may deem proper, and the character or letters and figures to be stamped thereon shall be "C.S.," meaning thereby "Columbus Standard" and the date or year in which it was stamped or sealed.

(Ord. 1584-86; Ord. No. 2454-2014, § 4, 12-15-2014)

2907.03 Record of tests.

It shall be the duty of the sealer of weights and measures to keep a daily record of all weighing and measuring devices used commercially which have been inspected and tested by the sealer of weights and measures and/or the sealer's deputies, as provided for in this code, along with the location, name of the business and the user/merchandiser of said devices, which shall be filed in the sealer's office or headquarters. All records in the sealer's charge shall at all times be subject to the inspection of the public.

(Ord. 1584-86.)

2907.05 Report to mayor.

It shall be the duty of the sealer of weights and measures to file a report with the mayor with a detailed summary or statement of all of the sealer of weights and measures official transactions for the preceding month.

(Ord. 1584-86.)

2909.11 Obstructing city sealer.

No person shall obstruct or hinder the city sealer of weights and measures in the performance of any of the duties imposed upon the sealer of weights and measures by the provisions of this code.

(Ord. 1584-86.)

2911.99 Penalty for Code violations.

- (a) If an inspection fee prescribed by Section 2903.01 is not received by the auditor's office within forty-five (45) days from the date it is due, a penalty of fifty (50) percent of any such fee shall be imposed in addition to the original fee.
- (b) If an inspection fee prescribed by Section 2903.01(a) is not received by the auditor's office within ninety (90) days from the date it is due, all approval seals may be pulled from the devices (at location) and be tagged non-sealed, thus placing them out of order until all outstanding fees have been paid.
- (c) No person shall:
 - (1) Use or have in possession for use in commerce any incorrect weight or measure.
 - (2) Remove any tag, seal, or mark from any weight or measure without specific written authorization from the proper authority.
 - (3) Hinder or obstruct any weights and measures official in the performance of his duties.
- (d) Any person who violates the provisions or any provision of this section or any provision of this code regulations promulgated pursuant thereto, for which specific penalty has not been prescribed, shall, on first conviction, be guilty of a minor misdemeanor and shall be charged in accordance with Ohio Revised Code Section 2929.28 a fine not to exceed one hundred fifty dollars (\$150.00). Upon each subsequent conviction, the individual shall be guilty of a misdemeanor of the fourth degree and shall be charged in accordance with Ohio Revised Codes Sections 2929.24 and 2929.28 a fine not to exceed two hundred fifty dollars (\$250.00), or by imprisonment for up to thirty (30) days, or both.

(Ord. 563-87; Ord. No. 2454-2014, § 5, 12-15-2014)

2925.02 Investigation of complaints by sealer of weights and measures.

The city sealer of weights and measures is hereby authorized and directed to receive complaints of frauds, unlawful practices, unfair practices and dealings against consumers, and any violations of federal, state, and municipal rules, regulations and laws affecting consumers. The city sealer shall investigate said complaints and refer the findings to the Director of Public Safety for whatever legal action the Director shall deem warranted. The sealer shall bring all such complaints together with the findings of the investigation and action taken thereon to the attention of the commission of consumer protection at its next regular meeting.

(Ord. 228-94.)

2937.01 Definitions.

- (a) Home Solicitation Sales. For the purposes of this chapter 'home solicitation sales' means a sale, lease or rental of goods or services by cash or credit in which the seller, the seller's representative or a person acting for the seller solicits and/or consummates a sale of said goods or services at the home or residence of the buyer. Home solicitation sales shall include those solicitations and sales made as a result of unsolicited

contacts at the home as a result of appointments solicited by the seller by telephone or by the buyer by telephone in response to an advertisement made by the seller. Home solicitation sales shall not include sales made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services of a similar nature are offered or exhibited for sale by the seller.

- (b) Goods. For the purposes of this chapter 'goods' shall include all personal property and shall also include chattels, fixtures and goods which at the time of sale or subsequently are so affixed to realty as to become part thereof, whether or not separable therefrom.
- (c) Services. For the purposes of this chapter 'services' shall mean work, labor and services of any kind performed in conjunction with a sale, but not including services for which the prices charged are required by law to be established and regulated by the Government of the United States, State of Ohio or city of Columbus.
- (d) Seller includes a lessor or anyone offering goods for rent.
- (e) Buyer includes a lessee or anyone who gives a consideration for the privilege of using goods.
- (f) Sale includes a lease or rental.
- (g) Business day includes Monday through Friday.
- (h) Exclusion. Goods and services shall not include those goods and services sold by salesmen specifically and especially licensed for sales of such goods and services by governmental agencies.

(Ord. 1545-73.)

2937.03 Cancellation provisions.

- (a) In addition to any right otherwise to revoke an offer or cancel a contract the buyer or seller in a home solicitation sale may revoke an offer, or promise to purchase, cancel a contract or rescind a consummated sale and purchase until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase, signs a contract to purchase, or consummates a sale and purchase.
- (b) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement, contract or offer to purchase. Notice of cancellation given by the buyer need not take any particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.
- (c) Notification by mail shall be considered given at the time mailed; notification by telegram shall be considered given at the time filed for transmission; and notification by other writing shall be considered given at the time delivered to the seller's designated place of business.
- (d) The buyer may not cancel a home solicitation sale if the seller in good faith makes a substantial beginning of performance of services before the buyer gives notice of cancellation, and in the case of goods, that the goods cannot be returned to the seller in substantially as good condition as when received by the buyer.
- (e) If goods are to be returned to seller, buyer shall tender delivery thereof at the location where seller made delivery to buyer. If seller or creditor does not take possession of the property within 10 days after tender by the buyer, ownership of the property vests in the buyer without obligation on the buyer's part to pay for it, provided buyer has afforded to seller reasonable time and access to take possession.
- (f) The right to cancel, granted herein may not be waived by the parties either by express or implied agreement. Except as provided in paragraph (d) above, receipt of goods or services shall not be construed as affecting the right to cancel in any way.

(Ord. 1545-73.)

2937.04 Home solicitation sale, contract or agreement to include.

In a home solicitation sale unless the goods or services are provided as set forth in Section 2937.03(d) the seller must present to the buyer and obtain the buyer's signature to a written agreement or offer to purchase which designates as the date of the transaction, the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with the provisions of this chapter. This statement must appear in the said agreement or offer to purchase under the conspicuous caption "Buyer's Right to Cancel" which shall be printed in solid capital letters of not less than twelve point, bold face type. The text of the required notice, shall be at least two points larger than the type used in the agreement.

"Buyers' right to cancel." The statement shall read substantially as follows:

"If this agreement or contract was solicited at your residence and you do not want the goods or services, you may cancel this agreement by mailing or delivering a written notice to the seller. This notice must say that you do not want the goods or services and must be mailed, telegraphed, or delivered before midnight on the third business day after you sign this agreement. This notice must be mailed, telegraphed, or delivered to: (insert name and mailing address of seller.) "If you cancel, this transaction is automatically void and you are entitled to receive a refund of any partial or total payment, trade-in, or other consideration. You must tender to seller, the goods, at the place where you received them, or any part thereof, delivered to you in this transaction."

(Ord. 1545-73; Ord. 1132-2008 Attach. (part).)

2937.06 Effect of cancellation.

When a buyer exercises the right to cancel as provided in this chapter, the buyer is not liable for any finance or other charges, and any security interest becomes void upon such a cancellation.

(Ord. 1198-69.)

3101.07 Enforcement and appeal.

The director, or designee, shall have the powers of a police officer for the purpose of enforcement of the provisions of this Planning and Historic Preservation Code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain, correct or abate such violations. Strict liability shall be the standard for enforcement.

Appeals, unless otherwise specified in this code, of any notice of violation for an alleged violation of this code issued by the department shall be made in writing within fifteen (15) days of the date of service of the notice of violation, pursuant to the requirements prescribed in this code. Any person affected by a notice of violation in connection with this code may request and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice of violation unless directed by this code otherwise.

(Ord. 1368-02 § 1 (part); Ord. No. 0455-2010, § 9, 4-5-2010)

3103.01 Definitions.

For purposes of Title 31, the Planning and Historic Preservation Code, the following definitions shall apply:

"Department" when used without clarification means the department of development.

"Director" when used without clarification means the director of the department of development or designee.

(1368-02 § 2; Ord. No. 1999-2012, § 5, 10-1-2012)

3115.02 Creation—Membership terms.

The Columbus art commission is created and established. The commission shall consist of ten (10) citizens of the city appointed by the mayor with the approval of council. The members of the commission shall be experienced and interested in the arts of architecture, landscape architecture, sculpture, painting or other similar arts and works of art and shall serve without compensation for a term of five (5) years, except that the terms of the original members shall be two (2) for one (1) year, two (2) for two (2) years, two (2) for three (3) years, two (2) for four (4) years, and two (2) for five (5) years. The commission shall annually select from its membership a chairperson who shall preside over its meetings and a vice-chairperson who shall serve in the absence of the chairperson. A majority of the members shall constitute a quorum and a majority vote of those present shall be required for any action by the commission.

(Ord. 1136-60.)

3116.011 Letter A.

"Aggrieved third party" means any owner or resident of a lot within one hundred twenty-five (125) feet of the applicant's subject property or any area commission or neighborhood organization within whose jurisdiction the subject property lies.

"Alteration" means any material or visual change, other than normal maintenance and repair to the exterior of any structure located within those districts set out in Chapters 3319 or to any listed property designated pursuant to Chapter 3117, C.C., or to the publicly accessible interior of any listed property which was listed in part, or in whole, because of the interior's historic or architectural significance.

- (1) "Adverse alteration" means an alteration that destroys or damages one or more architectural features of the structure or listed property, or is inappropriate to the site or to the architectural characteristics of the district. An adverse alteration is identified by the commission using the standards contained within this chapter or adopted hereunder, pertinent typical architectural characteristics, and such guidelines now or hereafter developed for said listed property or district.
- (2) "Interior alteration" means an alteration of an interior space that is publicly accessible and is reviewed only if the subject listed property was designated in part, or in whole, because of the interior's historic or architectural interior significance.
- (3) "Minor alteration" means a change that has a minimal impact on a structure or listed property including, but not limited to, in-kind replacement or repair of deteriorated building elements and changes that affect only a small portion thereof.
- (4) "Substantial alteration" means an alteration that has a major impact on the architectural features, characteristics or integrity of a structure or listed property including, but not limited to, changes in or additions to: windows, window frames, railings, porches, balconies, ornamentations, fencing and site improvements such as regrading and filling.

"Applicant" means any person or the person's representative who applies for a building or demolition permit or for a certificate of appropriateness therefor for construction, alteration or demolition of a listed property or structure.

"Appurtenance" means any structure or object subordinate to a principal structure or site located within a listed property or architectural review commission area and visible from the public right-of-way including, but not

limited to, a bicycle rack, carriage house, display sign, fence, fixture, fountain, garage, outbuilding, pavilion, public artwork, statue, street furniture, shed, trellis, vending machine or similar item.

"Architectural feature" means the architectural treatment and general arrangement of such portion of:

- (1) The exterior of a property as is designed to be exposed to public view; and
- (2) The publicly accessible interior of any listed property which was listed in part, or in whole, because of the interior's historic or architectural significance; including kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs and any other fixtures appurtenant to such portion.

"Architectural review commission" means one of the commissions created by Chapter 3119. "Area" means a specifically delineated geographic division of the city.

(Ord. 1352-93; Ord. 2229-04 § 8.)

3116.012 Letters B and C.

"Board" when used without clarification means the board of commission appeals.

"Building inspector" means the officer charged with administration and enforcement of the Building Code, or a regularly authorized deputy.

"Case file" means the file created and maintained by the historic preservation officer for each property within a commission's jurisdiction that is the subject of an application containing said application; exhibits such as, but not necessarily limited to, affidavits, photographs, drawings, plans, material samples and cost estimates filed by applicant; audio tapes and/or summary minutes of pertinent commission meetings; official transcripts provided by applicant; the mediation record pursuant to C.C. 3116.10; and a chronological listing of action taken.

"Certificate of appropriateness" or "certificate" means a certificate issued by the commission to an applicant stating that the proposed construction, alteration or demolition of a structure, architectural feature or listed property pursuant to the application filed therefor is appropriate under the terms of the chapter pertinent thereto and consistent with the architectural characteristics, guidelines and standards affecting same or due to unusual and compelling circumstances or substantial economic hardship does not require such consistency; and that, therefore, a permit can be issued therefor.

"Characteristics" means unique attributes or qualities of a property specifically pertaining to such property as set out in the city codes.

"Clearance" means a determination by the city historic preservation office that proposed work to be done on a property does not affect any architectural feature and therefore does not require a certificate of appropriateness.

"Columbus Register of Historic Properties" or "Columbus Register" means the city's record of listed properties.

"Commission" when used without clarification means the historic resources commission created by Chapter 3117, C.C., or the architectural review commission created by Chapter 3119, as the case may be, having jurisdiction over the application.

"Concept review" means an evaluation of a preliminary design or general plans for an alternation, new construction, demolition or site improvement.

"Construction" means the process of building, erecting or placing a structure, appurtenance or object within a listed property or district.

"Contributing property" (see C.C. 3116.017).

(Ord. 1352-93; Ord. 628-02 § 2; Ord. 1869-03 § 1; Ord. 2229-04 § 9.)

3116.013 Letters D, E and F.

"Demolition" means the process of razing or removing all or a substantial portion, of a building, structure or appurtenance from a listed property or a district. The difference between "demolition" and "relocation" should be noted. "Demolition" is the broader term; "relocation" denotes moving a structure or appurtenance intact to another location.

"Department" unless otherwise specified means the department of development.

"Director" when used without clarification means the director of development or designee.

"District" means either: (A) the architectural review commission area as set out in Chapter 3119 in which the property subject to the application is located; or (B) relative to listed properties under the historic resources commission in Chapter 3117, means ten (10) or more structures and/or sites grouped together in a geographically defined area possessing a significant concentration, linkage or continuity of structures, appurtenances or sites that are united by past events, aesthetics, plan, or physical development and where at least fifty (50) percent of the structures satisfy the requirements of C.C. 3117.05 in which the property subject to the application is located.

"Economic return" means a profit or increase in value from use or ownership of a site, structure, building, appurtenance or object that accrues from investment of capital or labor.

"Facade" means the face or front of a structure or any vertical surface thereof adjacent to a public way.

(Ord. 1515-89; Ord. 628-02 § 3; Ord. 2229-04 § 10.)

3116.014 Letters G, H and I.

"Group" means two (2) or more structures, objects and/or sites each of which satisfies C.C. 3117.05 requirements and all of which are located in geographical proximity and are united by aesthetics, past events, plan or physical development.

"Guidelines" means the document adopted by a commission that sets forth the architectural characteristics of a listed property or an architectural review commission area, or a specific property therein and provides design guidance for appropriate construction or alteration therein pursuant to the provisions of the pertinent chapter. Guidelines and standards are intended to be consistent with each other.

"Historic preservation officer" means the person in the department's planning office who is assigned the duties and responsibilities of historic preservation, or designee.

"Intrusion" means an object, site or structure which detracts from a listed property's or district's significance because of its incompatibility with the sense of time and place and historical development; or its incompatibility of scale, materials, texture or color; or whose integrity has been irretrievably lost; or whose physical deterioration or damage makes rehabilitation infeasible.

"Inventory" means a systematic identification of properties having cultural, historical, architectural or archaeological significance compiled according to standards adopted by council for evaluating property to be considered for designation as a listed property in the Columbus Register of Historic Properties or on the National Register of Historic Places.

(Ord. 1045-98 § 5; Ord. 1869-03 § 2.)

3116.018 Letters S, T, U and V.

"Site" means any significant historical, archaeological, or architectural property without a principal structure such as the location of a prehistoric or historic activity, or a significant event. A site may also include a property of significant landscape design. This definition of "site" shall not be construed to limit the term "site plan" or "site improvement."

"Site improvement" means a significant exterior improvement other than a building or structure including but not limited to, landscaping; parking, utility or service area; walkway; fence; mound; wall; sign; mechanical system or similar improvement.

"Stabilization" means the act or process of applying measures designed to reestablish a weather-resistant enclosure and structural stability to an unsafe or deteriorated building, structure, site or object while maintaining its existing essential form.

"Staff" means personnel with qualifications defined by the historic preservation officer assigned to the commission having jurisdiction over the application.

"Staff approval" means the act or process of the issuance of a certificate of appropriateness by the historic preservation office staff, under the authority of the pertinent architectural review commission.

"Standard" means a regulation set out in C.C. 3116.11 to 3116.14, inclusive, and generally defining what constitutes an appropriate alteration, construction, site improvement, or demolition.

"Structure" means a building, object, monument, work of art, or work of engineering permanently affixed to the land or any combination or any material thing of functional, aesthetic, cultural, historical or scientific value that may be by nature or design, movable yet related to a specific setting or environment; or any combination of materials to form a construction that is safe and stable including, but not limited to, stadia, tents, reviewing stands, platforms, stagings, observation towers, radio towers and graphics. The term "structure" shall be construed as if followed by the words "or part thereof." The distinction between "structure" and "building" should be noted. "Structure" is the broader term; "building" is a restricted form of "structure."

For abatement of a nuisance, in addition to the above, "structure" shall include appurtenance, scaffold, ash pit, wagon, auto trailer, junk, rubbish, excavation, wall or any object or thing used or maintained above or below the ground, or any part thereof.

"Substantial economic hardship" means a financial burden imposed upon an owner which when factually detailed and measured by standards and criteria of this chapter is unduly excessive preventing a realization of an economic return upon the value of the owner's property.

"Unusual and compelling circumstances" means those uncommon and extremely rare instances, factually detailed and conforming to the standards and criteria therefor contained in this chapter, warranting a commission's decision contrary to its architectural characteristics, guidelines or standards or the board's decision on appeal contrary to that of the commission due to the evidence presented.

(Ord. 1352-93; Ord. 1869-03 § 5.)

3116.04 Certificate required.

Except in cases excluded by C.C. 3116.23, no person shall construct, reconstruct, alter, change the exterior color of or demolish any listed property or architectural feature thereof or any structure or architectural feature now or hereafter in a district or make site improvements thereon without first applying for a certificate of appropriateness therefor and obtaining either such certificate of appropriateness or a clearance.

The applicant shall deposit the applicant's application with the historic preservation officer in the manner and form provided by C.C. 3116.06 and 3116.07.

(Ord. 1352-93.)

3116.14 Standards for demolition.

The following standards shall apply to the evaluation of the appropriateness of a proposed demolition:

Demolition of an historic or contributing property or architectural feature constitutes an irreplaceable loss to the quality and character of a listed property or district. No person shall demolish any structure or architectural feature now or hereafter in a listed property or district until said person has filed with the commission an application for a certificate of appropriateness setting forth the intent to demolish such structure or architectural feature together with a written statement that such structure or architectural feature is not historically or architecturally significant or otherwise worthy of preservation and the reasons the applicant is seeking to demolish same.

If seeking to demolish an entire structure or major portion thereof, the applicant shall also submit definite plans for reuse of the site, evidence of commitment for funding of the new project, a timeframe for project initiation and completion and an assessment of the effect such plans will have on the character and integrity of the listed property or district.

The commission shall be guided in its decision thereon by balancing the historic, architectural, and cultural value of the structure or architectural feature and the purposes of this chapter and of the chapter pertinent to the subject property against applicant's proof of any unusual and compelling circumstances or substantial economic hardship in retaining the structure or architectural feature and the merit of the replacement project.

Upon the commission's determination that any such structure or architectural feature is not historically or architecturally significant or otherwise worthy of preservation, a certificate of appropriateness shall be issued. The applicant may then apply for or be issued a demolition permit as required by C.C. 4113.79.

(Ord. 1515-89; Ord. 1132-2008 Attach. (part).)

3116.27 Contents of notice of violation.

Whenever the director, or designee, determines that there is a violation of any provision of the Planning and Historic Preservation Code or the Zoning Code relating to architectural review or of any rule or regulation adopted pursuant thereto, the director shall give notice of such violation to the owner as defined in C.C. 3116.016, as hereinafter provided. Such notice shall:

- (A) Be in writing;
- (B) Include a statement of the reasons why it is being issued;
- (C) Allow a reasonable time for the performance of any act it requires;
- (D) Be served by any one (1) of the following methods:
 - (1) Personal service; or
 - (2) Certified mail; or
 - (3) Residence service; or

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- (4) Publication; or
 - (5) Regular mail service to an address that is reasonably believed to be either a place of residence or a location at which the owner regularly receives mail; or
 - (6) Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one (1) of the above methods of service shall also be used.
- (E) Be available to any person upon request after payment of a reasonable fee to cover the cost of making a copy of the same.

Any notice served shall automatically become an order if a written petition for a hearing before the board of commission appeals is not filed in the historic preservation office ten (10) calendar days after such notice is served.

(Ord. 628-02 § 11; Ord. No. 1999-2012, § 8, 10-1-2012)

3117.03 Organization.

Within thirty (30) days after the appointment of all members by the mayor, the commission shall meet and organize by the election of a chairperson and vice-chairperson. The commission shall adopt rules of procedure which shall be published in the city bulletin and provide for regular and special meetings. Four (4) members shall be required for official action and constitute a quorum. The commission shall take official action only by a vote of a majority of the members voting on the question on the table, during a public meeting at which there is a quorum. A quorum exists when a majority of the members appointed to and serving on the commission are physically present at the meeting. All commission meetings shall be open to the public. A record of proceedings shall be maintained and available for inspection.

Notices of all commission meetings shall be published in the City Bulletin.

(Ord. 3204-98 § 3; Ord. No. 0286-2010, § 1, 5-3-2010)

3117.05 Designation criteria for a listed property.

- (A) No property or interior of a structure shall be considered for designation as a listed property unless it is at least forty (40) years old and at least one (1) of the following applies to the property or to a majority of the structures in the group or district:
- (1) The design or style of the property's exterior and/or interior is of significance to the historical, architectural or cultural development of the city, state or nation.
 - (2) The property is closely and publicly identified with a person who significantly contributed to historical, architectural, or cultural development of the city, state or nation.
 - (3) The property is identified as a significant work of an architect, artisan, engineer, landscape architect or builder whose individual work has influenced the historical, architectural or cultural development of the city, state or nation.
 - (4) The property demonstrates significant craftsmanship in architectural design, detail, or use of materials.
 - (5) The property is closely and publicly identified with an event or series of events which has influenced the historical or cultural development of the city, state or nation.

Provided however, in special circumstances a property meeting at least one (1) of the above criteria and achieving significance within the past forty (40) years may be considered for listing if it is of exceptional importance. Determination of the existence of special circumstances and exceptional importance requires unanimity of all commission members present at the meeting at which the property is being considered.

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- (B) In addition to the above historical, architectural and cultural criteria, the following criteria shall be considered as part of the review process:
- (1) The listing of the property shall not be inconsistent with the city's comprehensive plan.
 - (2) The listing of the property shall be consistent with efforts to create and maintain housing for people with disabilities and people of low to moderate income.

(Ord. 1353-93.)

3118.041 Appointment of substitute board members.

In the event that a member of the board of commission appeals has a conflict of interest that renders the member unable to participate in the appeal before the board, the director of development or designee shall appoint a substitute to hear the appeal in the place of said board member from a list of qualified individuals created and maintained by the director or designee. Such qualified individuals must be either a past member of an architectural review commission as defined in C.C. 3116.011 or a past member of the board of commission appeals. An appointment under this section is temporary in nature and is only for the purpose of hearing an appeal in which a board member has a conflict of interest.

(Ord. 1723-04 § 1.)

3119.07 Organization.

Unless otherwise specified, as soon as convenient after the members of each commission are appointed by the mayor, the commissions shall meet and organize by the election of a chairperson and secretary. The commissions shall adopt rules of procedure and provide for regular and special meetings. The commissions shall take official action only by a vote of a majority of the members voting on the question on the table during a public meeting at which there is a quorum. A quorum exists when a majority of the members appointed to and serving on the commission are physically present at the meeting. All commission meetings shall be open to the public. A record of proceedings shall be maintained and available for inspection. Notices of all commission meetings shall be published in the City Bulletin.

(Ord. 2229-04 § 6 (part); Ord. No. 0286-2010, § 2, 5-3-2010)

Brewery District

3119.33 Italian Village—Organization.

As soon as convenient, after the members are appointed by the mayor, the commission shall meet and organize by the election of a chairperson and secretary. The commission shall adopt bylaws governing its procedure and provide for regular and special meetings. All commission meetings shall be open to the public. A record of proceedings shall be maintained and available for inspection. Notices of all commission meetings shall be published in the City Bulletin.

(Ord. 2229-04 § 6 (part); Ord. No. 0286-2010, § 3, 5-3-2010)

3119.47 Certificate required.

Except in cases excluded by C.C. 3116.23, no person shall construct, reconstruct, alter, change the exterior color of or demolish any structure or architectural feature now or hereafter in of these districts without first

applying for a certificate of appropriateness therefor and obtaining either such certificate of appropriateness or a certificate that no architectural feature is involved.

The applicant shall deposit the permit application with the secretary of the commission in the manner and form provided by Chapter 3116, C.C.

(Ord. 2229-04 § 6 (part).)

3120.05 Definitions.

The definitions listed are intended for CC 3120 only.

"Architectural feature" means the architectural treatment(s) and arrangement that is/are identified and described as being important characteristics of the built environment or cultural attributes of a Conservation Neighborhood, or as identified in the adopted Standards.

"Authorization document" or "authorization" means a document issued by the Director (or designee) to an applicant following review and approval of proposed construction, alteration, and/or demolition of a listed property or as identified in the adopted standards.

"Board" means, when used without clarification, the Conservation Neighborhood Review Board.

"Block" means the length of street between two (2) intersecting streets, as shown on Recorder's Plat Book of the City of Columbus. (see Chapter 3320, Traditional Neighborhood Development zoning code).

"Built environment" means the distinctive architectural features, scale, associations, and setting that make up streetscapes and create the rhythm, pattern, expression, or texture of a neighborhood or as identified in the adopted Standards.

"Characteristics" means the unique, distinct attributes or qualities of a property or a group of properties, including but not limited to: buildings, architectural features, landscape, artificial, or natural features which make up the built environment or cultural attributes of a neighborhood or as identified in the adopted standards.

"Concept review" means an evaluation of a preliminary design or general plans for an alteration, new construction, demolition, site improvement, or as identified in the adopted standards.

"Cultural attributes" means all of the physical or social features of the neighborhood that, independently or by virtue of their interrelationship, shall be identified and described as being important characteristic(s) of a neighborhood, as shall be identified in the adopted Standards.

"Conservation neighborhood" means an established neighborhood, and/or defined blocks with the distinct feature(s) or cultural characteristic(s) identified to promote and maintain the contributing built environment.

"Department" when used without clarification means the Department of Development.

"Director" when used without clarification means the director of the department of development or designee.

"Listed property" means any property in the Conservation Neighborhood designated by the City Council pursuant to the provisions of this code.

"Neighborhood" means (A) The Conservation Neighborhood area as set out in the C.C. Chapter 3120, and/or (B) minimum of ten (10) contiguous blocks grouped together in a geographically defined area possessing a significant concentration, linkage, or continuity of structures that are united by a distinct and/or identifying characteristic(s).

"Owner(s) of property" means the owner of record, a mortgagee or vendee in possession, or the mortgage holder of record as shown on the current tax list of the auditor of Franklin County, Ohio.

"Standards" means the document adopted by the Director that sets forth the neighborhood features identified for conservation and generally defining what constitutes an appropriate alteration, construction, site improvement, or demolition.

"Study period" means the length of time, not to exceed one (1) year, in which the neighborhood residents of a proposed district will carry out the required study/research to identify the set of built and environmental characteristics. The study period will begin after the first Public Hearing organized by the Director. The neighborhood residents, with the assistance of The Director and the interested Preservation Groups, will compile a study report within this same time frame.

"Study report" means the report compiled in the study period. The report shall list the following:

- A. The characteristic(s) that need to be maintained through the designation of Conservation Neighborhood status;
- B. List of the characteristics that will require staff review and authorization;
- C. Written description of the Public Process;
- D. Attendance records for all the Public Meetings;
- E. Comments, objections to the proposed designation; and
- F. Signatures from the property owners of the neighborhood supporting the designation of the Conservation Neighborhood and to the conservation of the unique built environment.

(Ord. 1922-2006 § 1 (part).)

3120.11 Determination of eligibility.

Upon receipt of an application, and letter of intent, and petition, the Director shall determine the eligibility of the area for designation as a Conservation Neighborhood classification in accordance with the following criteria:

- 1. The designation of the neighborhood as the Conservation Neighborhood shall not result in the displacement of the current residents;
- 2. The area shall contain a minimum of ten (10) contiguous blocks;
- 3. The area shall have an identifying, distinctive atmosphere, or character, which can be conserved by protecting or enhancing its architectural or cultural attributes; and
- 4. The area shall contain significant and contributing built environmental characteristics or cultural attributes as those terms are defined in this section;
- 5. The listing of the neighborhood shall not be inconsistent with the city's comprehensive plan; and
- 6. The listing of the neighborhood shall be consistent with efforts to create and maintain housing for people with disabilities and people of low to moderate income.

(Ord. 1922-2006 § 1 (part).)

3124.01 Definitions.

"Commercial area," as used in this chapter, means a densely developed business area outside, as well as within, the central part of a municipality. The area contains land uses which attract a relatively heavy volume of nighttime vehicular and/or pedestrian traffic on a frequent basis.

"Fire official" means the fire chief or designee.

"Intermediate area," as used in this chapter, means an area characterized by moderately heavy nighttime pedestrian activity such as in blocks having libraries, community recreation centers, large apartment buildings, or neighborhood retail stores.

"Level of Service D" means the measurement of a street intersection's capacity at which vehicles experience an average delay of twenty-five and one-tenth (25.1) to forty (40.0) seconds.

"Planning standards" means the minimum level of facilities and services, as outlined in this chapter, that will be needed in an area proposed to be served by sewer facilities.

"Residential area," as used in this chapter, means residential developments or a mixture of residential and small commercial establishments, areas with single-family homes, town houses, and/or small apartment buildings.

"Use group" means the designations as used in the Ohio Basic Building Code.

(Ord. 2229-04 § 16 (part).)

3124.09 Planning standards for fire flows and hydrants.

Minimum fire flows and hydrant spacing consistent with the fire division's standards shall be required.

The following standards shall apply:

- A. Fire flow within an industrial development area (Use Groups F and H) shall be a minimum of nine thousand (9,000) gallons per minute over and above the maximum daily requirements.
- B. Fire flow within a commercial, institutional, or educational development area (Use Groups R-1, A, B, E, I, M, and S) shall be a minimum of six thousand (6,000) gallons per minute over and above the maximum daily requirements.
- C. Fire flow within a multi-family development area (Use Groups R-2 and R-3) shall be a minimum of two thousand (2,000) gallons per minute over and above the maximum daily requirements.
- D. Fire flow within a single-family development area (Use Group R-4) shall be a minimum of one thousand (1,000) gallons per minute over and above the maximum daily requirements.
- E. Required fire flow for industrial, commercial, and institutional development may be reduced fifty (50) percent with the installation of an automatic sprinkler system.
- F. The fire official shall determine the boundaries of development areas in regard to the determination of required fire flows.
- G. Where a condition exists with more than one use group, the greater requirement shall be applied.
- H. Fire flows at or on the exact building site may be determined by using the Insurance Service Office (I.S.O.) Guide, December 1974, if the fire official determines said determination to be in the best interest of the city.
- I. Fire flow test results submitted to the fire prevention bureau shall be no more than one (1) year old. Regardless of the age of the fire flow test results submitted, the fire official, in the fire official's discretion, may require fire flow tests to be performed.

(Ord. 2229-04 § 16 (part).)

3124.21 Planning standards for law enforcement.

To maintain law and order, and to create and sustain a personal sense of safety and security among Columbus residents and businesses, the following goals for law enforcement apply:

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- A. Priority 1 runs, including life-threatening situations such as armed robbery in progress, suicide attempt, officer in trouble, aggravated assault in progress, riot, and sex crime in progress, be dispatched in an average of one and three-tenths (1.3) minutes, and total response time for Priority 1 runs, including dispatch time, average six and three-tenths (6.3) minutes in all areas of the city.
 - B. Priority 2 runs, including suspicious persons, car theft in progress, fights in progress drawing a crowd, property destruction, burglary in progress next door, person with a gun, bomb threat, accidents with injuries, be dispatched in an average of four and six-tenths (4.6) minutes, and total response time for Priority 2 runs, including dispatch time, average eleven and six-tenths (11.6) minutes in all areas of the city.
 - C. Priority 3 runs, including accident with no or slight injuries, domestic dispute with no violence used or threatened, suspicious person in a vehicle, dead on arrival, burglary report, be dispatched to an officer within thirty (30) minutes. The city's goal is that an officer be at the scene of the incident within forty (40) minutes of initial request. Response to Priority 3 incidents depends on staffing and the number of higher priority calls for service pending.
 - D. Priority 4 runs, including found property, parking violations, deliver message, loud music, simple assault report, shoplifting report, be dispatched to an officer within sixty (60) minutes. The city's goal is that an officer be at the scene of the incident within seventy (70) minutes of the initial request. Response to Priority 4 incidents depends on staffing and the number of higher priority calls for service pending.
 - E. Priority 5 runs, including house checks, information calls, meet the officer, be dispatched when the district officer is available. The district officer responds as time permits.

If land is to be served by another police agency other than the city after annexation, the above levels of service still apply. Additionally, the city's goal is that services be provided by permanently assigned, full-time crews with staffing levels and training comparable to crews in Columbus.

(Ord. 2229-04 § 16 (part).)

3303.01 Letter A.

"Abutting" means bordering.

"Accessory" means a subordinate use, building or structure located on the same lot with and of a nature incidental to the principal use, building or structure.

"Accessory Parking" and "Non-accessory Parking."

1. "Accessory parking" means automobile parking as a subordinate use and of a nature incidental to but supportive of the principal use, building or structure. Accessory parking is characterized as a free service for employees and/or customers of the principal use, building or structure.
2. "Non-accessory parking" means automobile parking as a principal rather than a subordinate land use and is neither accessory nor code-required. Non-accessory parking is generally characterized as a commercial service.

"Activities, specified sexual." (See "Specified sexual activities.")

"Activity" means an individual tenant, business, or other commercial or noncommercial establishment or occupancy.

"Addition" means a part added to a building either by constructing so as to form one architectural whole, or by joining, as by a passage, so that each is a necessary adjunct or appurtenance of the other or so that they constitute the same building.

"Administrator" when used without clarification means the director or designee.

"Adult booth" means an area of an adult entertainment establishment or adult store separated from the rest of a building by a divider, partition or wall and used to:

1. Demonstrate, play, or show adult material, or
2. View a live performance distinguished or characterized by an emphasis on the depiction description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities

"Adult entertainment establishment" means an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater or other similar commercial establishment that recurrently features or provides one or more of the following

1. Persons who appear in the nude;
2. A live performance distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities, or
3. Audio or video displays, computer displays, films, motion pictures, slides or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure or representation of specified anatomical areas, or the conduct or simulation of specified sexual activities.

"Adult material" means items consisting of one or more of the following

1. Digital or printed books, magazines, periodicals, audio, video displays, computer displays, films, motion pictures, slides, or other visual representations or recordings that are characterized or distinguished by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities, or
2. Devices, instruments, novelties or paraphernalia designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

"Adult store" means one or more of the following:

1. An establishment which has a majority of its shelf space or square footage devoted to the display, rental, sale, or viewing of adult material for any form of consideration
2. An establishment with an adult booth.

"Aggregate Graphic Area." (See "Graphic area.")

"Alley" means a right-of-way not less than ten feet wide but less than 35 feet wide located at the rear or side of lots, dedicated to public use for travel or transportation and generally affording secondary access to abutting property.

"Alley line" means a lot line bordering on an alley.

"Alter" or "Alteration," and "Structural Alteration."

"Alter" or "alteration" means any change, rearrangement or modification in construction or in the exit facilities or the moving of partitions from one location or position to another.

"Structural alteration" means any change in the supporting members of a building such as bearing walls, columns, lintels, beams or girders or floor construction.

"Amusement park" means any premises offering three or more amusement rides for hire on a per use basis or the charging of an admission fee for more than 21 calendar days in a calendar year. An amusement ride is a ride or device, aquatic device, or a combination of devices that carries or conveys passengers on, along, around, over, or through a fixed restricted course within a defined area for the purpose of giving its passenger's amusement pleasure, or excitement.

"Amusement ride" includes carnival rides, bungee jumping, inflatable rides and fair rides. Amusement park does not include an approved special event allowed by C.C. Chapter 3390.

"Anatomical areas, specified" (See: "specified anatomical areas.")

"Animal kennel" or "animal shelter" means any building, structure, or premises which is used, arranged, intended or designed to be used for the boarding and/or breeding of animals for more than a consecutive 24-hour period and not located or operated in conjunction with the practice of a licensed veterinarian on the same parcel. Pet day care, pet grooming facilities, pet stores and pet supply stores, with no outside runs, shall not be considered an animal kennel.

"Animated Graphic" (See "Graphic.")

"Antenna" means any system of wires, poles, rods or similar devices for transmitting or receiving radio signals or television signals, or both, together with the structure used for the primary purpose of supporting same, including the foundation, guys, and all other components thereof.

"Apartment complex" means a residential development under one control and consisting of two or more apartment houses erected on a lot which has frontage on and access to a public street through an approved system of private drives.

"Apartment hotel" means a building arranged, intended or designed to be occupied by five or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

"Apartment house" means a building arranged, intended or designed to be occupied by five or more individuals, groups of individuals or families living independently of each other and with cooking facilities for the exclusive use of each of the individuals, groups of individuals, or families who occupy the premises. The number which an apartment house is designed to accommodate shall be determined by the number of separate dwelling units in such dwelling.

"Approved combustible material" means wood or any material not more combustible than wood, as specified in the most recent National Electrical Code; and approved plastics.

"Architectural decoration" means an element, design or motif, other than an architectural feature; installed, attached, painted or applied to the exterior of a building or structure for the purpose of ornamentation or artistic expression (Compare with "Architectural feature.")

"Architectural feature" means a window, door or other element of building design intended to be functional and any ornamentation associated therewith. (Compare with "Architectural decoration.")

"Architectural review commission" when used without clarification means the historic resources commission created by Chapter 3117, C.C., or an architectural review commission created by Title 31, C.C. and having jurisdiction over the application.

"Architectural review commission guidelines" means the document adopted by an architectural review commission that sets forth the architectural characteristics of a listed property or an architectural review commission area, or a specific property therein and provides design guidance for appropriate construction or

alteration therein pursuant to the provisions of the pertinent chapter. Guidelines and standards are intended to be consistent with each other.

"Art Gallery" means an establishment used primarily for displaying and/or offering for sale works of art to the general public and does not involve the preparation of food or drink or offering food or drink for sale or for consumption on site.

"Arterial street" means any street for which the primary function is to move vehicles from one section of the city or county and which is so designated on the city of Columbus thoroughfare plan and arterial construction type adopted by city council and used for express, moderate speed travel (usually 35 to 50 miles per hour) within an urbanized area.

"Automatic changeable copy." (See "Changeable copy.")

Aviation Field. See "Landing field."

"Awning" means a hood or cover that projects from the wall of a building intended only for shelter or ornamentation.

"Fixed awning" means an awning constructed with a rigid frame which cannot be retracted, folded or collapsed.

"Illuminated awning" means a fixed awning covered with a translucent membrane and which is in whole or part, illuminated by light passing through the membrane from within the structure, also known as an "electric awning."

"Retractable awning" means an awning, which can be, retracted, folded, or collapsed against the face of the supporting building.

"Canopy" means an awning, which is additionally supported by one or more columns.

"Marquee" means a fixed awning or canopy, which requires additional loading for graphics.

(Ord. 1306-99 § 1; Ord. 1425-01 § 3 (part); Ord. 533-02 § 1; Ord. 1877-02 § 4; Ord. 546-03 § 3 (part); Ord. 0764-2005 § 1 (part); Ord. No. 0357-2009, §§ 1, 12, 4-6-2009; Ord. No. 0239-2010, § 1, 4-5-2010; Ord. No. 0506-2017, § 1, 3-27-2017)

3303.03 Letter C.

"Cabaret" means a nightclub, or restaurant where performers dance, sing, or engage in plays for patrons.

"Caliper" means tree trunk diameter measured four and one-half feet from the ground on trees more than 12 inches in diameter. On trees more than four inches and up to 12 inches in diameter, caliper is measure 12 inches from the ground. On trees four inches or less in diameter, caliper is measured six inches from the ground.

Canopy. See "Awning."

"Call center" means a centralized office used for the purpose of receiving and transmitting a large volume of requests by telephone communications. Such centers may operate with extended hours and typically have a higher density of employees per square foot than traditional office uses

"Carry-out" means a retail business operation, established on an individual tract of land or lot; occupying less than 10,000 square feet of gross floor area, engaged in the sale of food and beverages which are furnished to customers primarily for consumption or use off the premises.

"Cemetery" means any non-publicly owned parcel of land designed, intended to be used, or used for the burial of deceased persons or animals. For purposes of this code, a burial lot and columbarium shall be included in the definition of cemetery.

"Change of use" means any alteration in the primary use of a lot for zoning purposes which may entail the need for additional parking or loading facilities.

Changeable Copy.

"Automatic changeable copy" means an electrically (or any other power) activated sign whose variable content or message capability can be electronically programmed.

"Manual changeable copy" means a sign, or portion of a sign on which copy is changed manually in the field, e.g., a reader board with changeable letters.

"Chapter" when used without clarification means a chapter of the Columbus Zoning Code.

"Child day care" means administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24 hour day in a place or residence other than a child's own home.

"Child day care center" means any place in which child day care is provided for seven or more infants, preschool children, or school-age children outside of school hours in average daily attendance, other than the children of the owner or operator of the center, with or without compensation, as all such minors are defined by Ohio Revised Code 5104.01.

"Child day care type B home" means the permanent residence of the owner-operator in which child day care is provided for no more than six children at one time and in which no more than three children may be under two years of age at one time. Amplifications of Revised Code 5104.01 (E) shall apply.

"Circulation area" means all of the area within a parking lot exclusive of driveways or off-street parking or loading spaces, which is provided for vehicular maneuvering, pedestrian movement or other accessory or incidental purposes.

"Civic, social, religious, or other institutional organizations, non-assembly areas" means uses which are secondary to the purpose of the organization and are considered as providing services to members and other individuals. These areas include, but are not limited to, spaces for bookstores, cafeteria, child day care, educational classes, social services, and limited retail sales of organization-related materials.

"Clearance" in the context of the Graphics Code means the smallest vertical distance between the grade of the adjacent street; curb or land and the lowest point of any sign, including framework and embellishments, extending over that grade.

"Commercial swimming pool" means any in-ground, on-ground, or above-ground permanently affixed swimming pool, wading pool, lake or pond filled or capable of being filled with water to a depth greater than 12 inches at any point therein and operated on a commercial basis through the charge of a per use, admission, or membership fee. A commercial swimming pool as defined here may be a primary use or accessory structure.

Commercial Use. See "Use, institutional, commercial or manufacturing."

"Commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes and includes, but is not necessarily limited to: a bus, cement truck, commercial tree-trimming equipment, construction equipment; dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck, or other commercial type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or truck.

Community Residential Treatment Center. See "Halfway house."

"Compost facility" means a structure or premises designed, intended to be used, or used for the processing, creation, and open air storage of compost for subsequent sale. Compost means the mixture of decaying organic ingredients and conditioners for use as fertilizer. A location containing pre-packaged compost or open air compost for use exclusively on the same parcel shall not be considered a compost facility for purposes of a Special Permit.

Conditional means safeguards established by the development commission or board of zoning adjustment.

Copy. See "Sign copy."

"Copy area" means the area of the smallest basic geometric figure, such as a parallelogram, circle, triangle, or combination thereof, which can be described so as to enclose the actual copy of a sign.

"Corner lot" means a lot at the intersection of and abutting on two streets not less than 30 feet in width.

"Court" means an open, uncovered, unoccupied space other than a required yard or area containing off-street parking spaces, unobstructed from the ground to the sky, and located on the same lot with a building or buildings, and either surrounded by the walls of the building or enclosed on two or more sides by such walls.

"Court-type development" means a residential type development in which the area of the court exclusive of all required yards and off-street parking spaces shall be not less than one-half of the gross ground floor area of the buildings the court is intended to serve, and the width or diameter of the court area shall be not less than the average height of the building or buildings it is intended to serve.

"Crematory" means a structure designed, intended to be used, or used for the cremation of human or animal remains.

(Ord. 2837-96 § 2 (part); Ord. 1425-01 § 3 (part); Ord. 0546 § 3 (part); Ord. 0230-04 § 3; Ord. 0764-2005 § 1 (part); Ord. No. 1537-2009, § 1, 5-3-2010; Ord. No. 0791-2011, § 1(Att. 1), 7-18-2011; Ord. No. 0170-2014, § 1, 7-28-2014; Ord. No. 1200-2017, § 2, 6-12-2017)

3303.04 Letter D.

"Density" means a unit of measurement of the number of dwelling units per acre of land derived by dividing the total number of dwelling units within the particular project, development or subdivision for which an application is filed by the total number of acres contained in such project, development or subdivision excluding all dedicated public streets therein.

"Densely planted planting strip" means a landscaped screen consisting of shrubs, trees, or other plants that provides year round opacity of at least 75%.

"Department" when used without clarification means the department of building and zoning services.

"Director" when used without clarification means the director of the department of building and zoning services or designee. When used with clarification, means the specified Director or designee.

"District," for the general purposes of the Zoning Code but not for purposes of architectural review, all properties of the same use, height and area classification which adjoin or are continuous without intervening property of another classification regardless of any street, alley, easement or reserve that may intervene.

"Dormitory" means a building arranged, intended, or designed to be occupied by unrelated persons as either individuals or groups who occupy common sleeping rooms and share related facilities such as bathrooms and washrooms. This type use differs from an "apartment house" in that separate cooking facilities are not available for each of the individuals, or groups of individuals, who occupy the building but common eating facilities and related cooking facilities may be provided in the building.

"Double duplex" means a separate or detached four family residence, the first and second floors of which are each designed and arranged for use by two families separated by a vertical division wall, each unit of which is heated independently of the others. Each dwelling unit shall have its own separate, private means of ingress.

Double-Faced Sign. See "Sign."

"Drive-in" or "drive-in business" means a use of an individual tract of land or lot on which all of the following exist:

The use is contained in a building with a gross floor area of less than 10,000 square feet; and

The buildings and site are designed, developed, and operated as a business which is conducted primarily for convenience of customers arriving and departing from the place of business by automobile to purchase the products or receive services; and

The business includes a limited range of food and beverage items or services for sale, a high volume of sales, and sales transactions are usually completed within five to 15 minutes.

A drive-in is distinguishable from other businesses allowed in the C-1 through C-4 zones such as book stores, department stores, and supermarkets, where trade in the product or service is the primary purpose, and use of the automobile to patronize the business is incidental to purchasing the product or receiving the services. Products or services sold at a drive-in may be consumed or used either on or off the premises or lot. Drive-in includes a carry-out and fast-food business.

"Drive-in theater" means a premises designed, intended to be used, or used to show films or provide other entertainment to patrons in their motor vehicles.

"Drive-up unit" means a structural element allowing a customer to participate in business transactions while remaining in a motor vehicle. The term includes "pickup unit."

"Dry cleaning establishment" means a use involving the cleaning or dyeing of fabrics, employing the services of more than three persons, the use of mechanical appliances requiring more than a three horsepower motor, and the use of volatile or explosive substances.

"Dwelling" means a building containing a minimum of one but not more than four dwelling units.

"Dwelling unit" means a single, self-contained unit providing independent living facilities for one or more individuals and which contains eating, living, sanitary and sleeping areas and one cooking facility, all for exclusive use by the occupants. This definition does not apply to units in dormitories, homeless shelters, hotels, motels or other buildings designed for transients.

(Ord. 2837-96 § 2 (part); Ord. 1272-01 § 1 (part); Ord. 143- 2 § 1 (part); Ord. 1877-02 § 5; Ord. 0230-04 § 4: Ord. 0764-2005 § 1 (part); Ord. No. 0455-2010, § 15, 4-5-2010; Ord. No. 1200-2017 , § 4, 6-12-2017)

3303.08 Letter H.

"Habitable space" means space in a dwelling unit used only for cooking, eating, living or sleeping.

"Halfway house" or "community residential treatment center" means a facility for supervision and rehabilitation of persons placed therein by the Department of Rehabilitation and Correction, Federal Bureau of Prisons, a court, or otherwise for parole, probation, furlough, treatment of drug or alcohol abuse and addiction, vocational training and counseling, or adjustment to private life and noninstitutional society and which may be licensed and inspected by the Ohio Department of Rehabilitation and Correction, the Adult Parole Authority, the Ohio Department of Health or a similar agency.

Height.

"Height of a detached garage" means the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot where such grade is higher than the curb, to the highest point of such garage.

"Height of any other building" is the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot where such grade is higher than the curb, to the highest point of the roof beams in the case of flat roofs, and to the mean between the point of the gable and the eaves in the case of high pitched roofs, the measurements in all cases to be taken through the center of the facade of the house. Where a building is on a corner lot and there is more than one grade level the measurements shall be taken through the center of the facade on the street having the lowest elevation.

Height of a sign. See "sign height."

Helipad. See "landing field."

Heliport. See "landing field."

"Historic district" means a group of two or more sites, buildings, structures, or objects in the city designated as listed in the National Register of Historic Places or the Columbus Register of Historic Properties, or within an architectural review commission area.

"Historic site" means any site, building, structure or object in the city designated as listed in the National Register of Historic Places or the Columbus Register of Historic Properties.

"Home occupation" means an accessory use of a dwelling unit for a legitimate business, profession, trade or vocation conducted within an enclosed dwelling, which is clearly incidental and secondary to residential occupancy and does not change the residential character thereof.

"Home for the aging" or "home for the aged" means a home that provides:

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1. Personal assistance for three or more individuals who are dependent on the services of others by reason of age and physical or intellectual disability, but who do not require skilled nursing care;
 2. Personal assistance and skilled nursing care for three or more individuals.

A home for the aging or aged shall be licensed by the Ohio Director of Health. The part or unit of the home for the aging that provides personal assistance shall be licensed as a rest home. The part or unit that provides skilled nursing care shall be licensed as a nursing home.

"Hotel" or "motel" means a building or part of a building, containing six or more guest rooms or suites offering temporary residence for compensation, primarily for transient guests. Hotels and motels may include a manager's unit, and incidental amenities and services customarily provided by hotels and motels. Incidental services may include: cooking facilities within units; furnishings; linen service; maid service; food service; banquet, reception, meeting and recreational facilities; and ancillary internal retail sales and services provided for the convenience of hotel and motel guests.

"Hotel, Extended Stay" means a building or part of a building, containing six or more guest rooms or suites, offering temporary residence for compensation and specifically constructed, licensed, and/or maintained, all or in part, for non-transient extended stays and/or stays longer than 30 days, regardless of the presence of leases for shorter periods of time.

"Housing for the elderly" means a use of property to provide housing for elderly persons applicable for such assistance under existing state and federal programs. Housing for the elderly is to be distinguished from other uses in that dwellings devoted to this use shall contain some or all of the following:

1. Ramps or elevators for wheelchair use;
2. Doors of sufficient width to accommodate wheelchairs in all rooms;
3. Grab bars around tubs and toilets; and
4. Special features associated with group living such as dispensaries, medical facilities, common dining facilities, group recreation facilities and similar or related facilities.

(Ord. 2837-96 § 2 (part); Ord. 1143-02 § 1 (part); Ord. 0764-2005 § 1 (part); Ord. No. 2342-2013, § 1, 3-3-2014)

3303.14 Letter N.

"Nameplate" means an on-premises sign displaying only the address of the building on which it is attached, the name of the occupant, or both.

"Neon" means a custom manufactured cold cathode lighting system, generally consisting of one or more neon gas discharge tubes, filled with neon or a mixture of other inert gases, electrodes, high voltage cables, and one or more transformers.

Neon Graphic. See "Graphic."

Neon Outline Lighting. See "Outline lighting."

Neon Sign. See "Sign."

"Nightclub" means an establishment serving alcoholic beverages and food and which recurrently features dancing, entertainment, singing, or live music.

Nonconforming.

"Nonconforming building" means a building which was erected legally but which does not comply with subsequently enacted zoning regulations for the district in which it is located.

"Nonconforming graphic" means a graphic which was erected legally but which does not comply with subsequently enacted provisions of the Graphics Code.

"Nonconforming use" means a use which was initiated legally but which does not comply with subsequently enacted regulations of the use district in which it is situated.

Nonilluminated Sign. See "Sign."

"Nude" or "state of nudity" means a state of dress or undress that exposes to view:

1. Less than a complete and opaque covering of a human anus, genitals, pubic region, or human female breast below a point immediately above the top of the areolae, but not including a portion of the cleavage of the female breast exhibited by a bathing suit, blouse, dress, leotard, shirt, or other wearing apparel, provided that neither the areolae nor nipples are exposed.
2. Human male genitals in a discernibly tumid state, even with a complete and opaque covering, or
3. A covering or device that when worn, depicts, represents, or simulates human female genitals, human female areolae or nipples, or human male genitals in a discernibly tumid state.

"Nursing home" means a home used for the reception and care of a total of three or more individuals composed of those who by reason of illness or physical or intellectual disability require skilled nursing care and/or those who require personal assistance but not skilled nursing care. A nursing home shall be licensed by the Ohio Director of Health under Chapter 3721 of the Revised Code to provide personal assistance and skilled nursing care.

(Ord. 2837-96 § 2 (part); Ord. 1425-01 § 3 (part); Ord. 546-03 § 3 (part).)

3303.16 Letter P.

"Panel antenna" means the combination of a rectangular panel not to exceed two feet wide by six feet tall by six inches deep and any associated support structure used to facilitate wireless radio and telecommunication transmissions. This definition excludes lattice, guyed, dish or erector-style antennas.

"Parking space" means a rectangular area, exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area and designed for parking a motor vehicle.

"Parking lot" means any off-street area or facility which meets one of the following conditions:

1. Contains one or more parking, loading or stacking space for commercial, institutional or industrial use; or
2. Contains five or more parking spaces for any residential use.

"Pennant" means a flag or banner that is triangular in shape. (See "Banner," "Flag" and "String of pennants.")

Permanent Sign. See "Sign."

"Person" means, without limitation, a natural person, the person's beneficiaries, executors, administrators, or assigns, and also includes a corporation, partnership, an unincorporated society or association, or any other type of business or association, including respective successors or assigns, recognized now or in the future under the laws of the state or the city.

"Personal assistance" means supervision as required and services including help in walking, bathing, dressing, feeding, or getting in and out of bed.

"Pickup unit" means a building or portion thereof that, by design, permits customers to receive goods or services while remaining in a motor vehicle.

"Pitch" means the slope of a roof expressed in feet as a ratio of vertical rise to horizontal run.

"Pole cover" means a decorative enclosure that covers the structural support of a sign.

"Porch" means a roofed platform projecting from a building at an entrance and is separated from the building by the walls of the building, and is partially supported by piers, posts or columns. A porch may be open, enclosed or partially enclosed. "Open porch" means a porch which is unenclosed (except possibly for screens) by anything higher than 36 inches above the floor except for the roof and roof supports.

"Portable building" means any building or vehicle designed with running gear permanently attached for transportation on the public streets and highways under its own power or towed behind another vehicle, arriving at the site, substantially ready for use, whether for residential, office, commercial or manufacturing use. Removal of packing and baffles; interconnection of two or more buildings or vehicles; and connection of or to utilities shall not be considered in determining whether a portable building is substantially ready for use. The towing hitch, wheels, axles, and other running gear may not be removed from a portable building preventing it from being portable.

Portable Sign. See "Sign."

"Portable storage container" means a non-permanent, non-habitable, self-contained structure of less than 169 square feet in size and eight feet in height designed for temporary placement on and subsequent removal from a parcel for the purpose of facilitating off-site storage.

"Premises" means land together with the buildings and structures thereon.

"Primary building frontage" means a building frontage that abuts a street listed as a primary street in the applicable overlay areas.

"Principal building" means a building in which the principal use of the property is conducted. All parcels containing at least one building shall be deemed to have a principal building.

"Private access" means driveway as defined and regulated in the parking chapter hereof.

"Private club" means a building and accessory facilities owned and operated by an association, a corporation, or a group of individuals established for the cultural, educational, recreational, or social enrichment of its members and not primarily for profit, and whose members pay dues and meet certain prescribed qualifications for membership.

"Private garage" means a building or portion of a building for the housing of motor vehicles as an accessory use permitted in a residential district or an apartment district and in which no service, work, trade, occupation, or business is carried on connected in any way with a motor vehicle as defined by Ohio Revised Code Section 4511.01.

"Private residence" means a place of usual or customary abode.

"Private roadway" means a privately owned and maintained strip of land designed, improved, and intended to be used for vehicular traffic.

Projecting Sign. See "Sign."

Projector Graphic. See "Graphic."

Property Frontage. See "Frontage."

Property Owner. See "Owner."

"Public garage" means any building or portion of a building other than a private garage, for the housing of commercial or noncommercial motor vehicles.

"Public notice" of a hearing or proceedings means ten days notice of the time and place thereof printed (see "printed" in 101.03 Interpretation) in The City Bulletin.

"Public nuisance" means any structure which is permitted to be or remain in any of the following conditions:

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- (A) In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare, or well being of the surrounding area; or
 - (B) A fire hazard; or
 - (C) Any vacant building that is not secured and maintained in compliance with Chapter 4513; or
 - (D) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used in violation of any division of Section 2925.13, Ohio Revised Code.

"Public nuisance" also means any structure or real property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health or sanitation ordinance of the Columbus City Code or Columbus City Health Code, or any real property upon which its real property taxes have remained unpaid in excess of one year from date of assessment.

"Public police station" means all government police uses including but not limited to police stations and substations; police headquarters; community policing centers; police heliports; police administrative offices; and police academies.

"Public service announcement" means a temporary graphic display for the purpose of informing the public about events or activities involving the arts, or involving community service or not-for-profit organizations.

"Public-private setback zone" means an area between a principal building and a public street utilized for seating, outdoor dining, public art and/or other pedestrian amenities.

Public Sign. See "Public graphic" and "Sign."

"Public way" means an alley, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, lane, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other way in which a public entity has a proprietary right, or which is dedicated whether or not it has been improved.

(Ord. 1692-98 § 2; Ord. 1425-01 § 3 (part); Ord. 2044-01 § 4; Ord. 1143-02 § 1 (part); Ord. 546-03 § 3 (part); Ord. 1436-06 § 1; Ord. 0764-2005 § 1 (part); Ord. 0854-2008 § 2; Ord. No. 1537-2009, § 5, 5-3-2010; Ord. No. 1200-2017, § 7, 6-12-2017)

3303.18 Letter R.

"Rear of a building", "Rear line of a building" and "rear yard line", respectively mean that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

"Reconstruction" means the replacement or rebuilding of a building, premises or structure.

"Recreational vehicle" means a vehicle manufactured or modified to contain temporary living quarters for travel, recreation, or vacation purposes including, but not necessarily limited to, camper, travel trailer, truck camper, and motor home.

"Religious facility" means a building or structure in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

"Residence" is the general term implying place exclusively used for human habitation and embracing both residential and apartment residential district classifications.

"Residential care facility" means a use of a dwelling unit or dwelling units within a building primarily for providing supervised room, board and care in a residential setting to residents thereof whose disabilities or status limit their ability to live independently, and secondarily for training, rehabilitation and nonclinical services. The term excludes use as a clinic, institution, hospital, nursing home, convalescent home, school, child day care center, nursery school, dormitory or other similar use. The term shall not be applied to owner-occupied premises with one

or two roomers. However, for the purpose of licensing, the term is included within "rooming house" as defined in Section 4501.32.

"Residential complex" means a residential development with 15 or more dwelling units situated on the same tax parcel.

"Residential district" means a zoning district permitting dwelling units as a principal use.

Residential Use. See "Use, residential."

"Restaurant" means an establishment that involves the preparation of food and drink, served to and consumed by patrons primarily within the building.

"Rest home" means a home that provides personal assistance for three or more individuals who are dependent on the services of others by reason of age or physical or intellectual disability but who do not require skilled nursing care. A rest home shall be licensed under Chapter 3721 of the Revised Code to provide only accommodations and personal assistance and may not admit individuals requiring skilled nursing care.

"Retail filling station" means a use involving the supplying to individual vehicles for their use only, of oil, grease, gasoline, or other fuel or power source, with other optional customary incidental service.

"Right-of-way line" means the limit of publicly owned land or easement encompassing a street or alley.

"Roof line" means in the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

Roof Sign. See "Sign."

"Rooming house" means a residential building, other than a hotel, in which part or parts are kept, used or held out to be a place where sleeping accommodations are offered for hire for three or more persons.

"Row" is a group of attached residences, separated by vertical fire walls, in which each residence has its own front and rear yards, and has appropriated to it the entire building between the fire walls.

(Ord. 1900-98 § 3; Ord. 1425-01 § 3 (part); Ord. 1272 § 1 (part); Ord. 1143-02 § 1 (part); Ord. 546-03 § 3 (part); Ord. 0230-04 § 7; Ord. 0854-2008 § 3 (part); Ord. No. 0455-2010, § 16, 4-5-2010; Ord. No. 0791-2011, § 1(Att. 1), 7-18-2011; Ord. No. 1200-2017, § 8, 6-12-2017)

3305.051 Fees—Refund.

- (A) Unless specifically indicated in the fee schedule, department refund policy or this code, all fees are not refundable.
- (B) In the event of a refund, a refund service fee, as indicated in the fee schedule or department refund policy, and any costs for services already provided, shall be deducted from the amount to be refunded.
- (C) The eligibility, process, and any required refund fee shall be as indicated in the Department refund policy.
- (D) The Director may waive the refund fee if the director finds that the refund is necessary because of an error on the part of a city employee. In the event any refund due is less than the required refund fee, no balance shall be due or returned.

(Ord. 18-02 § 4; Ord. No. 0455-2010, § 18, 4-5-2010)

3305.075 Construction work stop order.

Whenever any construction or alteration to any building or structure; the establishment, change or modification in the use of any building, structure or land; the grading or filling of land; or exterior modification without receiving a certificate of appropriateness or certificate of approval where applicable, occurs contrary to the provisions of this Zoning Code, the director or designee shall order the work stopped by posting at the site a printed notice to stop work or a notice in writing served on any persons engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized otherwise by the director or designee.

(Ord. 1526-00 § 4.)

3305.10 Contents of notice of violation.

Whenever the director, or designee, determines that there is a violation of any provision of the Zoning Code or of any rule or regulation adopted pursuant thereto, the director or designee may give notice of such violation to the owner as the term is defined in C.C. 3303.15, as hereinafter provided. Such notice shall:

- A. Be in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires;
- D. Be served by any one of the following methods:
 - 1. Personal service; or
 - 2. Certified mail; or
 - 3. Residence service; or
 - 4. Publication; or
 - 5. Regular mail service to an address that is reasonably believed to be either a place of residence or a location at which the owner regularly receives mail; or
 - 6. Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one of the above methods of service shall also be used.
- E. Be available to any person upon request after payment of a reasonable fee to cover the cost of making a copy of the same.

Any notice served shall automatically become an order if a written petition for a hearing before either the board of zoning adjustment, the graphics commission or the board of commission appeals is not filed with the director or designee within 20 calendar days after such notice is served.

(Ord. 628-02 § 17; Ord. No. 3019-2016 , § 2, 12-12-2016)

3310.05 Zoning Map amendment.

Each application for amendment of the Zoning Map shall comply with the requirements of this section.

- (A) Each application shall be given by attesting to the truth and exactness of the information supplied therein and shall be accompanied by:

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- (1) A plot plan or sketch of the subject lot and building, if any, and the immediate vicinity drawn to scale with dimensions;
 - (2) A map showing the location of the property within the city;
 - (3) A legal description of the subject property;
 - (4) An affidavit of the applicant listing the names and addresses as shown on the county engineer's ownership maps, the county auditor's current tax list and the county treasurer's mailing list of all owners of:
 - (a) The property to be rezoned or redistricted;
 - (b) All contiguous property ignoring any intervening public right-of-way per C.C. 3310.01;
 - (c) All property within 125 feet of the exterior boundaries of the property to be rezoned; and
 - (d) Any property within 125 feet of the applicant's property in the event the applicant owns property contiguous to the subject property;
 - (5) A statement of the applicant's interest in the proposed rezoning and of the present and proposed zoning classification of the subject premises; and
 - (6) Such further information as is reasonable and necessary for proper consideration by the department, the development commission and the city council.
- (B) The director is authorized to request and receive reports from various city departments and divisions and other agencies concerned with such amendment as to its probable favorable or unfavorable effect upon their operation and administration, to correlate such reports, and to make a recommendation to the development commission and to city council for or against such amendment. The director shall include in the director's report a statement of the department's position and justification for that position based on applicable planning principles and policies.
- (C) Before the development commission makes a recommendation to city council concerning such amendment, the department's staff shall notify the applicant; all of the owners of the subject property; all of the owners of neighboring property as set out in the applicant's affidavit; and the concerned area commission, if any; of the time and place of the development commission meeting at which such amendment will be considered.
- (D) Upon receipt of the development commission's recommendation for or against such amendment and the director's report, city council shall take such further steps as it deems necessary and appropriate regarding hearings, notices and other matters pertaining to such amendment.

(Ord. 185-94; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 24, 4-5-2010)

3310.09 Zoning of annexed territory.

Except as otherwise provided herein, all territory annexed to the city after March 28, 1973, shall immediately upon annexation be classified in the R-rural district and subjected to the regulations and restrictions pertaining thereto including all applicable overlay provisions as adopted pursuant to Chapter 3372.

Within 30 days of the effective date of the ordinance annexing territory to the city, an owner of property included therein may apply for a change in the zoning of the owner's property to the city's zoning district comparable to the previously applicable township or county zoning for such property immediately prior to annexation. During this 30-day period such applicant is exempt from paying any required filing fee.

All territory annexed to the city prior to March 28, 1973, and not zoned as agricultural, farm residential or rural by township or county resolution, has been classified in the city's zoning district most comparable to the

zoning applicable to such property immediately prior to such annexation and is subject to the regulations and restrictions of such city zoning district.

Any territory which lies within an Ldn contour of 65 or greater when annexed to the city shall also become part of the airport environs overlay and subject to the regulations therefor.

Any territory within the geographic boundary of the territory to be annexed to the city under the terms of the existing annexation agreement between the city and the Columbus Regional Airport Authority and the First and Second Amendments thereto will be assigned immediately upon annexation the zoning classification that is most comparable to the zoning classification applicable to such property immediately prior to annexation. The zoning classification may incorporate a limited overlay if appropriate to conform as nearly as possible to the parameters of the zoning classification applicable prior to annexation. The territory to be annexed to the city under the terms of the existing annexation agreement between the city and the Columbus Regional Airport Authority and the First and Second Amendments thereto shall be as indicated on Exhibit "A".

(Ord. 2493-95; Ord. No. 0297-2009, § 1, 3-9-2009)

3311.13 Subsequent review procedures for a certificate of zoning clearance for construction within a CPD.

The director shall review any applications for a certificate of zoning clearance for any construction within any CPD, commercial planned development district, and shall direct that the certificate of zoning clearance shall be issued if the proposed construction complies with the approved and registered development plan.

If, however, the director determines that the proposed construction does not comply with the approved and registered development plan the director shall direct that the certificate of zoning clearance not be issued. The applicant may appeal the determination of the director to the board of zoning adjustment as provided for in Chapter 3307 or make an application for an amendment to a previously established CPD, commercial planned development district, as provided for in Chapter 3310.

(Ord. 1738-84; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 30, 4-5-2010)

3311.25 Modification.

Where the director has taken action to modify the application for a use permit and its accompanying plans and specifications, then any use permit, building permit and any other permit thereafter issued or granted shall be revoked if the applicant or the applicant's agent shall violate, refuse to comply with, or fail to comply with at any time with the modifications.

(Ord. 577-84; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 39, 4-5-2010)

3311.33 Action on application.

The director shall accept all properly prepared applications for zoning clearances. The director shall investigate all complaints, give notice of violations, and enforce the provisions of Chapter 3385 and Sections 3311.31 through 3311.33. The director shall request from the building inspector a review of site plans submitted with all applications to determine whether proposed structures comply with the provisions of C.C. Chapters 4175 and 4175.041. After having received the approval of the building inspector, and the recommendations of the technical institute when applicable, if the director finds that the proposed work or construction meets the requirements of Chapter 3385 and Sections 3311.31 through 3311.33 and other zoning regulations for the district in which it is located, then the director shall indicate the director's approval upon a certificate of zoning clearance.

(Ord. 577-84; Ord. 1272-01 § 1 (part); Ord. 1132-2008 Attach. (part); Ord. No. 0455-2010, § 45, 4-5-2010)

3312.051 Short North Special Parking Area

- A. The Short North Special Parking Area is that area indicated on the official city zoning map and bounded as follows:

On the north by the centerline of Fifth Avenue, on the east by the centerline of the first set of railroad tracks east of North Fourth Street, on the south by the centerline of Interstate 670, and on the west by the centerline of first alley or street east of Neil Avenue, said western boundary being more particularly described, following centerlines, as follows:

Beginning at the intersection of Hunter Avenue and West Goodale Street;

Thence northerly along Hunter Avenue to West Poplar Avenue;

Thence westerly along West Poplar Avenue to the first alley east of Neil Avenue;

Thence northerly along the first alley east of Neil Avenue to Collins Avenue;

Thence easterly along Collins Avenue to Highland Street;

Thence northerly along Highland Street to Division Alley;

Thence westerly and northerly along Division Alley to West Second Avenue;

Thence westerly along West Second Avenue to Sunside Alley;

Thence northerly along Sunside Alley to West Third Avenue,

Thence westerly along West Third Avenue to Sunside Alley,

Thence northerly along Sunside Alley to the first nameless alley south of West Fourth Avenue;

Thence westerly and northerly along the first nameless alley south of West Fourth Avenue to West Fourth Avenue;

Thence westerly along West Fourth Avenue to Forsythe Avenue;

Thence northerly along Forsythe Avenue to West Fifth Avenue.

- B. Non-residential, off-street vehicle parking requirements in the Short North Special Parking area shall be One-Half (1/2) of the off-street parking as required in this chapter, except as follows:

Art Gallery - No off-street parking shall be required;

Extended Stay Hotel - 1 space per unit;

Retail Uses, 2,500 square feet or less - No off-street parking shall be required;

Two-, Three-, and Multi-Unit Dwellings - 1 per unit;

Single-Unit Dwellings - No off-street parking shall be required for single-unit dwellings when located as a single unit on its own parcel that was subdivided prior to the effective date of this ordinance. For single-unit dwellings that do not meet the requirements in the preceding sentence, 1 space per unit shall be required.

No other off-street parking reductions, including any provided by any commercial overlay, shall apply.

Loading spaces and any required bicycle parking shall be as required in this chapter. Where there is no feasible means to locate bicycle parking spaces in a usable location on the subject parcel, the bicycle parking requirement may be satisfied by payment of a fee in lieu of providing the required bicycle parking spaces, as determined by the Director of Public Service, or designee. In the Short North Special Parking area, no further reduction or variance to the number of required off-street parking spaces shall be granted by a variance by the Board of Zoning Adjustment or City Council.

-
- C. The Director of the Department of Public Service shall promulgate rules and regulations for the administration of the Short North Special Parking Area and shall have the authority to collect a fee in lieu of providing the required number of off-street vehicle and bicycle parking spaces as set out in these rules and regulations.
 - D. Upon the submission of an application for zoning clearance, the Director of the Department of Public Service, or designee, shall determine the cost of the payment in lieu of providing the required number of off-street vehicle and bicycle parking spaces in the Short North Special Parking area.
 - E. Payments shall be dedicated for the establishment, operation, and maintenance of facilities and programs to address and/or mitigate parking demands and deficiencies within the boundaries of the Short North Special Parking Area.

(Ord. No. 0506-2017 , § 2, 3-27-2017)

3312.39 Striping and marking.

- A. Parking space striping is required and shall be maintained in good condition. Each parking space and aisle shall be clearly designated and marked to assure approved utilization of the space, direction of traffic flow and general safety. When a parking space is designated for disabled or small car use, it shall be clearly marked.
- B. Staff shall approve a plan for restriping an existing parking lot in a manner that differs from the existing site plan, without the approval of the Board of Zoning Adjustment, even though fewer parking spaces are provided than this chapter requires only if: (1) such lot is being restriped solely to add disabled parking spaces required by the Americans with Disabilities Act Accessibility Guidelines; and (2) the owner and applicant affirm by sworn affidavit that no additional undeveloped land is available by ownership or lease upon which to meet this chapter's requirements.

(Ord. No. 1537-2009, § 8, 5-3-2010)

3312.49 Minimum numbers of parking spaces required.

The number of off-street parking spaces required for various uses shall be no less than as set forth in the parking requirements tables.

Bicycles.

- A. Bicycle parking design standards. The Director of Public Service shall review and approve required bicycle parking as part of overall site plan review. Specification requirements will be maintained by the Department of Public Service.

Bicycle Parking Design and Location Requirements

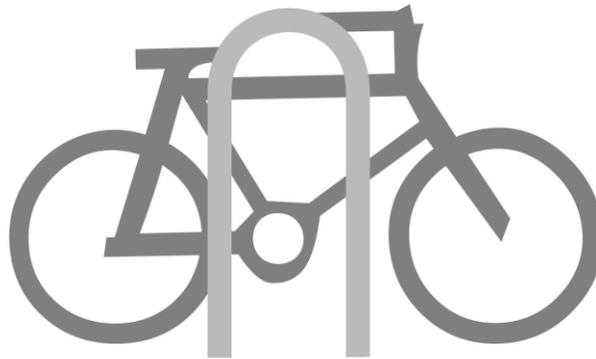
1. Bicycle parking shall be located in highly visible areas near the intended use.
2. Bicycle parking racks shall be positioned out of walkway clear zones and not pose a tripping hazard for visually impaired pedestrians.
3. Bicycle parking racks shall be located to avoid potential conflict with parking and circulation of motor vehicles.
4. Bicycle parking racks shall be of the inverted "U" type design, unless an alternative design has been approved by the Public Service Department. See Figure 3.
5. Bicycle parking racks shall support a bicycle upright in two places.

(Supp. No. 69, 4/21)

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6. Bicycle parking racks shall enable the bicycle frame and one or both wheels to be secured through use of a "U" type lock.
 7. Bicycle parking racks shall be securely anchored to an approved hard surface.
 8. A two foot by six foot space is required to accommodate two bicycles.
 9. Parallel bike racks shall be a minimum on-center spacing of 30 inches. Spacing of 48 inches is optimal.
- Additional guidance and requirements as necessary will be maintained by the Public Service Department.

Figure 3.



- B. Bicycle parking shall be provided as required in Tables 1-4, or as approved by the Director of Public Service. A minimum of two bicycle spaces shall be provided for the uses noted "Yes" in Tables 1—4. Additional bicycle parking is required for uses with over 20 vehicle parking spaces at a rate of one bicycle parking space per 20 vehicle parking spaces up to a maximum of 20 bicycle parking spaces. For purposes of this provision, vehicle parking spaces are determined based on the total required by code for a use, not the amount available or provided.
- C. Parking requirements tables.

NOTE: sf = square feet of gross floor area

• **Table 1. Parking requirements for residential uses**

| LAND USE | SPACES MINIMUM | SPACES MAXIMUM | BICYCLE PARKING |
|--|----------------------|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| 1, 2, or 3 dwelling units | 2 per unit | NA | NA |
| 4 or more dwelling units | 1.5 per unit | NA | Yes |
| Rest home, nursing home, or home for the aging | 0.75 per unit | NA | Yes |
| Civic spaces, plazas, clubhouses, and recreational areas | NA | NA | Yes |

• **Table 2. Parking Requirements for Retail and Other Commercial Uses**

| LAND USE | SPACES MINIMUM | SPACES MAXIMUM | BICYCLE PARKING |
|----------|-------------------|-------------------|--------------------|
| | | | |

| | | | |
|--|--|----------|------|
| EATING and DRINKING ESTABLISHMENTS | | | |
| Without pickup unit or > 5,000 Sq. Ft. | 1:75 sf | 1:50 sf | Yes |
| w/pickup unit & seating (<5,000 Sq. Ft.) | 1:175 sf | 1:50 sf | Yes |
| w/pickup unit no seating (<5,000 Sq. Ft.) | 1:175 sf | 1:50 sf | Yes |
| Accessory eating & drinking establishment | 1:175 sf | 1:50 sf | Yes. |
| Patios/outdoor dining areas | Ratio is 50% of ratio required for primary structure | 1:50 sf | Yes |
| RETAIL | | | |
| 10,000 Sq. Ft. or less | 1:250 sf | 1:200 sf | Yes. |
| 10,001-100,000 Sq. Ft. | 1:275 sf | 1:200 sf | Yes. |
| >100,000 Sq. Ft. | 1:300 sf | 1:200 sf | Yes |
| Accessory retail | 1:250 sf | 1:200 sf | Yes. |
| Furniture stores | 1:1000 sf | 1:200 sf | NA |
| SHOPPING CENTER | | | |
| Small commercial centers of 75,000 to 150,000sf which have a minimum of 3 distinct businesses, and no more than 30% eating and drinking establishments | 1:275 Except sf of eating and drinking establishments exceeding 30% of total GFA, 1:75 sf | 1:200 | Yes |
| OFFICES and MEDICAL USES | | | |
| General office | 1:450 sf | 1:250 sf | Yes |
| Call center | 1:300 | 1:200 | Yes |
| Hospital | 2.5 spaces per bed | NA | Yes |
| Medical office | 1:300 sf | 1:200 sf | Yes |
| Other non-residential medical care | 1:300 sf | 1:200 sf | Yes |
| LODGING | | | |
| Hotel or motel | 1 per guest room | NA | Yes |
| Rooming house | 1:400 sf | NA | Yes |
| Apartment hotel | 1:400 sf | NA | Yes |
| Dormitory | 1:400 sf | NA | Yes |
| AUTOMOBILE | | | |
| Auto repair | 2 per service bay | NA | Yes |
| Boat and RV sales | 1:5000 square feet of lot area used for vehicle display and 1:300 sf of building | NA | Yes |
| Car and truck sales | 1:5000 square feet of lot area used for vehicle display and 1:300 sf of building | NA | Yes |
| Car wash | 2 per site | NA | Yes |
| Fuel sales | 2 per site | NA | Yes |

• **Table 3. Parking requirements for institutional, educational and athletic uses**

| LAND USE | SPACES MINIMUM | SPACES MAXIMUM | BICYCLE PARKING |
|--|--|-------------------|--------------------|
| DAY CARE | | | |
| Adult day care | 1:500 sf | NA | Yes |
| Child day and care | 1:500 sf | NA | Yes |
| PLACES of ASSEMBLY | | | |
| Civic, social, religious, or other assembly or institutional organizations, primary uses | 1:30 sf of sanctuary, auditorium or main place of assembly | NA | Yes |
| Civic, social, religious, or other institutional organizations, non-assembly areas | 1:250 sf | NA | Yes |
| Funeral parlor | 1:150 sf | NA | Yes |
| Stadium | 1:30 sf of assembly space | NA | Yes |
| Theater | 1:30 sf of auditorium | NA | Yes |
| SCHOOLS | | | |
| Elementary school or middle school | 1:1000 sf; or 1:60 square feet of assembly areas, whichever is greater | NA | Yes |
| High school, business, technical or trade school | 1:1000 sf; or 1:60 square feet of assembly areas; or 1:30 square feet of assembly space in stadium, whichever is greater | NA | Yes |
| University or college | 1:1000 sf or 1:60 square feet of assembly areas; or 1:30 square feet of assembly space in stadium, whichever is greater | NA | Yes |
| ATHLETIC FACILITIES | | | |
| Bowling alley | 4 per lane | NA | Yes |
| Fitness club | 1:250 sf | NA | Yes |
| Skating rink | 1:100 sf | NA | Yes |
| Spectator sports other than stadium | 1:60 square feet of assembly area | NA | Yes |
| Swimming pool | 1:50 square feet of water surface area and 1:30 sf of spectator seating areas | NA | Yes |
| Tennis or racquetball | 2 per court | NA | Yes |
| CULTURAL USES | | | |

| | | | |
|-------------|----------|----|-----|
| Art gallery | 1:400 sf | NA | Yes |
| Library | 1:400 sf | NA | Yes |
| Museum | 1:400 sf | NA | Yes |

• **Table 4. Parking requirements for industrial and manufacturing uses**

| LAND USE | SPACES MINIMUM | SPACES MAXIMUM | BICYCLE PARKING |
|--|--|-------------------|--------------------|
| INDUSTRIAL USES | | | |
| Warehousing | 1 per motor vehicle used in the business and based, for operational purposes, upon the premises; PLUS For the first 20,000 sf, 1:1000 sf PLUS For any amount between 20,000 sf and 120,000 sf, 1:5000 sf PLUS For any amount above 120,000 sf, 1:10,000 sf | NA | NA |
| Manufacturing or other industrial uses | 1 per motor vehicle used in the business and based, for operational purposes, upon the premises; PLUS For the first 20,000 sf, 1:750 sf PLUS For any amount between 20,000 sf and 120,000 sf, 1:1500 sf PLUS For any amount above 120,000 sf, 1:3000 sf | NA | NA |
| Self-storage | As approved on transportation plan | NA | NA |

(Ord. No. 1537-2009, § 8, 5-3-2010)

3320.13 Administration.

A. General Provisions.

1. A traditional neighborhood development (TND) can include one or more of four zoning districts: neighborhood edge, neighborhood general, neighborhood center and town center. The procedures in Chapters 3305 and 3307 of the Columbus City Code apply to a TND. Additional requirements are described herein.

-
2. The TND is not subject to limited overlay provisions of Columbus City Codes Chapter 3370.
 3. Should conflicts exist with other provisions of the Zoning Code, the more stringent provisions shall apply.
 4. Should conflicts exist, this article shall take precedence over Section 3123.08 of Columbus City Codes.
 5. Should conflicts exist, the Columbus Building Code shall take precedence over this article.
 6. Applications shall comply with requirements of Chapters 3318 and 3125.
 7. The definitions in this article apply only to the TND article. In the absence of a definition in this article, other definitions of the Zoning Code apply.
 8. The minimum land area for rezoning to a TND district is two acres.
 9. If the development contains private roads, each property owner must be notified of this fact by deed or covenant.
 10. Diagrams included in this article serve only as illustrations and shall not be used as definitions or limitations.
 11. Projects of 50 to 100 acres shall have no less than ten percent of the project area contained in each of two TND districts
 12. Projects over 100 acres shall have no less than ten percent of the project area contained in each of three TND districts.
 13. No more than 50 percent of any TND project area shall be allocated to neighborhood edge district.
 14. Projects over 100 acres shall have no more than 50 percent of the project area allocated to neighborhood center district.
 15. Perimeter lots in the neighborhood general district that abut the neighborhood center district may be developed using neighborhood edge standards. No other use of neighborhood edge districts or standards may occur adjacent to neighborhood center or town center districts.

B. Rezoning Application Requirements.

1. An application for rezoning must include:
 - A. Development plan including a site plan indicating the proposed district(s) (neighborhood edge, neighborhood general, neighborhood center, or town center), conceptual bicycle plan, conceptual thoroughfare plan including thoroughfare types and connections to adjacent thoroughfares and properties, designation of public thoroughfares known at the time of zoning, and the one-third mile pedestrian shed or commercial uses; civic spaces including the location of play equipment, and civic buildings; location and size of civic spaces and civic building sites; maximum number of residential units, and maximum square footage of non-residential uses for each district.
 - B. Regional context diagram (drawing upon the existing land uses, the proposed land use plan, and/or approved area plan) showing how the application fits into the surrounding land uses and is consistent with the purpose statement and intent of this article per Chapter 3320.
 - C. Statement addressing the consistency of the application with each TND principle in Section 3320.011.
 - D. An existing conditions plan, depicting the site at the time of zoning application, at least one inch equals 200 feet min, showing location, north arrow, scale, property lines, dimensions and area, adjacent properties, existing thoroughfares, existing buildings and natural and historic resources.

-
2. After approval of the application for rezoning by city council the applicant must submit the regulating plan (Section 3320.135) and any additional documentation requested to support compliance with requirements of the rezoning ordinance.

C. Regulating Plan Administrative Review.

1. After approval of the rezoning application by city council, the applicant must submit a regulating plan for administrative determination of compliance with the requirements of this article. To receive administrative approval the regulating plan must be in compliance with the boundaries of the zoning districts, maximum number of residential units and maximum square footage of non-residential uses as approved by city council and the requirements of this article. Substantial compliance must be achieved with respect to the conceptual thoroughfare plan, bikeway plan and the location and size of civic spaces and civic building sites approved by city council. No zoning clearance shall be issued without such approval. Substantial compliance with regard to the conceptual thoroughfare plan will mean compliance with type of public and publicly accessible thoroughfares, unless changes are approved by department of public service, general location and type of access to adjacent thoroughfares and properties, the general internal circulation pattern, and the designation of public thoroughfares.
2. The purpose of the administrative review is to confirm that submitted documents conform to the requirements of this article. A checklist containing the mandatory and desired elements of Sections 3320.15, 3320.17, 3320.19, and 3320.21 with a minimum score required, will be used to determine regulating plan compliance with the code.
3. A regulating plan may be submitted for all or a portion of territory zoned in one or more TND districts. If the regulating plan is intended to claim points for features or meet requirements such as parking through features, contained in the larger territory but outside the limits of the regulating plan itself, a memorandum of agreement (MOA) is required to be submitted at the time of regulating plan submittal. The MOA is an agreement among the owner(s) of the property that was the subject of the rezoning, the developer(s) of the regulating plan area, and the City of Columbus. The MOA must describe specifically the areas in which points will be claimed for features outside the regulating plan area and whether it is intended to claim points for such features on future regulating plans.
4. The owner(s) of property and the developer(s) of the regulating plan area must sign the MOA at the time of regulating plan submittal. Upon approval of the regulating plan, the director of the department of development or designee will sign the MOA and copies will be transmitted to the owner(s) and developer(s). A copy of the MOA will be placed in the rezoning file for use in the review of each regulating plan for territory contained in the TND district(s) covered by the rezoning.
5. The regulating plan must contain all mandatory elements in each section (thoroughfares, natural and historic resources, civic spaces and civic buildings, private buildings) and obtain at least 50 percent of the possible points in the desired elements category of each section and 75 percent of the possible points of both categories (mandatory and desired elements) for all sections added together. Within the desired elements categories, items not applicable to a particular application shall not count toward the basis points for calculating the percentages. Under no circumstances are bonus points to be considered toward the basis points.
6. Documents including, but not limited to, the following shall constitute the regulating plan.

Form A: Regulating Plan Review Application.

Form B: Project Statistics Table.

A site plan at least one inch equals 200 feet minimum, with corresponding statistics, showing natural and historic resources, zoning districts, proposed thoroughfares and thoroughfare types, proposed civic spaces, and adjacent properties, thoroughfares, buildings, and natural and historic resources. All thoroughfare types, parking

regulations, zoning districts and boundaries, frontage types, building parcels and/or lots must be labeled on the site plan.

List of street tree species for the approval of the city forester.

Civic space detail plans at one inch equals 50 feet minimum, showing landscaping and location of benches and play equipment, catalog cuts of site furniture, details and specifications of pads for site furniture, layout drawings of playground equipment and manufacturer specifications, and details and specifications of playground surfacing materials.

An illustrative site plan at one inch equals 200 feet minimum. (optional)

Proposed home owners association documents.

Any additional materials, as required, to document compliance with the code.

(Ord. 1518-01 § 3 (part); Ord. 1627-02 § 2; Ord. No. 0128-2009, § 1, 2-9-2009)

3320.15 Thoroughfares.

A. General.

1. Thoroughfare types permitted by this article are described in detail in the Permitted Thoroughfare Types by District Table. The Thoroughfare Standards Table lists the requirements for each thoroughfare type. Thoroughfare types shall be designated on the regulating plan as specified herein.
2. The location of street trees may be altered to reflect specific site and building placement.
3. Plantings in the right-of-way are subject to city forester review and approval.
4. In the case of private thoroughfares, right-of-way provisions are intended as dimensional requirements to accommodate sidewalk, planter and other thoroughfare elements.
5. In the neighborhood center and town center districts the design of street, collector, commercial street, and close thoroughfare types may be modified such that the sidewalk is adjacent to the pavement and the planter located between the sidewalk and right-of-way edge. Sidewalk width must be increased to six feet and the public service department must approve the overall design.
6. All thoroughfares, public or private, must include provisions for appropriate signage such as no-parking signs in conformance with the uniform signage manual or other means approved by public safety director and public service director.
7. Refuse collection division must approve the layout of public or private thoroughfares intended for the use by refuse collection vehicles. Multifamily developments, condominium and homeowner association documents must include a provision that thoroughfares, refuse collection service methods, and other needed infrastructure will be upgraded, as needed, in the event that city refuse collection service is requested.
8. Multi-use paths, bikeways and bike paths must be publicly dedicated or be placed within a public easement.

B. Mandatory Elements:

1. Thoroughfare lighting fixtures on public and private thoroughfares are of traditional design and conform with the standards for Street Lights #1, 2, 3, 4, and 5 contained in Columbus Street Lighting Master Plan, Project 2020 Lighting Columbus. (3 pts.)
2. Lanes are provided for all lots less than 50 feet in width. (3 pts.)

-
3. Commercial lots in neighborhood center and town center districts have rear parking areas accessed by an alley, except the parking way frontage type may be used for commercial uses. No parking is permitted in the alley or lane right-of-way except for AI-86-60. (3 pts.)
 4. Alleys and lanes are interconnected. (3 pts.)
 5. All parking in a neighborhood center district is on-street, in parking lots, in parking structures/garages, or in a combination of the three. All parking lots are located mid-block or behind the buildings and accessed from an alley connected to other thoroughfares, except for the parking way frontage type may be used for commercial uses. Where a parcel contains one principal building with no more than eight dwelling units, the rear parking lot may be accessed through a driveway to the fronting thoroughfare. (No more than 16 dwelling units may be accessed by any one driveway.) No more than half the units located on any given thoroughfare can be accessed by a driveway. (3 pts.)
 6. Vistas of 600 feet or longer are not terminated by parking lots. (3 pts.)
 7. The thoroughfare network and thoroughfare types conform with the permitted thoroughfare types by District Table and the Thoroughfare Standards Table. (3 pts.)
 8. The thoroughfare layout connects to all adjacent public stub streets and includes public stub streets to facilitate connections to adjacent future development sites. Substantial internal connections shall also exist within the site. The thoroughfares layout contains no cul-de-sacs or other unconnected thoroughfares, unless a determination is made by the director of the department of development or designee that the provision of connected streets is infeasible or inappropriate. (3 pts.)
 9. Regulating plan shall include a bicycle network of trails, lanes, thoroughfares, and/or routes and connections to adjacent properties. (3 pts.)
 10. The front of a building faces a civic space or a public or private vehicular thoroughfare, except a lane, alley, or passage, interconnected to other thoroughfares. (3 pts.)
 11. Buildings do not back onto public or private vehicular thoroughfares, except limited access highways, lanes, alleys, or passages. (3 pts.)
 12. All lots in neighborhood general are accessed from lanes. (3 pts.)
- C. Desired Elements:
1. Neighborhood edge thoroughfares intersect in unconventional geometries. (0-2 pts.)
 2. Landscaped medians are constructed in neighborhood center or neighborhood general districts. (0-3pts.)
 3. Landscaped medians are constructed in town center districts. (0-3 pts.)
 4. Medians are built up to the right-of-way of intersecting streets, rather than being set back for dedicated left turn lanes. (1 pts.)
 5. Utilities other than sewer and water facilities are located at the rear of properties. (0-2 pts.)
 6. In conjunction with on-street parking, parking is provided in the rear of commercial lots in neighborhood center and town center districts. This item is not applicable where on-street parking is prohibited. (0-2 pts.)
 7. Bicycle parking is provided either in in either the streetscape or the adjacent front/side yard near commercial or civic spaces. (2 pts)

(Ord. 1518-01 § 3 (part); Ord. 1627-02 § 5.)

Permitted Thoroughfare Types By District

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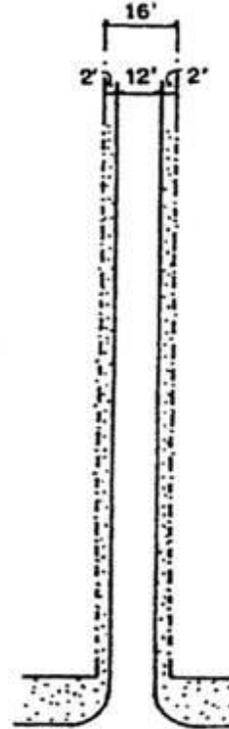
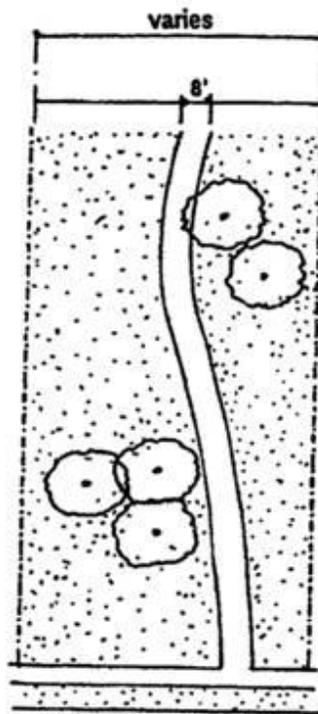
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| | Neighborhood Edge (NE) | Neighborhood General (NG) | Neighborhood Center (NC) | Town Center (TC) |
|----------------------|------------------------|---------------------------|--------------------------|------------------|
| Maximum Block Length | 1000 ft max. | 900 ft. max. | 700 ft. max. | 600 ft. max. |
| Thoroughfare Types | | | | |
| PS-0-8 | | | * | * |
| PT-0-8 | * | * | * | |
| LA-16-12O | * | * | * | |
| AL-22-22 | | | * | * |
| AL-86-60 | | | * | * |
| CL-42-22 | * | * | * | * |
| ST-52-26 | * | * | * | |
| ST-48-22 | * | * | | |
| CO-54-26 | | * | * | * |
| CO-60-32 | | * | * | * |
| BV-76-40 | * | * | * | * |
| BV-120-60 | | | * | * |
| BV-90-60 | | | * | * |
| CS-62-36 | | | * | * |
| CS-112-88 | | | * | * |
| CS-88-64 | | | * | * |
| CS-73-49 | | | | * |
| CS-75-51 | | | * | * |

Ω A modified version of LA-16-12 with 20' of pavement, 20' ROW, and 10' rear setback for outbuildings may be used in the Neighborhood Edge and Neighborhood General districts in the back of single family dwelling units that front civic spaces.

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CL: Close
- CO: Collector
- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



Thoroughfare Standards

PT-00-8

Path: An independent access way generally running through open space or parallel with highways.

LA-16-12

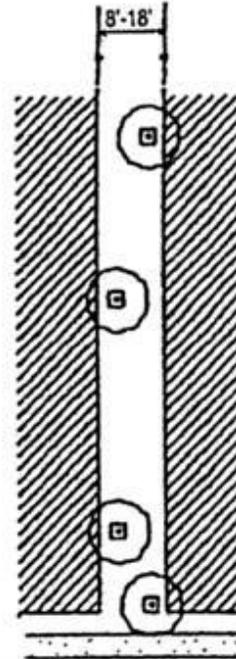
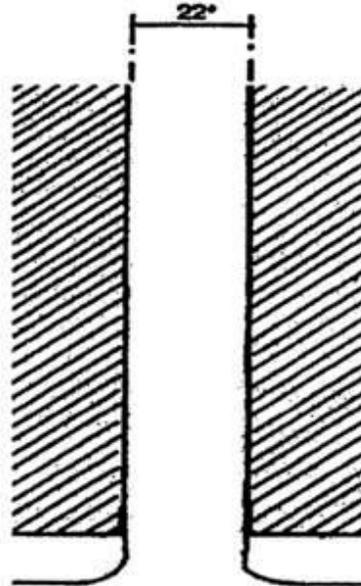
Lane: A vehicular access way located to the rear of lots providing access to parking and outbuildings and utility easements. No overhead wires, no overhangs, and no parking permitted in the right-of-way.

| Type | Path | Lane |
|-------------------------|-----------------------------------|--|
| Movement | Bicycles and Pedestrians Only | Yield Movement |
| R.O.W. Width | Varies | 16 ft. |
| Pavement Width | N/A | 12 ft. |
| Traffic Flow | N/A | Two Way |
| Number of Parking Lanes | N/A | None |
| Curb Type | N/A | Center Drain |
| Curb Radius | N/A | At intersection with ST 18' with 20' taper |
| | | At intersection with LA 22' with 20' taper |
| Planter Width | Varies | 2 ft. |
| Planter Type | Continuous | Continuous |
| Planting Pattern | Single and Cluster, avg. 1/30 ft. | Low shrubs (if provided), max. height 30" |
| Tree Type | See Landscape Standards | See Landscape Standards |

| | | |
|-------------------------|------|------|
| - | | |
| - | | |
| Sidewalks | None | None |
| Sidewalk Width | N/A | N/A |
| Sidewalk Edge to R.O.W. | N/A | N/A |

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CL: Close
- CO: Collector
- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



Thoroughfare Standards

AL-22-22

PS-0-8

Alley: A vehicular access way to the rear of more urban lots providing service areas, parking access, and utility easements. Alleys must be approved by Refuse Collection Division.

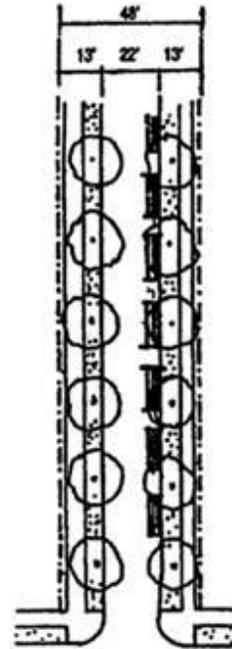
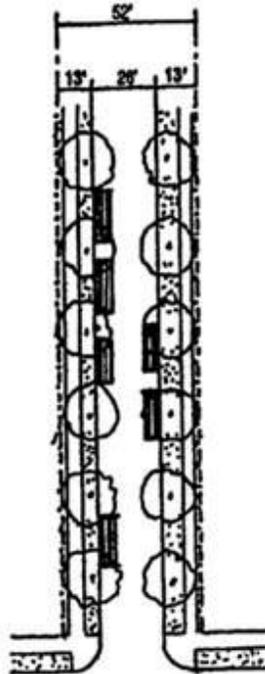
Passage: A pedestrian connector passing between buildings. Passages provide shortcuts through long blocks and connect rear parking areas with street frontages. Passages may be roofed over and lined by shopfronts.

| Type | Alley | Passage |
|-------------------------|---------------|-------------------------|
| Movement | Slow Movement | Pedestrian Only |
| R.O.W. Width | 22 ft. | 0 |
| Pavement Width | 22 ft. | 8 to 18 ft. |
| Traffic Flow | Two Ways | N/A |
| Number of Parking Lanes | None | N/A |
| Curb Type | None | N/A |
| Planter Width | None | Varies |
| Planter Type | None | Individual |
| Planting Pattern | None | Occasional |
| Tree Type | None | See Landscape Standards |
| - | | |

| | | |
|-------------------------|------|-----|
| Sidewalks | None | N/A |
| Sidewalk Width | N/A | N/A |
| Sidewalk Edge to R.O.W. | N/A | N/A |

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CL: Close
- CO: Collector
- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



Thoroughfare Standards

ST-52-26

Street: A local, slow-movement thoroughfare suitable for Neighborhood Edge, Neighborhood General and Neighborhood Center districts. A street is urban in character, with raised curbs, closed drainage, sidewalks, parallel parking, and trees in continuous planting areas. Character may vary somewhat, however, responding to the fronting commercial or residential uses.

ST-48-22

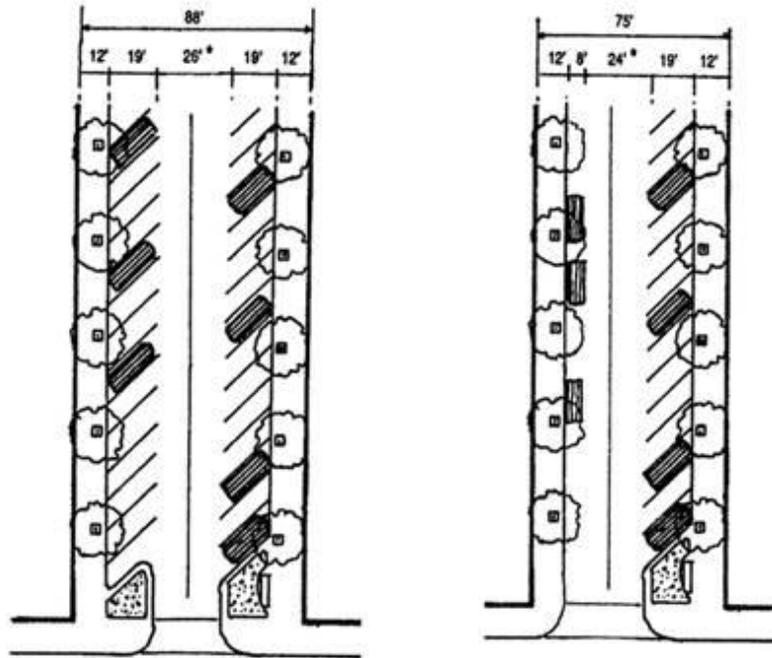
Street: A local, slow-movement thoroughfare suitable for Neighborhood Edge, Neighborhood General and Neighborhood Center districts. A street is urban in character, with raised curbs, closed drainage, sidewalks, parallel parking, and trees in continuous planting areas. Character may vary somewhat, however, responding to the fronting commercial or residential uses.

| | | |
|-------------------------|-----------------------------|-----------------------------|
| Type | Residential Street | Residential Street |
| Movement | Yield Movement | Slow Movement |
| R.O.W. Width | 52 ft. | 48 ft. |
| Pavement Width | 26 ft. | 22 ft. |
| Traffic Flow | Two Ways | Two Ways |
| Number of Parking Lanes | Both Sides | One Side |
| Curb Type | Raised | Raised |
| Curb Radius | At intersection with ST 15' | At intersection with ST 15' |
| Planter Width | 7 ft. | 7 ft. |
| Planter Type | Continuous | Continuous |
| Planting Pattern | Allee 30 ft. O.C. | Allee 30 ft. O.C. |

| | | |
|-------------------------|-------------------------|-------------------------|
| Tree Type | See Landscape Standards | See Landscape Standards |
| - | | |
| - | | |
| Sidewalks | Both Sides | Both Sides |
| Sidewalk Width | 5 ft. | 5 ft. |
| Sidewalk Edge to R.O.W. | 1 ft. | 1 ft. |

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CL: Close
- CO: Collector
- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



| Thoroughfare Standards | CS-88-64 | CS-75-51 |
|------------------------|---|--|
| | <p>Commercial Street: a local, slow-movement thoroughfare suitable for Town Center and Neighborhood Center districts, providing frontage for higher-density mixed-use buildings such as residential, shops and offices. It is urban in character with raised curbs, storm-drain inlets, and striped on-street parking. A single species of tree is planted in opportunistic alignment and confined by individual planters. Clear trunks and high canopies are necessary to avoid shopfronts, signage and awnings.</p> | <p>Commercial Street: a local, slow-movement thoroughfare suitable for Town Center and Neighborhood Center districts, providing frontage for higher-density mixed-use buildings such as residential, shops and offices. It is urban in character with raised curbs, storm-drain inlets, and striped on-street parking. A single species of tree is planted in opportunistic alignment and confined by individual. Clear trunks and high canopies are necessary to avoid shopfronts, signage and awnings.</p> |

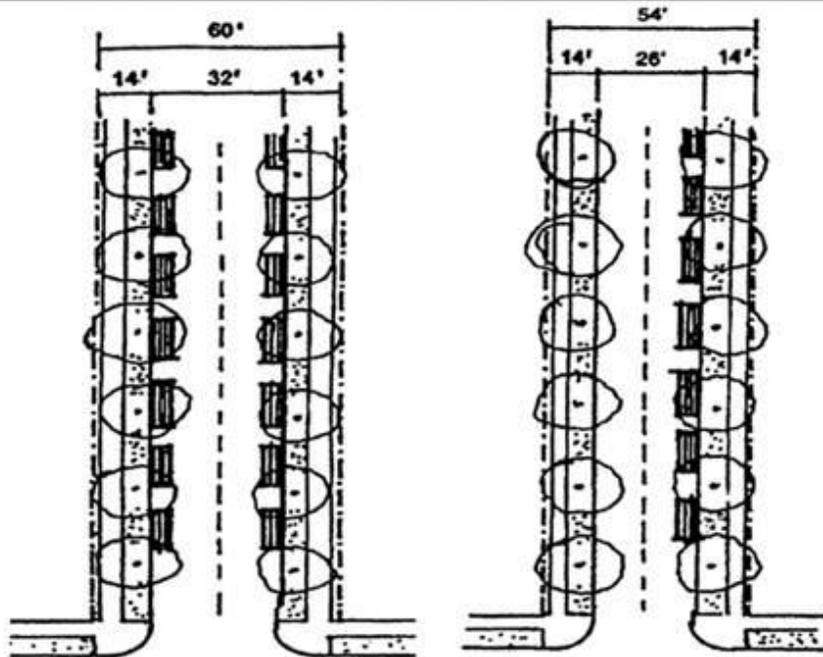
| Type | Commercial Street | Commercial Street |
|----------------|--------------------------|---|
| Movement | Slow Movement | Slow Movement |
| R.O.W. Width | 88 ft. | 75 ft. |
| Pavement Width | 64 ft. | 51 ft. |
| Traffic | Two Ways | Two Ways |
| Flow | Two—diagonal (45 degree) | Two: 1—diagonal (45 degree); 2 - parallel |

| | | |
|-------------------------|--|--|
| Number of Parking Lanes | Raised | Raised |
| Curb Type | | |
| Planter Width | 4 ft. in TC, 7 ft. in NC | 4 ft. in TC, 7 ft. in NC |
| Planter Type | Individual | Individual |
| Planting Pattern | Allee, 30 ft. O.C.—coordinate w/ parking | Allee, 30 ft. O.C.—coordinate w/ parking |
| Tree Type | See Landscape Standards | See Landscape Standards |
| - | | |
| Sidewalks | Both Sides | Both Sides |
| Sidewalk Width | 12 ft. in TC, 5 ft. in NC | 12 ft. in TC, 5 ft. in NC |
| Sidewalk Edge to R.O.W. | 0 | 1 ft. |

*22' will be allowed for private streets.

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CL: Close
- CO: Collector
- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



Thoroughfare Standards

CO-60-32

Collector Street: A local, slow-movement thoroughfare suitable for Neighborhood General, Neighborhood Center and Town Center districts. Streets provide frontage for high-density buildings such as offices, shops, apartment buildings and rowhouses. A street is urban in character, with raised curbs, closed drainage, sidewalks, parallel parking, and trees in individual planting areas. Character may vary somewhat, however, responding to the fronting commercial or residential uses.

CO-54-26

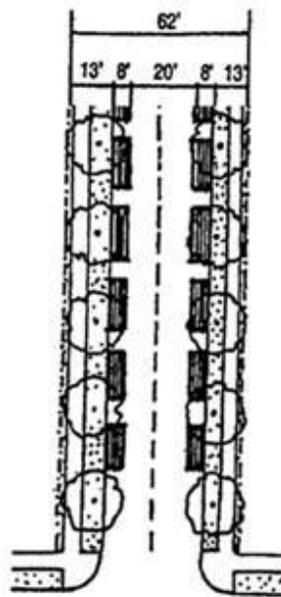
Collector Street: A local, slow-movement thoroughfare suitable for Neighborhood General, Neighborhood Center and Town Center districts. Streets provide frontage for high-density buildings such as offices, shops, apartment buildings and rowhouses. A street is urban in character, with raised curbs, closed drainage, sidewalks, parallel parking, and trees in individual planting areas. Character may vary somewhat, however, responding to the fronting commercial or residential uses.

| | | |
|--------------|------------------|------------------|
| Type | Collector Street | Collector Street |
| Movement | Free Movement | Free Movement |
| R.O.W. Width | 60 ft. | 54 ft. |

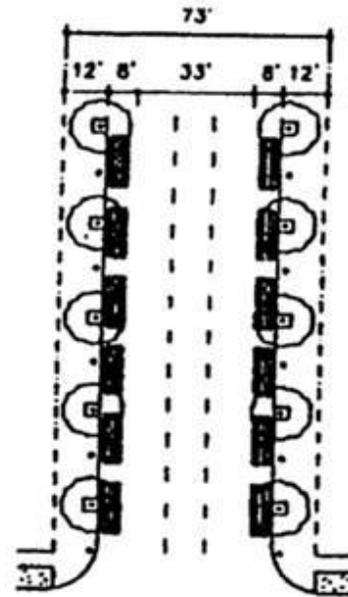
| | | |
|-------------------------|-------------------------|-------------------------|
| Pavement Width | 32 ft. | 26 ft. |
| Traffic Flow | Two Ways | Two Ways |
| Number of Parking Lanes | Both Sides | One Side |
| Curb Type | Raised | Raised |
| Planter Width | 7 ft. | 7 ft. |
| Planter Type | Continuous | Continuous |
| Planting Pattern | Allee 30 ft. O.C. | Allee 30 ft. O.C. |
| Tree Type | See Landscape Standards | See Landscape Standards |
| - | | |
| - | | |
| Sidewalks | Both Sides | Both Sides |
| Sidewalk Width | 5 ft. | 5 ft. |
| Sidewalk Edge to R.O.W. | 2 ft. | 2 ft. |

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CS: Commercial Street
- DR: Drive
- HW: Highway
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



CS-62-36



CS-73-49

Thoroughfare Standards

Commercial Street: A local, slow-movement thoroughfare suitable for Neighborhood Center and Town Center districts, providing frontage for higher-density mixed-use buildings such as shops and offices. It is urban in character with raised curbs, storm-drain inlets, and striped on-street parking. A single species of tree is planted in continuous alignment. Clear trunks and high canopies are necessary to avoid shopfronts, signage, and awnings.

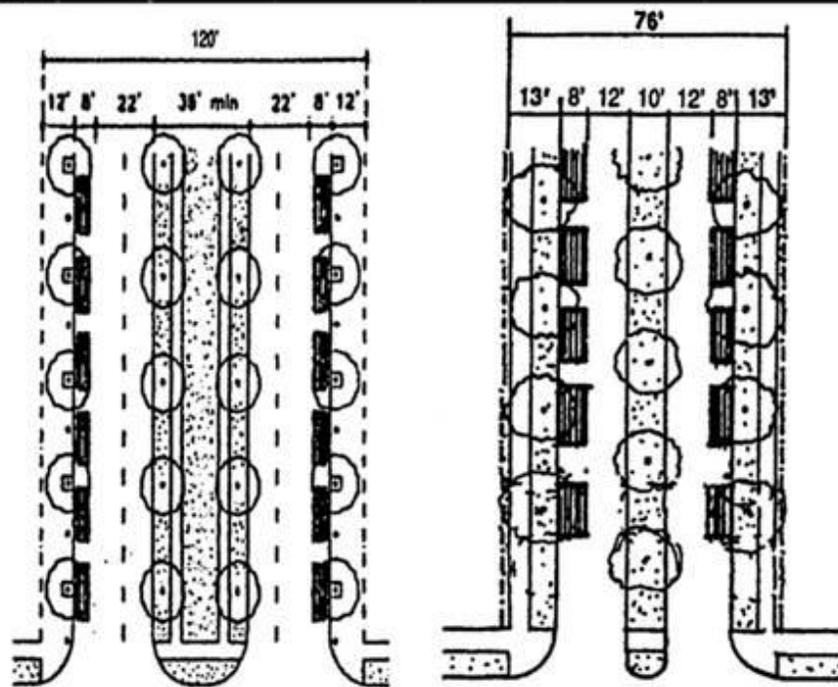
Commercial Avenue: A local, slow-movement thoroughfare suitable for Neighborhood Center and Town Center districts, providing frontage for higher-density mixed-use buildings such as shops and offices. It is urban in character with raised curbs, storm-drain inlets, and striped on-street parking. A single species of tree is planted in continuous alignment and confined by individual planters to create a sidewalk of maximum width, with areas accommodating street furniture. Clear trunks and high canopies are necessary to avoid shopfronts, signage, and awnings.

| | | |
|--------------|-------------------|-------------------|
| Type | Commercial Street | Commercial Avenue |
| Movement | Free Movement | Speed Movement |
| R.O.W. Width | 62 ft. | 73 ft. |

| | | |
|-------------------------|-------------------------|------------------------------------|
| Pavement Width | 36 ft. | 49 ft. |
| Traffic Flow | Two Ways | Two Way w/ shared center turn lane |
| Number of Parking Lanes | Both Sides | Both Sides |
| Curb Type | Raised | Raised |
| Planter Width | 7 ft. | 4 ft. |
| Planter Type | Continuous | Individual |
| Planting Pattern | Allee 30 ft. O.C. | Allee 30 ft. O.C. |
| Tree Type | See Landscape Standards | See Landscape Standards |
| | | |
| Sidewalks | Both Sides | Both Sides |
| Sidewalk Width | 5 ft. | 12 ft. |
| Sidewalk Edge to R.O.W. | 1 ft. | None |

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CL: Close
- CO: Collector
- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



Thoroughfare Standards

BV-120-60

Boulevard: a wide access way, often lined with trees or landscaped and a landscaped median in the center with its axis usually terminated. A boulevard may be conceived as an elongated square

BV-76-40

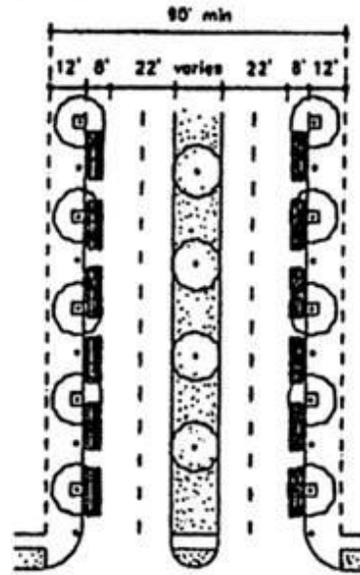
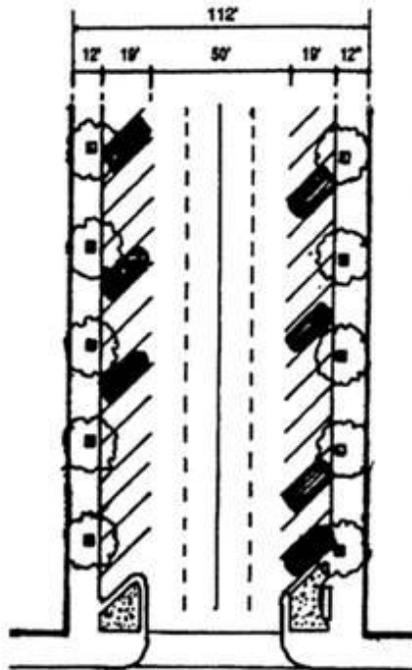
Boulevard: a wide access way, often lined with trees or landscaped and a landscaped median in the center with its axis usually terminated. A boulevard may be conceived as an elongated square

| | | |
|----------|----------------|---------------|
| Type | Boulevard | Boulevard |
| Movement | Speed Movement | Free Movement |

| | | |
|-------------------------|-------------------------------------|-------------------------------------|
| R.O.W. Width | 120 ft. | 76 ft. |
| Pavement Width | 30 ft. and 30 ft. | 20 ft. and 20 ft. |
| Traffic Flow | One Way Each Side | One Way Each Side |
| Number of Parking Lanes | One Way Each Side | One Way Each Side |
| Curb Type | Raised | Raised |
| Planter Width | 4 ft. Sides, Variable Center | 7 ft. Sides, 10 ft. Center |
| Planter Type | Individual Sides, Continuous Center | Individual Sides, Continuous Center |
| Planting Pattern | Double Allee 30 ft. O.C. | Staggered Allee 30 ft. O.C. |
| Tree Type | See Landscape Standards | See Landscape Standards |
| - | | |
| - | | |
| Sidewalks | Both Sides | Both Sides |
| Sidewalk Width | 12 ft. at Sides, 8 ft. at Center | 5 ft. |
| Sidewalk Edge to R.O.W. | None | 1 ft. |

THOROUGHFARE TYPES

- AL: Alley
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- CL: Close
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- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



Thoroughfare Standards

CS-112-88

Commercial Street: a local, slow-movement thoroughfare suitable for Neighborhood Center and Town Center districts providing frontage for higher-density mixed-use buildings such as, shops and offices. It is urban in character with raised curbs, storm-drain inlets, and striped on-street parking. A single species of tree is planted in continuous alignment and confined by individual planters to create a sidewalk of maximum width, with areas accommodating street furniture. Clear trunks and high canopies are necessary to avoid shopfronts, signage and awnings.

BV-90-60

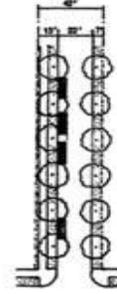
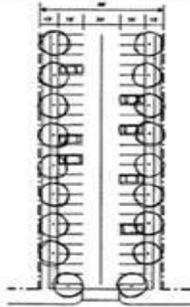
Boulevard: a wide access way, often lined with trees or landscaped and a landscaped median in the center with its axis usually terminated. A boulevard may be conceived as an elongated square.

| Type | Commercial Street | Boulevard |
|-------------------------|--|-------------------------------------|
| Movement | Slow Movement | Free Movement |
| R.O.W. Width | 112 ft. | 90 ft. |
| Pavement Width | 88 ft. | 30 ft. and 30 ft. |
| Traffic Flow | Two Ways | One Way Each Side |
| Number of Parking Lanes | Two—diagonal (45 degree) | One Way Each Side |
| Curb Type | Raised | Raised |
| Planter Width | 4 ft. | 4 ft. |
| Planter Type | Individual | Individual Sides, Continuous Center |
| Planting Pattern | Allee, 30 ft. O.C.—coordinate w/ parking | Allee 30 ft. O.C. |
| Tree Type | See Landscape Standards | See Landscape Standards |
| - | | |
| Sidewalks | Both Sides | Both Sides |

| | | |
|-------------------------|--------|--------|
| Sidewalk Width | 12 ft. | 12 ft. |
| Sidewalk Edge to R.O.W. | 0 | 0 |

THOROUGHFARE TYPES

- AL: Alley
- BV: Boulevard
- CL: Close
- CO: Collector
- CS: Commercial Street
- LA: Lane
- PT: Path
- PS: Passage
- ST: Street



Thoroughfare Standards

AL-86-60

CL-42-22

Alley: This type of alley is limited to the neighborhood center and town center districts and will serve as circulation/access to parking and not as a conveyance of network traffic.

Close (or service street): A thoroughfare enclosing a small green.

| | | |
|--------------------------------|-------------------------|---------------------------|
| <u>Type</u> | Alley | Close (or Service Street) |
| <u>Movement</u> | Slow Movement | Yield Movement |
| <u>R.O.W Width</u> | .86 | 42 ft. |
| <u>Pavement Width</u> | .60 ft. | 22 ft. |
| <u>Traffic Flow</u> | Two Ways | Two Ways |
| <u>Number of Parking Lanes</u> | Two – head-in | One side |
| <u>Curb Type</u> | Raised | Raised |
| <u>Planter Width</u> | 7 ft. | 7 ft. |
| <u>Planter Type</u> | Individual | Continuous I |
| <u>Planting Pattern</u> | Allee, 30 ft. O.C. - | Allee 30 ft. O.C. |
| <u>Tree Type</u> | See Landscape Standards | See Landscape Standards |
| --- | | |
| --- | | |
| <u>Sidewalks</u> | Both sides | One Side (house side) |
| <u>Sidewalk Width</u> | 5 ft. | 5 ft. |
| <u>Sidewalk Edge to R.O.W</u> | 1 ft. | 1 ft. |

3323.09 East Franklinton review board.

A. Creation, Terms, Membership and Officers.

1. Creation. The Review Board shall consist of seven members appointed by the Mayor and approved by City Council.
2. Organization. Unless otherwise specified, as soon as convenient after the members of the Review Board are appointed by the Mayor and approved by City Council, the Review Board shall meet and organize by the election of a chairperson and secretary.
3. Initial Terms. When the Review Board is first constituted, one member shall be appointed for an initial term of one year; three members shall be appointed for an initial term of two years; and three

members shall be appointed for an initial term of three years. All subsequent terms shall be for a period of four years.

4. **Membership.** At least four members of the Review Board shall reside or own a business or property in Franklinton. Among the professions that shall be represented on the Board, one member shall be engaged as a developer or realtor with experience in the sale or management of urban properties; one member shall be an architect, landscape architect or urban planner; one member shall be a design professional or contractor with historic rehabilitation experience; and one member shall be a lawyer with land use experience. One member of the board shall be recommended by the Franklinton Area Commission as its representative and one member shall be recommended by the Franklinton Board of Trade as its representative. A member may represent more than one required role.
 5. **Nomination Process.** Candidates for seats on the Review Board shall be recommended by the Development Department to the Mayor's Office for review and approval before submittal to City Council for final action. The Franklinton Area Commission and Franklinton Board of Trade shall each submit two candidates for consideration by the city in fulfilling each organization's seat on the Board. The Development Department will review and select one of the nominees for submittal to the Mayor's Office.
 6. **Term.** A member whose term has concluded may continue to temporarily serve on the Review Board until the member's appointment is renewed or is officially concluded through the appointment of a replacement member for that seat, provided that such temporary service shall not extend for more than 120 days after the conclusion of a member's term.
 7. **Removal.** By a majority vote of the Review Board, a member of the board may be removed from service for missing four consecutive meetings or a total of five meetings in one calendar year.
 8. **Pay.** Members shall serve without compensation.
 9. **Officers.** The Review Board shall elect a chair and vice-chair each year at an organizational meeting each January. At that same meeting, the board shall review the list of Staff Approvable Items and vote to ratify, expand or modify the list (see Section 3323.13, Certificate of Approval- Staff Review).
 10. **Bylaws.** The Review Board shall establish a set of bylaws for the conduct of its business.
- B. **Proceedings.** The Review Board shall adopt rules of procedure providing for regular and special meetings, provided that those rules do not conflict with this Chapter. Such rules shall not be deemed operative until reviewed and approved by the City Attorney or designee. The Board members shall take official action only by a vote of a majority of the Board members voting on the question on the table during a public meeting at which there is a quorum. A quorum exists when a majority of the Board members appointed to and serving on the Review Board are physically present at the meeting. All board meetings shall take place in a publicly accessible building and shall be open to the public. A record of proceedings shall be maintained and available for public inspection. Notices of all regular board meetings shall be published no less than 20 days prior to the meeting in the City Bulletin. Notice of special meetings shall be published no less than five days prior to the meeting in the City Bulletin or a newspaper of general circulation.
- C. **Duties.** The Review Board shall have the following duties:
1. **Design Review.** The Review Board shall hear and decide applications for Certificates of Approval. A Certificate of Approval is issued by the board in accordance with the standards of this Chapter, East Franklinton Plan and guidelines as approved by City Council. The board shall conduct such review for any projects requiring a Certificate of Approval as outlined in Section 3323.11, Certificate of Approval - Required. Project review may include preliminary consideration of conceptual or interim proposals.
Design review shall be based upon the following considerations:
 - a. Compliance with the provisions and standards of this Chapter.

-
- b. Consistency with adopted development standards and design guidelines that are part of the East Franklinton Plan.
 - c. Consistency with other adopted plans, guidelines and policies.
 - d. Other code and regulatory requirements as may be applicable.

In granting a Certificate of Approval, the Review Board may impose reasonable requirements and conditions regarding the location, dimensions, character, access, building materials, and other features of the proposed uses or structures to carry out the intent and purpose of Chapter 3323, East Franklinton District, and to otherwise safeguard the public health, safety and welfare.

The Review Board may modify applicable development and performance standards of this district as necessary in reviewing and approving a site plan, building, structure, ~~parking~~, graphic or other related improvement under its jurisdiction. Parking standards regulated by Chapter 3312 shall not be modified by the Review Board.

The Review Board may delegate final review of minor items to a subcommittee of the Board or to the city staff. In so doing, the board should provide clear direction regarding its expectations for final resolution of such design issues. Subcommittee meetings shall be subject to public notice provisions and a written record of the deliberations shall be provided to the board.

- 2. **Public Plan Review.** Within its jurisdiction, the Review Board shall review and provide a recommendation to City Council regarding adoption for any public plan, including but not limited to neighborhood plans, streetscape plans, park plans, bicycle and pedestrian plans, and major street, parking and circulation plans.
 - 3. **Design Guidelines.** The Review Board may recommend approval or disapproval to City Council of design guidelines or amendments thereto for use in reviewing applications that come before the board, including staff approvals.
 - 4. **Zoning Change, Variance, Special Permit or Temporary Use.** The Director of the Department of Building and Zoning Services shall promptly transmit a copy of agendas or notices as issued for public hearing related to rezoning, special permits, variances, and zoning appeals, regarding property located wholly or partially within the East Franklinton District to the chairperson of the East Franklinton Review Board as a matter of information and for comments and advice. In addition, the city clerk shall include such chairperson on the council's mailing list for agendas. However, the Review Board shall be responsible for confirming that the mailing lists contain the currently appropriate name and address for proper notification. Failure of notification shall not constitute grounds for denial of a requested action or reversal of a prior decision; however, such failure may be a cause for postponement if appropriate.
 - 5. **Amendments.** Amendments to CC 3323, East Franklinton District, may be prepared by the city or initiated by the Review Board.
 - 6. **Review of Public Art.** The Review Board shall consider proposals for the placement of public art, as defined in Chapter 3114, Columbus Art Commission, and provide a non-binding recommendation to the art commission as provided for herein.
- D. **Appeals of Staff Decisions.** Within 30 days of a decision by the city staff regarding a Certificate of Approval, any person directly affected by said decision may file an appeal to the Review Board.
 - E. **Appeals of Review Board Decisions.** Within 30 days of a decision by the Review Board regarding a Certificate of Approval, any person directly affected by said decision may file an appeal to the Board of Commission Appeals, as provided for in Chapter 3118.

(Ord. No. 1508-2013, § 1, 7-22-2013; Ord. No. 2185-2013, § 1, 10-7-2013)

Editor's note(s)—It should be noted that § 2Editor's note(s)— of Ord. No. 2185-2013, adopted October 7, 2013, provides "The Department of Development is directed to conduct an evaluation of the district in three years from the effective date of Ordinance 1508-2013 and to propose any amendments for consideration by the East Franklinton Review Board, Franklinton Area Commission, Development Commission and City Council."

3323.19 Uses.

- A. Policy. The East Franklinton Plan establishes broad land use policy to direct future development and redevelopment.
- B. Land Use Categories. The East Franklinton District provides for the following use categories. The detailed list of uses is not intended to be exhaustive nor to be an inclusive listing. The Director of the Department of Development or designee has the authority to decide if an unlisted use is of similar enough character and nature to warrant inclusion into the District or a sub-district.
 - 1. Permitted Uses. Permitted uses shall be allowed by right. Certificates of Approval are required to be issued by the Review Board as provided for herein.
 - 2. Accessory Uses. Accessory Uses means a subordinate use, building or structure located on the same lot with and of a nature incidental to the principal use, building or structure. Certificates of Approval are required to be issued by the Review Board as provided for herein.
 - 3. Prohibited Uses. Prohibited uses are not permitted in the East Franklinton District unless otherwise allowed by City Council as a use variance.
- C. Land Use Table. The following table classifies land uses by category.

Table 1. Land Uses

| Land Use | Sub-District | | |
|--|--------------|---------------------|------------|
| | Broad Street | Arts and Innovation | Dodge Park |
| RESIDENTIAL | | | |
| 1 dwelling unit building | PU | PU | PU |
| 2 and 3 dwelling unit buildings | PU | PU | PU |
| 4 or more dwelling unit buildings | PU | PU | PU |
| Ground floor residential in mixed use building | PU | PU | PU |
| Residential units in a building with non-residential uses | PU | PU | PU |
| Live/work space | PU | PU | PU |
| Rest home, nursing home, home for the aged, assisted living facility | PU | NP | NP |
| Civic spaces, plazas, clubhouses, recreational areas, and public parks | PU | PU | PU |
| Detached garage | AU | AU | AU |
| Accessory structure | AU | AU | AU |
| EATING AND DRINKING ESTABLISHMENTS | | | |
| Eating and drinking establishment | PU | PU | NP |
| Pickup unit | AU | AU | NP |
| Accessory eating and drinking establishment | AU | AU | NP |
| Live entertainment venue, excludes outdoor amphitheaters | PU | PU | NP |
| Live entertainment space as an accessory use | AU | AU | NP |
| Commercial patios and outdoor dining areas | AU | AU | NP |
| RETAIL | | | |

| | | | |
|--|----|----|----|
| Greater than 10,000 SF provided the building footprint doesn't exceed 15,000 SF | PU | NP | NP |
| 5,000 to 10,000 SF | PU | PU | NP |
| Less than 5,000 SF | PU | PU | NP |
| Ground floor commercial uses in any building | PU | PU | NP |
| Artist work or sales space | PU | PU | PU |
| Pickup unit | AU | AU | NP |
| Accessory retail | AU | AU | NP |
| OFFICE AND MEDICAL USES | | | |
| Greater than 5,000 SF | PU | PU | NP |
| Less than 5,000 SF | PU | PU | PU |
| Blood and organ banks, plasma donor centers | NP | NP | NP |
| LODGING | | | |
| Hotel or motel | PU | PU | NP |
| Rooming house | PU | PU | NP |
| Hostel | PU | PU | NP |
| Apartment hotel | PU | NP | NP |
| Bed and breakfast | PU | PU | PU |
| Dormitory | PU | PU | NP |
| AUTOMOBILE | | | |
| Auto repair or installation facility | PU | PU | NP |
| Retail filling station or service station | PU | NP | NP |
| Car wash | PU | NP | NP |
| Boat and RV sales | PU | NP | NP |
| Car and truck sales | PU | NP | NP |
| PLACES OF ASSEMBLY | | | |
| Civic, social, religious, or other assembly or institutional organizations, primary uses | PU | PU | PU |
| Civic, social, religious, or other assembly or institutional organizations, non-assembly areas | AU | AU | AU |
| Funeral parlor | PU | NP | NP |
| Stadium | PU | NP | NP |
| Theater | PU | PU | NP |
| SCHOOLS | | | |
| Elementary, middle school, or high school | PU | PU | PU |
| Business, technical or trade school | PU | PU | NP |
| University or college | PU | PU | NP |
| Education space as an accessory use | AU | AU | AU |
| ATHLETIC FACILITIES | | | |
| Bowling alley | PU | PU | NP |
| Fitness club | PU | PU | NP |
| Skating rink | PU | PU | NP |
| Spectator sports other than stadium | PU | PU | NP |
| Swimming pool | PU | PU | PU |
| Tennis, racquetball or basketball | PU | PU | PU |
| Other athletic facilities | PU | PU | PU |
| CULTURAL USES | | | |

| | | | |
|---|----|----|----|
| Art gallery | PU | PU | NP |
| Library | PU | PU | NP |
| Museum and auxiliary use | PU | PU | PU |
| Murals, non-commercial | PU | PU | PU |
| MANUFACTURING | | | |
| Warehousing, not to exceed 10,000 SF | PU | PU | NP |
| Self-storage, not to exceed 10,000 SF | PU | PU | NP |
| M, M-1 and M-2 uses, not to exceed 10,000 SF and unless otherwise stipulated herein | PU | PU | NP |
| Artist manufacturing, not to exceed 10,000 SF | PU | PU | AU |
| Food and beverage, not to exceed 10,000 SF | PU | PU | NP |
| Insecticides, fungicides, disinfectants and related industrial and household chemical compounds | NP | NP | NP |
| CC 3363.09 - Other chemicals, petroleum, coal and allied products—more objectionable uses | NP | NP | NP |
| CC 3363.16 - Other more objectionable uses permitted only in M-manufacturing districts | NP | NP | NP |
| CC 3363.17 - Atomic energy products | NP | NP | NP |
| Excavation and quarrying | NP | NP | NP |
| Material recycling | NP | NP | NP |
| Salvage dealers, including automobile | NP | NP | NP |
| Salvage dealers, architectural only | PU | PU | NP |
| OTHER | | | |
| Adult entertainment establishment, adult booth and adult stores as defined in CC 3303 | NP | NP | NP |
| Alternative energy (wind, solar, geothermal) generation for on-site use | PU | PU | PU |
| Agriculture | PU | PU | PU |
| Billboards and other off-premises graphics | NP | NP | NP |
| Bulk storage, liquids | NP | NP | NP |
| Community gardens | PU | PU | PU |
| Exterior storage, non-residential | PU | PU | NP |
| Mixed use buildings | PU | PU | PU |
| Non-commercial greenhouse | AU | AU | AU |
| Outdoor commercial storage of vehicles | NP | NP | NP |
| Public buildings, properties and parks | PU | PU | PU |
| Structured parking (garages) | PU | PU | AU |
| Surface parking, accessory | AU | AU | AU |

Key:

PU = Permitted Use

AU = Accessory Use

NP = Not Permitted (Prohibited Uses)

(Ord. No. 1508-2013, § 1, 7-22-2013)

3325.703 Development and Design Guidelines Residential Zoning Districts

To further the objective of compatible development within the University Impact District (UID), an application for a certificate of approval is subject to and evaluated upon the guidelines herein and any amplifications thereto adopted by the Review Board. Though the following guidelines assist the applicant and the Review Board to arrive at an appropriate proposal, they may not address or be applicable to every situation, and therefore, special circumstances may suggest variations that could yield an equally compatible project. These guidelines are to be used in addition to those found within the University District Plan (2015) and any subsequent revisions or amendments thereto.

Specific guidelines for dwellings within residential zoning districts:

- A. The overall length of a building shall be no more than two and one-half (2.5) times the building's overall width.
- B. The first floor above grade shall be no less than two and one-half (2.5) feet and no more than three and one-half (3.5) feet above the finished grade line; or the facade should be designed to give the appearance of a first floor height within these limits. This requirement is not intended to preclude gentle grade changes or ramping to permit accessibility for disabled persons.
- C. The pitch of a principal building's main roof shall be no shallower than eight (8) units vertical to twelve (12) units horizontal. A gambrel, mansard, or variation thereof shall not be permitted.
- D. At least one-third (1/3) of the front facade area (width times the height of the exposed wall area enclosing any living space-excluding gable) shall be visually and physically unobstructed by any porch or portion thereof. The width of a front porch shall not exceed ninety percent (90%) of the width of the building's front facade. No porch shall be permitted above the second story. A porch roof shall give the appearance of being separate and secondary to the main roof.
- E. Exclusive of any roof overhang, no portion of a front porch or terrace may extend into the front setback more than eight (8) feet. A balcony may extend into the front setback no more than four (4) feet. Exterior stairs to any floor other than the first floor shall not be permitted within the front setback area. A first floor deck shall not be permitted in the front yard.
- F. Window and window elements, excluding basement windows, shall have vertical proportions of three units vertical to two units horizontal, or greater. Windows and doors shall constitute no less than twenty percent (20%) of the building's front facade.
- G. No more than two (2) predominant wall materials, excluding foundations, gables, and windows/doors with associated trim, shall be used on a building. The same material treatment shall be used around the entire building. Horizontal lap siding shall have a narrow exposure. Natural wood tones are uncharacteristic and any exposed wood elements, other than flooring, shall be either painted or stained opaquely with a coordinated color.
- H. A rear deck, rear patio, or combination thereof, shall cover no more than 200 square feet of lot area.

(Ord. No. 1003-2017 , § 1, 5-1-2017)

3325.705 Supplemental Parking Requirements

- A. No parking or maneuvering shall be permitted in any required side yard or required landscaped area or between any building and any public street.
- B. Each parking space shall be no less than eight (8) feet wide and eighteen (18) feet long.
- C. Stacked parking shall be allowed provided that no parking space is blocked by more than one (1) other parking space, except when C.C. 3325.907(C) applies.

(Supp. No. 68, 3/21)

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- D. Paving and striping shall delineate parking spaces by width and length to identify legal parking spaces.
 - E. Each parking area shall be separated from any required yard or landscaped area by a continuous eight-inch high curb or other permanent barrier such as bollards or a wall. The barrier shall prohibit vehicular access but may allow for stormwater drainage and pedestrian access, including wheelchair and disabled.

(Ord. No. 1003-2017 , § 1, 5-1-2017)

3325.707 Parking Variance

A property owner who suffers an involuntary destruction of fifty percent (50%) or more of a building not original to the lot may suffer a hardship that supports a variance to the parking requirement for a replacement building. Involuntary destruction means destruction due to fire, earthquake or other natural disaster, but not due to demolition by neglect or other act or omission by the owner. In the event the hardship is established, a variance for new construction of a replacement building that allows either a floor area equal to that of the destroyed building or as determined by a maximum floor area ratio of eight-tenths, whichever is less, and provides the maximum number of parking spaces the lot can accommodate, shall be deemed to meet the objectives of this Chapter.

Exemption of parking space loss due to refuse storage requirement

- A. Any owner of property zoned apartment-residential and of residential use in the university area who provides a refuse storage receptacle or cubic yard container (dumpster) as required by Title 13 C.C. and thereby loses one or more existing, required parking spaces will be exempt from the necessity of replacing such lost space if on or before January 1, 1995, the owner notifies the director by affidavit of the owner's name, the property's address, the number of legal parking spaces lost due to compliance with C.C. 1303.12, and the number of legal parking spaces remaining. Said document shall be retained in the department for future reference in a manner similar to board of zoning adjustment's variance retention files.
- B. This exemption shall be valid only for so long as: a sufficient refuse storage receptacle or cubic yard container is provided on site; there is no new construction of habitable floor area of two hundred (200) square feet or more; and there is no change of use in or upon said premises.

(Ord. No. 1003-2017 , § 1, 5-1-2017)

3333.025 AR-2 apartment residential district use.

Within an AR-2 apartment residential district no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for other than one or more of the following specified uses:

- (1) Apartment house, as defined in Chapter 3303, C.C., containing five or more dwelling units;
- (2) Apartment complex, as defined in Chapter 3303, C.C. and located on a lot of no less than 20,000 square feet;
- (3) Dwelling containing no fewer than three dwelling units and no more than four dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;
- (4) Multiple dwelling development, as defined in Chapter 3303, C.C. and located on a lot of no less than 20,000 square feet;

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- (5) Town house development, as defined in Chapter 3303, C.C., containing no more than eight town houses in a row and no fewer than three town houses in a row, and in accordance with town house development standards;
 - (6) Church;
 - (7) Kindergarten if in connection with a school, as defined in Chapter 3303, C.C., on school grounds or if in connection with a church on church grounds;
 - (8) School, as defined in Chapter 3303, C.C.;
 - (9) Public playground;
 - (10) Public park;
 - (11) Public library;
 - (12) Public museum;
 - (13) Public recreation building;
 - (14) Water supply reservoir, well, water tower, or filter bed;
 - (15) Public or parochial college or university (other than a trade or business institution);
 - (16) Apartment hotel;
 - (17) College fraternity, sorority or club house;
 - (18) Convent or monastery;
 - (19) In accordance with C.C. 3333.055, one detached single-family dwelling or a single two-family dwelling, as defined in Chapter 3303, C.C.;
 - (20) Child day care center limited according to C.C. 3333.06 Child day care.

(Ord. No. 0239-2010, § 3, 4-5-2010)

3333.03 AR-3 apartment residential district use.

Within an AR-3 apartment residential district no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for other than one or more of the following specified uses:

- (1) Apartment house, as defined in Chapter 3303, C.C., containing five or more dwelling units;
- (2) Apartment complex, as defined in Chapter 3303, C.C. and located on a lot of no less than 20,000 square feet;
- (3) Dwelling containing no fewer than three dwelling units and no more than four dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;
- (4) Multiple-dwelling development, as defined in Chapter 3303, C.C. and located on a lot of no less than 20,000 square feet;
- (5) Town house development, as defined in Chapter 3303, C.C., containing no more than eight town houses in a row and no fewer than three town houses in a row, and in accordance with town house development standards;
- (6) Church;

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- (7) Kindergarten if in connection with a school, as defined in Chapter 3303, C.C., on school grounds or if in connection with a church on church grounds;
 - (8) School, as defined in Chapter 3303, C.C.;
 - (9) Public playground;
 - (10) Public park;
 - (11) Public library;
 - (12) Public museum;
 - (13) Public recreation building;
 - (14) Water supply reservoir, well, water tower, or filter bed;
 - (15) Public or parochial college or university (other than a trade or business institution);
 - (16) Apartment hotel;
 - (17) College fraternity, sorority or club house;
 - (18) Convent or monastery;
 - (19) Boarding home, community center building, home for the aging, nursing home, rest home, shared living facility, Y.M.C.A., Y.W.C.A., social organization, or philanthropic institution, conditioned per C.C. 3333.07;
 - (20) Hospital, infirmary, or orphanage, provided no part of such building shall be located within 50 feet of any lot line other than a street or alley line of the property occupied by such use;
 - (21) Child day care center limited according to C.C. 3333.06;
 - (22) In accordance with C.C. 3333.055, one detached single-family dwelling or a single two-family dwelling, as defined in Chapter 3303, C.C.

(Ord. 2856-91; Ord. No. 0239-2010, § 4, 4-5-2010)

3333.035 AR-4 apartment residential district use.

Within an AR-4 apartment residential district no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used for other than one or more of the following specified uses:

- (1) Apartment house, as defined in Chapter 3303, C.C., containing five or more dwelling units;
- (2) Apartment complex, as defined in Chapter 3303, C.C. and located on a lot of no less than 20,000 square feet;
- (3) Dwelling containing no fewer than three dwelling units and no more than four dwelling units, as defined in Chapter 3303, C.C., and in accordance with R-4 standards;
- (4) Multiple-dwelling development, as defined in Chapter 3303, C.C. and located on a lot of no less than 20,000 square feet;
- (5) Town house development, as defined in Chapter 3303, C.C., containing no more than eight town houses in a row and no fewer than three town houses in a row, and in accordance with town house development standards;

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- (6) Church;
 - (7) Kindergarten if in connection with a school, as defined in Chapter 3303, C.C., on school grounds or if in connection with a church on church grounds;
 - (8) School, as defined in Chapter 3303, C.C.;
 - (9) Public playground;
 - (10) Public park;
 - (11) Public library;
 - (12) Public museum;
 - (13) Public recreation building;
 - (14) Water supply reservoir, well, water tower, or filter bed;
 - (15) Public or parochial college or university (other than a trade or business institution);
 - (16) Apartment hotel;
 - (17) College fraternity, sorority or club house;
 - (18) Convent or monastery;
 - (19) Boarding home, community center building, home for the aging, nursing home, rest home, shared living facility, Y.M.C.A., Y.W.C.A., social organization, or philanthropic institution, conditioned per C.C. 3333.07;
 - (20) Hospital, infirmary, or orphanage, provided no part of such building shall be located within 50 feet of any lot line other than a street or alley line of the property occupied by such use;
 - (21) Child day care center limited according to C.C. 3333.06;
 - (22) Rooming house, or the leasing or renting of rooms limited according to C.C. 3333.07;
 - (23) College dormitory;
 - (24) In accordance with C.C. 3333.055, one detached single-family dwelling or a single two-family dwelling as defined in Chapter 3303, C.C.

(Ord. 2856-91; Ord. No. 0239-2010, § 5, 4-5-2010)

3333.08 College fraternity, sorority, dormitory or club house.

Each college fraternity, sorority, dormitory or club house shall be subject to all ordinances, rules and regulations of the Building Code and the Housing Code of the city, and to the provisions of C.C. 3333.07, above.

(Ord. 357-87.)

3347.04 Performance criteria.

- (a) Density. The overall residential density within any planned community district shall not exceed 14 units per gross acre of land in the district.
- (b) Height. In order to insure compatibility with surrounding neighborhoods, no building or structure in any planned community district shall exceed the heights specified as follows:

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- (1) In any part of the planned community district located within 300 feet horizontally of one of the height districts set forth in C.C. 3309.14 or 3309.141, no building or structure shall exceed the height permitted in such district. For land located within 300 feet horizontally of two or more height districts, the lowest height restrictions shall apply;
 - (2) In any part of the planned community district not subject to the previous paragraph, no building or structure shall exceed 200 feet in height.
- (c) Buffer Space.
- (1) No building, structure or use shall be permitted in the land along the perimeter of any planned community district allowing any use or activity significantly detrimental to or incompatible with the uses permitted by zoning of property adjacent to the planned community district. Land along the perimeter that complies with yard and setback standards applicable in other zoning districts in which comparable land uses are commonly found shall be presumed to be in compliance with the above standards. In addition, the director may approve lesser yards or setbacks containing appropriate physical or natural barriers such as, but not limited to, fences, screening or topography of steep gradient, if the director finds they are in substantial compliance with the above standards; and
 - (2) All land within a planned community district is within ten feet of any land in a district in which residences are permitted shall be devoted to lawns, landscaping, screening, fencing, shrubbery or other similar uses.
- (d) Building Location. The location of buildings and structures in relation to each other and to streets shall provide:
- (1) Adequate light and ventilation to protect the health of the occupants and users thereof;
 - (2) Necessary access for fire equipment and other emergency vehicles;
 - (3) A reasonable degree of privacy for the residents and occupants of the development.

Site plans that comply with yard and setback standards applicable in other zoning districts in which comparable land uses are commonly found shall be presumed to be in compliance with the above standards. In addition, the director may approve other site plans containing deviations if it is found that they are in substantial compliance with the above standards.

(Ord. 2450-85; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 66, 4-5-2010)

3347.14 Public garages, repair shops and filling stations.

No public garage, garage repair shop or filling station shall be erected or established which shall have any part of its proposed building structure located within 100 feet of the building structure of a public or parochial school, church, playground, public library, hospital, orphanage or children's home now existing or for which building permit has been issued or is in effect, except as follows:

- (a) Nothing in this section shall be construed to permit any such institution now located in any district zoned for business, by acquiring premises therein or erecting additional buildings thereon to shorten the 100-foot limit between such institutional structure heretofore erected, and such proposed garage or filling station structure as defined by this Zoning Code.
- (b) Nothing in this section shall be construed to prohibit the erection or maintenance of automobile sales or display rooms or buildings with automobile service stations connected thereto. Such automobile

service stations connected to buildings, or automobile sales or display rooms, shall have no vehicle entrance located upon the same street with and within 150 feet of any part of the building structure of any public or parochial school, playground, public library, church, hospital, orphanage or children's home heretofore erected. Distance shall be measured along and parallel with street or alley lines, and when such lines extend across a street the same shall be considered as crossing the same at right angles.

- (c) Except for an industrial use, all entrances and exits of public garages shall have an unobstructed width of not less than 12 feet for a distance of not less than five feet from a street line.
- (d) A public garage or garage repair shop shall not have an opening in a wall or roof within 15 feet of adjacent property that is located adjacent to property used for residential purposes in a planned community district.
- (e) It is further provided, however, that in the event the governing body of such public or parochial school, church, playground, public library, hospital, orphanage or children's home, files its consent in writing with the director or an authorized representative, a major garage or garage repair shop, or filling station may be erected or established nearer than 100 feet, but not nearer than 50 feet from the building structure of any such institution.

(Ord. 377-95.)

3357.12 Development standards: Distance requirements.

No fuel sales establishment, service station, or filling station shall be erected or established which shall have any part of its proposed building structure located within 100 feet of the building structure of a public or parochial school, church, playground, public library, hospital, orphanage, or children's home now existing or for which building permit has been issued or is in effect, except as follows:

- A. Nothing in this section shall be construed to permit any such institution now located in any district zoned for business, by acquiring premises therein or erecting additional buildings thereon to shorten the 100-foot limit between such institutional structure heretofore erected, and such proposed filling station structure as defined by this Zoning Code;
- B. Nothing in this section shall be construed to prohibit the erection or maintenance of automobile sales or display rooms or buildings with automobile service stations connected thereto. Such automobile service stations connected to buildings, or automobile sales or display rooms, shall have no vehicle entrance located upon the same street with and within 150 feet of any part of the building structure of any public or parochial school, playground, public library, church, hospital, orphanage or children's home heretofore erected. Distance shall be measured along and parallel with street or alley lines, and when such lines extend across a street the same shall be considered as crossing the same at right angles;
- C. It is further provided, however, that in the event the governing body of such public or parochial school, church, playground, public library, hospital, orphanage or children's home, files its consent in writing with the Director or an authorized representative, a fuel sales establishment or filling station may be erected or established nearer than 100 feet, but not nearer than 50 feet from the building structure of any such institution.

(Ord. 377-95; Ord. No. 1537-2009, § 10, 5-3-2010)

3363.42 Public garages and repair shops.

No public garage or garage repair shop shall be erected or established which shall have any part of its proposed building structure located within 100 feet of the building structure of a public or parochial school, church, playground, public library, hospital, orphanage or children's home now existing or for which building permit has been issued or is in effect, except as follows:

- (a) Nothing in this section shall be construed to permit any such institution now located in any district zoned for business, by acquiring premises therein or erecting additional buildings thereon to shorten the 100-foot limit between such institutional structure heretofore erected, and such proposed garage structure as defined by this Zoning Code;
- (b) Nothing in this section shall be construed to prohibit the erection or maintenance of automobile sales or display rooms or buildings with automobile service stations connected thereto. Such automobile service stations connected to buildings, or automobiles sales or display rooms, shall have no vehicle entrance located upon the same street with and within 150 feet of any part of the building structure of any public or parochial school, playground, public library, church, hospital, orphanage or children's home heretofore erected. Distance shall be measured along and parallel with street or alley lines, and when such lines extend across a street the same shall be considered as crossing the same at right angles;
- (c) A public garage or garage repair shop shall not have an opening in a wall or roof within 15 feet of adjacent property that is located in a residential, apartment residential district or adjacent to property used for residential purposes in a planned community district;
- (d) It is further provided, however, that in the event the governing body of such public or parochial school, church, playground, public library, hospital, orphanage or children's home, files its consent in writing with the director or an authorized representative, a major garage or garage repair shop may be erected or established nearer than 100 feet, but not nearer than 50 feet from the building structure of any such institution.

(Ord. 377-95.)

3370.10 Affect of the approved development plan.

A development plan approved hereunder shall be binding upon the applicant and the applicant's beneficiaries, successors and assigns and shall limit and control the issuance or validity of any certificate of zoning clearance subject, however, to any valid and reasonable use of legislative authority in zoning regulations thereafter. The site plan for such certificate shall clearly indicate each condition and limitation of the approved development plan.

(Ord. 222-84.)

3372.08 Affect of the approved overlay standards.

Overlay standards approved hereunder shall be binding upon each property owner and the beneficiaries, successors and assigns of the property owner and shall limit and control the issuance and validity of any certificate of zoning clearance. The site plan for such certificate shall clearly indicate conformance with the approved overlay standards.

An overlay which implements standards unique to a commission area without architectural review amended February 4, 1985 shall not require commission review of those specific standards prior to the issuance of a certificate of zoning clearance.

(Ord. 70-85.)

3372.902 Definitions.

For the purposes of the Hellbranch Run watershed protection overlay only, the following phrases, terms, words, and their derivations have the meaning given herein.

Letter A.

"Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production.

"Association" means a legal entity operating under recorded land agreements or contracts through which each unit owner in the development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.

Letter B.

"Best management practices" or BMPs mean management practices or structural practices designed to reduce the quantities of pollutants, such as sediment, nitrogen, phosphorus, and animal wastes washed by rain or snow melt into nearby receiving waters.

Letter D.

"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

"Director" means the Director of the Department of Development or the Director's designee.

Letter E.

"Environmentally sensitive development area" or proposed environmentally sensitive development area (ESDA) means the territory identified as such by the Columbus Metropolitan Facilities Plan Update (November 3, 2000) as filed with the Ohio Environmental Protection Agency.

Letter F.

"Floodplain" or "100-year flood plain" means a river or other watercourse and its adjacent area subject to inundation by the "base flood." The "floodplain" or "100-year flood plain" is also known as "special flood hazard area" and is composed of the "floodway" and "floodway fringe." Special flood hazard areas are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, AI-30 or A99.

"Floodway" means that portion of the "special flood hazard area," excluding the "floodway fringe," which is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the "base flood" without cumulatively increasing the water surface elevation by more than one-half foot.

"Floodway fringe" means that portion of the "special flood hazard area," excluding the "floodway," which is subject to inundation by the "base flood."

Letter I.

"Impervious cover" means any surface resulting from development that cannot effectively absorb or infiltrate rainfall and includes "impervious area" as defined by C.C.C. § 1 149.02.006.

Letter N.

"Natural channel design" means the process by which new or restored watercourse channels are designed to be naturally functional and self-sustaining, such that they emulate dynamically stable watercourses.

Letter O.

"Open space" means an area that is intended to provide light and air. Open space may include, but is not limited to, publicly or privately owned meadows, wooded areas, watercourses, wetlands, and flood plains. Open space does not include:

- (a) Private roads and public road rights-of-way;
- (b) Parking areas, accessways, and driveways;
- (c) Required setbacks between buildings, parking areas, and project boundaries;
- (d) Required setbacks between buildings and streets;
- (e) Required minimum spacing between buildings, and between buildings and parking areas;
- (f) Private yards;
- (g) Other small fragmented or isolated open areas that have a dimension less than 50 feet in any direction.

Letter P.

"Paving blocks" means cement or plastic grids with void spaces. Paving blocks make the surface more rigid and gravel or grass planted inside the holes allows for infiltration. Depending on the use and soil types, a gravel layer can be added underneath to prevent settling and allow further infiltration.

"Permeable or semi-permeable material" means paving blocks or porous pavement.

"Porous pavement" means permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. This porous surface replaces traditional pavement, allowing parking lot runoff to infiltrate directly into the soil and receive water quality treatment. There are several pavement options, including porous asphalt, pervious concrete, and grass pavers. Porous asphalt and pervious concrete appear the same as traditional pavement from the surface, but are manufactured without "fine" materials, and incorporate void spaces to allow infiltration. Grass pavers are concrete interlocking blocks or synthetic fibrous grid systems with open areas designed to allow grass to grow within the void areas.

Letter S.

"Stream corridor protection zone" means the area of the floodplain that is necessary to maintain or allow redevelopment of a functional natural drainage system capable of flood storage during common flood events, separating fine sediments from discharge and assimilating pollutants, and recharging stream base flow and ground water. The width of the stream corridor protection zone (Z), as measured in feet, is based upon the size of the drainage area of the watercourse, but in no case may the stream corridor protection zone be less than the floodway. To determine Z, calculate the drainage area (DA) of the watercourse at the downstream end of the proposed development site.

- a. When DA is equal to or greater than 16 square miles, then $Z = 87 \text{ DA}^{0.43} + 100'$;
- b. When DA is less than 16 square miles, then $Z = 117 \text{ DA}^{0.43}$; and
- c. When DA is equal to or less than 90 acres, then $Z = 50'$.

In most instances, the stream corridor protection zone is located by placing the centerline of the zone over the centerline of the watercourse. However, individual site conditions, including but not limited to valley topography, must be reviewed to determine the precise location of the stream corridor protection zone.

Letter U.

"Upland" means land generally at a higher elevation than and extending inland from the watercourse.

Letter W.

"Watercourse" means any ephemeral, intermittent, perennial, natural or artificial creek, ditch (excepting any roadside ditch), river, or stream with a defined bed, bank or channel.

(Ord. 0854-2008 § 42.)

3373.03 Building lines in Commercial and Manufacturing Districts.

In all Commercial and Manufacturing Districts, the building lines are established as follows:

| Conditions and Amount of Existing Frontage Improved Item | Minimum Distance from Street Property Line |
|--|---|
| A. Unimproved frontage | 25 feet. |
| B. (1) First and only building or structure built at more than 25 feet, or (2) Unimproved frontage located between a building or structure built at more than 25 feet and end of subject block. | That distance as determined where the line, which extends from the front of the nearest building or structure to a point located 25 feet equidistant from the intersecting streets at the end of the block, bisects the subject lot or parcel. Except where any improvement is located on a lot at a greater distance from the street property line than 20 percent of the depth of the lot, then such improvement and such lot shall be computed as being improved at 20 percent of the lot depth. |
| C. (1) First and only building or structure built at less than 25 feet, or (2) Unimproved frontage located between a building or structure built at less than 25 feet and end of subject block. | That distance as determined by extending a line which is the same distance from the street property line as the existing building or structure and parallel with the street property line. |
| D. Where a building or structure is to be erected or extended on a subject lot or parcel and there are other buildings or structures in the block but not contiguous to subject lot or parcel. | That distance as determined where the line, which connects the front of the nearest buildings or structures on either side of subject lot or parcel, bisects the subject lot or parcel. Except where any improvement is located on a lot at a greater distance from the street property line than 20 percent of the depth of the lot, then such improvement and such lot shall be computed as being improved at 20 percent of the lot depth. |
| E. Where a building or structure is to be erected or extended on a subject lot or parcel and there are buildings or structures on both of the contiguous lots or parcels. | Average of buildings or structures on contiguous lots or parcels. Except where any improvement is located on a lot at a greater distance from the street property line than 20 percent of the depth of the lot, then such improvement and such lot shall be computed as being improved at 20 percent of the lot depth. |
| F. Where a building line is established on a recorded plat or by ordinance. | The maximum distance as established by the recorded plat or ordinance. |

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3381.01 Compliance and authority.

The zoning administration, enforcement and penalties provisions of the Zoning Code shall apply to the implementation of this Graphics Code. The director or an authorized representative shall ensure compliance with this Graphics Code. The authority of the director shall extend to any duly authorized subordinate.

It shall be unlawful for any person to construct, install, relocate, alter, maintain or remove any graphic within the city, except in accordance with the provisions of this Graphics Code. In addition, it shall be unlawful for any person to sell or lease any graphic, including a sign to be located within the corporate limits of the city, for which a certificate of zoning clearance, an installation permit, a temporary permit, or a miscellaneous graphic permit is required by this Graphics Code, or to contract, sell, or lease any such sign, without first notifying the buyer or lessee in writing of the applicable Graphics Code requirements with regard to permits, installation and sign erector licensing.

(Ord. 2837-96 § 9 (part).)

3381.02 Certificate of zoning clearance.

- A. A certificate of zoning clearance shall be required for any public or private graphic for which an installation permit is required by this Graphics Code.
- B. The face of an on-premises sign or an off-premises sign, other than a billboard, may be replaced or repainted without a certificate of zoning clearance provided there is no copy change. Modification of color, typeface or other design elements shall not be considered a change of copy.
- C. The painting, repainting or cleaning of a billboard structure, or the changing of the advertising copy or message of a billboard shall not be considered work that requires a certificate of zoning clearance or installation permit.
- D. The applicant for a certificate of zoning clearance shall submit the required information in the following manner:
 - 1. A completed application shall be furnished along with a statement of compliance in a format to be provided by the director.
 - 2. The applicant shall sign the statement of compliance, which shall indicate that the information provided on the format is true and correct to the best of the applicant's knowledge, and the graphic will be erected in accordance with the provisions of the Graphics and Building Codes and the information provided on the statement of compliance. Should the graphic not comply as set forth above, the applicant shall bring the graphic into compliance within five working days after receiving notification of noncompliance.
- E. A certificate of zoning clearance shall include proof of approval in a format to be determined by the director. The sign erector or the owner shall display the proof of approval either directly on the subject sign so as to be visible from the ground or in an on-premises location accessible to the code enforcement officer. Failure to display the proof of approval shall be a violation of this Graphics Code.

(Ord. 2837-96 § 9 (part).)

3381.03 Installation and temporary permits.

- A. Installation Permit. An installation permit shall be required for the installation or refacing of the types of permanent graphics, including signs, listed in this section:

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1. A nonilluminated, permanent, on-premises exterior sign with an aggregate graphic area larger than (10) square feet.
 2. An illuminated, permanent, on-premises exterior sign, regardless of size.
 3. A permanent neon graphic or neon outline lighting, exterior or interior, regardless of size.
 4. A permanent on-premises ground sign, projecting sign, or wall sign, regardless of size, any part of which encroaches upon any public right-of-way more than six inches.
 5. Installation of an off-premises sign, including a billboard, regardless of size.
 6. Refacing of an off-premises sign other than a billboard.
- B. Temporary Permit. A temporary permit shall be required for the installation of any temporary, on-premises exterior sign when required by C.C. 3376.10 or C.C. 3377.27.
- C. Installation Requirements. No person shall install a graphic without first meeting the following requirements:
1. Obtain a certificate of zoning clearance, except as exempted by this Graphics Code.
 2. Furnish scale drawings and specifications of the graphic, including any of the following which is appropriate: Dimensions; anchorage or foundation data; pole or structural attachment data; pole size and standard chart or engineering data from which the pole size and foundation was calculated.
 3. Obtain an installation permit.
- D. Ground Inspection. The erector of a graphic shall allow the director to make a pre-installation inspection.
- E. Permit Issuance. An installation permit or a temporary permit for a graphic shall be issued only to the following:
1. A person, firm or corporation properly licensed. In the event that the holder of such license is a business concern, only the person named on the face of the license or another bona fide, full-time employee of said concern who is authorized by the concern at the time of mailing its application for a license or renewal, may sign the application for a permit on behalf of said business concern.
 2. A residential owner-occupant, provided that all work shall be done with the owner-occupant's own hands on the premises of a residence which is occupied or is to be occupied by no one except the residential owner-occupant's own family.
- F. License Required. It is unlawful for any person to undertake or perform the work of a general or limited sign erector or to represent or advertise themselves, either publicly or privately, as being ready, willing or able to contract or perform such work, within the corporate limits of the city without having first procured a license duly issued by the city.
- The work of a general or limited sign erector includes, but is not limited to, the erection, maintenance, and removal of any permanent, illuminated exterior sign, permanent neon graphic or neon outline lighting, exterior or interior, any graphic on an exterior illuminated awning; permanent, nonilluminated exterior sign more than ten square feet in area; and a temporary exterior sign when a permit is required .
- G. Installation of Electrical Graphics. In installing any permanent electrical graphic regulated by this Graphics Code, including a sign, the sign erector shall be permitted to make the necessary electrical connections from an existing approved junction box located no more than six feet from the graphic location.
- H. Work From or Over the Public Right-of-Way. A street occupancy permit shall be obtained when a public street, shared-use path or sidewalk is to be used during installation.
- I. Installation, Maintenance and Removal by Owner. A property owner who is not a general or limited sign erector may remove or cause to be removed a graphic which meets all of the following requirements:

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1. Is located no closer to any lot line than twice its greatest dimension;
 2. Is no more than ten square feet in area;
 3. Has no electrical components; and
 4. Shall not extend over, nor be lowered to, any portion of the public right-of-way.

(Ord. 2837-96 § 9 (part); Ord. 1987-2008 Attach. 1 (part); Ord. No. 1200-2017 , § 41, 6-12-2017)

3381.05 Inspection.

- A. The code enforcement officer is empowered to inspect any graphic erected in the city before or after the effective date of the ordinance codified in this Graphics Code to determine compliance with the requirements of all applicable codes.
- B. If a graphic is found not to be in full compliance, an appropriate order shall be issued.
- C. If the graphic owner or user fails to comply with an order, the director shall, without further notice, cause the subject graphic to be removed if, in the director's opinion, it constitutes a clear and present danger or a threat to the public health, safety or welfare; assessing all fees and removal costs against the tax duplicate of the property from which the graphic was removed, ownership of the graphic notwithstanding.

(Ord. 2837-96 § 9 (part).)

3381.06 Compliance.

- A. Stop Order. Whenever any work is being done contrary to the provisions of this Graphics Code, the director shall order the work stopped by posting at the work site a notice to "stop work" or other notice in writing served on any person engaged in the doing of such work or causing it to be done. Such person shall forthwith stop work until authorized by the director to proceed.
- B. The director is empowered to cause an illegal graphic located within the public right-of-way to be removed, without notice, if the director determines that the graphic constitutes a threat to public health, safety or welfare.
- C. Order to Remove. The director is empowered to order the removal of any graphic that is not maintained in accordance with the provisions of this Graphics Code.
- D. Unsafe Graphic. Should any graphic be or become unsafe, the person responsible for it shall, upon receipt of notice, proceed at once to remove or put it in a safe condition.
- E. Unlawful or Prohibited Graphic.
 1. If any graphic is installed, erected, constructed or maintained in violation of any provision of this Graphics Code, the director shall notify the owner or user thereof to comply.
 2. If the owner or user fails to comply with such notice, or, after a reasonable search, cannot be found, the director shall cause such graphic or such portion thereof as is constructed or maintained in violation of this chapter to be taken down. However, nothing herein contained shall prevent the director from adopting such precautionary measures as may seem to the director to be necessary or advisable in case of imminent danger to place the graphic in safe condition, the expense of which shall be paid by the owner of the premises or recovered against the owner in the manner described in C.C. 3381.05(C).

(Ord. 2837-96 § 9 (part).)

3381.10 Board of review of general and limited sign erectors .

A. The board of review of general and limited sign erectors shall consist of five members: one public member and four members who are actively engaged in the sign industry; two of whom shall be license-holders. The director or designee shall serve as a nonvoting secretary for the board.

No member of any board of review shall be employed or affiliated with the same business entity or entities of another. No public member shall have a direct or indirect interest, as defined in C.C. 501.02, in any thing, place, or business that is required to be licensed by the Columbus City Codes.

B. The board members shall be appointed by the director for a term of three years and shall be residents of Franklin county or a county abutting Franklin county. The majority of board members shall be residents of the city of Columbus. The director may remove any member for incompetence, neglect of duty, malfeasance, or misconduct in office. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments are made. The term of each board member shall continue until a successor is appointed. Each board member shall be reimbursed in accordance with the administrative salary ordinance for each meeting attended. Three members of the board in attendance shall constitute a quorum. The board shall meet as often as required by the bylaws.

C. Duties and Powers of the Board of Review.

1. To review the qualifications as established in C.C. 3381.12, of all applicants who have filed a complete application with the department. For all such applicants who have met the qualification requirements of this chapter, the board shall then certify the names of the qualified applicants to the department for the issuance of the appropriate license.
2. To suspend or revoke the license of sign erectors who have violated the terms of this graphics code or who have failed to take out proper permits as required by law, or who have been shown, after proper hearing, to be persistent and habitual violators of the laws of the state, the provisions of this graphics code, or other ordinances of the city relating to the construction, installation, or maintenance of graphics, or relating to the inspection and approval of such work.
3. To make, adopt, and, from time to time, alter its own rules of procedure for the conduct of its meetings and proceedings, and to select its own chairperson.

D. Any and all decisions of the board of review may be appealed to the graphics commission, as provided by C.C. 3382.03.

(Ord. 1306-99 § 2; Ord. 1696-2006 § 1; Ord. No. 0151-2009, §§ 21, 36, 6-22-2009; Ord. No. 0127-2019 , § 3, 2-4-2019)

3381.11 License application.

(A) A person desiring to be a department-licensed limited or general sign erector shall apply to the department on an application form prescribed for such license, together with the nonrefundable fee prescribed by the fee schedule.

(B) The application shall be confirmed and signed under oath by the applicant. The application shall contain the following information:

- (1) Name of the applicant;
- (2) Date of birth;

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- (3) Current residence and business address(es) of the applicant;
 - (4) Current residence and business telephone number(s) of the applicant;
 - (5) Dates of previous licenses or registrations with the department, if any; and
 - (6) Other information deemed necessary by the department.
- (C) The application for a license shall be submitted at least seven calendar days prior to the date of the meeting of the board.
- (D) In addition, the applicant shall also furnish a statement of hands-on experience with the application. The statement of experience shall encompass the period of required experience as set forth in the qualifications for the type of license for which the application is made. The statement shall clearly and concisely provide the following information:
- (1) List of employer or projects with dates of same as applicable; and
 - (2) Detailed work-related information about the employment or projects so listed; and
 - (3) The length of time devoted to each such employment or project listed; and
 - (4) The name of the employer or other responsible person with direct knowledge of the work performed by the applicant during such employment or project listed; and
 - (5) A statement, made by the applicant, of the schooling and training the applicant has obtained shall also be included.
- (E) The statement of experience shall be notarized.
- (F) Before an application may be approved for any applicant, the applicant shall meet the following requirements:
- (1) Be not less than 18 years of age; and
 - (2) Be a United States citizen or national, a lawful permanent resident, or an individual authorized to work in the United States.
- (G) "Hands-on" experience shall be characterized by the active personal involvement of the applicant in the activity directly related to the type of license for which an application was made. Such active personal involvement shall have provided for the acquisition of practical experience, knowledge, and mechanical aptitude in the physical installation, operation, control, adjustment, repair, and maintenance of the specific trade or craft.
- (H) Determination of a Full Year. A "full year" of experience, where required in sections (A) through (F) above, shall be based on 12 consecutive calendar months during which the applicant shall have been gainfully and verifiably employed for not less than 1,600 working hours at the specific craft, trade, or profession for which an application for a department-issued license has been made.
- (Ord. 1306-99 § 3; Ord. 1696-2006 § 2; Ord. No. 0151-2009, §§ 22, 36, 6-22-2009)

3381.15 Certification.

After completing a review for qualifications, the board of review of general and limited sign erectors shall certify the names of eligible applicants to the department, whereupon the department, within five working days shall, by certified mail, notify the applicants of their eligibility. Each eligible applicant shall pay for and have completed the processing of the license at the department within 90 calendar days after notification that the applicant has been certified by the appropriate board of review. Failure to complete the entire licensing process

within 30 calendar days shall create liability for payment of the late charge prescribed in the fee schedule, and after 90 calendar days the applicant's certification for a license shall be voided.

(Ord. 1306-99 § 6.)

3381.16 License numbers.

- A. A unique license number shall be issued to each individual certified by the board of review. The individual shall retain this license number exclusively and each year thereafter shall be issued the proper license bearing this same number. This license number shall not be issued to any other individual.
- B. When an individual assigns the individual's right to a license to a business concern, the license shall bear that individual's name and license number.
- C. When more than one license-holder assigns the individual's license to a business concern the bond provided by the licensed business shall be sufficient for all licenses assigned to that business concern during the same licensing period.

(Ord. 1306-99 § 7: Ord. 1696-2006 § 5.)

3381.17 License fees.

- (A) A fee, as established by the fee schedule, shall be charged for each of the following conditions:
 - (1) The application;
 - (2) The department-issued license;
 - (3) The renewal of a department-issued license.

All such fees for a department-issued license are nonrefundable.

- (B) In addition to the fees described above, there may be other fees stipulated by this code included in the fee schedule that pertain to a department-issued license. All such fees are nonrefundable.
- (C) For accelerated processing, the fee shall be equal to that prescribed by the fee schedule.

Any person serving in the United States Armed Forces shall be exempt from license fees during the period of the person's active duty and the person's license may be renewed within 90 days of termination of active duty.

(Ord. 2837-96 § 9 (part); Ord. 1272-01 § 1 (part): Ord. 1696-2006 § 6; Ord. No. 3258-2018 , § 4, 12-10-2018, eff. 1-14-2019)

3381.19 Expiration and renewal of license.

- A. A sign erector's license shall expire at the end of the twelfth month after the date of issuance. A late fee as prescribed by the fee schedule shall be added to the renewal fee if the department receives the application for renewal after the date of expiration and expiration of the grace period as specified in the fee schedule. Any renewal application received more than 90 calendar days from the initial date of expiration shall be deemed a new application requiring recertification by the appropriate board of review. This recertification may be waived at the sole discretion of the director upon completion of the specified forms by the applicant.
- B. A license may be renewed at any time during the three-month period prior to its expiration date; however, such early renewal shall comply with renewal requirements.

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- C. A license-holder, or licensed business, who fails to correct work which does not comply with this code, shall be denied renewal of the license-holder's license until compliance with this code has been secured.
 - D. A person whose department-issued license has expired shall not perform any work governed by this code until a renewal of the license by the department is issued, nor shall the department issue a permit to a license-holder with an expired department-issued license. A late fee, as prescribed by the fee schedule, shall be added to the renewal fee if the application for renewal is received after the date of expiration of the license.

(Ord. 1306-99 § 8; Ord. 1936-02 § 1; Ord. 1696-2006 § 8; Ord. No. 0151-2009, §§ 25, 36, 6-22-2009; Ord. No. 2169-2014, § 1, 5-11-2015)

3381.20 Assignment and issuance to business concern.

- A. A sign erector's license shall be issued in the name of the individual who successfully meets the qualifications and passes the examination required by this chapter. However, said individual, at the time of application, or at any time thereafter, may assign the individual's license rights to one business concern with whom the individual is associated with as a legal, full-time officer, proprietor, partner, or employee, and may designate that the individual's license shall be issued in the name of said concern. In such event, said license shall be issued in the name of said business concern, which shall be known as the licensed-business, and no license shall be issued to the individual applicant in the individual's own name during the period the individual is associated with said business concern. In such event, the license shall state on its face the name and position in the business concern of the individual who qualified for the license under the terms of this chapter. No individual may be named on more than one license within a trade at the same time.
- B. In the event the individual named on the license becomes disassociated from the licensed-business, the license shall become null and void at 90 calendar days after such disassociation, except where another license-holder becomes associated with the business concern and the business concern so notifies the department in writing. During this 90-day period, the work on existing permits may be followed through to completion, but no new work shall be commenced. The license-holder shall notify the department of any change of status. In such event, a new license, setting forth the name of the new individual, shall be issued to the licensed-business. A non-refundable fee, as prescribed in the fee schedule, shall be required for the issuance of this new license.
- C. A license-holder may transfer the assignment of a license from one company to another, including to change the name of the company, once per 90 calendar days, unless the license has been assigned to an entity also held by the license-holder (self-assigned license). If this time frame is exceeded, the license-holder shall submit a name change exception request and board application fee to this review board.
- D. When a license is assigned to a business concern, all work carried on by the licensed-business shall be deemed to be carried on under the personal supervision of the individual named in the license, and any violation of the license terms shall be imputed to the individual named therein.
- E. The license-holder shall be actively engaged in the business and shall be readily available for consultation with the department within two business days after notification. No license-holder shall permit their license to be used in more than one business at any time. It shall be cause for the revocation of the license issued to a business concern if it shall be shown that the license-holder is not, or is no longer, a legal, full-time officer, proprietor, partner or employee of said business concern.

No individual shall be entitled to be named in any license who has outstanding against the individual, as an individual or as a full-time officer, proprietor, partner, or employee of a business concern, any suspension or revocation of another license as a contractor; however, another qualified full-time officer, proprietor, partner, or employee may be substituted upon proper application therefor.

(Ord. 2837-96 § 9 (part); Ord. 1696-2006 § 9; Ord. No. 0455-2010, § 92, 4-5-2010; Ord. No. 3264-2019, § 3, 2-3-2020)

3381.21 Transfer or use of license.

No holder of any license, issued in accordance with the provisions of this chapter, shall allow the license-holder's name to be used by any other party, either for the purpose of performing work or obtaining a permit. No license-holder shall permit or allow any person to perform work under the authority of a permit granted to the license-holder unless such individual is the direct employee of the license-holder or licensed-business. No license shall be assignable or transferable, except as specified elsewhere in this chapter.

EXCEPTION: A licensed contractor may work as a subcontractor as regulated in C.C. 3381.23.

(Ord. 2837-96 § 9 (part); Ord. 1696-2006 § 10.)

3381.24 Suspension and revocation.

- A. Upon receiving a complaint in writing made by any person, and subscribed to and sworn to affirmatively by the complainant before an officer of the department or magistrate authorized to administer oaths, stating in substance facts indicating that a license-holder shall have done any of the things herein before mentioned, which constitute cause for the suspension or revocation of the person's license, the board of review shall cause a copy of such complaint to be served by registered mail on such license-holder complained of, together with a notice of the location, time, and date upon which such complaint will be heard, which shall be at some time not later than 60 calendar days after the filing of such complaint.
- B. At the place and date mentioned in such notices, the board of review shall hear the testimony of such complainant and the license-holder complained against, relative to the matters set forth in such written complaint as well as the testimony of any individual(s) having knowledge of the facts and brought before such board as a witness(es).

All such testimony shall be heard under oath or affirmation of the individual testifying. The board of review may adjourn or continue such hearing or change the place thereof as the circumstances of the particular case may require.

- C. After hearing the testimony upon such complaint, the board shall determine the truth or falsity of the matters charged in the complaint, and whether any violation of the terms and conditions under which the license was issued to the license-holder complained of has occurred. If the board determines such complaint is not true, or that the testimony fails to show that any violation of the terms under which such license was issued has been committed, it shall forthwith dismiss such complaint.
- D. If, however, it shall be found that a violation has been committed, the board of review shall have the authority to suspend, for a period not to exceed six months, or to revoke the license held by the license-holder. Any license-holder whose license shall be so revoked shall not be entitled to apply for the issuance of a new license for a period of one year after the date of such revocation, and not until such former license-holder has corrected the cause for which such license was revoked or suspended, if a specific reason was stated. The penalty to be attached in each case shall be at the discretion of the board of review. Any license-holder who shall have twice previously been found guilty of violation of the terms and conditions of the license-holder's license shall have such license revoked if found guilty on a third or later complaint.
- E. The secretary of the board of review shall notify the department's licensing section, in writing, by no later than the close of business of the following work day after the final determination of the board of review's hearing has been made concerning the complaint filed against the license-holder.

The decision of the board of review concerning a revocation or suspension of a license may be appealable to the Columbus Graphics Commission pursuant to Chapter 3382. Such an appeal shall be limited to the record created during the proceeding before the applicable board of review. An appeal before the Graphics Commission pursuant to Chapter 3382 shall not be a trial de novo. Such an appeal to the Columbus Graphics Commission shall be filed within 31 calendar days from the date the board of review made its determination. Following revocation, or during any period of suspension, such former license-holder or license-holder shall not perform any work of a licensed contractor. The department shall not issue a permit to a department-issued licensed contractor while under revocation or suspension.

(Ord. 1306-99 § 9; Ord. 1696-2006 § 13.)

3381.25 Elective suspension (escrow) of license.

- (A) A license-holder may place their license in elective suspension (escrow) upon a written request and payment of the fee, as prescribed by the fee schedule for such placement to the department's license section, at any time. The written request shall be submitted with the license-holder's application for the immediate establishment of the elective suspension (escrow) status or to occur in lieu of their contractor license renewal. The license-holder shall pay the fee as prescribed by the fee schedule and obtain, a contractor license elective suspension (escrow) renewal each year as herein before regulated. During the period of the elective suspension (escrow), the license-holder shall not be required to obtain or furnish the required bond or liability insurance. Throughout the period of elective suspension (escrow), the license-holder shall not perform any work of a licensed contractor and no permits shall be issued to such license-holder.
- (B) A general or limited sign erector contractor license may be placed in elective suspension (escrow) indefinitely; however, such license shall be renewed each year by payment of the fee prescribed by the fee schedule for such placement. Failure to renew a license that is in elective suspension (escrow) shall be sufficient cause for such license to become immediately canceled by the department without recourse. Reestablishment of a general or limited sign erector contractor license shall be only accomplished by making a new application for such license with the department.
- (C) Upon notification to the department's license section and paying the fee as prescribed in the fee schedule, and providing evidence of all required documentation, the elective suspension (escrow) status of a license shall be removed. Thereafter, the license-holder may perform the work of the license holder's licensed craft or trade as a contractor and obtain permits as applicable.

(Ord. 2837-96 § 9 (part); Ord. 1696-2006 § 14.)

3382.07 Graphics plan.

Any request for review and approval of a graphics plan, where required by this Graphics Code, or where required by any rezoning, council variance, adopted plan, or other act of city council, shall be heard and decided by the graphics commission as provided by this Graphics Code.

- A. The graphics commission shall have power, upon application, to grant approval of such graphics plan where it is shown that the resulting graphics will comply with the provisions of this Graphics Code, will be consistent with the requirements of the Zoning Code, and, where applicable, of said rezoning, council variance, or adopted plan.
- B. In granting approval of a graphics plan, the graphics commission shall be empowered to grant a variance or a special permit, where it is shown that the conditions required by the underlying zoning, or other act of city council have been met.

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- C. The graphics commission shall in addition determine whether a proposed graphics plan complies with the following criteria:
1. Reasonably related to the accomplishment of specified goals in the planning and development process and of this Graphics Code;
 2. Fair, protecting the legal rights of those affected; and
 3. Understandable for those in the community and the marketplace, and for effective interpretation and enforcement by the city.
- D. A graphics plan is a physical document consisting of written text which may be supplemented with visual exhibits, and which represents a binding commitment by the property owner. In addition to the application requirements of C.C. 3382.08 the owner shall provide a signed and dated graphics plan comprised of the text and any associated visual exhibits. Said text and exhibits shall, as a minimum, state specifically:
1. Any limitation to be imposed on the normal range of graphics permitted by this Graphics Code;
 2. Any decrease or increase in any development standard required by this Graphics Code, including but not limited to, number, size, location, materials and color;
 3. Any additional limitation to be imposed and enforced;
 4. The manner in which the proposed graphics plan meets the applicable requirements of a rezoning, council variance, adopted plan or other act of council;
 5. The manner in which the proposed graphics plan supports the general objectives of this Graphics Code as outlined in C.C. 3375.02. The standards of this Graphics Code shall govern except where the approved graphics plan stipulates any standard or standards; and
 6. Said graphics plan shall in no way be used so as to grant a variance from or decrease the standards or requirements of the Zoning Code applicable to the underlying zoning of the subject parcel.
- E. No minimum or maximum size shall be required for a parcel to be subject to a graphics plan, except that the special circumstances must apply to the entire parcel and the subject parcel shall include at least one entire lot.
- F. An approved graphics plan shall be binding upon the applicant and the applicant's beneficiaries, successors and assigns and shall limit and control the issuance or validity of any certificate of zoning clearance for any graphic subject to said graphics plan. The application for a certificate of zoning clearance shall clearly indicate each applicable condition and limitation of the approved graphics plan.
- G. Subsequent to approval of a graphics plan, the owner shall inform the graphics commission regarding any of the following changes in the status of the subject parcel; including rezoning of the property, revocation or expiration of the council variance, modification of the adopted plan as pertains to graphics, or other action of city council; or modification of the scale or type of use or uses to be constructed on the subject parcel.
- The graphics commission shall conduct a public hearing to determine the continued applicability of the graphics plan. The graphics commission shall have power to revoke said graphics plan, based on the evidence presented at the hearing.
- H. All general procedures required for the application for and approval of a graphics plan shall be required for any amendment to said approved graphics plan.

(Ord. 2837-96 § 10 (part).)

3387.01 Prohibited uses specified.

Within the City, no buildings or premises shall be used, and no buildings or structures shall be erected which are arranged, intended or designed to be used for any of the following uses:

- (1) Acid manufacture or sale including hydrochloric, nitric, sulfuric, sulfurous or hydrofluoric acid;
- (2) Bronze powder or other metallic powder manufacture or sale;
- (3) Explosives manufacture, storage or sale;
- (4) Fireworks manufacture, storage or sale;
- (5) Landfill or dump for refuse;
- (6) Outdoor firing range.

Exception: Use prohibitions 1, 2, 3, and 4 listed above shall not apply to facilities in experimental and analytical laboratories when permission for such use has been obtained in writing from the state Department of Industrial Relations, nor in laboratories of state accredited schools, colleges, and other similar institutions for the purpose of instruction or experiment when approved by the Fire Chief of the City of Columbus, or designee.

(Ord. 0764-2005 § 12.)

3390.02 No temporary use permit required.

For purposes of the Zoning Code and subject to the provisions of this chapter, the following temporary uses are permitted without a temporary use permit in accordance with the conditions specified.

- (A) A carnival or a circus is permitted on any lot developed with an existing religious, educational or social organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed 15 days and a maximum of two times each year. No structure or equipment shall be placed within 20 feet of any residential building or structure.
- (B) A Christmas tree sales lot is permitted on any lot developed with an existing religious, educational or social organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed 60 days; provided, however, that any such lot shall be cleared by the first day of January. In a commercial or manufacturing district, a temporary structure or portable building may be used on such a lot but only if a temporary use permit has been obtained for such structure or portable building.
- (C) A garage or yard sale is permitted on any lot in any residential, commercial or industrial district for a maximum of two times each year and a maximum of four days at a time.
- (D) An assembly in a tent is permitted on any lot developed with an existing religious, educational or social organization building in any residential district, or on any lot in any commercial or industrial district for a period not to exceed 30 days and a maximum of two times each year. No structure or equipment shall be placed within 20 feet of any residential building or structure.

Off-street parking requirements for subject lot shall not be enforced during the period that such temporary use complies with this chapter.

- (E) A temporary parking lot for special events open to the general public is permitted on any lot, properly zoned to permit parking for a period not to exceed 21 days and a maximum of one time each year.

Parking lot requirements for the subject lot shall not be enforced during the period that such temporary use complies with this chapter.

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- (F) Portable Storage Containers. Portable storage containers are a temporary structure designed for storage that are less than 169 square feet in size and eight feet in height that may be delivered onsite by a commercial enterprise then picked up and removed to a commercial storage facility or the customer's destination. Portable storage containers are permitted as a non-permanent accessory use to provide temporary storage for moving and similar short-term purposes.

One portable storage container may be located on any parcel for two non-sequential periods, not exceeding 14 days for each period, per calendar year. The portable storage container shall be situated on an improved surface when possible and not block any sidewalk or shared-use path. A portable storage container is not permitted as a permanent accessory storage structure regardless of the proposed location of the unit on a parcel.

(Ord. 392-94; Ord. 1436-06 § 3; Ord. 1987-2008 Attach. 1 (part).)

3390.06 Application.

An application for a temporary use permit shall contain such information as the director deems reasonably necessary for a determination of compliance or noncompliance with the Zoning Code and to assist enforcement thereafter. The applicant shall sign the application and each copy thereof, attesting to the truth and exactness of the information supplied and to the applicant's intent to terminate such use within the period set forth therein.

(Ord. 577-84; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 100, 4-5-2010)

3392.07 Notice of violation and license suspension.

Whenever upon inspection of any junk yard, impound lot, or salvage yard the property maintenance inspector or property maintenance inspector trainee finds that conditions or practices exist which are in violation of any provision of this Zoning Code, the property maintenance inspector or property maintenance inspector trainee shall give notice in writing to the operator of such junk yard, impound lot, or salvage yard that unless such conditions or practices are corrected within a reasonable period, to be determined by the property maintenance inspector or property maintenance inspector trainee, the operator's license will be suspended. At the end of such period the property maintenance inspector or property maintenance inspector trainee shall reinspect such junk yard, impound lot, or salvage yard and if the property maintenance inspector or property maintenance inspector trainee finds that such conditions or practices have not been corrected, the property maintenance inspector or property maintenance inspector trainee shall give notice in writing to the operator that the operator's license has been suspended.

(Ord. 2063-77; Ord. 0762-2005 § 23.)

3392.08 Hearing on a license suspension; effect of suspension.

Any person whose license to operate a junk yard, impound lot, or a salvage yard has been suspended or who has received notice from the property maintenance inspector or property maintenance inspector trainee the person's license is to be suspended unless existing conditions or practices at the junk yard, impound lot, or salvage yard are corrected, may request and shall be granted a hearing on the matter before the Board of Zoning Adjustment. If no petition for a hearing is filed within 15 calendar days following the day on which the license was suspended, the license shall be deemed to have been revoked. Any petition for a hearing following receipt of a notice that the license is to be suspended, must be filed within 15 calendar days of receipt of the notice. Upon receipt of notice of suspension, the operator shall immediately cease operation and shall display the notice of suspension.

(Ord. 2063-77: Ord. 0762-2005 § 24.)

3515.08 Low and moderate income families.

"Low and moderate income families" or "lower income families" means families whose incomes do not exceed eighty (80) percent of the median family income of the area as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income limits higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction cost, unusually high or lower family incomes, or other factors.

(Ord. 1271-75.)

3515.10 Identifiable segment of the total group of lower-income persons in the community.

"Identifiable segment of the total group of lower-income persons in the community" as described in C.C. 3515.08 and C.C. 3515.09 means members of a minority group which includes but is not exclusively limited to, Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians

(Ord. 1271-75.)

3517.02 Eligible activities.

The department of finance and management, in coordination with the development department shall develop all required plans which utilize the grant assistance from the federal government as provided for in the Act as well as any other available resources, financial or otherwise, for the following activities:

- (a) Acquisition in whole or in part by purchase, lease, donation, or otherwise, of real property (including air rights, water rights and other interests therein), which is:
 - (1) Blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, as determined by the recipient pursuant to state and local laws;
 - (2) Appropriate for rehabilitation or conservation activities;
 - (3) Appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas and the provision of recreational opportunities;
 - (4) To be used for the provision of public works, facilities and improvements eligible for assistance under paragraph (b) of this section; or
 - (5) To be used for other public purposes, including the conversion of land to other uses where necessary or appropriate to the community development program.
- (b) Acquisition, construction, reconstruction, or installation of the following public works, facilities, and site or other improvements: neighborhood facilities, senior centers, historic properties, utilities, streets, street lights, water and sewer facilities, foundations and platforms for air rights, sites, pedestrian malls and walkways, and parks, playgrounds, and other facilities for recreational

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participation: flood and drainage facilities in cases where assistance for such facilities has been determined to be unavailable under other Federal laws or programs; and parking facilities, solid waste disposal facilities, and fire protection services and facilities which are located in areas or which serve areas in which other community development activities are being undertaken with funds provided by the federal government under the Act.

- (c) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area.
- (d) Clearance, demolition, removal, and rehabilitation of buildings and improvement to include the following:
 - (1) Interim assistance to alleviate harmful conditions in which public action is needed;
 - (2) Financing rehabilitation of privately owned properties through the use of grants, direct loans, loan guarantees and other means, when in support of other activities being undertaken with funds provided by the federal government under the Act;
 - (3) Demolition and modernization (but not new construction) of publicly owned low-rent housing.
- (e) Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and disabled persons.
- (f) Payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by program activities.
- (g) Disposition, through sale, lease, donation, or otherwise of any real property acquired pursuant to this section or its retention for public purposes provided that the proceeds from any such disposition shall be expended only for activities in accordance with this section.
- (h) Provision of public services not otherwise available in areas, or serving residents of areas, in which the recipient is undertaking, or will undertake, other activities with funds provided by the federal government under the Act, where such services are determined to be necessary or appropriate to support such other activities and where assistance in providing or securing such services under other applicable federal laws or programs has been applied for and denied or not made available pursuant to the provisions of the Act. For the purposes of this paragraph, such services shall be directed toward improving the community's public services and facilities including those concerned with the employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation needs of persons residing in such areas, and coordinating public and private development programs.
- (i) Payment of the nonfederal share required in connection with a federal grant-in-aid program undertaken as part of the community development program; provided, that such payment shall be limited to activities otherwise eligible under this section.
- (j) Payment of the cost of completing a project funded under Title I of the Housing Act of 1949, including the provisions for financial settlement contained in Subpart I.
- (k) Relocation payments and assistance for individuals, families, businesses, organizations, and farm operations displaced by activities assisted under this section, including all benefits at least equal to the minimum levels established under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- (l) Activities necessary to develop a comprehensive community development plan (which plan may address the needs, strategy, and objectives summarized in the application to the federal government for a grant under the Act but may treat only such public services as are necessary or appropriate to

support activities meeting such needs and objectives), and to develop a policy-planning management capacity so that the city may more rationally and effectively:

- (1) Determine its needs;
 - (2) Set long-term goals and short-term objectives;
 - (3) Devise programs and activities to meet the goals and objectives;
 - (4) Evaluate the progress of such programs and objectives;
 - (5) Carry out management, coordination, and monitoring of activities necessary for effective program implementation.
- (m) Payment of reasonable administrative costs and carrying charges related to planning and execution of community development activities.
- (n) Such other activities which are or may from time to time be prescribed in the Act or any successor program thereto.

(Ord. 162-92; Ord. 1102-05 § 1 (part).)

4101.01 Letter A.

"Aisle" means the clear width and length of an area which is provided for ingress or egress between rows of seats, or between rows of seats and a wall, or between desks, tables, counters, machines, or other equipment or materials, or between such articles or materials and a wall.

"Aisle longitudinal" means an aisle approximately at right angles to the rows of seats served.

"Aisle transverse" means an aisle approximately parallel to the rows of seats between which it passes.

"Alcove" means a recessed portion of a room with an unobstructed opening into said room.

"Alteration" as applied to one-, two-, and three-family dwellings and related accessory buildings means a permanent change or modification in construction, fixtures and/or equipment which does not include an addition to the building or structure.

Approved.

- (a) "Approved" material, device, or mode of construction refers to the approval by the building inspector as the result of investigation and test conducted by the building inspector or by reason of accepted principles or tests by national authorities, technical or scientific organizations.
- (b) "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building inspector or the Ohio Board of Building Standards.
- (c) "Approved testing agency" means an established, nationally recognized business entity identified, in writing, by the director of the department which is regularly engaged in the promulgation and administration of examinations for, but not limited to, the construction industry and its related craft(s) and trade(s), used to decide the knowledge and skill of applicants for consideration of licensing by the city of Columbus.

"Appurtenant structure" means a structure or device attached to the exterior of a building or erected on the roof thereof and designed to provide architectural ornamentation, to support service equipment or to be used in connection therewith, for advertising or display purposes, or for any other similar purpose. "Appurtenant structure" includes but is not necessarily limited to a cornice, parapet, architectural terra cotta, projecting and

freestanding ornamentation, exterior fire escape, balcony, marquee, light fixture, chimney, or sign and its support structure.

(Ord. 1306-99 § 10; Ord. 1272-01 § 1 (part); Ord. 1936-02 § 4; Ord. No. 0455-2010, § 103, 4-5-2010)

4101.02 Letter B.

"Balcony, exterior" means a parapet or railing-enclosed platform projecting outward from the exterior wall of a building.

"Balcony, interior," as applied to a place of assembly, means an open seating level located above the main assembly floor level but does not include a continuation of a rise of the main floor or other integrated seating area in connection therewith.

"Bikeway" means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows:

- (a) "Shared-use path" (Class I Bikeway) means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the street or highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users.
- (b) "Bike lane" (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.
- (c) "Bike route" (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

"Building" means any structure used for shelter, occupancy, enclosure, or support of persons, animals, or property or intended for supporting or sheltering any use or occupancy, having a roof supported by columns or walls and requiring a building permit. For application of this Code, each portion of a building completely separated from other portions by fire walls complying with the Ohio Building Code (OBC) shall be considered as a separate building. Whenever possible herein, the term "building" shall include the term "structure."

- (a) "Building addition" or "addition" means a part added to a building, either by being built so as to form one architectural whole with it, or by being joined with it in some way, as by a passage, and so that one is a necessary adjunct or appurtenance of the other or so that both constitute the same building.
- (b) "Building Code" means Title 41.
- (c) "Building line" means the clearance line limiting the approach of a building, exclusive of open porches, steps, terraces or walkways, to a property line, or to other buildings on the same lot.
- (d) "Existing building" means a building already erected or one for which a legal permit has been issued prior to the adoption of the Building Code.
- (e) "Building official" means the officer so designated by the director. The building official may also be referenced as the "chief building official" in this code. The building official and the building official regularly authorized representatives are charged with the administration and enforcement of the building code. The authorized representatives may include city employees or registered contract inspectors. The building official is also the designated authority charged with the administration and enforcement in the city of Columbus of the Ohio Building Code (OBC) approved by the Ohio Board of Building Standards (OBBS) in accordance with Chapter 1, "Administration", of the Ohio Building Code.

(Ord. 377-95; Ord. 0719-04 § 2; Ord. 1987-2008 Attach. 1 (part); Ord. No. 0321-2011, § 1(Attach. § 1), 12-12-2011; Ord. No. 1182-2014, § 2, 6-16-2014)

4101.04 Letter D.

"Dance hall" means a building or part thereof the primary purpose of which is for dancing by a gathering of people.

"Department" when used without clarification means the department of building and zoning services.

"Departmental regulations" means printed interpretations of sections of this code prepared by the building inspector with the approval of the building commission. An appeal for change of or relief from the requirements of the departmental regulations may be made to the building commission, which shall have authority to change the same.

Departmental regulations shall be published in the City Bulletin and shall become effective 60 days after approval and issuance of printed copies to all persons, firms, contractors, and organizations on a list of holders of this Building Code.

"Director" when used without clarification means the director of the department of building and zoning services or designee.

"Dome" means a roof formed by a series of arches or curved surfaces, every point of which is in a curved surface, receding from the supporting walls of the building and springing from a plane base either circular or polygonal and covering and meeting at a ridge or finial with no appreciable part of such roof flat or a plane surface.

"Dormer" means a minor architectural roof structure containing one or more small vertical windows and situated upon a sloping roof.

" Dwelling" means any residence building or portion thereof, which is not an "apartment house," which contains one, two or three dwelling units, used, intended, or designed to be used, rented, leased, let or hired out to be occupied or which are occupied for living purposes by one family each.

- (a) "One family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.
- (b) "Two- and three-family dwellings" means buildings containing two or three dwelling units with not more than five lodgers or boarders per building.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(Ord. 1936-02 § 5; Ord. 377-95; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 104, 4-5-2010)

4101.09 Letter I.

"Inspector" means the building official or any of a duly authorized representatives.

(Ord. 2121-94.)

4101.12 Letter L.

"License-holder" means the individual who has passed the required examination(s) given by a board of review and has been issued a license to perform the work of a specific trade or craft.

"Licensed-business" means the business concern to which a license-holder has assigned the license-holder's rights to a license.

"Lot" means a parcel of land occupied or designated to be occupied by one building and the accessory buildings or occupancies customarily incident to it, including such open spaces as are required by the Zoning Code Title 33 and such open spaces as are arranged and designed to be used in connection with such building.

"Low-voltage" means all installations of wiring or equipment operating at 49 volts or less, direct current or alternating current.

Loads.

(a) "Live loads" means the imposed, fixed or transient loads other than "dead loads" and "wind loads."

(b) "Dead load" means the weight of walls, partitions, floors, roofs and other permanent construction of a building.

(Ord. 673-83; Ord. 1483-97 § 1; Ord. 0719-04 § 4.)

4101.16 Letter P.

"Partition" means a minor interior wall used to subdivide a floor area.

"Partition, bearing" means a partition which supports a load in addition to its own weight.

"Partition, nonbearing" means a partition which supports only its own weight.

"Passageway" means an enclosed hallway or corridor connecting a required exit to a street, or other open space communicating with a street when such required exit does not lead directly to a street.

"Permanent open space" means a street, alley, permanent surface and air easement, waterway, public park, or railroad right-of-way, other than a siding for the loading, unloading, or storage of cars or motive power equipment.

"Person" means a natural person, beneficiaries, executors, administrators or assigns, and also includes an organization, firm, partnership, corporation, contractor, or subcontractor, its or their successors or assigns, or the agent of any of the aforesaid.

"Platform" means a raised section of floor not enclosed by walls above the platform floor level. This definition shall not include a stage as defined in the Ohio Building Code.

"Plumbing" means the business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof.

"Plumbing appliance" means any one of a special class of plumbing fixture which is intended to perform a special function. Its operation and/or control may be dependent upon one or more energized components, such as motors, controls, heating elements, or pressure or temperature-sensing elements. Such fixtures may operate automatically through one or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight, or the fixture may be manually adjusted or controlled by the user or operator.

"Plumbing appurtenance" means a manufactured device, or a prefabricated assembly, or an on-the-job assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

"Plumbing fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system, and demands a supply of water therefrom, or it discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system, or which requires both a water supply connection and a discharge to the drainage system. Plumbing appliances as a special class of fixture are further defined.

"Plumbing system" means and includes all potable water supplies and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes and all building drains, including their respective joints and connections, devices and appurtenances within the property lines of the premises and shall include potable water treatment or using equipment.

"Porch" means a roofed structure with one or more open sides, erected against and projecting from, an exterior wall of a building.

"Premises" means lands and everything of a permanent nature attached thereto as a part of realty.

"Property line" means the line of demarcation between properties either public or private.

"Public nuisance" means any structure which is permitted to be or remain in any of the following conditions:

- (1) In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare, or well being of the surrounding area; or
- (2) A fire hazard; or
- (3) Any vacant building that is not secured and maintained in compliance with Chapter 4513; or
- (4) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used in violation of any division of Section 2925.13, Ohio Revised Code.

"Public nuisance" also means any structure or real property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health or sanitation ordinance of the Columbus City Code or Columbus City Health Code, or any real property upon which its real property taxes have remained unpaid in excess of one year from date of assessment.

(Ord. 1692-98 § 4; Ord. 0719-04 § 6.)

4103.10 Maintenance.

All buildings, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Building Code in a building when erected, altered or repaired, shall be maintained in good working order. The owner or the owner's designated agent shall be responsible for the maintenance of the owner's building.

(Ord. 2229-86.)

4103.11 Relocating a building.

No building other than a temporary building shall be relocated except in conformity to all the following requirements of this section.

- (A) Notification. The owner or agent of the building under consideration shall notify the building official of the proposed relocation and furnish any information required therefor not less than seven days before the proposed building relocation date.

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- (B) Required information. The notification and required information shall include the following concerning the building;
 - (1) The present and proposed address;
 - (2) The type of construction;
 - (3) A plot plan of the proposed location, drawn to scale and having dimensions thereon showing the distance from the relocated building to all lot lines and other buildings on the same lot;
 - (4) The approval of the highway and police authorities having jurisdiction when a street is to be used in the relocating operation; and
 - (5) Such other information as may be necessary to insure compliance with the Building Code.
 - (C) Inspection. After the building official receives the required notification and information, the building official shall inspect said building, or cause it to be inspected, and if the building official finds that it can be safely relocated in the manner proposed, that the proposed new location of the building will conform to the provisions of this Building Code applicable to new buildings, and that the building in its new location will not conflict with any provision of this code, and will conform to C.C. 4103.08 if the occupancy is changed, the building official shall notify the owner or owner's agent in writing that the building may be relocated.
 - (D) Permit required. No building shall be relocated until the building official has approved the relocation thereof through the issuance of a permit to do so or through written notification to the owner or the owner's authorized agent.
 - (E) Elevation. Nothing in this code prohibits the raising or lowering of a building to meet a change of grade of the street adjoining the lot onto which the building is being relocated, provided a serious hazard will not result.

(Ord. 2121-94.)

4103.12 Alternate materials and construction.

- (A) The provisions of this Building Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Building Code, provided any such alternate has been approved.
- (B) The building official may approve any such alternate provided the building official finds that the proposed design is satisfactory and complies with the provisions for alternative materials as provided for in the adopted building codes.
- (C) The review of alternate materials and construction for use in any building regulated by the OBC may be submitted to the Ohio Board of Building Appeals for that Board's approval and determination that the proposed material or method of construction is at least equivalent to that prescribed in the OBC or for granting a variance for its use.
- (D) The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. Tests as proof of compliance may be required to be made at the expense of the owner or owner's agent by an approved agency. Copies of the results of all such tests affecting buildings shall be kept on file in the Office of the Building Official. Any person adversely affected by the refusal of the Building Official to grant an approval authorized by this section may appeal to the Building Commission in the manner provided in CC. 4107.05.

(Ord. 2121-94; Ord. No. 1443-2009, § 2, 11-16-2009)

4103.13 Approval of unlabeled equipment.

Any equipment which is not labeled or cannot be accepted as meeting the requirements of this code may be approved as indicated in this section.

The Building Official may, after a review of all technical data and a thorough visual inspection of the equipment submitted, give the Building Official's approval for use of said equipment with the city. However, if after said inspection the Building Official determines that said equipment does not meet the Building Official's approval, the installer, owner, or manufacturer may, at the installer, owner, or manufacturer's own expense, submit the equipment to a locally recognized testing agency for its evaluation. The agency must be acceptable to the building official. A copy of the evaluation shall be forwarded to the department.

(Ord. 2121-94; Ord. No. 0455-2010, § 105, 4-5-2010)

4103.15 Responsibility of owner.

The owner of premises subject to the provisions of this Building Code shall be responsible for compliance with the standards set forth herein. The owner shall remain responsible therefor, regardless of the fact certain responsibilities may also be placed on operators or agents and regardless of any agreement between the owner and anyone else as to who shall assume such responsibilities. The owner shall remain responsible for the elimination of any violation found on the premises, regardless of any agreement between the owner and others.

(Ord. 2229-86.)

4103.155 Permission to enter adjoining premises.

- (a) For the purpose of performing repairs, alterations or maintenance on the exterior of any dwelling, building or structure, necessary to effect compliance with the provisions of any Ohio statute, OBC, the City's Building or Housing Codes or any other City ordinance, or any lawful rule adopted or order issued pursuant thereto, a property owner or the property owner's agent or employee shall obtain the consent to enter the adjoining premises from the owner, agent or occupant of such premises. If consent is granted, the party requesting permission to enter shall preserve and protect from injury at all times and at their own expense such adjoining structure or premises.
- (b) Should consent be denied, the party seeking permission to enter the adjoining premises may apply in writing to the Chief Building Official who shall conduct the necessary investigation into the matter, and upon good cause shown, may order the issuance of a permit to enter the adjoining premises. The fee shall be as prescribed in the fee schedule. Such order may be appealed to the Columbus Building Commission by the owner, agent or occupant of the adjoining premises, or by the party seeking permission to enter the adjoining premises, if such permission is denied.
- (c) The procedure for appeal under this section shall be as follows:
 - (1) The appeal shall be in writing and be submitted to the Commission within five regular business days from the date notice is received that a permit has or has not been issued, which notice shall be given by the Chief Building Official to the party seeking to enter the adjoining premises, and to the owner, agent or occupant of such premises.
 - (2) Upon the filing of an appeal, a hearing shall be held before the Commission, at a time and place fixed by the Commission.

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- (3) Except in cases of an emergency, the filing of an appeal shall suspend the issuance of a permit to enter the adjoining premises until the appeal is acted upon by the Commission.

(Ord. 1370-2007 § 1.)

4105.02 Enforcement.

- (A) The director, or designee, shall have the power to enforce all provisions of this Building Code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alternation of any building or structure or the unlawful establishment, change to modification of any use; to restrain, correct or abate such violations; or to prevent occupancy of the unlawful building or structure. For the purposes of enforcement of the provisions of the Ohio Building Code, the director's designee shall be the building official or designee.
- (B) Strict liability is intended to be imposed for a violation of the Columbus Building Code.

(Ord. 2121-94; Ord. 628-02 § 20; Ord. 1691-03 § 1.)

4105.03 Right of entry.

Upon presentation of proper credentials, the building official or a duly authorized representative may enter at reasonable times any building, structure or premises in the city to perform any duty imposed on the building official by this Building Code. No person shall in any way obstruct, hinder, delay or otherwise interfere with the building official or a duly authorized representative in such an entrance.

(Ord. 2121-94.)

4105.055 Powers and duties of the building official.

- (A) The building official shall be charged with the survey and inspection of buildings and structures and with the enforcement of all parts of this Building Code.
- (B) The building official shall enforce all other laws and ordinances on the same subject matter.
- (C) The building official shall examine and approve all plans and specifications before a permit may be issued and shall sign and issue all permits, certificates and notices required by this Building Code.
- (D) The building official shall keep proper records showing the location, value and character of every building, structure or other work for which a certificate or permit is issued and a copy of every report or inspection of a building, structure or work with the name of the inspector making the inspection and the date thereof.
- (E) The building official shall make a monthly report to the director, on or before the tenth day of each month, of the number of permits or certificates issued during the preceding calendar month and the estimated value of construction of such buildings, structures or works for which the permits or certificates were issued and any further information that may be required by the director.
- (F) The determination of value or valuation under any of the provisions of this Building Code shall be made by the building official.

(Ord. 2121-94.)

4105.06 Personal nonliability.

Any suit brought against any officer or employee because of any act performed by the officer or employee in the enforcement of any provision of this Building Code shall be defended by the city attorney until the final termination of the proceedings therein. The city shall save such officer or employee harmless from personal liability.

(Sec. 8(e); Ord. 1597-54.)

4105.07 Qualifications of building official.

To be eligible to appointment, the building official shall have had at least four years experience as an architect, structural engineer, superintendent of construction, or deputy building official. The building official shall be generally informed on the quality and strength of building materials, on the prevailing methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities, and on the proper installation of plumbing, electric wiring, elevators and other installations for the safety, comfort and convenience of occupants. The building official shall be in good health and physically capable of making the necessary examinations and inspections of buildings in the course of construction. The building official shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.

(Ord. 2121-94.)

4105.08 Cooperation of other officials.

The building official may request and shall receive so far as may be necessary, in the discharge of the building official's duties, the assistance and cooperation of the director of public service and/or their designee in fixing grades, of the chief of police in enforcing orders, of the city attorney in prosecuting violations, and of other city officials.

(Ord. 2121-94; Ord. 1909-01 § 1 (part); Ord. No. 0128-2009, § 1, 2-9-2009)

4107.05 Appeals.

- (a) In the event the building inspector orders work stopped or finds that changes required in the building inspector's written order to stop work are not complied with or if the building inspector refuses to grant any permit required by this Building Code, or if an order is written to correct violations of the Building Code, or if an owner, or purchaser under a land contract fails to comply with an order or notice to repair or demolish an unsafe building, then the persons affected by such action may appeal to the building commission within 30 days from the date the affected person receives notice of the action of the building inspector by filing a written notice with such commission and the building inspector.
- (b) The building commission shall hear such appeal within 30 days from the date the notice is received unless the person appealing agrees to a later hearing.
- (c) After hearing such appeal, the building commission shall render its decision in writing. Such decision shall specifically set forth the reason and facts upon which it is based. The decision of the building commission may reverse, modify or affirm the order and action of the building inspector.

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- (d) Any appeal, for any of the reasons listed above, for any building work regulated under the Ohio Basic Building Code shall be to the Ohio Board of Building Appeals. All decisions of that appeals board shall be binding on the building inspector and the building work.
 - (e) The building commission shall hear and make decisions related to the more restrictive requirements to the Ohio Basic Building Code that have been enacted by city ordinances. Such actions of the building commission shall only grant variances to the more restrictive ordinances and the building commission shall not approve variances below the minimum standards of the Ohio Basic Building Code.
 - (f) The building commission shall hear and resolve any appeal of the more restrictive requirements prior to any appeal to the State Board of Building Appeals for a variance to the Ohio Basic Building Code.
 - (g) Appeals to the building commission pursuant to Section 4111.90 shall be governed by the procedures set forth in that section.
 - (h) The fees for any application for a variance and for an appeal are prescribed in the fee schedule.

(Ord. 2483-87; Ord. No. 2714-2014, § 1, 12-15-2014)

4109.02 Notice to owner; appeal.

The building official shall examine or cause to be examined every building or structure or portion thereof reported as or believed to be an unsafe building as defined in C.C. 4109.01. The building official shall give written notice to the owner or owners of record, including any purchasers under a recorded land contract and to the persons occupying said building if they are not the owners thereof. The written notice shall specifically state the defects that cause the building to be unsafe and shall state that the work shall commence within 30 days and continue work, either to complete the specified repairs or improvements or to demolish and remove the building or structure, or portion thereof, leaving the premises in a clean, safe, and sanitary condition such condition being subject to the approval of the building official; excepting that in cases of emergency making immediate repairs necessary, the building official may order the changes or demolition to be made within a shorter period. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof.

A person receiving the order or notice provided for herein, may appeal therefrom to the building commission within 30 days of the date of said order or notice, except that in case of a building, which in the opinion of the building official is unsafe and constitutes an emergency condition, the building official may in the order or notice limit the time for such appeal to a shorter period, which period shall be not less than 15 days from the date of the notice or order provided for herein.

(Ord. 2121-94.)

4109.073 Exterior walls and appurtenant structures.

The owner of any building shall maintain the building's exterior walls and appurtenance structures in a safe condition. For purposes of this section "owner" includes agent, person, or organization in control, possession or charge of the subject building.

In order to maintain a building's exterior walls and appurtenant structures in a safe condition, the following additional requirements shall apply to each building which is:

- (1) 20 years old or older; and
- (2) Located within ten feet of a public right-of-way or open pedestrian walkway or plaza; hereinafter referred to as an "applicable building." For the purposes of this section an open pedestrian walkway

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does not include a private service walk affording no more than direct access to an entrance or exit of a building.

- (a) Critical Observation Requirements. The owner of an applicable building shall conduct, supervise, or contract for a critical observation of its exterior walls and appurtenant structures as set forth below: Each critical observation shall include all building elevations, exterior walls and appurtenances regardless of their proximity to a public right-of-way; shall include a complete review of the last observation report; and shall be conducted in accordance with the most recent rules, regulations and guidelines promulgated by the director.
 - (1) For a building which attains applicability status before July 1, 1985, the initial critical observation shall be completed within the first 12 months after said date with subsequent observations at least one time every five years thereafter;
 - (2) For a building which attains applicability status before July 1, 1986, the initial critical observation shall be completed within the first 12 months of the building's attaining applicability status with subsequent observations at least one time every five years thereafter;
 - (3) For a building which attains applicability status after July 1, 1986, the initial critical observation shall be completed within 30 days of the date on which such building becomes applicable with subsequent observations at least one time every five years thereafter.
- (b) Critical Observation Report. The person who conducted or supervised such critical observation shall prepare a written report of such critical observation and the results thereof. Said report shall contain critical observation findings prescribed by the director's rules and regulations. The extent of the critical observation and the results thereof shall be documented in sufficient detail so that a comparison of successive reports will indicate any change of condition of the building's exterior walls and appurtenant structures. The owner shall keep and maintain said report at the applicable building's site or produce said report at said site within 48 hours of any request for same by the building official or the chief of the bureau of fire prevention.
- (c) Notice of Critical Observation. Upon completion and within 30 days of the required critical observation, the owner of said building shall notify the building official by certified mail of the following information:
 - (1) The location of the building;
 - (2) The age of the building;
 - (3) The date the building was critically observed;
 - (4) The name, address and title of the person or firm who conducted the critical observation and issued the critical observation report;
 - (5) The location of such report;
 - (6) The condition of the building's exterior. If, in the course of the critical observation, unsafe or unacceptable conditions are discovered, such conditions must be identified in said notice and immediately communicated to the building official;
 - (7) Any other information required by the rules and regulations of the director.
- (d) Imminently Hazardous and Unsafe Conditions. Upon the discovery of any imminently hazardous condition relating to the exterior walls or appurtenant structures of an applicable building, the owner shall immediately begin repair, reinforcement or precautionary measures so as to abate the immediate hazard and within 24 hours, notify the building official. Subsequently, the owner shall promptly employ an architect or a registered professional engineer who specializes in structural engineering to

perform a critical observation and prepare a report. The building owner shall submit a complete copy of said report to the director.

Any other conditions found to be in violation of this code shall be corrected within a reasonable time as determined by the building official and the rules and regulations and guidelines issued pursuant to this section by the director.

- (e) Exception. This section shall not apply to one-, two- or three-family residential dwelling or to any accessory structures related thereto.

(Ord. 1296-85; Ord. No. 0455-2010, § 109, 4-5-2010)

4109.08 Emergency orders.

- (A) Whenever the building official determines that any building, structure or part thereof is in such hazardous condition that, in the building official's opinion, it presents an unreasonable and imminent threat to the life or safety of any person or persons, the building official may issue an emergency order to the owner citing the hazard and requiring that action be taken to abate the hazard. An order issued pursuant to this subsection shall be complied with immediately without right of appeal before compliance, and shall require only such action as the building official deems to be the minimum necessary to remove the immediate threat to life or limb. If the order is not immediately complied with or if for any reason the order cannot be immediately served, then the building official shall cause the emergency action to be taken and to that end shall have authority to contract on behalf of the city for services, materials and equipment, costs thereof to be recovered from the owner. If the owner fails to reimburse the city within 60 days of receiving a bill, costs may be recovered through civil suit or charged against the land on which the building or structure was located as a municipal lien.
- (B) If necessary to protect the life and safety of the occupants or the general public, the building official shall order that the building or structure be immediately vacated and not be reoccupied until compliance with the order is effected.
- (C) In disaster situations such as result from a tornado, hurricane, earthquake, fire conflagration, flood, or a similar disaster, involving many buildings, where by reason of damage any building or structure has been rendered dangerous to persons or property, the building official shall immediately issue an emergency condemnation order retiring the existence of such an emergency and requiring that such action be taken as the building official deems necessary to meet the emergency.

(Ord. 2121-94.)

4111.90 Procedure for finding a public nuisance.

- A. Whenever the director determines that there exists a public nuisance, as defined in Section 4101.16, the director shall issue a notice of violation to the owner of the structure setting forth the conditions that cause the structure to be a public nuisance and advising the owner that the public nuisance must be abated. If the conditions that cause the structure to be a public nuisance include violations of Chapter 4109, excepting Section 4109.08, then prior to declaring a public nuisance under this section the Director shall confirm that appropriate notices have been issued in accordance with Chapter 4109 and shall document non-compliance with said notices. Such notice of violation shall:
 - 1. Be in writing;
 - 2. Describe the structure alleged to be a public nuisance;

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3. Identify the sections of the Ohio Revised Code or the Building Code of which the structure is in violation and specific conditions which are the basis for the determination that the structure is a public nuisance;
 4. Order the owner to abate the public nuisance and identify the specific conditions that must be corrected in order to constitute abatement;
 5. Specify a reasonable time for compliance with the order to abate;
 6. Advise the owner of the right to appeal the notice of violation to the building commission.
 7. Advise the owner that if the order to abate the conditions indicated in the notice of violation is not complied with by the specified date of compliance, the director may do any, or all of, the following:
 - a. Initiate a civil and/or criminal action against the owner to enforce the order;
 - b. Cause the conditions indicated in the notice of violation to be corrected by city personnel or private contractor and charge the costs of such correction as a lien upon the owner's structure or land, including but not limited to correction by demolition of the structure;
 - c. Assess a civil penalty against the owner pursuant to Section 4111.995 of \$1,000.00 for each calendar day that the owner fails to comply with the order to abate the public nuisance by the specified date as required in the notice of violation.
- B. When a notice of violation is served it shall be served upon the owner by any one of the following methods:
1. Personal service;
 2. Certified mail, return receipt requested;
 3. Residence service at the owner's address by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein;
 4. Publication in a newspaper of general circulation in Franklin County:
 - a. The notification shall be published a minimum of once per week for three consecutive weeks, and
 - b. A copy of the newspaper with a copy of the notice marked, shall be mailed to the party at the last known address and the notice shall be deemed received as of the date of the last publication;
 5. Regular mail service to an address that is reasonably believed to be a place of residence of the owner or a location at which the owner is reasonably believed to receive mail regularly;
 6. Posting of the notice of violation on the structure, except that if the structure is vacant, then the notice shall be posted on the structure and one of the above methods of service shall also be used.
- C. When the notice of violation has been served as provided herein, it shall be effective as to any person having any interest in the structure whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner as long as the conditions specified in the notice of violation remain and the public nuisance has not been abated as ordered.
- D. Written or oral acknowledgement by the owner of receipt of a notice of violation, or appeal of the notice by the owner to the building commission, shall be evidence that the owner received the notice.
- E. Right of appeal to the building commission.
1. A notice of violation issued pursuant to this section may be appealed to the building commission by the filing of a notice of appeal with the department within 15 days of service of the notice of violation.

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2. Upon the filing of a timely notice of appeal, the building commission shall conduct a hearing on the appeal within 45 days unless a continuance is requested by either party and granted by the chair of the commission. At such hearing, the burden shall be on the director to prove by the preponderance of substantial, reliable, and probative evidence that the structure identified in the notice of violation is a public nuisance. The building commission shall render its decision in writing, including conclusions of fact and law, within five days of the date of the hearing. The decision of the building commission may reverse, modify or affirm the order and action of the director.
 3. Decisions of the building commission issued pursuant to this section may be appealed to the environmental division of the Franklin County Municipal Court pursuant to Ohio Revised Code Chapter 2506.
- F. Nothing in this section shall be construed to prohibit the director from pursuing the enforcement of any provision of this Building Code or the Ohio Revised Code through any other remedy available by law, including but not limited to causing to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief or a criminal misdemeanor complaint.

(Ord. 1692-98 § 6; Ord. No. 2714-2014, § 2, 12-15-2014)

4113.17 Fees—Refund.

- (A) Unless specifically indicated in the fee schedule, department refund policy or this code, all fees are not refundable.
- (B) In the event of a refund, a refund service fee, as indicated in the fee schedule or department refund policy, and any costs for services already provided, shall be deducted from the amount to be refunded.
- (C) The eligibility, process, and any required refund fee shall be as indicated in the department refund policy.
- (D) The director, or designee, may waive the refund fee if the director, or designee finds that the refund is necessary because of an error on the part of a city employee. In the event any refund due is less than the required refund fee, no balance shall be due or returned.

(Ord. 781-98 § 3; Ord. 1669-01 § 6; Ord. 1858-04 § 2; Ord. No. 0151-2009, §§ 1, 36, 6-22-2009)

4113.29 Issuance of permit, plans and specifications.

The application, plans and specifications filed by an applicant for a permit shall be examined by the chief building official. Such plans shall be forwarded to other departments of the city for review if deemed necessary by the chief building official, to determine compliance with the laws and ordinances under their jurisdiction. If the chief building official is satisfied that the work described in the application for a permit and the plans filed therewith conform to the requirements of this Building Code and other pertinent laws and ordinances, the chief building official shall issue a permit therefor to the applicant.

The department shall in no case grant any permit for the construction, alteration, or use of any building, structure or premises in the flood plain, as determined by the flood profile and flood boundary and floodway map on file in the department without a copy of the appropriate certificate of zoning clearance issued to the applicant, stating that said building, structure or premises, as proposed to be constructed, altered, or used, would not be in violation of any regulation established by Chapter 3385 of the Zoning Code.

The department shall in no case grant any permit for the construction, alteration, or use of any building, structure or premises without first receiving a certificate of zoning clearance stating that the said building, structure or premises as proposed to be constructed, altered or used, would not be in violation of any regulation established by the department.

When the chief building official issues the permit the chief building official shall endorse in writing or stamp plans and specifications "APPROVED." Such approved plans and specifications from the chief building official shall be kept on the job during the time work is being carried on and all work shall be done in accordance with the approved plans, which shall not be changed without written authorization of the chief building official.

(Ord. 1483-97 § 2 (part); Ord. 1669-01 § 8; Ord. No. 0455-2010, § 111, 4-5-2010)

4113.37 Building permits.

- (A) General Construction. This section deals with permits for general construction and does not include permits required for the mechanical and electrical trades.
- (B) Required.
- (1) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the city, or cause the same to be done, without first obtaining a separate permit for each such building or structure from the building official and paying the fee prescribed in the fee schedule.
 - (2) Pre-approval(s) Required. When a certificate of zoning clearance, a certificate of appropriateness, or certificate of approval, is required, all that apply shall be obtained prior to filing for an application for a building permit. Failure to obtain the required pre-approval(s) prior to commencing an installation is subject to, but not limited by, the penalty provision of C.C. Chapter 3116. Referral(s) to the appropriate regulatory agency(s) may be obtained from the department.
 - (3) Maintenance Work. No building permit is required for maintenance work which is made of the same material of which the building or structure was originally constructed; however, such work shall in no way, be the type of work that could be considered an alteration or rehabilitation to the building or structure. Interior or exterior painting does not require a permit; however, a certificate of appropriateness shall be required for exterior painting of any building or structure listed on the Columbus Register of Historic Properties or is within an architectural review commission district. Within the university impact district, exterior painting and maintenance work involving replacement-in-kind does not require a certificate of approval.
- (C) Parking Lot.
- (1) No person shall commence to construct, enlarge, alter, improve or convert a parking lot in the city, or cause the same to be done without first obtaining a separate permit for each such parking lot from the building official and paying the fee prescribed in the fee schedule.
- Exception: A separate permit need not be obtained for the construction of a parking lot if said parking lot is shown on the plans and included in the permit for the building or structure.
- (2) Pre-approval Required. When a certificate of zoning clearance, certificate of appropriateness, or certificate of approval is required, all that apply shall be obtained prior to filing an application for a parking lot. Failure to obtain the required approval(s) prior to commencing an installation is subject to, but not limited by, the penalty provision of C.C. 3116. Referral(s) to the appropriate regulatory agency(s) may be obtained from the department.
 - (3) A permit is not required for the routine maintenance of a parking lot, such as patching holes, sealing, or striping without changing the number of available spaces.
- (D) Not Required. A building permit is not required for the following types of installations; however, an installation within the scope of either subsection (D)(1) or (D)(3) of this section that is either listed on the Columbus Register of Historic Properties or located within an architectural review commission district, requires a certificate of appropriateness in accordance with C.C. Chapter 3116:

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- (1) Playground equipment located on residential, commercial or public property;
 - (2) A mobile or manufactured home located in a mobile or manufactured home park which is licensed by the local or state board of health;
 - (3) An unheated, one-story, detached building that is accessory to a one-, two-, or three-family dwelling and contains less than 169 square feet of gross floor area.
- (E) Building Permit Issuance. A building permit may be issued:
- (1) To an appropriately licensed home improvement contractor duly licensed with the department or to the owner of a one-, two-, or three-family dwelling to do the work with a licensed home improvement contractor's own hands or see that the work is properly accomplished under a licensed home improvement contractor's direct supervision;
 - (2) To the owner of a single unit in an existing multi-family dwelling to do the structural work within the owner's own unit with the owner's own hands or see that the work is properly accomplished under the owner's direct supervision;
 - (3) For a completed one-, two-, or three-family dwelling, to the general contractor duly registered with the department, who originally constructed the dwelling in order to remodel or construct an addition on that same dwelling;
 - (4) To the owner of any existing building other than a one-, two-, or three-family dwelling to do the structural work within the owner's own unit with the owner's own hands or see that the work is properly accomplished under the owner's direct supervision;
 - (5) To a general contractor duly registered with the department for any building other than a one-, two-, or three-family dwelling to perform the structural work with a general contractor's own hands or see that the work is properly accomplished under a general contractor's direct supervision;
 - (6) To a general contractor duly registered with the department for the construction of a new one-, two-, or three-family dwelling to perform the structural work with a general contractor's own hands or see that the work is properly accomplished under a general contractor's direct supervision;
 - (7) To a general contractor duly registered with the department for the modification, alteration, or repair of an existing one-, two-, or three-family dwelling providing that they supply the name of a licensed home improvement contractor(s) that will perform the work with home improvement contractor(s) own hands or see that the work is properly accomplished under home improvement contractor(s) direct supervision;
 - (8) Any person acting on the behalf of, or as an agent for, an owner to obtain a building permit shall be a general contractor duly registered with the department.
- (F) Use of Name. No department licensed or registered contractor, or occupying homeowner shall allow the use of the contractor or homeowner's name by any person, directly or indirectly, for the purpose of obtaining a building permit to do any work.
- (G) Emergency Work.
- (1) Where an emergency exists, work may be commenced prior to obtaining a building permit; however, application for a permit shall be made as soon as possible the same day or as soon as the department office is open for business. An emergency includes, but is not limited to, structural, mechanical or electrical system failures.
 - (2) Where an emergency exists, work may be commenced prior to obtaining a certificate of appropriateness or certificate of approval on any building or structure that is either listed on the Columbus Register of Historic Properties, or is within an architectural review commission district or

within the university impact district; however, an application for a certificate of appropriateness or a certificate of approval shall be made as soon as possible on the same day or as soon as the appropriate department office or section is open for business.

- (H) Interim Permit. Where work is commenced by an unlicensed or unregistered contractor the chief building official may issue a one-time interim permit provided:
- (1) The unlicensed or unregistered contractor makes application to the department on an application form prescribed for such license or registration, with proof of bonding and liability insurance together with the nonrefundable fee as prescribed by the fee schedule. The applicant shall possess the minimum qualifications as set forth in chapter 4114 of this code which shall be verified by the chief building official.
 - (2) The applicant satisfies the working without permit fee assessed against the work. The fee shall be as prescribed in the fee schedule.
 - (3) The work is inspected by a building inspector to determine code compliance.
 - (4) The applicant does not have a prior history of violating the building code.

This one-time interim permit may be revoked by the building official with due cause.

(Ord. 1483-97 § 2 (part); Ord. 1526-00 § 1; Ord. 1144-02 § 1; Ord. 1709-2007 § 1; Ord. No. 0151-2009, §§ 2, 36, 6-22-2009; Ord. No. 2188-2016, § 1, 9-26-2016)

4113.39 Advance construction start.

- (A) Certificate. The building official may issue a certificate to start construction prior to the issuance of a building permit or before the entire plan and specifications for the building or structure have been submitted or approved, provided that adequate information and details have been submitted, which comply with the pertinent requirements of this code and for which a zoning clearance shall have been obtained for the new construction.
- (B) Risk. The holder of a certificate to start construction prior to the issuance of a building permit, may proceed only to the point of construction for which that certificate has been given, and at the holder's own risk and without any expressed or implied assurances that the approval for the entire building or structure will be granted.
- (C) Foundation Start Certificate. The building official may issue a foundation start certificate to begin the construction of the foundation.
- (D) Removal Start Certificate. The building official may issue a removal start certificate to begin the removal of existing construction. However, no such certificate shall be issued for a structure listed on the Columbus register of historic properties or located in an architectural review commission area or in an historic district unless a certificate of appropriateness has previously been issued therefor.
- (E) Fee. The fee for each certificate provided for in this section shall be as prescribed in the fee schedule.

(Ord. 1483-97 § 2 (part).)

4113.57 Permits—Qualifications.

- (A) No person shall commence to perform the work of any trade or craft that is required to be licensed or registered under the Columbus Building Code, including plumbing, sewer, heating, ventilation, air

conditioning, hydronics, refrigeration and electrical work, or cause the same to be done, without first obtaining a separate permit for each such trade from the department.

(B) A permit may be issued only to the following:

- (1) Any person, firm or corporation holding a license or registration properly issued under the license or registration regulations in Chapter 4114 of the Columbus Building Code. In the event the holder of such license or registration is a firm, partnership or corporation, any person, proprietor or officer of said firm, partnership or corporation, as designated by the license or registration holder on the contractor assignment or registration form, may sign the application for a permit on behalf of the license or registration holder. In such event, the name of the person who qualified for the contractor license or registration shall be indicated in the permit application.

Exception: Electrical, plumbing, heating-ventilating and air conditioning contractors (HVAC), refrigeration and steam and hot water (hydronics) contractors that have a current and valid license issued by the department on September 17, 2001, shall be allowed to obtain permits for their specific department-licensed trade or craft until the expiration of such current department-issued license. Thereafter, permits for such trade or craft shall only be issued to an OCIEB licensed specialty contractor duly registered with the department.

- (2) A homeowner, provided that all work thereunder shall be done with the homeowner's own hands or with assistance only from homeowner's own immediate family. Said work can be done only in a single-family detached residence which is not part of any type of multiple-occupancy dwelling or other type of building or structure and is occupied or is to be occupied by no one except homeowner's own family. In the event that no immediate family is available for assistance, assistance may be acquired from persons other than homeowner's immediate family provided no financial compensation is either given or implied for such assistance. The person or persons who are to perform the work shall be named in the permit application. This work shall include only alteration or extension of existing mechanical or electrical systems.
- (C) No department-licensed or registered contractor, homeowner, or occupying homeowner shall allow the use of the contractor or homeowner's name by any person, directly or indirectly, for the purpose of obtaining a permit to do any mechanical or electrical work.
- (D) A homeowner's permit shall be revoked if, after inspection by an inspector, the work is of such nature that it is deemed to be a hazard to the occupants of the residence. Thereupon, the inspector shall order the homeowner to obtain the services of a duly department-licensed or registered contractor of the appropriate type to bring the installation into compliance with the applicable codes. This contractor or registrant may not work under the auspices of the homeowner's permit unless the homeowner's permit is transferred to the licensed or registered contractor in accordance with C.C. 4113.07.
- (E) **Exception:** Plumbing, heating and ventilation equipment, refrigeration system equipment, hydronic systems and electrical wiring in connection with manufacturing equipment, scientific research equipment and testing equipment are exempt from the department OCIEB licensed contractor registration and permit requirements of C.C. Chapters 4113 and 4114.
- (F) **Emergency Work.** In cases where an emergency exists, work may be commenced prior to obtaining a permit. In these cases a permit shall be obtained as soon as possible the same day or as soon as the department's office is open for business. An emergency includes, but is not limited to, structural, mechanical or electrical system failures.

(Ord. 1483-97 § 2 (part); Ord. 1669-01 § 14.)

4113.67 Environmental comfort system or heat pump system—Permit and fees.

- A. An OCILB licensed heating, ventilating and air conditioning (HVAC) contractor duly registered with the department may, at the contractor's option, obtain a permit from the department to install an environmental comfort system or a heat pump system in lieu of obtaining separate heating and refrigeration permits which may be required under C.C. 4113.63 and 4113.69. Such permit shall be a single permit and subject to inspection. Systems exceeding a capacity of five tons shall require separate permits.
- B. (a) Permit fees shall be required as follows:
- (1) Residential Dwelling Units. One environmental comfort system or heat pump system permit fee shall be required for each system installed in a dwelling unit in an R-2, R-3 or R-4 use group.
 - (2) Other Than Residential Dwelling Units. For all other buildings not included in subsection (B)(a)(1) above, one environmental comfort system or heat pump system permit fee shall be required for any environmental comfort or heat pump system not exceeding a capacity of five tons. A separate heating and refrigeration permit and permit fee shall be required in accordance with C.C. 4113.63 and 4113.69 for all other environmental comfort systems or heat pump systems.
- (b) For the purpose of this section, all heat pumps (including, but not limited to, any refrigeration system designed to control ambient room temperatures by transferring heat) and environmental comfort systems shall include any heating, cooling, refrigeration, humidification, air cleaning, or ventilation device, and all duct outlets and inlets connected to each system.
- (c) Whenever repair of any environmental comfort system or heat pump system not exceeding a capacity of five tons necessitates replacement of a major component, an OCILB licensed heating, ventilating and air conditioning (HVAC) contractor duly registered with the department, may obtain a single environmental comfort system or heat pump system permit. For systems over five tons of capacity a permit shall be required and a fee shall be assessed in accordance with the appropriate heating or refrigeration section (C.C. 4113.63 or 4113.69) in the fee schedule.
- (d) Permit fees shall be assessed as prescribed in the fee schedule.

(Ord. 3031-98 § 1; Ord. 1669-01 § 19; Ord. 1132-2008 Attach. (part).)

4114.107 Work of department-licensed contractor and licensed journeyman plumber.

- (A) It shall be unlawful to undertake or perform work of any department-licensed contractor, or trade, as defined in this Building Code within the corporate limits without first obtaining a department-issued license.
- In addition, it shall be unlawful for any person other than an owner, officer, partner, or employee of a department-issued licensed contractor, to represent or advertise themselves, for or without compensation, either publicly or privately, as being ready, willing or able to contract to undertake or offer to undertake, to plan for, lay out, supervise, install and/or make additions, alterations or repairs for any work within the scope of any department license required to perform such work, unless such work will be performed under the auspices of a department-issued license as required by this chapter. Such department-issued license shall have been authorized by the relevant board of review and subsequently issued by the department.
- (B) The requirements of subsection (A) above shall apply to any work within the scope of a department-issued license for work in any new or existing building or structure, which shall include one-, two-, and three-family dwellings, governed by either the Columbus Building Code or the Ohio Building Code (OBC) or the Residential Code of Ohio (RCO).
- (C) The department requires and issues licenses for the following types of contracting:
- (1) Home improvement - general contractor.

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- (2) Home improvement - limited contractor.
 - (3) Sewer contractor.
 - (4) Water contractor.
 - (5) Other contractors as specified in this chapter.

A department-issued home improvement contractor license in the specific craft or trade as defined hereafter in this chapter, is required to perform such work in, or on, any one-, two-, and three-family dwelling within the corporate limits.

- (D) The department requires and issues a license for journeyman plumber.
 - (1) No OCILB licensed specialty plumbing contractor shall employ any person to work at the trade of journeyman other than a duly licensed journeyman plumber licensed by the department.
 - (2) No person shall engage in or work at the trade as journeyman plumber until said person has first procured a department-issued journeyman plumber's license.
 - (3) No department-licensed journeyman plumber shall contract or carry out a contract for the construction, installation, repairing or altering of any plumbing, or furnish plumbing material therefor, within the corporation limits of the city, or represent or advertise themselves, either publicly or privately, as being ready, willing or able to contract to perform such work or furnish such material within the corporation limits of the city.
- (E) No home improvement general contractor license, home improvement limited contractor license, or sewer contractor license shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this subsection as follows:
 - (1) A tradesperson who performs labor or services for a department-licensed contractor for wages, salary, or compensation of any type, manner, or form provided such person is a direct employee or a legally leased tradesperson under the direct supervision of the department-licensed contractor.
 - (2) Any retail clerk, clerical, administrative, or other employee of a department-licensed contractor.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 4; Ord. No. 0151-2009, §§ 3, 36, 6-22-2009)

4114.111 Work of a registered OCILB licensed specialty contractor.

- (A) It shall be unlawful to undertake or perform work of any Ohio Construction Industry Licensing Board (OCILB) licensed specialty contractor, as defined by Section 715.27(F) of the Ohio Revised Code (ORC), within the corporate limits without first obtaining an OCILB licensed specialty contractor registration from the department.

In addition, it shall be unlawful for any person other than an owner, officer, partner, or employee of an OCILB licensed specialty contractor, to represent or advertise themselves, for or without compensation, either publicly or privately, as being ready, willing or able to contract to undertake or offer to undertake, to plan for, lay out, supervise, install and/or make additions, alterations, or repairs in or for the building service equipment installation of any electrical, plumbing, heating, ventilating, and air conditioning (HVAC), refrigeration or hydronics system in any building or structure governed by this Building Code, unless such work will be performed under the auspices of a duly registered OCILB licensed specialty contractor as required by this section.

- (B) The requirements of subsection (A) above shall apply to any new or existing building service equipment in any new or existing building or structure, which shall include one-, two-, and three-family dwellings, governed by either the Columbus Building Code or the Ohio Building Code (OBC).

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- (C) The department requires and issues registration for the following OCILB licensed specialty contractors:
- (1) Electrical contractor;
 - (2) Heating, ventilating and air-conditioning (HVAC) contractor;
 - (3) Hydronics (steam and hot water) contractor;
 - (4) Plumbing contractor; and/or
 - (5) Refrigeration contractor.
- (D) No OCILB specialty contractor license, or registration, shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this subsection as follows:
- (1) A tradesperson who performs labor or services for a department-registered OCILB specialty contractor for wages, salary, or compensation of any type, manner or form provided such person is a direct employee or a legally leased tradesperson under the direct supervision of the registered OCILB licensed specialty contractor;
 - (2) Any retail clerk, clerical, administrative, or other employee of a department-registered OCILB specialty contractor.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 4.)

4114.113 Work of a registered general contractor and of a demolition contractor.

The department requires and issues registrations for the following types of contracting:

- (1) General contractor; and
- (2) Demolition contractor.

Registration Required. It shall be unlawful to undertake or perform work of any department-registered general or demolition contractor as defined in this Building Code without first obtaining a department-issued registration to perform such work.

It shall be unlawful for any person other than an owner, officer, partner, or employee of a registered general or demolition contractor, to represent or advertise themselves, for or without compensation, either publicly or privately, as being ready, willing, or able to contract to undertake or offer to undertake any demolition, or to plan for, lay out, supervise, install, and/or make additions, alterations, or repairs for any work within the scope of any department-issued registration required to perform such work, unless such work will be performed under the auspices of a department-issued registration as required by this chapter.

No general contractor or demolition contractor registration shall be required for:

1. A person who performs labor or services for a department-registered general contractor or department-registered demolition contractor for wages, salary, or compensation of any type, manner or form provided such person is a direct employee or a legally leased tradesperson under the direct supervision of the department-registered contractor.
2. Any retail clerk, clerical, administrative, or other employee of a department-registered demolition and/or general contractor.
 - (A) General Contractor. These requirements shall apply whenever any work involving the structural addition, alteration, repair, and/or new construction of any building, structure, or site as stipulated therein and regulated by this Building Code. Such work shall be only transacted by a general contractor duly registered with the department or as otherwise specifically permitted by this code.

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- (1) As used in this Building Code, a registered general contractor is:
 - (a) Any person that functions either on the behalf of, or as an agent for, an owner of a building, structure, or site for the purpose of obtaining building permits for the structural addition, alteration, repair, and/or new construction of any appurtenance, building, structure, or site, or a portion thereof, governed by the Ohio Building Code (OBC) and/or the new construction of one-, two-, and three-family dwellings and those new appurtenances directly associated therewith as regulated by this Building Code.
 - (b) Any person that offers to provide and/or provides the means, processes, and procedures for the structural addition, alteration, repair, and/or new construction of any appurtenance, building, structure or site, or a portion thereof, governed by the Ohio Building Code (OBC). In addition, such registration shall also include the new construction of one-, two-, and three-family dwellings and those new appurtenances directly associated therewith as regulated by this Building Code.
 - (2) Registration as a general contractor by the department does not convey to such a person the rights and privileges of a person having a department home improvement general or limited contractor license issued pursuant to C.C. 4114.107. Licensure as a home improvement general or limited contractor by the department does not convey to such a person the rights and privileges of a person having a department general contractor registration issued pursuant to this section.
- (B) Demolition Contractor. These requirements shall apply to any work involving the demolition of any building, structure, or site, which shall include one-, two-, and three-family dwellings and buildings, structures, or sites associated therewith governed by the Ohio Building Code (OBC) or the Columbus Building Code that is to be performed. Such work shall be only transacted by a demolition contractor duly registered with the department.

As used in this Building Code, a duly registered demolition contractor is any person that provides the means, processes, and procedures for razing or removing all, or a portion thereof, of a building, structure, or appurtenance from a property governed by this Building Code. Such department-issued registration shall have been authorized by the board of review of general and home improvement contractors and subsequently issued by the department.

(Ord. 1670-01 § 1 (part); Ord. 1144-02 § 3; Ord. 1697-2006 § 5.)

4114.115 Work of a registered fire alarm and detection equipment and/or fire protection company.

- (A) The department requires and issues registrations for the following categories of certified fire alarm and detection equipment and/or fire protection companies:
- (1) Automatic sprinkler and standpipe systems;
 - (2) Fire service mains;
 - (3) Fire pumps;
 - (4) Fire alarm and detection equipment;
 - (5) Household fire warning equipment only;
 - (6) Engineered extinguishing equipment (OTW); and/or

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- (7) Pre-engineered extinguishing equipment (OTW).
- (B) The scope of work of a certified fire alarm and detection equipment and/or fire protection company registered with the department is limited to those categories in paragraph (A) above for which current and valid proof of Ohio Division of State Fire Marshal individual certification issued by the Bureau of Licensing and Certification is provided to the department.
- (C) Whenever any work involving either the alteration and/or installation of any fire alarm and detection equipment and/or fire protection system, in any building or structure governed by this Building Code, such work shall only be transacted by a certified fire alarm and detection equipment and/or fire protection company duly registered with the department. The requirements of this subsection shall apply to any work within the scope of a department-issued certified fire alarm and detection equipment and/or fire protection company registration for work in, on, or involving any new or existing building or structure, which shall include one-, two-, and three-family dwellings, governed by either the Columbus Building Code or the Ohio Building Code (OBC) within the corporate limits.

Exception: The installation of single station, inter-connected line voltage smoke detectors that are installed by an OCILB licensed electrical specialty contractor duly registered with the department in one-, two-, and three-family dwellings.

- (D) The validity of a department-issued registration of a fire alarm and detection equipment and/or fire protection company and its category of work listed in Section 4114.115(A) is totally dependent upon the expiration date of the validating individual's certification or of the company's certification expiration dates, whichever occurs first.
- (E) As used in this Building Code, a certified fire alarm and detection equipment and/or fire protection company is a company certified by the Ohio Division of State Fire Marshal, Bureau of Licensing and Certification that provides the means, processes, and procedures for the alteration and/or installation of any fire protection system in any building or structure governed by this Building Code that consists of devices, equipment and/or systems used to detect a fire, activate an alarm, suppress or control a fire, or any combination thereof. The registration of a certified fire alarm and detection equipment and/or fire protection company with the department requires current, valid company certification issued by the Ohio Division of State Fire Marshal, Bureau of Licensing and Certification.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 6.)

4114.117 Required registration of Ohio Division of State Fire Marshal certified individual.

- (A) The certified individual, who provides the validation for the scope of work of any of the categories of Section 4114.115(A) for a fire alarm and detection equipment and/or fire protection company, shall have current and valid certification issued by the Ohio Division of State Fire Marshal, Bureau of Licensing and Certification. Such an individual shall also be registered with the department.
- (B) The validity of the individual's certification registration with the department is totally dependent upon the expiration date of the individual's certification or of the expiration date of the company's certification, whichever occurs first.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 7.)

4114.303 Composition of boards.

- (A) Each board of review shall be composed of seven voting members and a secretary. Four voting members of a board in attendance at a meeting shall constitute a quorum.

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- (B) The Chief Building Official or designee shall be the secretary to such board. The secretary of a board of review is not a voting member of the board.
- (C) The membership of the Skilled Trades Review Board shall be as follows:
- (1) Two members shall be licensed or registered by the Department as one of the following:
 - (a) a licensed sewer contractor,
 - (b) a licensed water contractor,
 - (c) a licensed combination sewer/water contractor,
 - (d) a licensed journeyman plumber,
 - (e) a registered, OCILB licensed plumbing contractor, or
 - (f) a certified individual providing scope of work validation for fire alarm and detection equipment and/or fire protection companies.
 - (2) Two members shall be department-registered, OCILB licensed electrical contractors.
 - (3) Two members shall be licensed or registered by the Department as one of the following:
 - (a) a registered, OCILB licensed refrigeration contractor,
 - (b) a registered, OCILB licensed warm air heating and air conditioning contractor (HVAC), or
 - (c) a registered, OCILB licensed hydronics (steam and hot water) contractor.
 - (4) One public member who is familiar with one of the construction industries relevant the Skilled Trades Review Board.
- (D) The membership of the board of review of general and home improvement contractors shall be as follows:
- (1) Two department-licensed home improvement general contractors with current, valid licenses whom shall be actively engaged in home improvement general contracting.
 - (2) Two department-licensed home improvement limited contractors with current, valid licenses whom shall be actively engaged in home improvement limited contracting.
 - (3) Two department-registered general contractors with current, valid registration whom shall be actively engaged in the work of a registered general contractor. One shall operate their business under a collective agreement with a recognized labor organization, and one shall not.
 - (4) One public member, who is familiar with the construction industry relevant to the board of review of general and home improvement contractors.
- (E) No member of any board of review shall be employed or affiliated with the same business entity or entities of another. No public member shall have a direct or indirect interest, as defined in C.C. 501.02, in any thing, place or business that is required to be licensed by the Columbus City Codes.
- (F) Except for the secretary, all members shall be appointed by the director for a term of three years and shall be residents of Franklin county or a county abutting Franklin county. The majority of board members shall be residents of the city of Columbus. The term of each member shall continue until a successor is appointed. The director may remove any member, except the secretary, for incompetence, neglect of duty, malfeasance, or misconduct in office. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments are made. All members shall receive payment for each meeting attended in accordance with the administrative salary ordinance

(Ord. 1670-01 § 1 (part); Ord. 1144-02 § 6; Ord. 1697-2006 § 9; Ord. No. 0151-2009, §§ 5, 36, 6-22-2009; Ord. No. 1812-2017 , § 2, 7-31-2017; Ord. No. 0127-2019 , § 6, 2-4-2019)

4114.503 Application for department-issued license.

- (A) A person desiring to be a department-licensed contractor, including a journeyman plumber, shall apply to the department on an application form prescribed therefor for such license, together with the nonrefundable fee prescribed by the fee schedule.
- (B) The application for a department-issued license shall be confirmed and signed under oath by the applicant. The application for a license shall contain the following information:
 - (1) Name of the applicant;
 - (2) Date of birth;
 - (3) Current residence and business address(es) of the applicant;
 - (4) Current residence and business telephone number(s) of the applicant;
 - (5) Dates of previous licenses or registrations with the department, if any; and
 - (6) Other information deemed necessary by the department.
- (C) The application for a license; that, as a prerequisite, requires an examination; or examinations, shall be submitted to the department no later than one (1) year after the date on which a passing score was achieved on any required examination given by an approved testing agency. After one (1) year from the date that a passing score was achieved on any required examination for a department issued license, the passing score for that examination shall become invalid. When more than one (1) examination is required for a department issued license, all examination scores shall be valid. Only valid examination scores shall be acceptable when making an application to the department.

Additionally, the application shall be submitted at least seven calendar days prior to the date of the meeting of the relevant board of review.

- (D) In addition, the applicant shall also furnish a statement of experience with the application for a department-issued license. The statement of experience shall encompass the period of required experience as set forth in the qualifications for the type of license for which the application is made.

The statement shall clearly and concisely provide the following information:

- (1) List of employer or projects with dates of same as applicable; and
 - (2) Detailed work-related information about the employment or projects so listed; and
 - (3) The length of time devoted to each such employment or project listed; and
 - (4) The name of the employer or other responsible person with direct knowledge of the work performed by the applicant during such employment or project listed; and
 - (5) A statement, made by the applicant, of the schooling and training the applicant has obtained shall also be included.
- (E) The statement of experience shall be notarized.
 - (F) Before an application may be approved for any applicant, the applicant shall meet the following requirements:
 - (1) Be not less than 18 years of age; and
 - (2) Be a United States citizen or national, a lawful permanent resident, or an individual authorized to work in the United States.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 11; Ord. No. 0151-2009, §§ 7, 36, 6-22-2009; Ord. No. 1621-2016 , § 2, 5-8-2017)

4114.511 Certification for a department-issued license.

- (A) After completing a review of the qualifications of those applicants for a license, the relevant board of review shall certify the names of the eligible applicants to the department, whereupon the department, within five working days shall, by certified mail, notify the applicants of their eligibility.
- (B) The eligible applicant for a department-issued license shall pay for and have completed the processing of the license at the department within 90 calendar days after notification the relevant board of review has certified the applicant. Failure to complete the entire licensing process within 30 calendar days after notification by the department shall create liability for payment of the late charge prescribed in the fee schedule; after 90 calendar days, the applicant's certification for a license shall be voided.

(Ord. 1670-01 § 1 (part); Ord. No. 0151-2009, §§ 11, 36, 6-22-2009)

4114.523 Fees for department-issued licenses.

- (A) A fee, as established by the fee schedule, shall be charged for each of the following conditions:
 - (1) The application;
 - (2) The department-issued license; and
 - (3) The renewal of a department-issued license.

All such fees for a department-issued license are nonrefundable.

- (B) In addition to the fees described above , there may be other fees stipulated by this code included in the fee schedule that pertain to a department-issued license. All such fees are nonrefundable.
- (C) A late fee as prescribed by the fee schedule shall be added to the renewal fee if the department receives the application for renewal after the date of expiration and expiration of the grace period as specified in the fee schedule. Any renewal application received more than 90 calendar days from the initial date of expiration shall be deemed a new application requiring recertification by the appropriate board of review. This recertification may be waived at the sole discretion of the Director upon completion of the specified forms by the applicant.
- (D) Any person serving in the United States Armed Forces shall be exempt from license fees during the period of the person's active duty. The person's license may be renewed within 90 days of termination of active duty.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 19; Ord. No. 2635-2013, § 4, 12-2-2013)

4114.525 Contractor license number for department-issued license.

- (A) The department shall issue a unique number for each department-issued license-holder licensed with the department who shall exclusively retain the use of such number. Afterward, such license-holder shall exclusively retain the use of such number. Annually thereafter, such department-issued license shall be renewed using the same number.

(Supp. No. 69, 4/21)

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- (B) When the holder of a department-issued license assigns the right to a license to a business concern, the license shall bear the individual's name and unique license number.
 - (C) When more than one department-issued license-holder assigns their license to a business concern, the bond provided by the licensed-business shall be sufficient for all department-issued licenses assigned to the business concern during the same licensing period.

(Ord. 1670-01 § 1 (part).)

4114.527 Expiration and renewal of a department-issued license.

- (A) The provisions of this section concerning renewal only apply to licenses issued by the department.
- (B) A license issued by the department shall expire at the end of the twelfth month after the date of issuance.
- (C) A license may be renewed at any time during the 90 calendar days prior to its expiration date; however, such early renewal shall comply with the requirements for such renewal.
- (D) A bond submitted for department-issued license renewal shall be signed by the individual who has qualified for the license, regardless of any assignment to a business concern.
- (E) A person whose department-issued license has expired shall not perform any work governed by this code until a renewal of the license is issued by the department. No permits shall be issued to a license-holder with an expired department-issued license.
- (F) A department-issued license holder, or the license holder's licensed business, which fails to correct work that does not comply with this Building Code, shall be denied the renewal of the license holder's license until compliance with this Building Code shall have been secured.

(Ord. 1670-01 § 1 (part); Ord. 1936-02 § 2; Ord. 1697-2006 § 20; Ord. No. 0151-2009, §§ 16, 36, 6-22-2009; Ord. No. 2635-2013, § 5, 12-2-2013)

4114.531 Assignment and issuance of a department-issued license to a business concern.

- (A) A license shall be issued in the name of the individual who successfully met the qualifications as required by this chapter. However, said individual, at the time of applying for said department-issued license, or at any time thereafter, may assign, the individual's rights to a license to a business concern with whom the individual is associated as a legal, full-time officer, proprietor, partner, or employee, and may designate that the individual's license shall be issued in the name of said concern. In such event, such license shall be issued in the name of said business concern and said concern shall be known as the licensed-business. The individual applicant shall not be issued a license in the individual's own name during the period the individual is associated with said business concern. In such event, the license shall state on its face the name and position in the business concern of the individual who has qualified for the license under the terms of this Chapter. No individual may be named on more than one license within a trade at the same time.
- (B) The license-holder is responsible to immediately notify the licensing section of the department of any change of status of their department-issued license.
- (C) In the event the individual named on the department-issued license becomes disassociated from the licensed-business, the license shall become null and void 90 calendar days after such disassociation, except where another license-holder becomes associated with the business concern and the business concern so notifies the department in writing. During this 90-day period, the work on existing permits may be followed through to completion, but no new work shall be commenced.

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- (D) In such event, a new department-issued license, setting forth the name of the new licensed individual, shall be issued to the licensed-business. A nonrefundable fee, as prescribed by the fee schedule, shall be required for the issuance of this new license within the same license year.
 - (E) A license-holder may transfer the assignment of a license from one company to another, including to change the name of the company, once per 90 calendar days, unless the license has been assigned to an entity also held by the license holder (self-assigned license). If this time frame is exceeded, the license-holder shall submit a name change exception request and board application fee to the appropriate review board.
 - (F) When a department-issued license is assigned to a business concern, all work carried on by the licensed-business shall be deemed to be carried on under the personal supervision of the person named in the department-issued license. Therefore, any violations of the terms of the department-issued license, or of this Building Code, shall be imputed to the department-issued license-holder named therein. The department-issued license-holder shall be actively engaged in the business and shall be readily available for consultation with the department within two business days after notification.
 - (G) No license-holder shall permit the license-holder's department-issued license to be used in more than one business at any time. It shall be cause for revocation by the department of the license issued to a business concern if it shall be shown that the license-holder is not, or is no longer, a legal officer, proprietor, partner, or employee of said business concern. No department-issued license-holder shall be entitled to be named in any department-issued license who shall have outstanding against them, as an individual, or as an officer, proprietor, partner, or employee of a business concern, any suspension or revocation of another department-issued license or department registration. However, another qualified department-issued license-holder who is a proprietor, partner, or employee may be substituted upon proper application therefore.

Exception: The license of a journeyman plumber shall not be assigned.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 22; Ord. No. 0151-2009, §§ 18, 36, 6-22-2009; Ord. No. 3264-2019, § 1, 2-3-2020)

4114.533 Elective suspension (escrow) of a department-issued license.

- (A) A license holder other than journeyman plumber, may place their department-issued license in elective suspension (escrow) upon a written request and payment of the fee as prescribed by the fee schedule for such placement to the department's license section at any time. The written request shall be submitted with the license holder's application for the immediate establishment of the elective suspension (escrow) status or to occur in lieu of their contractor license renewal. The license-holder shall pay the fee as prescribed by the fee schedule and obtain, a department-issued contractor license elective suspension (escrow) renewal each year as herein before regulated. During the period of the elective suspension (escrow) the license-holder shall not be required to obtain or furnish the required of elective suspension (escrow), the license-holder shall not perform any work of a department-issued licensed contractor and no permits shall be issued to such license-holder.
- (B) A journeyman plumber may place the plumber's license in elective suspension (escrow) upon written request and payment of the fee as prescribed by the fee schedule for such placement, to the department's license section. The written request shall be submitted with the plumber's application for renewal or change of license status. The license-holder shall pay the fee as prescribed by the fee schedule for, and obtain a department-issued journeyman plumber's license elective suspension (escrow) renewal each year as herein before regulated. For the duration of the elective suspension (escrow), the licensed individual shall not perform any work of a licensed journeyman plumber.

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- (C) A license may be placed in elective suspension (escrow) indefinitely. However, such license shall be renewed each year by payment of the fee prescribed by the fee schedule for such placement. Failure to renew a license that is in elective suspension (escrow) or re-establish a license that is in employment escrow status in accordance with Section 4114.535 shall be sufficient cause for such license to become immediately canceled by the department without recourse. Reestablishment of license shall be only accomplished by making a new application for such department-issued license with the department.
- (D) Upon notification to the department's license section and paying the fee as prescribed in the fee schedule, and providing evidence fall required documentation the elective suspension (escrow) status of a department-issued license shall be removed. Thereafter, the department-issued licensed-holder may perform the work of the license-holder's licensed craft or trade as a department-licensed contractor and obtain permits, or work as a journeyperson plumber, as applicable.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 23; Ord. No. 0151-2009, §§ 19, 36, 6-22-2009)

4114.537 Suspension and revocation of a department-issued license.

Upon receiving a complaint in writing, made by any person and subscribed to by such complainant, and sworn to affirmatively by the complainant before an officer of the department or magistrate authorized to administer oaths, stating in substance facts indicating that a home improvement general or limited contractor, a sewer contractor, water contractor, combination sewer/water contractor, or a journeyperson plumber license-holder shall have done any of the things herein before mentioned which constitute cause for the suspension or revocation of their license, the secretary of the relevant board of review shall cause a copy of such complaint to be served by certified mail on such department-issued license-holder complained of. This notice shall also identify the board of review that will adjudicate the complaint, the location, time, and date upon which such complaint will be heard by the board of review. The hearing by the board of review shall be at some time not later than 60 calendar days after the filing of such complaint with the department.

Concurrently, the complainant shall also be notified as to the time, date, and place of the hearing.

At the time, place, and date mentioned in such notices, the relevant board of review shall hear the testimony of such complainant, and of the license holder complained against, relative to the matters set forth in such written complaint, and also the testimony of any person(s) having knowledge of the facts and brought before such board as a witness(s). All such testimony shall be heard under the oath or affirmation of the person(s) testifying. The board of review shall have the power to adjourn or continue such hearings or to change the place thereof as the circumstances of the particular case may require.

The board of review shall determine the truth or falsity of the matters charged in the complaint after hearing the testimony upon such complaint. In addition, the board of review shall also determine whether any violation of the terms and conditions under which the department-issued license was issued to the license-holder complained of has occurred. If the board of review determines that such complaint is not true, or that the testimony fails to show that any violation of the terms under which such license was issued has been committed, the board of review shall forthwith dismiss such complaint.

If, however, it was ascertained that a violation has been committed, the board of review shall have the authority to suspend, for a period not to exceed six months, or to revoke the department-issued license held by the license-holder. Any license-holder whose license shall be so revoked shall not be entitled to apply for the issuance of a new department-issued license for a period of one calendar year after the date of such revocation, and not until such former license-holder has corrected the cause, for which such license was revoked or suspended, if a specific cause was stated. The penalty to be attached in each case shall be at the discretion of the board of review up to the limits prescribed herein.

The secretary of the relevant board of review shall notify the department's licensing section, in writing, by no later than the close of business of the following work day after the final determination of the board of review's hearing was made concerning the complaint filed against the license-holder.

The decision of the relevant board of review concerning a revocation or suspension of a department-issued license shall be appealed to the Columbus building commission pursuant to Chapter 4107. Such an appeal shall be limited to the record created during the proceeding before the applicable board of review. An appeal before the building commission pursuant to Chapter 4107 shall not be a trial de novo. Such an appeal to the Columbus building commission shall be filed within 31 calendar days from the date the board of review made its determination.

Following revocation, or during any period of suspension, such revoked former or currently suspended license-holder shall not perform any new permit work . The department shall not issue a new permit to a department-issued licensed contractor while under suspension.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 24; Ord. No. 0321-2011, § 1(Attach. § 2), 12-12-2011; Ord. No. 1812-2017 , § 5, 7-31-2017)

4114.715 Fees for a department-issued OCILB licensed specialty contractor registration.

- (A) A fee, as established by the fee schedule, shall be charged for each of the following conditions:
 - (1) The registration; and
 - (2) The renewal of an OCILB licensed specialty contractor registration. All such fees for an OCILB licensed specialty contractor registration are nonrefundable.
- (B) A late fee as prescribed by the fee schedule shall be added to the renewal fee if the department receives the application for renewal after the date of expiration and expiration of the grace period as specified in the fee schedule. Any renewal application received more than 90 calendar days from the initial date of expiration shall be deemed a new application.
- (C) Any person serving in the United States Armed Forces shall be exempt from license fees during the period of the person's active duty. The person's license may be renewed within 90 days of termination of active duty.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 32; Ord. No. 2635-2013, § 6, 12-2-2013)

4114.719 Expiration and renewal of an OCILB licensed contractor registration.

- (A) The provisions of this section for expiration and renewal shall apply only to an OCILB licensed specialty contractor registration issued by the department.
- (B) A licensed specialty contractor registration that emanated from an Ohio Construction Industry Licensing Board (OCILB) specialty contractor license shall expire at the end of the twelfth month after the date of issuance. The OCILB licensed specialty contractor registration may only be renewed upon presentation of a current, valid specialty contractor license conforming to the requirements of this chapter for such renewal.
- (C) An OCILB licensed specialty contractor registration may be renewed at any time during the 90 calendar days prior to its expiration date. However, such early renewal shall comply with all the requirements for such renewal.
- (D) A bond submitted for an OCILB licensed specialty registration or a registration renewal shall be signed by the individual who has qualified for the OCILB specialty contractor registration.

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- (E) A person whose OCILB licensed specialty contractor registration has expired shall not perform any work governed by this code until a renewal of such registration is issued by the Department. No permit shall be issued to a registrant with an expired licensed specialty contractor registration.
 - (F) An OCILB licensed specialty contractor registration holder, which fails to correct work that does not comply with this code, shall be denied the renewal of the contractor's OCILB licensed specialty contractor registration until compliance with this code shall have been secured.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 34; Ord. No. 2635-2013, § 7, 12-2-2013)

4114.721 Transfer of an OCILB licensed specialty contractor registration.

No OCILB licensed specialty contractor registration is transferable. No holder of a department-issued OCILB licensed specialty contractor registration issued in accordance with this chapter shall allow the holder's name to be used by any other person either for performing work or for obtaining a permit. No OCILB licensed specialty contractor registration holder shall allow any person to perform work under the authority of a permit granted to the registration holder unless such other person is either a direct employee or a legally leased tradesperson, which is under the direct supervision of the registration holder.

Exception: A registered OCILB licensed specialty contractor of a specific trade or craft, duly registered with the department, may work as a sub-contractor of another duly registered OCILB licensed specialty contractor also registered with the department of the same specific trade or craft in accordance with Section 4114.119.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 35.)

4114.723 Assignment and issuance of an OCILB licensed specialty contractor registration to a business concern.

- (A) The registration of an OCILB licensed specialty contractor shall not be assigned with the department. An OCILB licensed specialty contractor registration shall only be issued in conformity to the OCILB specialty contractor license submitted with the application. If any change or modifications to the OCILB specialty contractor license are needed, they shall be made with the OCILB prior to making an application for an OCILB licensed specialty contractor registration with the department.
- (B) The OCILB licensed specialty contractor registration-holder is required to notify the department immediately of any change of status of the contractor's OCILB specialty contractor license.

When a change is made to the OCILB specialty contractor license with the Ohio Construction Industry Licensing Board (OCILB) subsequent to obtaining a licensed specialty contractor registration with the department, such change shall immediately invalidate the OCILB licensed specialty contractor registration issued by the department to the OCILB license-holder. In addition, if continued registration with the department is needed, it will require that an application be made for a new OCILB licensed specialty contractor registration that will conform to the changes made in the OCILB issued license so as to re-establish the OCILB licensed specialty contractor registration with the department.

- (C) All work carried on by an OCILB specialty contractor shall be deemed to be carried on under the personal supervision of the person named on the OCILB specialty contractors license. Therefore, any violations of the terms of the department OCILB licensed specialty contractor registration, or of this Building Code, shall be imputed to the person named on the OCILB specialty contractor issued license. The person named on the OCILB licensed specialty contractor license shall be readily available for consultation with the department within two business days after notification.

(Ord. 1670-01 § 1 (part); Ord. 1697-2006 § 36.)

4114.903 Application for registration as a demolition contractor.

- (A) Any person desiring to be a demolition contractor shall apply to the department for such registration on a form prescribed therefor, together with the nonrefundable fee as required by the fee schedule.
- (B) The applicant for demolition contractor registration shall meet the following requirements:
 - (1) Be not less than 18 years of age; and
 - (2) Be a United States citizen or national, a lawful permanent resident, or an individual authorized to work in the United States; and
 - (3) Have a minimum of three full years of experience in the demolition field immediately preceding date of application.

A "full year" of experience shall be based on 12 consecutive calendar months during which the applicant shall have been gainfully and verifiably employed for not less than 1,600 working hours performing the work of construction demolition.

- (C) An application for registration as a demolition contractor shall be confirmed and signed under oath by the applicant. The application shall contain the following information:
 - (1) Name of the applicant;
 - (2) Name of business entity to be registered by the applicant;
 - (3) Date of birth;
 - (4) Current residence and business address(es) of the applicant;
 - (5) Current residence and business telephone number(s) of the applicant;
 - (6) Dates of previous registrations with the department, if any;
 - (7) Names of contractors, including their addresses and telephone numbers, with whom affiliated or by whom employed during the three full years immediately preceding date of application; and
 - (8) Other information deemed necessary by the department.
- (D) The department's board of review of home improvement contractors shall review the application for a demolition contractor registration.

(Ord. 1670-01 § 1 (part): Ord. 1697-2006 § 40.)

4114.904 Application for and issuance of a general contractor registration.

- (A) Any person desiring to be a registered general contractor shall apply to the department for such registration on a form prescribed therefor, together with the nonrefundable general contractor registration fee as required by the fee schedule. The department shall accept applications for general contractor registrations and such registrations shall be valid for an initial period of at least 12 months.
- (B) The applicant for a general contractor registration shall meet the following requirements:
 - (1) Be not less than 18 years of age; and
 - (2) Be a United States or national, a lawful permanent resident, or an individual authorized to work in the United States.

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- (C) An application for registration as a general contractor shall be confirmed and signed under oath by the applicant. The application shall contain the following information:
 - (1) Name of the applicant;
 - (2) Name of business entity to be registered by the applicant;
 - (3) Date of birth;
 - (4) Current residence and business address(es) of the applicant;
 - (5) Current residence and business telephone number(s) of the applicant;
 - (6) Dates of previous general contractor registrations with the department, if any; and
 - (7) Other information deemed necessary by the department.
 - (D) The Department shall review and process the application for a general contractor registration.
 - (E) Only upon the submission of a complete application for a general contractor registration, shall the department issue to such applicant a general contractor registration.
 - (F) The continued validity or renewal of a general contractor registration is dependent upon the proof of and continued maintenance of all the following:
 - (1) Proof of current and valid liability insurance; and
 - (2) The required city bond.

(Ord. 1144-02 § 9: Ord. 1697-2006 § 41.)

4114.905 Certification for a demolition contractor registration.

- (A) Registered Demolition Contractor Certification. After completing a review of the application for qualifications of an applicant for a demolition contractor registration, the Board of Review of General and Home Improvement Contractors shall certify the name of the eligible applicant to the department, whereupon the department, within five working days shall, by certified mail, notify the applicant of their eligibility.
- (B) The eligible applicant shall pay for and have completed the processing of the demolition contractor registration at the department within 90 calendar days after notification that the Board of Review of General and Home Improvement Contractors has certified the applicant. Failure to complete the entire registration process within 30 calendar days after notification by the department, shall create liability for payment of the late charge prescribed in the fee schedule; after 90 calendar days the applicant's certification for a demolition contractor registration shall be voided.

(Ord. 1670-01 § 1 (part): Ord. 1697-2006 § 42.)

4114.909 Application for registration as a fire alarm and detection and/or fire protection company.

- (A) Any person desiring to be a fire alarm and detection equipment and/or fire protection company shall apply to the department for such registration on a form prescribed therefor, together with the nonrefundable fee required by the fee schedule. If no fee has been specifically provided, then the applicant shall pay the general fee prescribed for newly initiated areas of regulation that year.

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- (B) The department's registrations for a fire alarm and detection equipment and/or fire protection company are as follows:
- (1) Automatic sprinkler and standpipe systems;
 - (2) Fire service mains;
 - (3) Fire pumps;
 - (4) Fire alarm and detection equipment;
 - (5) Household fire warning equipment only;
 - (6) Engineered extinguishing equipment (OTW); and/or
 - (7) Pre-engineered extinguishing equipment (OTW).
- (C) The scope of work of a certified fire alarm and detection and/or fire protection company registered with the department is limited to those categories in Section 4114.909(B) for which current and valid proof of Ohio State Division of State Fire Marshal individual certification issued by the Bureau of Licensing and Certification is provided to the department.
- (D) The validity of a registered fire alarm and detection and/or fire protection company category of work listed in Section 4114.909(B) is totally dependent upon the expiration date of the validating individual's certification or of the expiration date of the company's certification, whichever occurs first.
- (E) An application for registration as a fire alarm and detection and/or fire protection company shall be confirmed and signed under oath by the certified company applicant and all certified individuals that provide a category validation of Section 4114.909(B) for the certified company. The application shall contain the following information:
- (1) Name and company certification identification number of the certified company being registered by the applicant;
 - (2) Name of the applicant who holds the Ohio Division of State Fire Marshal company certification issued by the Bureau of Licensing and Certification;
 - (3) The expiration date of the company certification;
 - (4) The residence and business address(es) of the applicant of the certified company who holds the Ohio Division of State Fire Marshal company certification issued by the Bureau of Licensing and Certification;
 - (5) The residence and business telephone number(s) of the applicant of the certified company who holds the Ohio Division of State Fire Marshal company certification issued by the Bureau of Licensing and Certification;
 - (6) The names and certification types of all certified individuals that provide a category validation of Section 4114.909(B) for the certified company;
 - (7) The expiration date(s) of all certified individuals that provide a category validation of Section 4114.909(B) for the certified company;
 - (8) The residence and business address(es) of all certified individuals that provide a category validation of Section 4114.909(B) who hold the Ohio Division of State Fire Marshal individual certification issued by the Bureau of Licensing and Certification;
 - (9) The residence and business telephone number(s) of all the certified individuals that provide a category validation of Section 4114.909(B) who hold the Ohio Division of State Fire Marshal individual certification issued by the Bureau of Licensing and Certification;

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- (10) Business names and dates of previous certified company registrations with the department of the applicant, if any; and
 - (11) Other information deemed necessary by the department.
- (F) The building and development services licensing section of the department shall review and process the application for a fire alarm and detection equipment and/or fire protection contractor registration.
- (Ord. 1670-01 § 1 (part): Ord. 1697-2006 § 44.)

4114.921 Fees for demolition contractor, general contractor, fire alarm and detection equipment and/or fire protection company registration and certified individual registration.

- (A) Demolition Contractor and/or General Contractor Registration. A fee, as established by the fee schedule, shall be charged for each of the following conditions:
 - (1) The application; and
 - (2) The registration; and
 - (3) The renewal of a demolition contractor registration and/or general contractor registration. All such fees are nonrefundable.
- (B) Fire Alarm and Detection Equipment and/or Fire Protection Company Registration. A fee, as established by the fee schedule, shall be charged for each of the following conditions:
 - (1) The registration; and
 - (2) The renewal of a fire alarm and detection equipment and/or fire protection company registration. All such fees are nonrefundable.
- (C) Certified Individual Registration. A fee, as established by the fee schedule, shall be charged for each of the following conditions:
 - (1) The registration; and
 - (2) The renewal of the certified individual registration that provides a category of validation of Section 4114.909(B) for a fire alarm and detection equipment and/or fire protection company registration. Each category of validation shall require a separate registration and a separate fee to be charged for it. All such fees are nonrefundable.
- (D) In addition to the fees described above , there may be other fees stipulated by this code included in the fee schedule that pertain to a demolition contractor, general contractor, a fire alarm and detection equipment and/or fire protection company and a certified individual registration. All such fees are nonrefundable.
- (E) A late fee as prescribed by the fee schedule shall be added to the renewal fee if the department receives the application for renewal after the date of expiration and expiration of the grace period as specified in the fee schedule. Any renewal application received more than 90 calendar days from the initial date of expiration shall be deemed a new application requiring recertification by the appropriate board of review. This recertification may be waived at the sole discretion of the Director upon completion of the specified forms by the applicant.
- (F) Any person serving in the United States Armed Forces shall be exempt from license fees during the period of the person's active duty. The person's license may be renewed within 90 days of termination of active duty.

(Ord. 1670-01 § 1 (part); Ord. 1144-02 § 15; Ord. 1697-2006 § 49; Ord. No. 2635-2013, § 8, 12-2-2013)

4114.923 Registered demolition contractor, registered general contractor or fire alarm and detection equipment and/or fire protection company registration number.

- (A) The department shall issue a unique number for each demolition contractor, general contractor and fire alarm and detection equipment and/or fire protection company registered with the department who shall exclusively retain the use of such number. Annually thereafter, such demolition contractor, general contractor and fire alarm and detection equipment and/or fire protection company registration shall be renewed using the same number.
- (B) When the holder of a demolition contractor registration and/or a general contractor registration assigns their right to a registration to a business concern, the registration shall bear the individual's name and unique registration number.
- (C) When more than one demolition contractor registration-holder and/or general contractor registration-holder assigns their registration to a business concern, the bond provided by the registered-business shall be sufficient for all demolition contractor or general contractor registrations assigned to the business concern during the same registration period.

(Ord. 1670-01 § 1 (part); Ord. 1144-02 § 16.)

4114.925 Expiration and renewal of a demolition contractor and general contractor registration.

- (A) The provisions of this section concerning expiration and renewal only apply to demolition contractor registrations and general contractor registrations issued by the department.
- (B) A demolition contractor registration and/or a general contractor registration shall expire at the end of the twelfth month after the date of issuance.
- (C) A bond submitted for a demolition contractor registration and/or general contractor registration renewal shall be signed by the individual who has qualified for the registration, regardless of any assignment to a business concern.
- (D) A demolition contractor registration and/or a general contractor registration may be renewed at any time during the 90 calendar days prior to its expiration date; however, such early renewal shall comply with all the requirements for such renewal.
- (E) A person whose contractor registration has expired shall not perform any work governed by this code until a renewal of the demolition contractor registration and/or the general contractor registration is issued by the department. No permits shall be issued to a registrant with an expired demolition contractor registration or general contractor registration.
- (F) A registered demolition contractor, or the registered demolition contractor's business and/or a registered general contractor or the registered business, which fails to correct work which does not comply with this building code, shall be denied the renewal of the demolition contractor's registration and/or general contractor registration until compliance with this building code shall have been secured.

(Ord. 1670-01 § 1 (part); Ord. 1144-02 § 17; Ord. 1936-02 § 3; Ord. 1697-2006 § 50; Ord. No. 2635-2013, § 9, 12-2-2013)

4114.927 Expiration and renewal of a fire alarm and detection equipment and/or fire protection company registration.

- (A) The provisions of this section concerning expiration and renewal apply to a department-registered fire alarm and detection equipment and/or fire protection company registration.
- (B) The expiration of a department-issued registered fire alarm and detection equipment and/or fire protection company registration, which emanates from a State of Ohio Division of State Fire Marshal, Bureau of Licensing and Certification issued company certification, shall expire concurrently with the expiration date of such company certification. A fire alarm and detection equipment and/or fire protection company registration may be renewed with the department:
 - (1) Upon presentation of a valid company certification issued by the State of Ohio Division of State Fire Marshal, Bureau of Licensing and Certification including all other items required for renewal stated herein; and
 - (2) Individual certification providing the validation for a category of work detailed in 4114.909(B), which emanates from a state of Ohio Division of State Fire Marshal, Bureau of Licensing and Certification; and
 - (3) Further if such former fire alarm and detection equipment and/or fire protection company registration has not been revoked for cause by the relevant board of review of the department.
- (C) The validity of a department-issued registration of a fire alarm and detection equipment and/or fire protection company and category of work listed in Section 4114.115(A) is totally dependant upon the expiration date of the validating individual's certification or of the company's certification expiration dates, whichever occurs first.
- (D) The company certification registration-holder is required to notify the department immediately of any change of status of the registration-holder's Ohio Division of State Fire Marshal, Bureau of Licensing and Certification issued company certification.
- (E) A bond submitted for fire alarm and detection equipment and/or fire protection company registration renewal shall be signed by the individual who has qualified for the registration, regardless of any assignment to a business concern.
- (F) A fire alarm and detection equipment and/or fire protection company registration may be renewed at any time during the 90 calendar days prior to its expiration date; however, such early renewal shall comply with all the requirements for such renewal.
- (G) A person whose fire alarm and detection equipment and/or fire protection company registration has expired shall not perform any work governed by this code until a renewal of the fire alarm and detection equipment and/or fire protection company registration by the department is issued, nor shall the department issue a permit to a registrant with an expired fire alarm and detection equipment and/or fire protection company registration.
- (H) A registered fire alarm and detection equipment and/or fire protection company, which fails to correct work that does not comply with this Building Code, shall be denied the renewal of its fire alarm and detection equipment and/or fire protection company registration until compliance with this Building Code shall have been secured.

(Ord. 1670-01 § 1 (part).)

4114.929 Expiration and renewal of an individual certification department registration.

- (A) The provisions of this section concerning expiration and renewal apply to a department registration of a certified individual providing the validation for a category of work detailed in 4114.909(B).
- (B) The expiration of the individual certification providing the validation for a category of work detailed in 4114.909(B), which emanates from a State of Ohio Division of State Fire Marshal, Bureau of Licensing and Certification shall expire concurrently with the expiration date of such an individual's certification. An individual certification registration may only be renewed:
 - (1) Upon presentation of a valid individual certification issued by the state of Ohio Division of State Fire Marshal, Bureau of Licensing and Certification; and
 - (2) Further, if such former certified individual's registration has not been revoked for cause by the relevant board of review of the department; and
 - (3) Payment of the fee for such renewal as prescribed in the fee schedule.
- (C) The validity of the individual's certification registration with the department is totally dependent upon the expiration date of the individual's certification or of the expiration date of the company's certification, whichever occurs first.
- (D) An individual certification registration may be renewed at any time during the 90 calendar days prior to its expiration date; however, such early renewal shall comply with all the requirements for such renewal.
- (E) The individual certification registration-holder is required to notify the department immediately of any change of status of the registration-holder's Ohio Division of State Fire Marshal, Bureau of Licensing and Certification issued individual certification(s).
- (F) A person whose Ohio Division of State Fire Marshal individual certification registration and/or department-issued registration has expired shall not perform any work governed by this code until a renewal of the individual certification registration by the department is issued.
- (G) A registered certified individual who fails to correct work, which does not comply with this Building Code, shall be denied the renewal of the individual certification registration until compliance with this Building Code shall have been secured.

(Ord. 1670-01 § 1 (part).)

4114.931 Transfer of a registered demolition contractor, registered general contractor or registered fire alarm and detection equipment and/or fire protection company registration.

No department-issued registered demolition contractor, registered general contractor or registered fire alarm and detection equipment and/or fire protection company registration shall be transferable. No holder of a fire alarm and detection equipment and/or fire protection company or a demolition contractor registration issued by the department, in accordance with this chapter, shall allow the contractor's name to be used by any other person either for doing work or for obtaining a permit. No registered demolition contractor, registered general contractor or fire alarm and detection equipment and/or fire protection company registration-holder shall allow any person to do work under the authority of a permit granted to the registrant unless such other person is either a direct employee or a legally leased tradesperson, which is under the direct supervision of the registration-holder or of the registration-holder's duly registered business.

Exceptions:

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- (1) A demolition contractor, or a general contractor duly registered with the department, may work as a sub-contractor of another registered demolition contractor or registered general contractor also duly registered with the department, in accordance with Section 4114.119.
 - (2) A fire alarm and detection equipment and/or fire protection company, duly registered with the department, may work as a sub-contractor of another duly registered fire alarm and detection equipment and/or fire protection company also duly registered with the department, in accordance with Section 4114.119.

(Ord. 1670-01 § 1 (part); Ord. 1144-02 § 18.)

4114.933 Assignment and issuance of a demolition contractor, general contractor or fire alarm and detection equipment and/or fire protection company and of a certified individual registration to business concern.

- (A) Demolition Contractor and General Contractor Registration. A demolition contractor's registration, and/or general contractor's registration, shall be issued in the name of the registrant who successfully met the qualifications as required by this chapter. However, said registrant, at the time of applying for such contractor registration, or at any time thereafter, may assign, the rights of a contractor registration to a business concern with whom the registrant is associated as a legal, full-time officer, proprietor, partner, or employee. The registrant may designate that the contractor registration shall be issued in the name of said concern. In such event, such contractor registration shall be issued in the name of said business concern, and said concern shall be known as the registered business. The registrant shall not be issued a contractor registration in the registrant's own name during the period the registrant is associated with said business concern. In such event, the contractor registration shall state on its face the name and position in the business concern of the registrant who has qualified for the contractor registration under the terms of this chapter. No registrant may be named on more than one contractor registration at the same time.

The demolition contractor and/or general contractor registration-holder is required to notify the department immediately of any change of status of the registration-holder's contractor registration.

In the event the demolition contractor and/or general contractor registrant named on the contractor registration disassociates the contractor or registrant from the registered-business, the contractor registration shall become null and void 90 calendar days after such disassociation, unless another demolition contractor or general contractor registration-holder becomes associated with the business concern. This new registration-holder shall immediately notify the department in writing of the association with the business concern and shall immediately assign the registration to the business concern. During this 90 calendar day period, the work on existing permits may be followed through to completion, but no new work shall be commenced.

In such event, a new contractor registration, setting forth the name of the new registrant, shall be issued to the registered-business. A nonrefundable fee, as prescribed by the fee schedule, shall be required for the issuance of this new registration within the same registration year.

A license-holder may transfer the assignment of a license from one company to another, including to change the name of the company, once per 90 calendar days, unless the license has been assigned to an entity also held by the license-holder (self-assigned license). If this time frame is exceeded, the license holder shall submit a name change exception request and board application fee to the appropriate review board.

When a demolition contractor registration and/or a general contractor registration is assigned to a business concern, all work carried on by the registered-business shall be deemed to be carried on under the personal supervision of the registrant named in the demolition contractor registration or general contractor registration. Therefore, any violations of the terms of the contractor registration or of this Building Code shall be imputed to the registrant named therein. The demolition contractor registration-holder and/or the general contractor

registration-holder shall be actively engaged in the business and shall be readily available for consultation with the department within two business days after notification.

No demolition contractor and/or general contractor registration-holder shall permit the contractor registration to be used in more than one business at any time. It shall be cause for revocation by the department of the contractor registration issued to a business concern if it shall be shown that the registrant is not, or is no longer, a legal, full-time officer, proprietor, partner or employee of said registered business concern. No demolition contractor registrant and/or general contractor registrant shall be entitled to be named in any contractor registration who shall have outstanding against them, as an individual, or as a full-time officer, proprietor, partner, or employee of a business concern, any suspension or revocation of another contractor registration or department license. However, another qualified demolition contractor and/or general contractor registration-holder who is a full-time, proprietor, partner or employee may be substituted upon proper application after payment of a non-refundable fee as prescribed in the fee schedule.

(B) Fire Alarm and Detection Equipment and/or Fire Protection Company. The registration of a fire alarm and detection equipment and/or fire protection company may not be assigned with the department. A fire alarm and detection equipment and/or fire protection company registration shall only be issued in conformity to the Ohio Division of State Fire Marshal, Bureau of Licensing and Certification issued company certification submitted with the application. If any change or modifications to the fire alarm and detection equipment and/or fire protection company certification are needed, they shall be made with the state of Ohio Division of State Fire Marshal, Bureau of Licensing and Certification prior to making an application for a fire alarm and detection equipment and/or fire protection company registration with the department.

The fire alarm and detection equipment and/or fire protection company registration-holder is required to notify the department immediately of any change of status of the registration-holder's Ohio Division of State Fire Marshal fire issued company certification.

When a change is made to the Ohio Division of State Fire Marshal issued company certification with the issuing agency subsequent to obtaining a fire alarm and detection equipment and/or fire protection company registration with the department, such change shall immediately invalidate the fire alarm and detection equipment and/or fire protection company registration issued by the department to the Ohio Division of State Fire Marshal company certification-holder. In addition, if continued registration with the department is needed, it will require that an application be made and payment of a non-refundable fee as prescribed in the fee schedule for a new fire alarm and detection equipment and/or fire protection company registration that will conform to the changes made in the Ohio Division of State Fire Marshall issued company certification so as to re-establish the Ohio Division of State Fire Marshal fire alarm and detection equipment and/or fire protection company registration with the department.

All work carried on by a registered fire alarm and detection equipment and/or fire protection company shall be deemed to be carried on under the personal supervision of the person named on the Ohio Division of State Fire Marshal issued company certification and the applicable registered certified individual(s) providing the validation of the category of work in Section 4114.909(B). Therefore, any violations of the terms of a department-issued fire alarm and detection equipment and/or fire protection company registration, or of this Building Code, shall be imputed to the person(s) named on the Division of State Fire Marshal, Bureau of Licensing and Certification company certification and the applicable registered certified individual(s) providing the validation of the category of work in Section 4114.909(B). The person(s) named on the Ohio Division of State Fire Marshal company certification and certified individuals shall be readily available for consultation with the department within two business days after notification.

(C) Fire Alarm and Detection Equipment and/or Fire Protection Certified Individual Assignment. Upon notification of the department's license section, the registration of a certified individual that provides a category of validation of C.C. 4114.909(B) for a department-registered fire alarm and detection equipment and/or fire protection company may be transferred to another such company duly registered with the department. However, such reassignment shall only occur after a completed application on a form

prescribed by the department and the payment of a nonrefundable fee as prescribed by the fee schedule has been received and processed by the department license section.

(Ord. 1670-01 § 1 (part); Ord. 1144-02 § 19; Ord. 1697-2006 § 51; Ord. No. 3264-2019 , § 3, 2-3-2020)

4114.937 Suspension and revocation of a demolition contractor, general contractor or fire alarm and detection equipment and/or fire protection company registration.

Upon receiving a complaint in writing, made by any person and subscribed to by such complainant, and sworn to affirmatively by the complainant before an officer of the department or magistrate authorized to administer oaths, stating in substance facts indicating that a registered demolition contractor, registered general contractor, registered fire alarm and detection equipment and/or fire protection company, or a certified individual providing scope of work validation for fire alarm and detection equipment and/or fire protection companies, shall have done any of the things herein before mentioned which constitute cause for the suspension or revocation of their contractor or company registration, the secretary of the relevant board of review shall cause a copy of such complaint to be served by certified mail on such registration-holder complained of. This notice shall also identify the board of review that will adjudicate the complaint, the location, time, and date upon which such complaint will be heard by the board of review. The hearing by the board of review shall be at some time not later than 60 calendar days after the filing of such complaint with the department.

Concurrently, the complainant shall also be notified as to the time, date and place of the hearing.

At the time, place, and date mentioned in such notices, the relevant board of review shall hear the testimony of such complainant, and of the registration-holder complained against, relative to the matters set forth in such written complaint, and also the testimony of any person(s) having knowledge of the facts and brought before such board as a witness(s). All such testimony shall be heard under the oath or affirmation of the persons testifying. The board of review shall have the power to adjourn, or continue, such hearings or to change the place thereof as the circumstances of the particular case may require.

The board of review shall determine the truth or falsity of the matters charged in the complaint after hearing the testimony upon such complaint. In addition, the board of review shall also determine whether any violation of the terms and conditions under which the registration was issued to the registration-holder complained of has occurred. If the board of review determines that such complaint is not true, or the testimony fails to show that any violation of the terms under which such registration was issued has been committed, the board of review shall forthwith dismiss such complaint.

If, however, it was ascertained that a violation has been committed, the board of review shall have the authority to suspend for a period not to exceed six months, or to revoke the registration held by the registration-holder. Any registration-holder whose registration shall be so revoked shall not be entitled to apply for the issuance of a new registration for a period of one calendar year after the date of such revocation, and not until such former registration-holder has corrected the cause, for which such registration was revoked or suspended, if a specific cause was stated. The penalty attached in each case shall be at the discretion of the board of review and up to the limits prescribed herein.

The secretary of the relevant board of review shall notify the department's licensing section, in writing, by no later than the close of business of the following work day after the final determination of the board of review's hearing was made concerning the complaint filed against the registration-holder.

The decision of the relevant board of review concerning a revocation or suspension of the registration of a demolition contractor or fire alarm and detection equipment and/or fire protection company registration-holder shall be appealed to the Columbus building commission pursuant to Chapter 4107. Such an appeal shall be limited to the record created during the proceeding before the applicable board of review or the department's licensing

section as applicable. An appeal before the building commission pursuant to Chapter 4107 shall not be a trial de novo. Such an appeal to the Columbus building commission shall be filed within 31 calendar days from the date the board of review or the department's licensing section, as applicable, made its determination.

Following revocation, or during any period of suspension, such revoked former or currently suspended registration-holder shall not perform any new permit work of a registered contractor or company, and no permit shall be issued thereto by the department.

(Ord. 1670-01 § 1 (part) ; Ord. 1144-02 § 21: Ord. 1697-2006 § 53; Ord. No. 0321-2011, § 1(Attach. § 4), 12-12-2011; Ord. No. 1812-2017 , § 6, 7-31-2017)

4115.02 Inspection record card.

Work requiring a permit shall not be commenced until the permit holder or the permit holder's agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. Such card shall be maintained in such position by the permit holder until the certificate of occupancy has been issued.

(Ord. 2121-94.)

4115.05 Types of inspections.

The building official upon notification from the permit holder or the building official's agent shall make the following inspections of buildings and shall either approve the portion of the construction as completed or shall notify the permit holder or the permit holder's agent wherein the same fails to comply with the law.

- (A) Foundation and Footing Inspection. To be made after trenches are excavated and forms erected and when all materials for the foundation and footing are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
- (B) Frame Inspection. To be made after the roof, all framing, fireblocking and bracing is in place and all pipes, chimneys and vents are complete.
- (C) Insulation Inspection. To be made after all insulation is in place and before covering, except blown-in attic insulation. Blown-in attic insulation to be inspected after installation of ceiling material or at final inspection.
- (D) Final Inspection. To be made after the building is completed and ready for occupancy, or in the case of parking lots to be made after the parking lot is completed and ready for use.

(Ord. 2121-94.)

4116.09 Remediation.

Upon the written request of the applicant, the appropriate director or designee may cause issuance of a credit or rebate of five percent of the applicable fee for plat/plan review or permit for each day beyond the service standard it takes the city staff to approve the plat/plan or issue the permit, up to 50 percent of the full fee amount.

(Supp. No. 69, 4/21)

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Refunds in excess of \$20,000.00 shall require city council approval. In lieu of a fee credit or rebate, the applicant may request in writing a hearing before the director when a plan has not been approved within the service standard. The director shall meet with appropriate plan reviewers and the project decision-maker within 72 hours of receiving the request for hearing and render a decision on plan disposition within 48 hours of the hearing. The director of public service or designee shall act in lieu of the director in the case of roadway engineering plans and the public utilities director or designee shall act in lieu of the director in the case of water or sewer engineering plans.

(Ord. 2178-01 § 2 (part); Ord. No. 0455-2010, § 116, 4-5-2010)

4123.13 Protection of public utilities.

A substantial protective frame and boarding shall be built around and over every street lamp, utility box, fire or police alarm box, fire hydrant, catch basin and maintenance hole that may be damaged by any work being done under the permit. Such protection shall be maintained while such work is being done.

(Ord. 1404-99 § 2 (part).)

4123.23 Demolition standards.

- (A) Immediately prior to demolition of the premises, rodents, insects, and other vermin shall be eliminated therefrom by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the health commissioner or designee.
- (B) All debris on the demolition site resulting from the demolition process shall be removed and disposed of by the demolition contractor on or before conclusion of the demolition.
- (C) In the event a building permit has been issued for new construction on the demolition site, the foundation hole may remain unfilled and barricaded for a period not to exceed 60 days. Immediately if no such permit is issued, or at the end of such 60-day period if construction has not commenced, the site shall be brought to a finished level evenly continuous with the abutting properties and shall be so graded and drained that run-off water neither is directed to abutting property nor can form standing pools on the demolition site.
- (D) Any damage to a public sidewalk shall be repaired. Gaps in a sidewalk left by the removal of trap doors, gratings, or similar openings shall be backfilled and paved with Portland cement concrete to the specifications of the director of public service and/or their designee in accordance with Chapter 905 of Columbus City Code for the balance of balance of the sidewalk. This work shall be accomplished within two weeks after the building has been demolished down to grade.
- (E) All coal hole covers, trapdoors, gratings, or other attachments in the sidewalk area shall be removed. The openings shall be filled in accordance with the requirements of Chapter 903 of Columbus City Code and the director of public service and/or their designee.
- (F) All entrance steps, including steps encroaching on the sidewalk, shall be removed.
- (G) Driveways, slabs, and sidewalks of concrete or other material within 24 inches (610 mm) the finished grade, shall be removed.
- (H) All structures, including foundation walls, columns, piers, partitions, and retaining walls, shall be removed down to a level 24 inches (610 mm) below the finished grade. Foundation walls and retaining walls supporting an abutting property shall be left in place.

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- (I) Basement floor slabs of concrete shall be broken up into pieces having a maximum dimension of one foot (305 mm), and left in place.
 - (J) Before any fill material is placed in any basement or other sub-grade cavity, all partitions, boxes, metal containers, wood, paper, trash, and any combustible or perishable matter shall be removed.
 - (K) Trees that are not to be removed shall be so marked.
 - (L) No open fire or other source of flame, except necessary cutting torches, will be permitted on the inside of a building which is being demolished, nor in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

(Ord. 1404-99 § 2 (part); Ord. 1909-01 § 1 (part); Ord. 733-06 § 14; Ord. No. 0128-2009, § 1, 2-9-2009)

4301.07 Fees and Refunds.

Fee shall be charged in accordance with the adopted fee schedule for the department.

- (A) Unless specifically indicated in the fee schedule, department refund policy or this code, all fees are not refundable.
- (B) In the event of a refund, a refund service fee, as indicated in the fee schedule or department refund policy, and any costs for services already provided, shall be deducted from the amount to be refunded.
- (C) The eligibility, process, and any required refund fee shall be as indicated in the Department refund policy.
- (D) The director may waive the refund fee if the director finds that the refund is necessary because of an error on the part of a city employee. In the event any refund due is less than the required refund fee, no balance shall be due or returned.

(Ord. No. 0455-2010, § 118, 4-5-2010)

4301.11 Enforcement.

The director, or designee, shall have the powers of a police officer for the purpose of enforcement of the provisions of this code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain, correct or abate such violations; or to prevent occupancy of the unlawful building or structure. Strict liability shall be the standard for enforcement.

(Ord. No. 0455-2010, § 118, 4-5-2010)

4303.01 Definitions.

For purposes of Title 43, the Platting and Engineering Code, the following definitions shall apply:

"Department" when used without clarification means the department of building and zoning services.

"Director" when used without clarification means the director of the department of building and zoning services or designee.

(Ord. No. 0455-2010, § 119, 4-5-2010)

4307.27 Improvements; requirements.

- (A) Plans for the improvements required in this section shall be prepared and signed by a registered engineer holding a State of Ohio certificate of registration.

The improvements listed below shall be installed after approval of the final plat which is prepared for recording. In lieu of this immediate completion of the improvements the subdivider shall enter into an agreement with the director of public service and the director of public utilities and file a surety bond with them to secure to the city the actual construction of such improvements within a period not exceeding one year, in accordance with the specifications, and inspection by the City of Columbus.

The owner of the tract may prepare and secure tentative approval of a subdivision plat for an entire area or a portion thereof. The improvements shall be installed or bond posted to cover such installations in all the subject area or that portion of the area for which a final plat is approved for recording. The owner may sell or lease, or offer for sale or lease, lots in that portion of the property for which trunk sewers, water lines, or other utilities have been provided, and where such utilities are so designed that they can be readily expanded or extended to serve the entire area, or a portion thereof.

The following improvements are to be installed: (a) All intersections of the subdivision streets and boundary lines shall be marked with permanent monuments. A permanent monument shall be deemed to be a one-half inch or larger steel rod or pipe extending three feet below the finished grade line. Where conditions prohibit the placing of monuments on the line, offset monuments will be permitted. Such offset monuments and distances shall be properly shown on the subdivision plat.

- (B) Where a benchmark is nonexistent within a reasonable distance, the director of public service and/or their designee shall place a permanent benchmark, the elevation of which shall be based on sea level datum as determined by the U.S. Coast and Geodetic Survey and shall be accurately noted on the subdivision plat.
- (C) All intersecting street lines shall have rounded corners, as specified in C.C. 3123.10(e) and all streets and alleys must be graded and improved by surfacing. Surfacing shall be in accordance with standard specifications of the city entitled "Construction and Material Specifications for the City of Columbus, Ohio," in force at the time of the improvement.
- (D) The type of foundation and surfacing required shall be determined by the city engineer whose approval shall be evidenced on all such plans by stamp and signature. All grading, foundation and surfacing of streets and alleys and all construction of sidewalks shall be subject to the approval and supervision of the director of public service and/or designee. Sidewalks shall be constructed and in place at the time the buildings are completed.
- (E) Where the public water supply is already reasonably accessible, the subdivider shall enter into an agreement with the administrator of the division of water of the city for the extension of the public water system, including the stand installation of valves and fire hydrants and the public water service shall be made available to each lot in that part of the subdivision to be immediately developed.
- (F) When it is apparent that the public water supply cannot be extended for a period of years, the subdivider shall construct a private water supply system in such manner that an adequate supply of potable water will be available to every lot in that part of the subdivision to be immediately developed. The source, supply and distribution system shall comply with the requirements of the State Board of Health of Ohio, and be approved by the board of health of the city.
- (G) There shall be no obligation on the part of the city to incorporate such private water system into any public system of water supply that may be built in the future.
- (H) If the subdivision can be served by the extension of any existing public sanitary sewer, the subdivider shall enter into an agreement with the division of sewerage and drainage of the city for the extension thereof to each lot in that part of the subdivision to be immediately developed.

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- (I) Storm water disposal shall be subject to approval and supervision of the division of sewerage and drainage and the department of public service.

(Ord. No. 0455-2010, § 121, 4-5-2010)

4307.29 Sidewalk and bikeway requirements.

All subdivisions, site developments or sections thereof which, shall have installed in them sidewalks and bikeway facilities as specified in the Bicentennial Bikeways Plan to serve each lot or parcel therein. Such sidewalks and bikeway facilities shall be installed by the property owners abutting the street rights-of-way within the development and along the existing streets fronting the development, except as provided for in subsections (E), (F), (G) and (H) below, and they shall be constructed according to the requirements herein.

- (A) Sidewalks and bikeways shall have a hard, improved surface constructed of materials and to standards established by the director of public service and/or their designee depending on type of street construction, anticipated permanence of sidewalk, and land uses being served. Such specifications shall be available for inspection in the department of public service offices.
- (B) Sidewalks and bikeways shall be located in the right-of-way of the street or as close to the right-of-way line as possible, and shall extend across the entire dimension of each lot or parcel side adjacent to a public street.
- (C) All sidewalks and bikeways required by this chapter shall be completed upon the occurrence of any one of the following conditions:
- (1) Prior to final inspection by the department of the building, structure, or other improvement on the lot or parcel that the sidewalk serves.
 - (2) In the case of vacant lots or parcels, whenever 75 percent of the lots or parcels located on a given side of a dedicated street between two consecutive intersecting streets (a block) have been serviced with a final inspection by the department.
 - (3) Not later than the second anniversary after the date of acceptance of the improved streets by the city.
- (D) Bikeways shall be located, configured and completed according to the Bicentennial Bikeways Plan and include separate shared-use paths, bike lanes and signed and marked shared bike routes.
- (E) Notwithstanding the provisions stated earlier where a subdivision includes a dedicated street to provide access from an existing street to the subdivision, and such dedicated street bisects property and thereby creates parcels which are not a part of the subdivision but are adjacent to the dedicated street, then it shall be the responsibility of the developer or subdivider to install sidewalks and bikeway facilities within the dedicated street right-of-way or easement whenever sidewalks and bikeway facilities are required in the subdivision itself. Such sidewalks and bikeway facilities shall be installed along the dedicated street right-of-way or easement from the existing street to the first lots or parcels in the subdivision, and shall be completed prior to acceptance of the improved street by the city.
- (F) Notwithstanding the foregoing provisions of this section, where the zoning code permits placement of continuous sidewalks in common space rather than in the public right-of-way, then the placement provisions of the zoning code shall govern.
- (G) Sidewalk or Bikeway Fee in Lieu of Construction. It is the desire of the city to have required sidewalks and bike facilities built at the time of and congruent with development. However, there may be circumstances regarding safety, economic waste and geographical features that preclude such construction. The Director of Public Service has the authority to approve construction exemptions and

collect a fee in lieu of as set out in properly promulgated rules and regulations. In no instance will a private or public entity not build or pay a fee in lieu of sidewalk or bike facility construction.

- (H) Off-Premises Public Curb Ramp Construction. The developer ("First Developer") or public agency building off-premises public curb ramps to maintain ADA compliance of the public right-of-way as a result of the developer's development or construction activity shall be eligible to be reimbursed for the reasonable design, construction and bonding cost to build said public off-premises curb ramps and other necessary accommodations including pedestrian pushbuttons. Said eligibility shall expire ten years following final acceptance of the off-premises public curb ramp construction. The First Developer or public agency shall request from the Director of Public Service reimbursement at the time of his or her site plan approval. The First Developer or public agency shall then provide within a reasonable time following construction of the off-premises curb ramps and other necessary accommodations including pedestrian pushbuttons documentation acceptable to the City of Columbus of actual reasonable design, construction and bonding costs to build the off-premises curb ramps and other necessary accommodations including pedestrian pushbuttons. The developer of property abutting constructed off-premises public curb ramp and other necessary accommodations including pedestrian pushbuttons ("Second Developer") shall reimburse the First Developer or public agency the documented reasonable design, construction and bonding cost as a condition of and at the time of the developer's site plan approval if said site plan is approved within ten years of final acceptance of the off-premises curb ramp construction. The First Developer shall also reimburse the City of Columbus for reasonable administrative costs associated with reviewing, approving and tracking the reimbursement. Said costs shall be determined by the Director of Public Service or designee.

(Ord. No. 0455-2010, § 121, 4-5-2010; Ord. No. 1713-2010, § 2, 12-13-2010)

4307.31 Preliminary plats.

- (A) In the subdivision of land into building lots and in the dedication of streets, alleys, and areas for the public use, the owner or the owner's agent shall submit 11 black or blue line white prints of the preliminary sketch plat to the director. The same procedure is to be followed for a final plat. Plats of five lots or less may be exempted from the above provision. The required application form for submitting preliminary and final plats may be obtained from the department. The fees for platting shall be those adopted in conformance with C.C. 3123.21 and 3305.05.
- (B) The preliminary plat shall be drawn to a scale of not less than 100 feet to the inch, and it shall indicate:
- (1) The present location of all public and private boundaries, streets, watercourses, topography and other features within the area to be subdivided, and similar facts regarding existing conditions of land immediately adjacent thereto;
 - (2) The proposed location and width of streets, alleys, lots, crosswalks and easements;
 - (3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract and adjacent thereto;
 - (4) The general location and size of the nearest water main and sewer or outlet;
 - (5) The title under which the proposed subdivision is to be recorded, appropriate evidence of ownership of the tract to be subdivided, and the names of the subdivider and the engineer or surveyor platting the tract;
 - (6) The name of each owner of a large tract or the title of each subdivision abutting the boundary of the proposed subdivision;

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- (7) Contours with intervals of two feet, more or less, referred to sea level datum as determined by the U.S. Coast and Geodetic Survey;
 - (8) North point, scale and date;
 - (9) The zoning classification of the property to be subdivided;
 - (10) Reports and/or statements regarding the location and type of sanitary sewers or other disposal facilities to be provided;
 - (11) Any park, planted area, playground or common open space proposed by the developer;
 - (12) The front setback lines; and
 - (13) Base flood elevation data.
- (C) Persons presenting subdivision layouts and the required improvements for such layouts under control of any federal agency, shall submit such plans and show proof of intention to carry out the completed subdivision and required improvements in accordance with the subdivision standards of the city.
- (D) All preliminary plats shall be reviewed for flood plain development to determine whether they will be reasonably safe from flooding.
- (E) If a subdivision is proposed for any part of the flood plain it shall be reviewed to assure that:
- (1) Flood damage shall be minimized;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.
- (Ord. No. 0455-2010, § 121, 4-5-2010)

4307.33 Final plat.

- (a) The final plat shall be drawn to a scale of not less than 100 feet to the inch.
- (b) The director may permit a variation in scale for plats of unusual size. If more than two sheets are required for any such plat, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet with an indication of all the areas noted on any other sheet of the plat.
- (c) Drawings should be held to a minimum of 20 by 30 inches (20" × 30") and a maximum of 30 by 40 inches (30" × 40") outside dimensions.
- (d) The final plat should contain and illustrate:
 - (1) The boundary lines of the area being subdivided with accurate distance and bearings; including section, township, corporation and county lines;
 - (2) The property lines of all proposed streets and alleys with their widths, names and bearings;
 - (3) The accurate boundary lines of all grounds for public use or common use, and the acreage of same;
 - (4) The line of departure of one street from another;
 - (5) All common boundary corners of all adjoining lands and adjacent streets and alleys with their widths and names;
 - (6) All lot lines with their bearings, identification system of lots, blocks and other areas;
 - (7) Easements for public use, services or utilities with their dimensions;

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- (8) All dimensions, linear and angular, boundary locations, lots, streets, alleys, easements and areas for public or private use expressed in decimals of a foot;
 - (9) Radii, arcs and chords, points of tangency, and central angles for all curvilinear streets, and radii for all rounded corners;
 - (10) The name of the subdivision and description of the property subdivided, showing its location and extent, points of compass, scale and plan, dedication of streets and alleys, and names of owners and subdivider, together with appropriate evidence of ownership of the subdivision;
 - (11) The front setback lines;
 - (12) Certification by land surveyor, registered in the state, to the effect that the plat represents a survey made by the land surveyor, and that all the necessary survey monuments are correctly shown thereon;
 - (13) Base flood elevation data.

(Ord. No. 0455-2010, § 121, 4-5-2010)

4501.085 Director.

"Director" when used without clarification means the director of the department of development or designee.

(Ord. 1692-98 § 7; Ord. 1272-01 § 1 (part).)

4501.17 Health commissioner.

"Health commissioner" means the designated health authority of the City of Columbus or an authorized representative.

(Ord. 356-75; Ord. 859-01 § 12.)

4501.285 Refuse container.

"Refuse container" means a watertight, insect-proofed container that is constructed of metal or other durable material impervious to rodents, and that is capable of being serviced without creating insanitary conditions, or such other acceptable refuse containers that may be used for acceptable waste disposal as determined by the director of public service or duly authorized representative. Openings into the container, such as covers and doors, shall be tight fitting.

(Ord. 859-01 § 31.)

4503.04 Rules and regulations.

The administrator is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper administration of the enforcement of the provisions of this Housing Code, provided that such rules and regulations shall not be in conflict with the provisions or intent of this Housing Code. The administrator shall file a certified copy of all rules and regulations which the administrator may adopt with the city clerk. Such rules and regulations shall be printed in the City Bulletin thirty (30) days before the same shall go into effect. Such rules and regulations shall have the same force and effect as the provisions of this Housing Code.

A copy of all rules and regulations adopted as provided herein shall be maintained by the division at its main office and any person having business with the division shall have access to the copy of all rules and regulations.

(Ord. 1057-94; Ord. 1272-01 § 1 (part).)

4505.03 Adoption of rules—Officers—Quorum.

- (A) The property maintenance appeals board shall adopt bylaws not inconsistent with the Columbus City Codes, and elect officers in a manner determined by the board.
- (B) No member of the board shall take part in any hearing or determination in which the member has a personal or financial interest.
- (C) Four (4) members of the board in attendance at any meeting shall constitute a quorum.
- (D) Except in the case of variances provided for in Section 4505.05, all decisions must have the affirmative vote of at least three (3) members of the board.

(Ord. 356-75; Ord. 859-01 § 46.)

4507.01 Inspections—Right of entry.

Upon presentation of proper credentials, the code enforcement officer may, where permission is granted, enter at reasonable times any building, structure or premises in the city to perform any duty imposed on the code enforcement officer by this Housing Code. If any owner, occupant, or other person in charge of a building subject to the provisions of this Housing Code, fails or refuses to permit free access and entry to the structure or premises under the owner, occupant, or other person in charge of a building subject to the provisions of this Housing Code's control, or any part thereof, the code enforcement officer may apply to a judge of a court of record, pursuant to Section 2933.21(F) of the Revised Code, for a warrant of search to conduct an inspection. A warrant of search to conduct an inspection shall not be issued except upon probable cause as provided in Section 2933.22 of the Revised Code.

(Ord. 1057-94.)

4507.02 Inspection fees.

A fee per dwelling unit as prescribed in the fee schedule shall be collected by the division at the time an owner or the owner's agent requests: (1) an inspection of his property to determine whether or not it meets the requirements of this Housing Code; and (2) a report of such inspection; for any purpose other than enforcement of the provisions of this code. For example, inspections and reports required by F.H.A, V.A. and C.M.H.A. shall necessitate payment of this inspection fee.

A subsequent fee for reinspection of a dwelling unit shall be assessed as prescribed in the fee schedule at any time a follow-up inspection to an original inspection is requested for purposes other than code enforcement. A reinspection regarding a Housing Code certification letter shall occur not later than ninety (90) days after the date of the first certification letter.

These fees shall be for the purpose of defraying the costs of making such inspection, the cost of preparing a report thereof for the person requesting it, and the related administrative costs involved. Once a fee has been paid and the inspection has been made, the fee shall not be refundable for any reason whatsoever.

(Ord. 2483-87.)

4507.03 Liability.

Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of the officer, agent or employee of the city's duties under this code shall be defended by the city attorney until final determination of the proceedings therein. The city shall save such officer or employee harmless from personal liability.

(Ord. 356-75.)

4507.05 Enforcement.

The director, or designee, shall have the power to enforce all provisions of this Housing Code, and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain, correct or abate such violations; or to prevent occupancy of the unlawful building or structure. Enforcement powers shall also include such sections of the Ohio Revised Code as expressly relate to littering.

(Ord. 1057-94; Ord. 628-02 § 21.)

4509.02 Contents of notice of violation.

Whenever the code enforcement officer determines that there is a violation of any provision of the Housing Code or of any rule or regulation adopted pursuant thereto, the code enforcement officer may give notice of such violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

- A. Be in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires;
- D. A notice of violation shall be served by any one (1) of the following methods:
 1. Personal service, or
 2. Certified mail, or
 3. Residence service, or
 4. Publication, or
 5. Regular mail service to an address that is reasonably believed to be:
 - a. A place of residence of the owner, or
 - b. A location at which the owner regularly receives mail, or
 6. Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one (1) of the above methods of service shall also be used.
- E. Be available to any person upon request upon payment of a reasonable fee to cover the cost of making a copy of the same.

Any notice served shall automatically become an order if a written petition for a hearing before the board of housing appeals is not filed in the division office fifteen (15) calendar days after such notice is served.

(Ord. 1693-98 § 3; Ord. No. 3019-2016 , § 4, 12-12-2016)

4509.06 Emergency orders.

- (a) Whenever the director finds that an emergency exists which requires immediate action to protect the public health and safety or the health and safety of any person, the director may issue an order reciting the existence of such an emergency and requiring that such action as the director deems necessary be taken to meet the emergency. Notwithstanding the other provisions of this Housing Code, such order shall be effective immediately and complied with immediately.
- (b) If necessary to protect the public health and safety or the health and safety of any person where an emergency exists in an occupied building, the director shall order that the premises be vacated forthwith and further that they shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the director.
- (c) In cases where it reasonably appears that there is imminent danger to the public health and safety or the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the director may cause the immediate abatement, including building demolition, of such emergency condition. The director shall further cause the cost of such abatement to be charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.

(Ord. 1057-94; Ord. 1272-01 § 1 (part); Ord. No. 0455-2010, § 127, 4-5-2010)

4509.07 Retaliatory Action.

- (a) No owner, or person having control, of any premises regulated by this code shall institute or threaten to institute any action to recover possession of the premises or otherwise cause a tenant to quit a habitation involuntarily, demand an increase in rent from a tenant, decrease services to which a tenant has been entitled, increase the obligations of a tenant, or refuse to renew the tenant's lease agreement in retaliation against:
 - (1) A tenant's good faith complaint or report of conditions in, or affecting a tenant's dwelling unit, which might reasonably be believed to constitute a violation of a housing, building, health, or other code or ordinance made to a governmental authority or to the owner or person having control of the premises; or
 - (2) The tenant joining with other tenants for the purpose of negotiating or dealing collectively with the owner or person having control of the premises on any of the terms and conditions of a rental agreement.
- (b) The City of Columbus bears the initial burden of establishing a prima facie case of retaliatory action. In order to establish a prima facie case, the City must demonstrate the following:
 - (1) The victim is a "tenant" as defined by C.C.C. Section 4501.405.
 - (2) The tenant has engaged in one of the protected activities in C.C.C. Section 4509.07(a).
 - (3) The owner or person having control of the premises has engaged in at least one of the following prohibited actions:
 - (i) Increasing rent or any other obligations of the tenant;
 - (ii) A reduction of any services to the tenant;
 - (iii) A warning or a threat of eviction, formal or informal;

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- (iv) Filing of an eviction proceeding in close temporal proximity to the occurrence of any event referred to in C.C.C. Section 4509.07(a);
 - (v) Termination or non-renewal of a lease agreement in close temporal proximity to the occurrence of any event referred to in C.C.C. Section 4509.07(a);
 - (vi) Property owner trespassing on the property or forcing entry;
 - (vii) Shutting off utilities or water services;
 - (viii) Not accepting rent payment;
 - (ix) Interfering with the tenant's quiet use and enjoyment of the property; or,
 - (x) Prohibiting the right of access to any part of the premises that the tenant is lawfully entitled to use or occupy.
- (c) Once the City has established a prima facie case, a rebuttable presumption shifts the burden to the owner, or person having control of the premises, to articulate a legitimate, non-retaliatory reason for taking action against the tenant. To rebut the presumption to any prosecution brought under C.C.C. Section 4509.07(a) that the actions taken by the owner, or person having control of the premises were retaliatory, the accused must demonstrate by preponderance of the evidence either of the following:
- (1) A tenant's violation of the lease agreement between the tenant and the accused; or
 - (2) A reason not related to the tenant's good faith complaint or report to the accused or a governmental authority.
- If the accused articulates such a reason, the presumption ceases and the City bear the burden of proving the proffered reason is merely a pretext for unlawful retaliation.
- (d) Any provision of any lease that conflicts with this Section of the Code is void and unenforceable.
- (e) C.C.C. Section 4509.07 is not intended to serve as a basis for a civil claim, a counterclaim, or a defense in an eviction proceeding under R.C. Chapters 5321 or R.C. 1923.
- (f) Penalty. A person who violates 4509.07 is guilty of a misdemeanor of the first degree, punishable by \$1,000 fine or up to 180 days in jail.

(Ord. 356-75; Ord. No. 3316-2018 , § 1, 12-10-2018)

4509.90 Procedures for finding a public nuisance.

- A. Whenever the director determines that there exists a public nuisance, as defined in Section 4501.275, or when notices issued pursuant to Sections 4509.02 or 4513.07 do not alleviate such determination, the director shall issue a notice of violation to the owner of the structure setting forth the conditions that cause the structure to be a public nuisance and advising the owner that the public nuisance must be abated. If the conditions that cause the structure to be a public nuisance include violations of the Housing Code, then prior to declaring a public nuisance under this section the Director shall confirm that appropriate notices have been issued in accordance with Sections 4509.02 or 4513.07 and shall document non-compliance with said notices.

Such notice of violation shall:

1. Be in writing;
2. Describe the structure alleged to be a public nuisance;

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3. Identify the sections of the Ohio Revised Code or the Housing Code of which the structure is in violation and specific conditions which are the basis for the determination that the structure is a public nuisance;
 4. Order the owner to abate the public nuisance and identify the specific conditions that must be corrected in order to constitute abatement;
 5. Specify a reasonable time for compliance with the order to abate;
 6. Advise the owner of the right to appeal the notice of violation to the property maintenance appeals board.
 7. Advise the owner that if the order to abate the conditions indicated in the notice of violation is not complied with by the specified date of compliance, the director may do any, or all of, the following:
 - a. Initiate a civil and/or criminal action against the owner to enforce the order.
 - b. Cause the conditions indicated in the notice of violation to be corrected by city personnel or private contractor and charge the costs of such correction as a lien upon the owner's structure or land, including but not limited to correction by demolition of the structure.
 - c. Assess a civil penalty against the owner pursuant to Section 4509.995 of one thousand dollars (\$1,000.00) for each calendar day that the owner fails to comply with the order to abate the public nuisance by the specified date as required in the notice of violation.
- B. When a notice of violation is served it shall be served upon the owner by any one (1) of the following methods:
1. Personal service;
 2. Certified mail, return receipt requested;
 3. Residence service at the owner's address by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein;
 4. Publication in a newspaper of general circulation in Franklin County:
 - a. The notification shall be published a minimum of once per week for three (3) consecutive weeks, and
 - b. A copy of the newspaper with a copy of the notice marked, shall be mailed to the party at the last known address and the notice shall be deemed received as of the date of the last publication;
 5. Regular mail service to an address that is reasonably believed to be a place of residence of the owner or a location at which the owner is reasonably believed to receive mail regularly;
 6. Posting of the notice of violation on the structure, except that if the structure is vacant, then the notice shall be posted on the structure and one (1) of the above methods of service shall also be used.
- C. When the notice of violation has been served as provided herein, it shall be effective as to any person having any interest in the structure whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner as long as the conditions specified in the notice of violation remain and the public nuisance has not been abated as ordered.
- D. Written or oral acknowledgement by the owner of receipt of a notice of violation, or appeal of the notice by the owner to the property maintenance appeals board, shall be evidence that the owner received the notice.
- E. Right of appeal to the property maintenance appeals board.

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1. A notice of violation issued pursuant to this section may be appealed to the property maintenance appeals board by the filing of a notice of appeal with the department within fifteen (15) days of service of the notice of violation.
 2. Upon the filing of a timely notice of appeal, the property maintenance appeals board shall conduct a hearing on the appeal within forty-five (45) days unless a continuance is requested by either party and granted by the chair of the board. At such hearing, the burden shall be on the director to prove by the preponderance of substantial, reliable, and probative evidence that the structure identified in the notice of violation is a public nuisance. The property maintenance appeals board shall render its decision in writing, including conclusions of fact and law, within five (5) days of the date of the hearing. The decision of the property maintenance appeals board may reverse, modify or affirm the order and action of the director.
 3. Decisions of the property maintenance appeals board issued pursuant to this section may be appealed to the environmental division of the Franklin County Municipal Court pursuant to Ohio Revised Code Chapter 2506.
- F. Nothing in this section shall be construed to prohibit the director from pursuing the enforcement of any provision of this Housing Code or the Ohio Revised Code through any other remedy available by law, including but not limited to causing to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief or a criminal misdemeanor complaint.
- (Ord. 1692-98 § 10; Ord. 374-06 § 13; Ord. 1132-2008 Attach. (part); Ord. No. 1443-2009, § 9, 11-16-2009; Ord. No. 2714-2014, § 5, 12-15-2014)

4509.995 Civil penalty; effect of appeal.

- A. In addition to any other remedy or penalty provided in this Housing Code or the Ohio Revised Code, an owner who fails to comply with a notice of violation issued pursuant to Section 4509.90 by the date specified in the notice may incur a civil penalty of one thousand dollars (\$1,000.00) for each calendar day thereafter that the owner fails to comply with the order to abate the public nuisance as required in the notice of violation. The director shall provide notice to the owner prior to the assessment of a civil penalty as provided herein. Such notice shall state the date on which the assessment of a civil penalty will commence and shall be served on the owner as provided in Section 4509.90(B). The director must document non-compliance with the notice of violation and abatement order for each day for which a civil penalty is to be assessed against the owner under this section. The Director shall also document that prior to the issuance of the notice of civil penalty the director has personally conferred or attempted to confer with the owner in an effort to establish a reasonable period of time for the owner to comply and abate the hazard and the owner either did not comply or refused to meet or was unavailable.
- B. In addition to any other remedy available by law, the director may file a civil action in the environmental division of the Franklin County Municipal Court seeking a court order to recover any accumulated civil penalties.
- C. Upon the owner appealing a notice of violation to the property maintenance appeals board pursuant to Section 4509.90, any enforcement action seeking compliance with the ordered abatement, including the collection of civil penalties pursuant to this section, shall be stayed until the property maintenance appeals board issues its decision on the appeal. Civil penalties incurred pursuant to this section shall continue to be assessed during the pendency of any appeal to the property maintenance appeals board and any subsequent court appeals, and shall be subject to collection upon a final judgment on the appeal.

(Ord. No. 2714-2014, § 1, 12-15-2014)

4523.05 Heating facilities required.

- (a) Every dwelling and dwelling unit shall have heating facilities which are properly installed, vented and maintained in safe operating condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least seventy (70) degrees Fahrenheit when the outside temperature is zero (0) degrees Fahrenheit.
- (b) It shall be the responsibility of the occupant to operate the heating facilities in order to maintain temperatures at all times in all portions of the dwelling or dwelling unit and the premises which the occupant occupies and controls so as to prevent injury or damage to water pipes and plumbing whenever operation of the heating facilities is under the occupant's control.
- (c) It shall be the responsibility of the owner, operator or agent to operate the heating facilities in order to maintain at least seventy (70) degrees Fahrenheit temperature when the outside temperature is zero (0) degrees Fahrenheit or above in all portions of the dwelling or dwelling unit and the premises which the owner, operator or agent occupies or controls so as to prevent injury to the health of the occupants or damage to water pipes and plumbing whenever operation of the heating facilities is under the owner, operator or agent's control.
- (d) Unvented space heaters are prohibited.
- (e) A clearance of at least twelve (12) inches for the rear and sides and at least twenty-four (24) inches for the top and front of all room or space heaters is required.
- (f) Open flame radiant type space heaters are prohibited.
- (g) Burning of coal or wood in a fireplace not designed for such use is prohibited.

(Ord. 356-75.)

4525.06 Discontinuance of service or facility.

No owner or other person, except a public utility company or private supplier for nonpayment of a utility bill, shall remove, shut off, discontinue, interrupt or cause the removal, shut off, discontinuance or interruption of any service, facility, equipment or utility which is required under this Housing Code from any occupied dwelling except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during emergencies when discontinuance is approved by the director. Failure or neglect by an owner who has responsibility for payment of a utility bill for any unit the owner does not occupy to pay such bill with a resulting shut off of the utility shall be construed as causing the shut off.

(Ord. 1057-94; Ord. No. 0455-2010, § 128, 4-5-2010)

4527.04 Warning statement.

- (a) Within 30 days of the effective date of this chapter, all lead-based coatings existing in dealer or manufacturer inventories, or any coating to be manufactured for sale to the general public within the city within thirty (30) days after this chapter becomes effective shall be required to be marked with the following stick-on-label:

WARNING
CONTAINS LEAD
DRY FILM OF THIS PAINT

MAY BE HARMFUL IF EATEN
OR CHEWED

Do not apply on toys and other children's articles, furniture, or interior surface of any dwelling which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings, to which children may be commonly exposed.

KEEP OUT OF REACH OF CHILDREN

- (b) All lead-based coatings for sale to the general public manufactured more than thirty (30) days after the effective date of this chapter must bear identical labeling to that found in part (a) of this section. However, the following part of the warning statement must appear on the principal display panel:

WARNING

CONTAINS LEAD
DRY FILM OF THIS PAINT
MAY BE HARMFUL IF EATEN
OR CHEWED

See other cautions of
(Side or Back) Panel.

The remainder of the warning label may appear on the side or back panel of the lead-based coating container.

- (c) All lead-based coatings manufactured more than 30 days after the effective date of this chapter for sale other than to the general public must be labeled in the following manner.

WARNING

CONTAINS LEAD COMPOUND

Do not apply to toys, furniture or other surfaces which might be chewed by children.

Wash hands thoroughly after using and before eating or smoking.

(Ord. 356-75.)

4529.11 Maintenance.

- (A) In a one, two, or three-family dwelling, the occupant shall be responsible for operation and maintenance of the smoke detectors.
- (B) In a rooming house, dormitory, multi-family building containing four or more dwelling units, or dwelling unit sharing a bath the owner thereof shall repair or replace smoke detectors therein upon written notification by certified mail from a tenant or upon notification in person by a tenant that a smoke detector is in need of repair or replacement. If a tenant personally notifies the property owner of a mechanical failure, the

property owner shall give the tenant a written receipt acknowledging the notification. The tenant shall be responsible for maintenance of the smoke detectors in the tenant's particular dwelling unit.

(C) No person shall remove a smoke detector or render it inoperative except for periodic maintenance.

(Ord. 2509-88.)

4551.01 Responsibility of owner.

Responsibilities of owners and occupants include, but are not limited to, the following areas:

(a) Access to unit. Every owner of a dwelling or dwelling unit shall give the occupant thereof reasonable advance notice before entering for the purpose of making necessary repairs, alterations, or maintenance inspections.

(b) Garbage disposal and rubbish storage. Every owner of a dwelling or dwelling unit shall provide and maintain adequate garbage disposal and rubbish storage receptacles for dwellings containing three (3) or more dwelling units or a suitable location for these receptacles for dwellings containing one (1) or two (2) dwelling units.

(c) Plumbing. The owner shall provide and maintain all water-heating and plumbing facilities as required by this Code.

(d) Electricity. The owner shall provide and maintain all electrical power lines, outlets, fixtures, and other facilities required by this Code and is responsible for proper fusing.

(e) Heating. Every owner shall maintain the temperature required by this Code whenever operation of the heating facilities of the dwelling or dwelling unit are under his control.

(f) Pest elimination. The owner is responsible for elimination of any insects, rats, or other pests in a dwelling containing two (2) or more dwelling units and on the premises thereof. He is also responsible whenever the infestation is caused by improper ratproofing of the premises.

(g) Clean and sanitary maintenance. The owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and the premises thereof.

(h) Fire prevention. The owner is responsible for fire prevention requirements under Section 4525.09.

(i) Rat-proofing. The owner shall maintain a dwelling in a rat-proof condition under the requirements in Section 4525.11.

(j) Space requirements. No owner shall knowingly let any dwelling or dwelling unit for occupancy which does not meet the minimum requirements for floor space and occupancy as set by this Code.

(k) Other requirements. The owner shall provide and maintain all required screening except where there is a written agreement between the owner and the occupant which places this responsibility on the occupant.

(l) Every owner of a dwelling shall provide to each tenant in writing and post by the fuse box, heating equipment, mailbox or other obvious central location in each dwelling his name, address, and business and residence telephone numbers or those of his agent or resident manager to whom the owner assigns responsibility for the maintenance of the dwelling. A post office box number shall be unacceptable for the address requirement of this provision.

(m) Every owner shall be responsible for compliance with the standards set forth in this Code except those sections specifically designated to the occupant.

4551.02 Responsibility of occupant.

Access to unit

- (a) Upon reasonable advance notice every occupant or person in control of a dwelling or dwelling unit shall give the owner thereof access to any part of such dwelling or dwelling unit for the purpose of making necessary repairs, alterations, or maintenance inspections.
- (b) Garbage disposal and rubbish storage. The occupant of dwellings containing one or two dwelling units shall provide and maintain adequate garbage disposal and rubbish storage receptacles.
- (c) Plumbing. The occupant shall keep all plumbing fixtures such as toilets, basins and sinks in a clean and sanitary condition and avoid the deposit of any material which may obstruct and interfere with the proper function thereof.
- (d) Electricity. The occupant is responsible for proper usage of all electrical power lines, outlets, fixtures, other facilities required by this Code, proper extension cord usage, and proper fusing.
- (e) Heating. The occupant shall regulate the heating facilities to maintain above freezing temperatures at all times in all portions of the dwelling or dwelling unit within the functional capability of the equipment whenever these heating facilities of the dwelling or dwelling unit are under his control.
- (f) Pest elimination. The occupant is responsible for elimination of any insects, rats, or other pests within that part of the premises occupied and controlled by the occupant in a single family dwelling or in a dwelling containing two (2) or more dwelling units if his unit is the only one infested unless infestation of the premises was caused by the improper rat-proofing.
- (g) Clean and sanitary maintenance. Every occupant of a dwelling or dwelling unit and premises thereof which the occupant occupies and controls shall keep the same in a clean and sanitary condition. In two family and row units, the yard area extending from the structure to the front and the rear which is adjacent and contiguous to each unit shall be construed to be the responsibility of the occupant of that unit. Clean and sanitary maintenance shall include, but not be limited to, keeping all floors and walking surfaces free of dirt, filth, garbage, human and animal waste, litter, refuse and other unsanitary matter and keeping all walls, ceilings, windows and doorways clean and free of dirt, greasy film, soot and other unsanitary matter. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish, garbage and ashes in the receptacles provided. Discarded or abandoned articles of such bulk as to preclude disposal in such receptacles shall be conveyed by the occupant to an appropriate municipal or approved private disposal area.
- (h) Fire prevention. Every occupant of a dwelling or dwelling unit responsible for fire prevention requirements regarding storage of flammable liquids and storage of materials as covered under Section 4525.09.
- (i) Rat-proofing. Where it is determined that rat infestation exists, no occupant of a dwelling or dwelling unit shall stack materials on the exterior of the premises, against the structure or any accessory structure or stack any materials unless such stack is elevated twelve inches from the ground.
- (j) Space requirements. Every occupant shall limit occupancy of that part of the premises which the occupant occupies or controls to the maximum permitted by this Code.
- (k) Other requirements. The occupant of any dwelling or dwelling unit shall not obstruct in any manner any required means of egress.

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- (l) The occupant of any dwelling or dwelling unit shall not willfully destroy, deface, damage, impair or remove from the premises any of the facilities, equipment, appurtenances or any part of the structure thereof.
 - (m) The occupant of a dwelling or dwelling unit is responsible for storing all medicines, cleaning fluids, poisons, and other household chemicals in a locked cabinet or by other means so as to make these substantially inaccessible to children.

(Ord. 356-75.)

4551.03 Source of Income Discrimination

- (a) No operator shall knowingly, based on the source of income of a prospective tenant or current tenant:
 - (1) Refuse to lease or rent any real property to a prospective tenant or current tenant;
 - (2) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;
 - (3) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;
 - (4) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;
 - (5) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;
 - (6) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or
 - (7) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for a prospective tenant or current tenant's source of income, would be eligible to rent real property.
- (b) If an operator requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.
- (c) Organizational criminal liability as provided for in Section 2301.23 is contemplated where an organization is an operator.
- (d) Whoever violates this section is guilty of Source of Income Discrimination, a misdemeanor of the first degree.

(Ord. No. 0494-2021 , § 1, 3-8-2021)

Article IX. Rooming House Regulations

4561.02 License required.

No person shall operate a rooming house unless the person holds a valid rooming house license issued by the Division in the name of the operator and for the specific rooming house. The operator shall apply to the Division

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for such license, which shall be issued on condition that the applicable provisions of this Housing Code and any rules and regulations adopted pursuant thereto are complied with. Every license shall expire at the end of one year following its date of issuance and in subsequent years on the date of expiration unless sooner suspended or revoked. The fee for such license, as prescribed in the fee schedule, and license issuance are subject to C.C. 4561.05 and 4561.051.

(Ord. 2672-85.)

4561.07 Inspections; license suspension.

Whenever upon inspection of any rooming house the code enforcement officer finds that conditions or practices exist which are in violation of any provision of this Housing Code or of any rule or regulation adopted pursuant thereto, the code enforcement officer shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the code enforcement officer the operator's rooming house license will be suspended. At the end of such period the code enforcement officer shall reinspect such rooming house, and if the code enforcement officer finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's license has been suspended.

(Ord. 1057-94.)

4561.08 Hearing on license suspension; effect of suspension.

Any person whose license to operate a rooming house has been suspended or who has received notice from the code enforcement officer that the person's license is to be suspended unless existing conditions or practices at the person's rooming house are corrected may request and shall be granted a hearing on the matter before the Board of Housing Appeals under the procedure provided by Chapter 4509. If no petition for a hearing is filed within fifteen (15) days following the day on which the license was suspended, the license shall be deemed to have been revoked. Any petition for a hearing following receipt of a notice that the license is to be suspended must be filed within fifteen (15) days of receipt of the notice. Upon receipt of notice of suspension, the operator shall immediately cease operation of the rooming house and shall display the notice of suspension along with the license as required in C.C. 4561.03.

(Ord. 1057-94.)

4561.11 Floor space requirements.

Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least forty (40) square feet of floor space for each occupant thereof or one hundred ten (110) square feet, whichever is greater. Notwithstanding the provisions of this section and of Section 4541.02 and Chapter 3333, dormitory sleeping rooms may be provided for occupancy by more than six (6) persons in college dormitories, college fraternities, college sororities, college club houses and by any religious or denominational institution or organization, or charitable organization, which is operated, supervised or controlled by or in connection with a religious organization, or any bona fide private or social organization subject to all the provisions of this Housing Code, except the floor space requirements thereof. Such dormitory sleeping rooms shall comply with the following requirements.

- (a) Beds. Beds shall have not more than two (2) decks each. The term "bed" shall include any bed, bunk, cot, or other furniture equipment used for sleeping purposes.

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- (b) Exits and Aisles. Clear space at least three (3) feet wide shall be provided for not less than three (3) feet in front of each fire exit and stairway and shall be connected by aisle at least three (3) feet wide to a center or main aisle. Any center or main aisle shall be at least three (3) feet wide.
 - (c) Spacing of Beds. Space at least two (2) feet wide shall be provided at the ends of beds and between the ends of beds arranged end to end except that center or main aisles between the ends of beds shall be at least three (3) feet wide. Space at least thirty (30) inches wide shall be provided along each long side of each bed, but where such is a center or main aisle it shall be at least three (3) feet wide.

(Ord. 1611-84; Ord. No. 1443-2009, § 10, 11-16-2009)

4561.13 Sanitary maintenance.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, ceilings and for maintenance of a sanitary condition in every part of the rooming house. The operator of every rooming house shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(Ord. 356-75.)

4561.14 Fire extinguishers.

- (a) Every rooming house shall be equipped with at least one (1) fire extinguisher located in the basement and on each occupied floor. Such extinguisher shall be approved by the National Board of Fire Underwriters as designated by the chief of the division of fire or his deputy. Where any floor area is in excess of two thousand square feet (2,000 sq. ft.) there shall be installed one (1) additional approved fire extinguisher for each two thousand square feet (2,000 sq. ft.) of floor area or fraction thereof.
- (b) All fire extinguishers shall be inspected and recharged as per instructions for each particular type of extinguisher and the date of such inspection or recharge shall be duly recorded on each extinguisher.
- (c) The location of all such fire extinguishers as are required under this chapter shall be indicated and approved by the chief of the division of fire or the chief's deputy, and all such fire extinguishers shall be kept in good repair and in operating condition at all times.

(Ord. 1611-84.)

4701.07 Enforcement.

- A. The director in enforcing provisions of this code is authorized and directed to make inspections either in response to a complaint alleging the existence of a public nuisance or when the director has reasonable grounds to believe a public nuisance exists.
- B. Upon presentation of proper credentials and when permission is granted by a person who represents the person who has authority to grant permission, the director may enter any building, premises or real estate, including vacant land, or any appurtenance thereto in the city of Columbus to perform any duty imposed upon the director by this code. Absent such permission the director may apply to a judge of a court of record, pursuant to Ohio Revised Code Section 2933.21(F), for a search warrant to conduct an inspection.
- C. Every occupant of a building, premises or real estate or any appurtenance thereto shall give the owner access to any part of the building, premises or real estate or any appurtenance thereto at all reasonable times for the purposes of making an inspection or maintenance, repair or alteration of the building, premises or real estate of any appurtenance thereto as are necessary to comply with this code.

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- D. The identification of a person who makes a complaint pursuant to this code shall be kept confidential and shall not be subject to disclosure under Ohio Revised Code Section 149.43

(Ord. 0946-04 § 2 (part); Ord. 897-05 § 1 (part).)

4701.08 Inspection and powers.

Whenever the director determines a vacant building or structure constitutes a public nuisance, or hazardous building or structure, the director shall affix to such building or structure upon or adjacent to the door or entrance thereto, a placard on which shall be printed a declaration that such building or structure is a public nuisance or hazardous building, and the director may do any of the following:

- A. Serve notice pursuant to C.C. Section 4701.09; and/or
- B. Notwithstanding other enforcement actions that have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City Codes or Ohio Revised Code, notify the chairperson of the safe neighborhood review board who shall cause a hearing to be held by the board on the question of the existence of a public nuisance building or structure and whether and how such public nuisance building or structure, if found to exist, should be abated; or
- C. Notwithstanding other enforcement actions that have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City Codes or Ohio Revised Code, cause to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief seeking abatement of the public nuisance building or structure; and/or,
- D. Notwithstanding other enforcement actions that have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City Codes or Ohio Revised Code, cause to be filed in the environmental division of the Franklin County Municipal Court a criminal complaint.
- E. Notwithstanding other enforcement actions that have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City Codes or Ohio Revised Code, enter onto the property and cause the conditions that create the public nuisance or hazardous buildings or structures to be abated by city personnel or private contractor and may charge the costs of such correction as a lien upon the owner's building, structure, premises, or real estate, to include vacant land.

(Ord. 374-06 § 1.)

4701.09 Notice of violation.

- A. Whenever the director determines there exists a public nuisance as defined in Section 4703.01(F), the director may issue a notice of violation to the owner of the building, structure, premises or real estate, including vacant land, or appurtenance thereto setting forth the conditions that cause the building, premises or real estate, including vacant land, or appurtenance thereto to be a public nuisance and advising the owner that such conditions must be corrected. Such notice of violation shall:
1. Be in writing;
 2. Describe the building, structure, premises or real estate, including vacant land, or appurtenance thereto alleged to be a public nuisance;
 3. Identify the sections of the Ohio Revised Code or the Nuisance Abatement, Building, Housing, Air Pollution, Sanitation, Health, Fire or Safety Code or regulation whose violation create a condition or conditions on the building, structure, premises or real estate, including vacant land, and appurtenances thereto that cause the building, structure, premises or real estate, including vacant land, or appurtenance thereto, to be a public nuisance;
 4. Order the owner to abate the conditions;
 5. Specify a reasonable time for compliance with the order to abate;
 6. Advise the owner of the right to appeal the notice of violation pursuant to Section 4701.13 of this chapter, and that the owner has the right to have a hearing before the property maintenance appeals board in connection with their appeal.
 - a. Except as otherwise specified in Section 4701.11, upon the owner appealing a Notice of Violation, any enforcement action seeking compliance with an order shall be stayed until after the initial hearing in connection with the owner's appeal. Property maintenance appeals board hearing dates, times, and locations shall be established in compliance with C.C. Section 4509.03.
 7. Advise the owner that if the order to abate the conditions indicated in the notice of violation is not complied with by the specified date of compliance, the director may:
 - a. Initiate a civil and/or criminal action against the owner, or
 - b. Cause the conditions indicated in the notice of violation to be corrected by city personnel or private contractor and charge the costs of such correction as a lien upon the owner's building, structure, premises or real estate, to include vacant land, or appurtenance thereto, or
 - c. Cause to be filed with the safe neighborhood review board a complaint seeking an order to have the notice enforced. The director may cause to be filed with the safe neighborhood review board a request for a hearing to determine whether the building, structure, premises or real estate, to include vacant land, or appurtenance thereto, is a public nuisance whether or not a notice of violation has been served on the owner.
- B. When a notice of violation is served it shall be served upon the owner by any one of the following methods:
1. Personal service;
 2. Certified mail, return receipt requested;
 3. Residence service at the owner's address by leaving a copy of the suitable age and discretion then residing therein;
 4. Publication in a newspaper of general circulation in Franklin County:

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- a. The notification shall be published a minimum of once per week for three (3) consecutive weeks,
 - b. A copy of the newspaper with a copy of the notice marked, shall be mailed to the party at the last known address and the notice shall be deemed received as of the date of the last publication;
5. Regular mail service to an address that is reasonably believed to be a place of residence of the owner or a location at which the owner is reasonably believed to receive mail regularly;
 6. Posting of the notice of violation on the building, premises or real estate, or appurtenance thereto, except that if the building, premises or real estate is vacant or vacant land, then the notice shall be posted on the building, premises or real estate or vacant land and one of the above methods of service shall also be used.
- C. When the notice of violation has been served, it shall be effective as to anyone having any interest in the building, premises or real estate whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner as long as the conditions causing the building, premises or real estate, including vacant land, or appurtenances thereto exist and there remains a city record of the notice of violation in a public file maintained by the director.
 - D. Written or oral acknowledgement by the owner of receipt of a notice of violation shall be evidence that the owner received the notice. An appeal of the notice by the owner pursuant to Section 4701.13 shall constitute evidence of written acknowledgement by the owner of service of the notice of violation.

(Ord. 0946-04 § 2 (part); Ord. 897-05 § 1 (part); Ord. 374-06 § 2; Ord. 1132-2008 Attach. (part).)

4701.11 Emergencies.

- A. Whenever the director finds that an emergency exists which requires immediate action to protect the public health and safety, the director shall issue a written order to the owner reciting the existence of such an emergency and requiring that such action as the director deems necessary be taken to meet the emergency.
- B. Such action as the director deems necessary to abate the emergency may include:
 1. The immediate vacating of a building, premises or real estate by all inhabitants with the condition that the building, premises or real estate not be reoccupied until the director determines that the emergency no longer exists.
 2. Action by the director using city or private contractor resources to abate the conditions causing the emergency. If in the opinion of the director such action includes demolition of the building or premises or appurtenances thereto because the building or premises or appurtenances thereto pose an imminent threat of collapse which has a high probability of causing injury or death to persons, the director shall immediately file a request for a temporary restraining order from the environmental division of the Franklin County Municipal Court seeking judicial approval to demolish the building or premises or appurtenances thereto. The director shall charge the costs of abatement as a lien against the building or premises or appurtenances thereto and/or may recover the costs against the owner in a civil action.
- C. The written order issued by the director shall be posted on the building, premises or real estate, to include vacant land, or appurtenances thereto, where the emergency is alleged to exist. Additionally the director shall make every reasonable effort to personally serve the owner with the order.
- D. Notwithstanding other provisions of this code, such order shall be effective immediately and shall be complied with immediately.

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- E. The owner has the right to immediately appeal the emergency order to the environmental division of the Franklin County Municipal Court, but such appeal does not waive the owner's requirement to immediately comply with the order.
 - F. If the owner appeals the emergency order, the burden is on the director to prove by clear and convincing evidence that an emergency existed which required immediate action on the part of the owner. The owner has not burden to prove there was not an emergency. If the environmental division of the Franklin County Municipal Court has issued to the director a temporary restraining order approving demolition, an owner's appeal will not stay the court's order.

(Ord. 0946-04 § 2 (part); Ord. 897-05 § 1 (part).)

4701.90 Procedures for finding a public nuisance.

- A. Whenever the director determines that there exists a public nuisance, as defined in section 4703.01(F), or when notices issued pursuant to sections 4701.09, 4701.11 or 4709.05 do not alleviate such determination, the director shall issue a notice of violation to the owner of the structure setting forth the conditions that cause the structure to be a public nuisance and advising the owner that the public nuisance must be abated. If the conditions that cause the structure to be a public nuisance include violations of the Nuisance Abatement Code, then prior to declaring a public nuisance under this section the director shall confirm that appropriate notices have been issued in accordance with sections 4701.09, 4701.11 or 4709.05 and shall document non-compliance with said notices. Such notice of violation shall:
 - 1. Be in writing;
 - 2. Describe the structure alleged to be a public nuisance;
 - 3. Identify the sections of the Ohio Revised Code or the Nuisance Abatement Code of which the structure is in violation and specific conditions which are the basis for the determination that the structure is a public nuisance;
 - 4. Order the owner to abate the public nuisance and identify the specific conditions that must be corrected in order to constitute abatement;
 - 5. Specify a reasonable time for compliance with the order to abate;
 - 6. Advise the owner of the right to appeal the notice of violation to the property maintenance appeals board;
 - 7. Advise the owner that if the order to abate the conditions indicated in the notice of violation is not complied with by the specified date of compliance, the director may do any, or all, of the following:
 - a. Initiate a civil and/or criminal action against the owner to enforce the order.
 - b. Cause the conditions indicated in the notice of violation to be corrected by city personnel or private contractor and charge the costs of such correction as a lien upon the owner's structure or land, including but not limited to correction by demolition of the structure.
 - c. Assess a civil penalty against the owner pursuant to section 4709.995 of \$1,000.00 for each calendar day that the owner fails to comply with the order to abate the public nuisance by the specified date as required in the notice of violation.
- B. When a notice of violation is served it shall be served upon the owner by any one of the following methods:
 - 1. Personal service;
 - 2. Certified mail, return receipt requested;

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3. Residence service at the owner's address by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein;
 4. Publication in a newspaper of general circulation in Franklin County:
 - a. The notification shall be published a minimum of once per week for three (3) consecutive weeks; and
 - b. A copy of the newspaper with a copy of the notice marked, shall be mailed to the party at the last known address and the notice shall be deemed received as of the date of the last publication;
 5. Regular mail service to an address that is reasonably believed to be a place of residence of the owner or a location at which the owner is reasonably believed to receive mail regularly;
 6. Posting of the notice of violation on the structure, except that if the structure is vacant, then the notice shall be posted on the structure and one of the above methods of service shall also be used.
- C. When the notice of violation has been served as provided herein, it shall be effective as to any person having any interest in the structure whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner as long as the conditions specified in the notice of violation remain and the public nuisance has not been abated as ordered.
- D. Written or oral acknowledgement by the owner of receipt of a notice of violation, or appeal of the notice by the owner to the property maintenance appeals board, shall be evidence that the owner received the notice.
- E. Right of appeal to the property maintenance appeals board.
1. A notice of violation issued pursuant to this section may be appealed to the property maintenance appeals board by the filing of a notice of appeal with the department within fifteen (15) days of service of the notice of violation.
 2. Upon the filing of a timely notice of appeal, the property maintenance appeals board shall conduct a hearing on the appeal within forty-five (45) days unless a continuance is requested by either party and granted by the chair of the board. At such hearing, the burden shall be on the director to prove by the preponderance of substantial, reliable, and probative evidence that the structure identified in the notice of violation is a public nuisance. The property maintenance appeals board shall render its decision in writing, including conclusions of fact and law, within five (5) days of the date of the hearing. The decision of the property maintenance appeals board may reverse, modify or affirm the order and action of the director.
 3. Decisions of the property maintenance appeals board issued pursuant to this section may be appealed to the environmental division of the Franklin County Municipal Court pursuant to Ohio Revised Code Chapter 2506.
- F. Nothing in this section shall be construed to prohibit the director from pursuing the enforcement of any provision of this Nuisance Abatement Code or the Ohio Revised Code through any other remedy available by law, including but not limited to causing to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief or a criminal misdemeanor complaint.

(Ord. No. 1547-2019 , § 1, 7-1-2019)

4701.995 Civil penalty; effect of appeal.

- A. In addition to any other remedy or penalty provided in this Nuisance Abatement Code or the Ohio Revised Code, an owner who fails to comply with a notice of violation issued pursuant to sections 4701.09, 4701.11 or 4709.05 by the date specified in the notice may incur a civil penalty of \$1,000.00 for each calendar day thereafter that the owner fails to comply with the order to abate the public nuisance as required in the

notice of violation. The director shall provide notice to the owner prior to the assessment of a civil penalty as provided herein. Such notice shall state the date on which the assessment of a civil penalty will commence and shall be served on the owner as provided in section 4709.90(B). The director must document non-compliance with the notice of violation and abatement order for each day for which a civil penalty is to be assessed against the owner under this section. The director shall also document that prior to the issuance of the notice of civil penalty the director has personally conferred or attempted to confer with the owner in an effort to establish a reasonable period of time for the owner to comply and abate the hazard and the owner either did not comply or refused to meet or was unavailable.

- B. In addition to any other remedy available by law, the director may file a civil action in the environmental division of the Franklin County Municipal Court seeking a court order to recover any accumulated civil penalties.
- C. Upon the owner appealing a notice of violation to the property maintenance appeals board pursuant to section 4701.13, any enforcement action seeking compliance with the ordered abatement, including the collection of civil penalties pursuant to this section, shall be stayed until the property maintenance appeals board issues its decision on the appeal. Civil penalties incurred pursuant to this section shall continue to be assessed during the pendency of any appeal to the property maintenance appeals board and any subsequent court appeals, and shall be subject to collection upon a final judgment on the appeal.

(Ord. No. 1547-2019 , § 2, 7-1-2019)

4703.01 Definitions

For purposes of Title 47 the definitions found in Title 45 and the following definitions apply:

- A. "Code enforcement officer" means a property maintenance inspector, or a property maintenance inspector trainee, or a duly authorized representative of the director.
- B. "Department" means the department of development.
- C. "Director" means the director of the department of development or designee.
- D. "Graffiti" means any inscription, design, word, figure, or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any upon any building, bridge, fence, gate, rock, structure, tree, wall, or other property that defaces, damages, or destroys any public or private, real or personal property, without the privilege to do so.
- E. "Owner" means any of the following:
 - 1. The owner of record as shown on the current tax list of the auditor of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio;
 - 2. The mortgage holder of record, if any, as shown in the mortgage records of the recorder of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio;
 - 3. Any person who has a freehold or lesser estate in the premises;
 - 4. A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the sheriff of Franklin, Delaware, Pickaway, Licking, or Fairfield County has issued a deed for the premises whether or not the deed has been recorded;
 - 5. Any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;
 - 6. Any person who holds themselves out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting

rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.

- F. "Public nuisance" means any of the following:
1. Any building, premises or real estate, including vacant land, or any appurtenance thereto which is not in compliance with any building, housing, nuisance abatement, air pollution, sanitation, health, fire, zoning or safety code of the City of Columbus;
 2. Any building, premises or real estate, including vacant land, or any appurtenance thereto upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment;
 3. Any building, premises or real estate, including vacant land, or any appurtenance thereto on which a felony violation of Ohio Revised Code Chapters 2925 or 3719 has occurred;
 4. Any building, premises or real estate, including vacant land, or any appurtenance thereto as defined as a nuisance or public nuisance in Ohio Revised Code Chapter 3767.
 5. Any building, premises or real estate, including vacant land, or any appurtenance thereto that is used or occupied by a criminal gang (as defined in RC 2923.41) on more than two (2) occasions within a one-year period to engage in a pattern of criminal gang activity (as defined in RC 2923.41).
 6. Any building, premises or real estate, including vacant land, or any appurtenance thereto used in violation of Ohio Revised Code Chapter 2915.
 7. Any building, premises or real estate, including vacant land, or any appurtenance thereto on which a felony offense of violence as defined by Ohio Revised Code Section 2901.01 has occurred, except that it does not include any violation of sections 2919.25 or 2919.27 of the Revised Code.

(Ord. 0946-04 § 2 (part); Ord. 897-05 § 2; Ord. 374-06 § 3; Ord. No. 0811-2012, § 2, 4-30-2012; Ord. No. 1118-2018, § 1, 5-14-2018)

4705.01 Board makeup.

- A. The safe neighborhood review board shall be composed of nine (9) members as follows:
1. The director, or a representative;
 2. The administrator of the code development division of the department, or a representative;
 3. The chief of the division of police, or a representative;
 4. The chief of the bureau of fire prevention of the division of fire, or a representative;
 5. The chief of the environmental health division of the department of public health, or a representative;
 6. The chief building official, or a representative;
 7. A public member appointed by the director who represents the historical preservation community;
 8. A public member appointed by the director who is a member of an area commission;
 9. A public member appointed by the director.
- B. The terms of appointment of all public members appointed by the director shall be three (3) years each, and they shall serve until a successor is appointed.
- C. The director shall serve as secretary of the board.

D. The board shall adopt those rules necessary to conduct its affairs.

(Ord. 0946-04 § 2 (part); Ord. 897-05 § 3 (part); Ord. No. 0455-2010, § 129, 4-5-2010; Ord. No. 1537-2009, § 34, 5-3-2010)

4705.03 Powers of the board.

- A. Whenever the director determines there are reasonable grounds to believe a public nuisance as defined in 4703.01(F) exists, the director shall cause the suspected public nuisance to be inspected. If the inspection produces evidence that supports the director's determination, the director may:
1. Notwithstanding whether or not enforcement actions have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City Codes or Ohio Revised Code, notify the chairperson of the safe neighborhood review board who shall cause a hearing to be held by the board on the question of the existence of a public nuisance and whether and how such nuisance, if found to exist, should be abated; or
 2. Notwithstanding whether or not enforcement actions have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City Codes or Ohio Revised Code, cause to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief seeking abatement of the nuisance; and/or,
 3. When enforcement actions undertaken pursuant to Chapter 4701 or other provisions of the Columbus City Code or the Ohio Revised Code have not abated the public nuisance, the director may cause to be filed in the environmental division of the Franklin County Municipal Court a criminal complaint.
- B. If a suspected hazardous or public nuisance building or structure has been referred to the safe neighborhood review board, the secretary of the board shall cause a hearing to be held by the board on the question of the existence of a hazardous or public nuisance building or structure.
- C. The owner of the property alleged to be a hazardous or public nuisance building or structure shall be notified of the date, time, and place of the hearing and shall be given an opportunity to dispute the director's determination that a public nuisance exists. The hearing shall be on the record.
- D. Prior to the hearing, the property alleged to be a hazardous or public nuisance building or structure shall be inspected by the division of fire, the chief building official and the department of health. Evidence obtained through these inspections shall be made available at the hearing. Evidence shall include, but may not be limited to, photographs of the property.
- E. At the hearing, the burden to prove that a hazardous or public nuisance building or structure exists is on the director. The owner does not have the burden to disprove the director's determination.
- F. It shall be necessary to have a concurring vote of at least five (5) members of the board for a finding that a hazardous or public nuisance building or structure exists. The standard for such finding shall be by clear and convincing evidence.
- G. Following the hearing, the board shall cause a written order to be served on the owner stating the findings of the board. If the board finds that a hazardous or public nuisance building or structure exists the order shall prescribe the manner in which the hazardous or public nuisance building or structure shall be abated and shall set a time by which the abatement shall occur. The order shall also inform the owner of the owner's right to appeal and shall state that if the owner fails to abate the hazardous or public nuisance building or structure as ordered the Director may abate the hazardous or public nuisance building or structure as the director deems appropriate and may recover all costs of abatement in any manner provided by law.

(Ord. 0946-04 § 2 (part); Ord. 897-05 § 3 (part); Ord. 374-06 § 4; Ord. 1132-2008 Attach. (part).)

4705.11 Abatement of a public nuisance by the board.

If after all appellate remedies have been exhausted the owner fails to abate the public nuisance as ordered, the director may enter upon the premises and may abate the public nuisance as the director deems appropriate so long as such abatement also conforms to Section 4705.13.

(Ord. 0946-04 § 2 (part); Ord. 897-05 § 3 (part).)

