1132-2008 Amendment

Section 1. The following Sections of Columbus City Code are amended to read as follows:

Title 1 ADMINISTRATIVE CODE

Chapter 151 RECORDS COMMISSION; DISPOSITION OF RECORDS

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 chairman 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 chairman. 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 ~~state archivist~~ **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.)

Chapter 161 EMPLOYMENT PROVISIONS GENERALLY

161.036 Priority of payroll deductions.

Adjustments to the gross earnings of all city employees for all applicable statutory, mandatory, and voluntary deductions as may be authorized or directed by appropriate taxing authority, court order, the city auditor, or voluntary request of a city employee, shall be made in the following order of priority:

A. First, all applicable statutory deductions, including, but not limited to, federal, state, city of Columbus, and other local taxes and standard deductions required by the Public Employees Retirement System of Ohio or other approved public employee retirement system operated pursuant to state statute.

B. Second, mandatory or court ordered deductions in the following order:

(1) Child support payments ordered by a court of competent jurisdiction; and

(2) Wage-earner trusteeship payments ordered by a court of competent jurisdiction.

C. Third, voluntary deductions which shall be made only upon the written request of a city employee filed with the office of that employee's appointing authority or specifically authorized by ordinance of council and subject to the capacity of the city auditor's payroll system. These voluntary deductions shall be made in the following order:

(1) Rental of city-owned homes and other indebtedness to the city;

(2) Union dues to unions representing city employees in relations with the city;

(3) Municipal Credit Union accounts established by city employees;

(4) United States Savings Bonds purchased by city employees;

(5) Various supplemental insurances offered to city employees;

(6) Contributions to surviving spouses or estates of city employees where authorized by the employee's appointing authority; and

(7) Any other voluntary deduction as approved in accordance with this chapter.

D. Fourth, voluntary deductions for nonprofit tax exempt charitable organizations, or umbrella organizations or federations that are comprised entirely of nonprofit tax exempt charitable organizations, when all of the following requirements have been met:

(1) At least fifty (50) city employees have filed a payroll deduction card with both their appointing authority and the city auditor that a specific nonprofit tax-exempt charitable organization, or an umbrella organization or federation that is comprised entirely of nonprofit tax exempt charitable organizations, be the subject of a payroll deduction; and

(2) The organization, or all member organizations of an umbrella organization or federation, has received a currently valid ruling or determination letter from the Internal Revenue Service that recognizes the tax exempt status of such organization, or all member organizations, pursuant to Section 501(C)(3) of the Internal Revenue Code, as amended. That IRS ruling or determination letter must be filed with the city auditor for any such organization or member organizations before a payroll deduction is authorized.

(3) Such organization, or each member of an umbrella organization or federation, must:

(a) Be incorporated in the State of Ohio as a voluntary nonprofit organization registered and reporting annually to the Ohio Attorney General as required by Chapters 109 and 1716, Ohio Revised Code, **109.26 and 1716.02** and all necessary permits obtained from the city charitable

solicitations board, and
(b) Be engaged in the delivery of health or human welfare in Franklin County, Ohio or a bordering county, and
(c) Be directed by an active board of trustees who serve without compensation, and
(d) Adopt and employ generally accepted standards of accounting and financial reporting and make an annual external audit by an independent public accountant available to the general public, except those agencies with an annual budget less than $25,000.00 for which a copy of IRS Form 990 will be sufficient, and
(e) Adopt and enforce a stated policy of non-discriminatory and equal employment opportunity under federal, state, and city requirements or laws with respect to its clients, officers, employees and volunteers, and
(f) Supply a payroll deduction card or form that meets the requirements of the payroll division, and a written description of the organization, and each member organization, that may be distributed to employees.
(g) In the case of umbrella organizations or federations, provide an option for designated contributions, or members to be excluded from contributions, and
(h) Agree in writing that the costs associated with providing access for payroll deductions will be paid by the organization, umbrella organization or federation, including but not limited to costs of data processing, software, and administrative costs to process the deduction and payment of the funds; and where the start-up costs exceed $5,000.00 a performance bond in that amount is required before the city shall begin to process such request for access to payroll deductions by city employees.
E. Deferred compensation plans are subject to the rulings of the Internal Revenue Service which require that the reduction be made to the gross earnings prior to the deduction of applicable earnings taxes. The city auditor shall make adjustments in gross earnings pursuant to the administrative regulations of any deferred compensation plans approved by city council.
In the event that all mandatory or voluntary deductions cannot be satisfied from a city employee's earnings in a particular pay period, the employee will have the sole responsibility of satisfying said obligations. Where the entire amount of any one deduction cannot be processed, no partial deduction will be processed.
Payroll deductions not fully satisfied at the time a city employee terminates employment become the sole responsibility of the former employee and the city assumes no obligation of their satisfaction.
The city shall be free and saved harmless from any and all claims that may arise in the event that any voluntary deduction is inadvertently not processed as a result of a clerical or computer error. (Ord. 2043-93.)

Title 2 ADMINISTRATIVE CODE

Chapter 211 MAYOR

211.01 The mayor.

The mayor shall be the chief executive officer of the city with the power to appoint and remove all directors of departments established herein and all directors of departments that may hereinafter be established. Nothing contained in the Administrative Code shall be deemed to restrict, lessen or invalidate ~~all~~ **any of** the powers and duties vested in the mayor by the Charter of the city of Columbus. (Ord. 2581-83.)

Title 3 FINANCE AND TAXATION CODE

Chapter 321 DEPOSIT OF PUBLIC MONEY

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. 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, 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 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~~(A)~~ 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 to him 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 an 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 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.)

Chapter 323 BONDS AND SINKING FUND

323.07 Disclosure of annual information and specified events.

(a) For purposes of and as used in this section, the following words shall have the following meanings:
(1) "Accounting principles" means the accounting principles applied from time to time in the preparation of the annual general purpose financial statements of the city, initially being generally accepted accounting principles applicable to governments as promulgated by the Governmental Accounting Standards Board and as in effect from time to time.
(2) "Annual information" means for each fiscal year the annual financial information and operating data described in or pursuant to the ordinance relating to a particular series of obligations. The annual information to be provided will be consistent with the financial information and operating data relating to the city and the series of obligations included in the final official statement for those obligations.
(3) "Filing date" with respect to any fiscal year means the 180th day following the end of that fiscal year (or, if that day is not a city business day, the next city business day).
(4) "MSRB" means the Municipal Securities Rulemaking Board, or any legal successor thereto.
(5) "NRMSIR" means each nationally recognized municipal securities information repository designated from time to time by the SEC in accordance with the Rule.
(6) "Obligated person" shall have the meaning as provided in the Rule.
(7) "Obligations" means bonds or notes of the city.
(8) "Rule" means Rule 15c2-12 **(See 17 CFR 240. 15c2-12)** adopted by the SEC pursuant to the Securities Exchange Act of 1934, as amended from time to time.
(9) "SEC" means the United States Securities and Exchange Commission, or any legal successor thereto.
(10) "SID" means the state information depository, if any, designated by the state (and, if applicable, recognized by the SEC).
(11) "Specified events" means any of the following, within the meaning of the Rule, with respect to each issue of obligations:
A. Principal and interest payment delinquencies;
B. Nonpayment related defaults;
C. Unscheduled draws on debt service reserves reflecting financial difficulties;
D. Unscheduled draws on credit enhancements reflecting financial difficulties;
E. Substitution of credit or liquidity providers, or their failure to perform;
F. Adverse tax opinions or events affecting the tax-exempt status of the obligations;
G. Modifications to rights of holders of the obligations;
H. Obligation calls;
I. Defeasances (of the applicable trust agreement entirely, or as to all or a portion of the obligations only);
J. Release, substitution or sale of property securing repayment of the obligations; or
K. Rating changes.
"Trustee" means a trustee under any trust agreement that secures a series of obligations.
(b) The city shall provide, as stated below, to each NRMSIR and to the SID:
(1) Annual information for each fiscal year (beginning with the fiscal year ending December 31, 1996) not later than the filing date for that fiscal year; and
(2) When and if available, audited general purpose financial statements of the city for each fiscal year prepared in accordance with the accounting principles. The audited statements may be prepared and made available separately from the annual information.
The annual information may be provided by reference to other documents, such as the city's comprehensive annual financial report or subsequent final official statements relating to obligations issued by the city, that may be provided to each NRMSIR and to the SID. If reference is made to a subsequent official statement, the city shall file that official statement with the MSRB.
(c) The city shall provide to each NRMSIR or to the MSRB and to the SID, all in a timely manner:
(1) Notice of the occurrence of any specified event if that specified event is material.
(2) Notice of a failure to comply with the requirements of paragraph (b) of this section.
(3) Notice of the termination of the applicability of the requirements of this Section to a particular series of obligations.
(4) Notice of any material change in accounting principles applied to the preparation of the annual audited financial statements of the city, or of any change in the city's fiscal year.
(d) The right of the holders or beneficial owners of obligations to enforce any of the requirements of this section shall be limited, to the extent permitted by law, to an action for or specific performance to compel compliance by mandamus of the obligations and duties of the city under this section. Any failure of the city to comply with any of the provisions of this section shall not be or be deemed to be a failure, a default or an event of default under any obligation or trust agreement relating to an obligation.
(e) Notwithstanding any other provision of this section, the city may amend or waive any provision of this section if the city has received an opinion of counsel knowledgeable in federal securities laws to the effect that such amendment or waiver would not, in and of itself, cause the undertakings contained in this section to violate the rule if such amendment or waiver had been effective on the date of adoption of this section but taking into account any subsequent change in or official interpretation of the rule.
(f) The obligations of the city under this section for a series of obligations shall remain in effect only for such period that obligations of that series

are outstanding in accordance with their terms and the city remains an obligated person with respect to those obligations.
(g) The city's undertakings pursuant to this section shall inure solely to the benefit of the holders and beneficial owners of the obligations including book entry interest owners in them, and shall not create any rights in any other person.
(h) Unless specifically and expressly provided in a trust agreement or supplemental trust agreement relating to a series of obligations, no trustee shall be responsible for, or responsible for determining, compliance by the city with any of the agreements or obligations in or pursuant to this chapter. (Ord. 906-96.)

Chapter 329 PROCUREMENT OF GOODS AND SERVICES--SALE OF CITY PROPERTY

329.07 Exceptions to competitive sealed bidding.

(a) Procurement of Commodities with Fixed Prices. City agencies shall have general authority to purchase items for which fixed prices prevail, such as utility services, memberships, subscriptions, professional organization certifications, and postage stamps, without complying with the provisions of Section 329.06 or any other procurement procedure specified in this chapter.
(b) Petty Cash Fund Purchases. The director of any city agency in which a petty cash fund has been established may authorize expenditures for individual purchases not in excess of five hundred dollars ($500.00). No expenditures shall be made from petty cash funds for items available in the purchasing office storerooms, copy and print shop, or universal term contract. No purchase shall be artificially divided into smaller purchases to avoid the provisions of competitive bidding in this chapter.
(c) Procurement Not Exceeding One Thousand Dollars ($1,000.00).
(1) A city agency may enter into contract on behalf of the city without complying with the provisions of Section 329.06 and 329.07(d) when the total expenditure under any single contract do not exceed one thousand dollars ($1,000.00) within any fiscal year. In awarding a contract under this section the city agency shall, where appropriate, undertake reasonable measures to provide for competition among potential contractors. No purchase shall be artificially divided to avoid the provisions of Section 329.06 or 329.07(d).
(d) Procurement of Materials, Supplies, Equipment, and Services Other Than Construction and Professional Services not Exceeding Twenty Thousand Dollars ($20,000.00).
(1) The director of finance and management or designee may enter into contracts on behalf of the city for the procurement of materials, supplies, equipment and services, other than construction and professional services, without complying with the provisions of Section 329.06 so long as total expenditures under any single contract do not exceed twenty thousand dollars ($20,000.00) within any fiscal year. However, expenditures of bond funds are subject to Ohio R.C. 5705.41. Unless manifestly impractical, the finance and management director or designee shall publicly post all specifications for such contracts for a period of not less than twenty-four (24) hours and secure bids from at least three (3) bidders. The finance and management director or designee shall maintain a record of the cause of manifest impracticality with the record of the procurement. No purchase shall be artificially divided into smaller purchases to avoid the provisions of Section 329.06.
(2) A city agency may enter into contracts on behalf of the city for service contracts, other than construction and professional services, without complying with the provisions of Section 329.06 so long as total expenditures under any single contract do not exceed twenty thousand dollars ($20,000.00) within any fiscal year. Unless manifestly impractical, the city agency shall publicly post all specifications for such contracts for a period of not less than twenty-four (24) hours and secure bids from at least three (3) bidders. The city agency shall maintain a record of the cause of manifest impracticality with the record of the procurement. No purchase shall be artificially divided into smaller purchases to avoid the provisions of Section 329.06.
(3) In determining the lowest bid for purposes of awarding a contract under this section, a local bidder (as defined in Section ~~329.04(j))~~, **329.04(k)**, shall receive credit equal to five (5) percent of the lowest bid submitted by a non-local bidder, where bids do not exceed twenty thousand dollars ($20,000.00).
(e) Sole Source Procurement.
(1) A city agency may award a contract without complying with the provisions of Section 329.06 when, after conducting reasonable investigation, the director of finance and management or designee and city agency determine that only one (1) individual or business entity is capable of supplying the required materials, supplies, equipment or services. After negotiating a contract with the contractor, the city agency shall submit legislation to city council requesting approval of the contract. In its submission to city council, the city agency shall explain or describe in writing: (1) why no other individual or business entity is capable of supplying the needed materials, supplies, equipment or services; (2) what efforts were undertaken to obtain other bidders or offerors; and (3) how the price or fee structure for the contract was determined. This explanation shall become part of the contract file.
(2) Any city agency awarding a contract under this section shall submit a record of the contract to the director of finance and management or designee in a format specified by the director of finance and management or designee. The director of finance and management or designee shall maintain a public record of all contracts awarded under this subsection, including those contracts awarded by the director of finance and management or designee. For each contract, the record shall clearly state the city agency involved, the contract identification number, the contractor's identity and the amount of the contract. The record shall also describe the materials, supplies, equipment and/or service procured under the contract.
(3) As appropriate, this procurement method may be used by the director of finance and management or designee to establish a universal term contract (UTC).
(f) Not-for-Profit Service Contracts Exceeding Twenty Thousand Dollars ($20,000.00).
(1) Not-for-profit service contracts as defined in Section 329.04(l) which exceed twenty thousand dollars ($20,000.00) shall be awarded by the processes specified in Section 329.15.
(g) Procurement from a Universal Term Contract not Exceeding One Hundred Thousand Dollars ($100,000.00).
(1) The director of finance and management or designee may, on behalf of a city agency, establish an order for goods or services without complying with the provisions of Section 329.06, where there exists a universal term contract for that good or service, so long as total

expenditures do not exceed one hundred thousand dollars ($100,000.00) in any fiscal year for that agency from the specified universal term contract.
(h) Procurement from Universal Term Contract Exceeding One Hundred Thousand Dollars ($100,000.00).
(1) The director of finance and management or designee may, on behalf of a city agency, establish an order for goods or services without complying with the provisions of Section 329.06 where there exists a universal term contract for that good or service and total expenditures in any fiscal year for that agency from the specific universal term contract will or do exceed one hundred thousand dollars ($100,000.00), only if the procurement is approved by ordinance of city council.
(i) The procurement of construction services shall be in accordance with the provisions of Sections 329.08 and 329.09.
(j) The procurement of professional services shall be in accordance with the provisions of Sections 329.10, 329.11, 329.12, 329.13 and 329.14.
(Ord. 1349-96; Ord. 1576-00 § 1 (part); Ord. 1966-00 § 1; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part): Ord. 223-06 § 1 (part).)

329.29.1 Lease of city-owned realty.

(a) No city agency shall lease or authorize the sublease of any real property owned by the city, upon which private or public improvements are planned to be constructed, without first obtaining authorization by ordinance of council.
(b) Unless specifically waived by ordinance of council, all leases, assignments, subleases and modifications thereto, authorized pursuant to this section shall require that in all construction of private or public improvements situated on city-owned land that prevailing wage rates shall be paid in constructing the improvement. The prevailing wage shall be defined in the same manner as ~~Chapter 4115~~, Ohio Revised **Code 4115.03.**
(c) Subsection (b) does not apply when the real property is a gift or contribution to the city and at the time of the gift the construction of the specific public or private improvements was contemplated; or when a private party offers to contribute as a gift to the city the construction of improvement on city-owned real property and a lease of less than two (2) years of the real property is part of the transaction, and no city funds are involved in the project. (Ord. 639-90; Ord. 81-02 § 1 (part).)

~~Chapter 371 HOTEL TAX~~

~~371.17 Intent of chapter.~~

~~It is the intent of this chapter to levy the excise tax of five and one-tenth (5.1) percent on transactions by which lodging by a hotel is or is to be furnished to transient guests as referred to in (C)(1) and (C)(2) of Section 5739.02, Revised Code of Ohio 5739.08 and 5739.09, and further, to levy an excise tax of five and one-tenth (5.1) percent on transactions by which lodging by transient accommodations is or is to be furnished to transient guests. Accordingly, this chapter shall be construed to effectuate those purposes and so as to be consistent with any requirement of law compliance with which is a prerequisite to the validity of the tax intended to be levied hereby. (Ord. 3006-88.)~~

Title 5 BUSINESS REGULATION AND LICENSING CODE

Chapter 545 WEAPONS SALES

545.04 Dealer license prohibitions, conditions.

(a) No weapon dealer shall purchase, sell, barter, trade, give away or take possession of an "assault weapon" as defined in Section ~~2323.01(I)~~, **2323.11(L),** C.C.C. except as provided in Section ~~2323.05(C)~~ **2323.31**.
(b) No weapon dealer shall sell, barter, trade or give away any lawful weapon unless the individual so receiving such weapon is first in possession of a valid Weapon Transaction Permit.
(c) Every person who is licensed to deal in weapons described in C.C.C. 545.02 shall make out and deliver to the division of police, everyday before the hour of 12:00 noon, a legible and correct report of every sale, gift, or other transaction made under authority of such license, during the preceding twenty-four hours. The report shall contain the date of such transaction; the type of the weapon as described in C.C.C. 545.02; the full name of purchaser, or recipient with (his/her) address and age; dealer name and dealer license number; the serial number, kind, description and price of such weapon; the weapon transaction permit number; and the purpose given by such person for the acquisition of such weapon. The report shall be substantially in the following form:
Permit number, date of issue;
Full name, residence of permittee;
Date of birth, social security number of permittee;
Dealer name and dealer license number;
Weapon serial number, description;
For what purpose acquired.
(d) Display of license. Each weapon dealer license shall be prominently displayed at the place of business shown thereon, in full view of patrons.
(Ord. 2168-89.)

Chapter 559 AMUSEMENT DEVICES

559.08 Application for amusement arcade license.

The safety director is authorized to accept for filing in the office of the safety director applications for the issuance of amusement arcade licenses. Each application for an amusement arcade license shall be signed by the operator in whose name the amusement arcade license is to be issued. The application for an amusement arcade license shall be upon a form prescribed by the safety director and shall set forth the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the period for which the amusement arcade license is sought, a list of all game machines to be located at the amusement arcade and such other information as the safety director reasonably requires. ~~If the operator filing the application for amusement arcade license is a corporation, the application for amusement arcade license shall list the names of any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of any class of stock of the corporation~~. If the operator filing the application for amusement arcade license is a corporation, the application for amusement arcade license shall list the names of any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of any class of stock of the corporation. If the operator filing the application for amusement arcade license is a partnership, the application for amusement arcade license shall list the names of all partners. As to any corporation or partnership listed in accordance with the two immediately preceding sentences, the listing required by such sentences shall be repeated and further repeated for any other partnership or corporation listed on the application for amusement arcade license. There shall be filed with each application for an amusement arcade license the affidavit of the operator as to its good moral character and the truth of the matters set forth in the application for the amusement arcade license. (Ord. 2705-90.)

Chapter 587 TAXICAB OWNERS' LICENSES

587.11 Records; trip sheets.

The owner or the person in charge of one (1) or more taxicabs shall keep a record of all such taxicabs showing the body number, the city license number, and such data as may be necessary to identify the driver of such vehicle at any and all times. Such owner or person in charge shall also keep a record of the time of departure from and arrival at his garage or headquarters of such taxicab.
Taxicab owners shall require their ~~divers~~ **drivers** to submit completed trip sheets on a regular basis, but in no case shall this be greater than weekly.
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 of public safety. (Ord. 2366-88.)

587.20 Approval by city attorney.

Any liability protection obtained by an owner pursuant to C.C. ~~587.06~~ **587.16** whether in the form of an insurance policy, bond, liability agreement or combination of these, shall be subject to the approval of the city attorney as to its compliance with this chapter and as to its form and legality. (Ord. 2366-88.)

Chapter 589 TAXICAB DRIVERS' LICENSES

589.16 Driver standards.

(a) Any license officer shall have the power to inspect a driver upon any complaint or for any other reason.
(1) If, upon any inspection, a driver is found to be unclean or unsuitably dressed as defined in the regulations adopted by the board, the license officer shall impound the identification card of such driver until he or she has corrected the condition.
(2) If the driver desires to contest the action of the license officer, the driver must inform the license officer immediately. A formal complaint will then be filed by the license officer who will present the complaint at the next meeting of the board. Such a request by the driver shall be deemed a waiver of the ten day notice requirement. Any driver who requests a formal review shall be allowed to retain his or her identification card and the right to drive pending board action.
(b) No person shall operate or be in physical control of a taxicab while under the influence of alcohol or any drug of abuse.
(1) A license officer or police officer, upon probable cause, may order any driver operating a taxicab or in physical control of a taxicab, to submit to a chemical test or a test of breath or urine for the purpose of detecting the alcoholic content of his or her blood or the presence of illegal drugs. The officer shall designate the test to be used.
(2) The ~~text~~ **test** given under this provision of the city code should not be used in a prosecution for any criminal or traffic offense and shall not require the arrest of the driver.
(3) The refusal to submit to the test shall be referred to the board for action and may be grounds for the suspension of the license of the person refusing the test. (Ord. 2366-88.)

589.17 Grounds for permanent revocation, revocation and suspension.

The board may revoke or suspend the license of any licensed driver for any of the following reasons:
(a) Licensee obtained a license by a false statement in his application, or upon misrepresentation or upon false statements in his affidavit in applying for a duplicate license or identification card.

(b) Licensee has become physically or mentally incapable of driving a vehicle for hire.
(c) Licensee has been convicted of a crime involving moral turpitude.
(d) The driver has been guilty of misconduct, which shall include, but not be limited to:
(1) Failing to report within twenty-four (24) hours to the appropriate law enforcement agency any accident in which the licensee is involved, which involves damages in excess of three hundred ($300.00).
(2) The possession or use of any controlled substance, as defined in Ohio Revised Code ~~3917.01~~ **3719.01(C)** not specifically prescribed for him by a physician, while in a vehicle for hire or possessing any open alcoholic beverage container in a vehicle for hire.
(3) Being in control of or operating any vehicle while under the influence of alcohol or drugs.
(4) Gambling or being in a taxicab where gambling is occurring regardless of whether the operator receives a percentage of the proceeds or not.
(5) Solicitation of passengers by horn, bell or other audible signal at any location, or solicitation of 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 cab in a loading area or to courtesy phones, or other nonaudible advertising.
(6) Refusing trip service on demand to any orderly person for lawful purposes, unless the demand is by radio dispatch service or unless such taxicab is previously engaged.
(7) Permitting a non-fare paying passenger to occupy a taxicab, while engaged in business or seeking business, but shall not apply to company or city officials riding in such vehicle on official business.
(8) Knowingly operate a taxicab to which is attached a taximeter which registers improperly or on which the seal affixed by the sealer of weights and measures is broken or expired, or to which a taximeter is not attached.
(9) Collecting a fare in excess of the meter rate or showing a fare on the meter when the taxi is not transporting passengers or packages for which the meter is being used to determine the charge. Failing to use the taximeter when transporting passengers.
(10) Violation of the fare rates for more than one passenger as described in C.C. 591.06 or failing to take the most direct route or the most convenient route for the passenger.
(11) Making a charge for any bag, suitcase, or ordinary light traveling luggage in an amount not to exceed fifty pounds, carried by any person paying fare. A charge of fifty cents ($.50) may be made for each bag in excess of fifty pounds. Parties may agree to additional compensation for unusual circumstances, if such agreement is made prior to the trip and is in writing.
(12) Failing to deliver to the person paying for the hire of the taxicab a correct and legible receipt containing the identification of the taxicab and its driver, all items for which a charge is made, the total amount paid and the date of payment, if a receipt is requested.
(13) Parking a taxicab 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 cab within that period of time unless the taxicab has been hired for passenger use or for pick up or delivery of a package.
(14) Failing to, at all times, maintain a trip sheet showing in proper sequence the following information:
A. Time of pickup of any and all passengers
B. Address of origin of trip
C. Address of destination of trip
D. Time of termination of trip
E. Number of passengers carried on trip
F. Amount of fare paid for trip.
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 he shall determine.
(15) Failing to display an identification card issued to the driver in a place visible at all times to the occupants of the cab, or upon demand to the occupants of a livery, failing to preserve such card in good order and condition, or displaying an expired identification card.
(16) Operating a taxi or livery which is unclean, or unsightly. If upon inspection under C.C. 587.13 a taxicab is found to be in violation of this section, the director or his designee shall, in addition to any action taken against the license of the vehicle, cause a memorandum of the inspection failure to be placed on the record of the driver. Subsequent offenses or extreme situations shall be brought before the board.
(17) Operating a taxicab or livery while unclean or unsuitably dressed. Any reprimand for this section shall be recorded on the permanent record of the driver. Subsequent offenses or extreme situations, or appeals of a license officer's determination under this section or Section 589.16 shall be brought before the board.
(18) Any accumulation of twelve (12) or more points within a two year period on the Operator's License of the driver. This shall apply whether any number of such points were accumulated before the granting of a taxicab operator's or livery chauffeur's license or while operating a taxicab or livery.
(19) Any violation enumerated in C.C. 589.07(c), or the commission of any crime which demonstrates personal characteristics rendering a person unsuitable to drive a taxicab or livery.
(20) A violation of C.C. 589.16(b), or may suspend only for a violation of C.C. ~~589.16(b)(30)~~. **589.16(b)(3).**
(21) Driving a taxicab while wearing earphones or headsets over the ears or with a television operating in the vehicle.
(22) Entering the airport grounds during a period for which the airport administrator or his 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.
(23) When the vehicle which he is driving becomes disabled by any means, causing a delay unacceptable to the passenger, failing to summon from the vehicle or, in the event of two-way communications failure, by the closest available means, another vehicle to transport the passenger(s) of not more than the charge had the disability not occurred.
(24) Failing to appear before the vehicle for hire license board when properly notified to do so.
(25) Any other form of misconduct which shall mean conduct apart from the generally accepted practices of taxicab drivers or livery chauffeurs which demonstrates personal characteristics rendering a person unsuitable to operate a vehicle for hire.
(26) Engage in disruptive behavior or misconduct at a meeting of the board which shall mean behavior and conduct 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.
(27) Verbally threaten or attempt to intimidate any employee of the city of Columbus for actions taken in the enforcement of the provisions of Chapters 585 through 593 of the Columbus City Codes. (Ord. 2366-88.)

589.19 Operating an unlicensed vehicle.

No person shall operate any taxicab, livery or vehicle for the purpose of carrying the public generally as passengers for hire, gift, donation, or other consideration, whether such consideration is paid direct or is a portion of other services rendered or to be rendered for compensation, nor shall such person solicit passengers unless:
(a) The owner of such vehicle has obtained a ~~Columbus For Hire Owner license~~ **Columbus Vehicle for Hire Owner License** for the type and class of operation intended prior to the operation and such license is not under suspension or revocation.
(b) The decal issued by the city of Columbus to evidence such licensing is displayed.
These provisions shall not apply to vehicles described in Section 585.01(q) nor to private vehicles used for the convenience of the owner or operator and not for compensation, or to an operator who brought passengers into the corporate limits and who does not pick up any passengers within the corporate limits. (Ord. 2366-88.)

Chapter 593 LIVERY VEHICLE REGULATIONS

593.13 Evidence of liability protection.

Evidence of liability protection as required under C.C. 593.13 may be given by filing any of the following:
(a) A policy of insurance as provided in C.C. ~~593.15~~. **593.14**
(b) A bond as provided in C.C. ~~593.16(a)~~. **593.15(a)**
(c) A liability agreement as provided in C.C. ~~593.16(b)~~. **593.15(b)**
(d) A combination of an insurance policy as provided in C.C. ~~593.15~~ **593.14** and a liability agreement as provided in C.C. 593.15(b) provided that the deposit required pursuant to C.C. ~~587.218(B)~~ **593.15(b)** shall be equal to the deductible amount of the insurance policy. (Ord. 2366-88.)

593.16 Insurance cancellation**.**

(a) The insurance policy as provided in C.C. ~~593.17~~ 593.14 must provide for cancellation by the insurer upon written notice to the director but this provision shall not be construed to waive any lawful notice which the insurer must give to the insured.
(b) The owner or his designee shall provide notice of cancellation of insurance to the director at least seven (7) days prior to the day of cancellation, and at the time of cancellation voluntarily surrender the livery owner license and safety decal for which the cancellation is effective. If the license is voluntarily surrendered, the director may, upon the filing of proof of insurance required by C.C. 593.14, and its approval by the city attorney, reinstate such license.
(c) If an owner shall fail to comply with the requirements of C.C. ~~593.17(b)~~, 593.16(b), prior to the director receiving notice from the insurer of such cancellation, the director may suspend the license of any vehicle covered by said policy. If proof of insurance is given prior to the effective date of the suspension, the suspension can be waived by the director.
(d) Upon the effective date of the suspension, the owner must surrender the license and decal for each vehicle not covered by an insurance policy. The director may, upon the filing of proof of insurance required by C.C. 593.14, its approval by the city attorney, the reinspection of each vehicle covered by the policy, and the payment of the fees required by C.C. ~~593.17(b) or (c~~), 593.17(b) or (c), reinstate such license. (Ord. 2366-88.)

593.19 Nonpayment of judgment.
In the event of recovery of final judgment and termination of final appeal proceedings, if any, against the owner of any livery, for damages on account of bodily injuries or death or for damages to property (other than injuries, death or property damage of the owner or livery driver) resulting from such ownership, maintenance or ~~sue~~ use of such livery in the city, and nonpayment thereof for a period of thirty (30) days thereafter, the board shall forthwith revoke all licenses of all the for-hire vehicles of such owner. (Ord. 2366-88.)

Chapter 594 HORSE DRAWN CARRIAGES

594.07 Grounds for permanent revocation, revocation or suspension of horse carriage company license.

(A) The board may revoke, suspend or permanently revoke a license for any of the following acts or omissions:
(1) Refusing trip service on demand to any orderly person for lawful purposes when in service and available;
(2) Failing to post and maintain the schedule of rates filed with the director for that company on the back of the front seat or other area readily visible to the passenger;
(3) Failing to supply blank receipts. Such receipts, when issued, shall contain the company name, the carriage 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 for service;
(4) Failing to maintain the driver records and trip sheets as provided in Section ~~594.18~~ **594.17**;

(5) Permitting any horse carriage, training cart, horse, or carriage driver to operate without first having obtained the required license to do so;
(6) Knowingly permitting the operation of a horse carriage by any person who is not suitably dressed, neat in appearance, nor clean of person;
(7) Knowingly permit the operation of a carriage which displays the emblem of a credit card program or a discount program, when the company does not participate in such program;
(8) Solicit, or knowingly permit the solicitation of, potential passengers by employees, agents or drivers at a facility lawfully served by a horse carriage; or, by horn, bell, or other audible signal at any location. Solicitation shall not include the direction of a passenger to a carriage in a loading area, to courtesy phones or nonaudible advertising located on the carriage;
(9) Failing to appear before the board when properly notified to do so;
(10) Disruptive behavior or misconduct at a meeting of the board which means behavior and conduct 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;
(11) Verbally threaten or attempt to intimidate any employee of the city for actions taken in the enforcement of the provisions of Chapter 594 or any other Columbus City Codes;
(12) Failing to operate any carriage the minimum required number of days;
(13) Violation of any provision of this chapter.
(B) The board shall revoke a company license if it appears upon investigation and hearing that said license has been obtained by willful misrepresentation or upon the finding of fraud during the course of business. (Ord. 2088-90.)

Chapter 595 COMMUNITY ANTENNA TELEVISION SYSTEMS

595.04 Design provisions.

(A) System Design.
(1) Any operator whose system does not comply with the following minimum standards shall immediately undertake all necessary steps to construct and thereafter operate and maintain a two-way system capable of providing a bandwidth sufficient to support a minimum of sixty-four (64) channels of video programming and having the capability of delivering at least sixty-four (64) downstream channels and at least twenty-four (24) MHz of upstream capacity, with a minimum of fifty-eight (58) downstream channels initially activated. Any construction required to meet this standard, which shall be referred to as the "system upgrade", shall be completed and fully operational on or before March 31, 1996 for the initial activation of the sixty-four (64) downstream channels and June 30, 1998 for the remainder of the required construction to make the system two-way and otherwise meet the standards set forth herein.
(2) The operator shall provide the director a full description of the system proposed for construction and shall, upon completion of the system upgrade, submit to the director, in written and in computer form, "as-built" maps for the entire system, as upgraded, to the extent such maps have not been previously provided to the director.
(B) Construction Terms.
(1) The operator shall comply with all applicable federal, state and city laws, rules, regulations, codes, and other requirements in connection with any construction of the system.
(2) The operator shall comply with, and shall ensure that its subcontractors comply with, all rules, regulations, and standards of the city. If the installation, construction, or operation of the system does not comply with such rules, regulations, and standards, the operator must, at its sole cost, remove and reinstall such cables, wires, or other component parts of the system to ensure compliance with such rules, regulations, and standards.
(3) When complete, the upgraded system shall meet or exceed all FCC technical standards.
(4) The operator shall use its best efforts to minimize service interruptions during any rebuild or new construction period.
(C) Construction of System Upgrade.
(1) The operator shall submit to the director a construction schedule and specific construction sequencing plans for the system upgrade accompanied by a separate map showing: (a) the location of the master headend, all subheadends/hubs, headend to hub interconnect network, fiber backbone, and all studio facilities within the system; and (b) the proposed distribution of all principal trunk lines throughout the system (including termination points of all lines). All such construction schedules shall be fully justified on the basis of factors which will affect construction in the city, and the operator should set out any factors which may adversely affect its ability to meet the schedules. The operator shall submit an updated construction schedule to the director on a quarterly basis until the completion of the system upgrade.
(2) No less than thirty (30) days prior to completion of the system upgrade, the operator shall notify the director that a system upgrade is substantially complete. The director and the operator shall arrange for such inspections, as the director shall deem appropriate, to enable the director to ascertain whether the system upgrade has been completed as scheduled. The director shall accept the completion of the system upgrade upon the director's satisfaction that the obligations of the operator to complete the system upgrade have been fulfilled in all respects.
(D) Enhanced Two-Way System. As required by Section 595.04(A), the operator shall provide a cable communications system having the technical capacity (including, but not limited to, return amplifiers) for nonvoice return communications. The city and the operator will continue to review, as a part of the periodic evaluation and renegotiation sessions required by Section 595.06(H) during the term of any permit granted pursuant to this chapter, the need and economic feasibility for implementation of an enhanced two-way system which provides the capability of passing video, audio, voice, data or other signals in both directions simultaneously to and from a subscriber premise.
(E) Interconnection.
(1) Each operator shall design its system to be interconnected with other systems serving the city as well as other networks including the city's telecommunications system, so long as reasonably technically and economically feasible.
(2) The director may request the operator to negotiate interconnecting the system with other adjacent systems outside the city and other networks. The operator shall use its best efforts to negotiate such interconnection and shall keep the director informed of the progress of any such

negotiations.
(F) Provision of Service.
(1) After service has been established by activating trunk and distribution cable for any area, the operator shall provide service to any requesting subscriber within that area, that can be served by a standard installation in accordance with Section 595.07(G).
(2) At the request of the director, the operator shall install and provide its most complete (highest) cable service, exclusive of optional per channel or per program offerings not voluntarily provided by the operator, to all public buildings designated by the city at no charge for either the initial installation or for monthly service provided at each location, provided the public building is located within 150 feet of the operator's system and capable of being serviced with a standard installation constructed of a drop cable strung aerially on existing utility poles or placed underground through existing easements and existing conduits. Other publics buildings shall be provided service on a time and material basis. Each of these installations should include a drop, one outlet, and one converter (or such other terminal equipment as may be necessary to provide an electronic interface with a television receiver); provided, however, that the city shall be responsible for any theft, damage or other casualty loss of any converters provided under this Section 595.04(E)(2). The public buildings to be provided this service shall include, but not be limited to, the following:
(a) All accredited public and parochial schools, excluding colleges and universities within the city;
(b) Each city fire station;
(c) All buildings in the city Hall, Utilities and Fairwood Avenue complexes;
(d) All public library locations within the city;
(e) All city police department stations and substations;
(f) The Municipal and County Courthouse Complex and all county and municipal detention facilities within the city;
(g) All recreational centers operated by the city; and
(h) Any new city building.
(3) There is no limit on the number of television receivers an institution may operate from this connection, but the expense of installing and maintaining an internal distribution system shall be the responsibility of the institution.
(4) Any internal distribution system installed by an institution listed in this Section 595.04(F) shall conform to all applicable federal, state and city rules, regulations, and ordinances and shall be operated in such a manner so as not to interfere with the operator's system.
(5) Notwithstanding the provisions of Sections 595.04(F)(2), (3) and (4), any operator may make a one time election to make the additional payments described herein in lieu of compliance with such provisions. Such election shall be in writing and filed with the clerk of council with a copy to the director. Said additional payments shall be an additional five-tenths of one percent (.5%) of gross revenues and shall be, for all purposes hereunder except as expressly provided herein, considered to be service permit fees. Any operator choosing this option shall in its written acceptance:
(a) Expressly agree that such additional payment may result in total service permit fees in excess of that which would otherwise be allowed by law;
(b) Expressly waive any rights to challenge the same; and
(c) Expressly agree that such additional fees shall be not recovered from subscribers.
(G) Technical Standards. The system shall be designed, constructed and operated so as to meet those technical standards promulgated by the FCC relating to cable communications systems contained in part 76 of the FCC's rules and regulations relating to cable communications systems and found in Code of Federal Regulations, Title 47, Sections ~~76.601 to 76.617~~, **Part 76**, as amended, or as may, from time to time, be amended. The results of tests required by the FCC shall be provided or summarized in such detail as the regulations require. Such data shall be filed with the director, in such form as the regulations require, within thirty (30) days of the conduct of the tests. If summaries are provided, actual test results shall be forwarded to the director upon request.
(H) Special Testing.
(1) At any time after commencement of service to subscribers, the director may require, or may retain an independent engineer to perform, additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's drop. Such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance, and such tests will be limited to the particular matter in controversy.
(2) The director shall endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to the operator or to the subscriber.
(3) If such special testing establishes that the system meets all required FCC standards, the city shall bear the expense for such special testing.
(4) If such special testing establishes that the system does not meet all required FCC standards, the operator shall bear all reasonable expenses for such special testing.
(I) Signal Quality. The system shall produce a picture, in a subscriber's home, in black and white or color, depending upon whether color is being cablecast, that is undistorted and free from internally generated ghost images, graininess or snow, and without degradation of color fidelity. The system shall produce a sound that is undistorted from its reception quality and of a consistent level on an audio receiver of average quality.
(J) Semi-Annual Testing. The operator shall conduct technical performance tests at least twice yearly at intervals of approximately six (6) months and provide copies of the test results to the director. Test results, or summaries, in such detail as the regulations require, of the results of such tests shall be provided to the director within thirty (30) days of the completion of such tests. These tests shall be conducted at six (6) system extremity test points and shall include: system response across the entire band; signal-to-noise ratio measurements on at least two (2) channels; hum-to-carrier level measurements on one (1) channel; and subjective picture quality evaluations on all active channels.
(K) Operational Status Reports. Upon request, the operator shall provide reports to the director, in such form and at such times as the regulations require, of the following statistical information:
(1) Number of repair service requests requiring corrective action by the operator;
(2) Breakdown by type of complaints received;
(3) Breakdown by cause of problems experienced on the system;
(4) Subscribers added, each tier and each premium channel;

(5) Subscribers disconnected, each tier and each premium channel.
(L) Test and Compliance Procedures.
(1) The operator shall perform, periodically at intervals no less than twice a year, necessary tests to verify compliance with all applicable technical standards. These tests may be made in conjunction with the test required by Section 595.04(J).
(2) These tests shall be performed in accordance with FCC Rules.
(3) The tests may, upon request of the director, be witnessed by representatives of the city.
(4) If one or more of the locations tested fail to meet the performance standards, the operator shall immediately undertake corrective measures which shall be completed as soon as practicable. Such testing as is necessary to verify the success of the corrective measures shall then be repeated. The operator shall bear the expense of all such testing.
(M) New Systems.
(1) The operator shall give notice to the director sixty (60) days prior to the anticipated completion date of construction for any system under an initial permit and again at such time as the operator has, in fact, completed all construction.
(2) Within forty-five (45) days after completion of construction the operator shall deliver to the director a written report from an independent engineer, which report confirms the following:
(a) That all construction has been completed or otherwise satisfactorily resolved;
(b) Satisfactory test results using the FCC technical standards and testing methodologies.
(c) Compliance with all applicable codes, regulations and standards.
(d) Installation and the proper working of the emergency alert system.
(e) Carriage of the basic service.
(N) Construction Delay. The operator shall notify the director in writing of any delay in the construction of any new system under an initial permit or any system upgrades and its estimated completion. The director shall extend such dates only upon occurrence of force majeure, or other good cause provided the operator is using best efforts, and then for only so long as is reasonably necessary under the circumstances.
(O) Construction Standards.
(1) All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, as amended, as well as all state and local codes and regulations where applicable.
(2) All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the National Electrical Safety Code and National Electrical Code, as amended, and the ordinances, codes and regulations of the FCC, State of Ohio, and the city that are in effect now or in the future.
(3) Antennas and their supporting structures (tower) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable state or local laws, codes and regulations.
(4) All of the operator's plant and equipment, including, but not limited to, the antenna site, headend and distribution system, towers, house connections, structures, poles, wires, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the city may deem appropriate to make or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic.
(5) The operator shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.
(P) Construction Codes and Permits.
(1) The operator shall obtain all required permits from the city before commencing any work requiring a permit, including the opening or disturbance of any street, or public property or public easement within the city. The operator shall strictly adhere to all right of way, building and zoning codes and regulations currently or hereafter applicable to construction, operation or maintenance of the system in the city.
(2) The city shall have the right to inspect all construction or installation work performed pursuant to the provisions of this chapter and to make such tests as it shall find necessary to ensure compliance with the terms of the chapter and applicable provisions of local, State and federal law.
(3) Nothing contained in this chapter shall be construed to give the operator the authority to enter upon or work on private property in areas not encumbered with public or private easements without the permission of the property owner.
(Q) Repair of Streets and Property. Any and all streets or public property or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the system shall be promptly repaired by the operator, at its expense, to a condition as good as that prevailing prior to the operator's construction.
(R) Use of Existing Facilities. The operator shall not erect any pole on or along any street in an existing aerial utility system except in accordance with Section 595.03(A). The operator shall exercise its best efforts to negotiate the lease of pole space and facilities from the existing pole owners for all aerial construction. Each operator shall cooperate with each other operator, the city and any others lawfully utilizing the city rights of way, so as to best utilize the use of the right of way for the benefit of the public and without unnecessary duplication of facilities.
(S) Underground Cable.
(1) Cable shall be installed underground at the operator's expense where both the existing telephone and electrical utilities are already underground. The operator shall exercise its best efforts to place cable underground in newly platted areas in cooperation with both the telephone and electrical utilities.
(2) In the event an underground installation is required and the ground is frozen, saturated, or otherwise unable to immediately facilitate underground installation, such installation shall be performed on a temporary basis in compliance with all State and federal rules, regulations, codes, or other generally applicable standards. As soon as conditions change to permit proper underground installation of the cable, the operator shall expeditiously undertake all necessary steps to install the cable underground pursuant to the terms and conditions of this chapter.
(T) Reservation of Street Rights.
(1) Nothing in this chapter shall be construed to prevent the city from constructing, maintaining, repairing or relocating sewers; grading, paving, maintaining, repairing, relocating and/or altering any street; constructing, laying down, repairing, maintaining or relocating any water mains; or constructing, maintaining, relocating or repairing any sidewalk or other public work.

(2) All such work shall be done, insofar as practicable in such a manner as not to obstruct, injure or prevent the free use and operation of the poles, wires, conduits, conductors, pipes or appurtenances of the operator.
(3) If any such property of the operator shall interfere with the construction or relocation, maintenance or repair of any street or public improvement, whether it be construction, repair, maintenance, removal or relocation of a sewer, public sidewalk, water main, street, or any other public work or improvement, thirty (30) days notice shall be given to the operator by the city and all such poles, wires, conduits or other appliances and facilities shall be removed or replaced by the operator in such manner as shall be directed by the city so that the same shall not interfere with the said public work of the city, as determined by the city, and such removal or replacement shall be at the expense of the operator.
(4) Nothing contained in this chapter shall relieve any person from liability arising out of the failure to exercise reasonable care to avoid injuring the operator's facilities while performing any work connected with grading, regrading, or changing the line of any street or public place or with the construction or reconstruction of any sewer or water system.
(5) Nothing in this chapter should be construed so as to grant any right or interest in any street or public property or other city rights-of-way other than that explicitly set forth herein.
(U) Tree Trimming. The operator shall have the authority to trim trees upon and hanging over streets, alleys, sidewalks, and public places of the city so as to prevent the branches of such trees from coming in contact with the wires and cables of the operator; provided, however, all trimming shall be done under the supervision and direction of the city as provided in the regulations, if requested by the city, and at the expense of the operator.
(V) Street Vacation or Modification. In the event any street or portion thereof used by the operator shall be vacated or modified by the city or the use thereof discontinued by the operator, during the term of any permit granted pursuant to this chapter, the operator shall, at the operator's expense, forthwith relocate or remove, or with the consent of the director (which consent shall not unreasonably be withheld), abandon in place its facilities therefrom unless specifically permitted by the city to continue the same, and upon the relocation or removal thereof restore, repair or reconstruct the street area where such removal has occurred, and place the street area where such removal has occurred to a condition similar to that existing before such removal took place. In the event of failure, neglect or refusal of the operator, after thirty (30) days written notice by the city to remove the facilities or to repair, restore, reconstruct, improve or maintain such street area, the city may do such work or cause it to be done, and the cost thereof as found and declared by the city shall be paid by the operator as directed by the city and collection may be made by any available remedy.
(W) Movement of Facilities. In the event it is necessary temporarily to move or remove any of the operator's wires, cables, poles, or other facilities placed pursuant to this chapter, in order to lawfully move a large object, vehicle, building or other structure over the streets of the city, upon two (2) weeks written notice by the city to the operator, the operator shall, at the expense of the person requesting the temporary removal of such facilities, comply with city's request. Any service disruption provisions of this chapter shall not apply in the event that the removal of the operator's wires, cables, poles or other facilities results in temporary service disruptions. (Ord. 779-96.)

595.05 Service provisions.

(A) Permits to Operate Cable Communications Systems in the city.
(1) No operator shall offer service to subscribers by means of a cable communications system within the city unless it holds a permit granted by ordinance of the city council pursuant to this chapter and authorizing such a system within the city and in, under, and over the streets, highways, and other public property or public grounds of the city.
(2) All permits or renewal of permits granted by ordinance pursuant to this chapter shall be nonexclusive and nonassignable; the city council reserves the right to issue as many such permits as it deems advisable in the public interest and shall not unreasonably refuse to award additional competitive permits.
(3) As provided in Section 595.08(I) and (J), any permit granted pursuant to this chapter may be revoked prior to its expiration. Such revocation shall be effective upon the effective date of an ordinance or resolution of city council which revokes such permit.
(4) The term of each initial permit shall be for a period of no more than fifteen (15) years, the effective date to be pursuant to Section 595.05(D), with the right of renewal consisting with state and federal law. At the option of the city council, such renewal shall be for a term of no more than fifteen (15) years as set forth in any permit granted hereunder. Any permit granted pursuant to this chapter may be revoked prior to the permit's termination as provided by this ordinance.
(B) Applications for Permit. All applications for an initial or renewal permit to construct, operate or maintain any cable communications system in the city shall be filed with the city clerk and the director, and each such application shall set forth, contain, or be accompanied by the following, to the extent not pre-empted by federal law:
(1) The name, address and telephone number of the applicant.
(2) A detailed statement of the corporate or other business entity organization of the applicant, including, but not limited to, the following:
(a) The names, residence addresses and business addresses of all officers, directors and associates of the applicant.
(b) The names, residence addresses and business addresses of all persons having, controlling, or being entitled to have or control five percent or more of the ownership of the applicant, and the respective ownership share of each such person.
(c) The names and addresses of any parent or subsidiary of the applicant and of any other business entity owning or controlling in whole or in part, or owned or controlled in whole or in part, by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, all cable communications systems or similar systems owned or controlled by the applicant, its parent or subsidiary and the areas served or to be served thereby.
(d) A detailed description of all previous experience of the applicant in providing service or related or similar services.
(e) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the city, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and

operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in the city.
(f) A statement identifying, by place and date, any other cable television permits or franchises awarded to the applicant, its parent or subsidiary; the status of said permits or franchises with respect to completion thereof; the total cost of completion of any such systems; and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof.
(3) A detailed description of the proposed plan of operation of the applicant, which shall include, but not be limited to, the following:
(a) A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.
(b) A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of any said classifications, including installation charges, service charges, and special, extraordinary or other charges. The purchase price, terms, and nature of any optional or required equipment, device, or other item to be offered for sale to any subscriber shall be described and explained in detail.
(c) A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant. In no event shall said operational and performance standards be less than those contained in Title 47, Subpart k (Sections 76.601 et seq.) Rules and Regulations, Federal Communications Commission, as the same may be amended from time to time.
(4) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber.
(5) A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral or implied, existing or proposed to exist between the applicant and any person which shall in any manner, directly or indirectly relate or pertain to or depend upon the application, proposed permit, or any operation or proposed operation thereunder or with respect thereto.
(6) A copy of any agreement covering the permit area, if existing between the applicant and any public utility providing for the use of any facilities of any public utility, including, but not limited to, poles, lines, or conduits.
(7) Any other details, statements, information or references pertinent to the subject matter of such application which shall be required or requested by the city.
(8) A nonrefundable application fee in the sum of $75,000.00 for an initial permit, to pay the costs of studying, investigating, and otherwise processing such application, and which shall be in consideration thereof and not returnable or refundable in whole or in part. Such application fees by an applicant which becomes an operator shall not be deemed to be franchise fees within the meaning of the Cable Act (47 U.S.C. § 542). Applicants for renewal of permits may request the director waive the provision of any information required by Section 595.05(B) and the director may grant such waiver for good cause shown.
(9) For initial permits, a verified statement that a notice of the filing of such application has been served upon all current operators.
(C) Permit Procedure.
(1) The city may, by advertisement or any other means, solicit and call for applications for permits, and may determine and fix any date upon or after which the same shall be received by the city or the date before which the same must be received, or the date after which the same shall not be received, and may make any other determinations and specify any other times, terms, conditions, or limitations respecting the soliciting, calling for, making and receiving of such offers and applications; provided, that the city shall not be required to solicit or call for such offers or applications and may receive or refuse to receive any of the same, solicited, called for, or otherwise, as the city may elect.
(2) Upon receipt of any completed application for a permit, the director shall cause such application to be investigated, shall prepare a report of such investigation, shall make recommendations respecting such application, and shall cause such report and recommendations to be placed upon the agenda of the regular session of the city council next following the completion thereof, or as otherwise directed by the city. A copy of such report and recommendations and notice of the date it will be presented to the city shall be mailed to the applicant at the address listed in the application or otherwise delivered to him.
(3) The city shall receive such report and recommendations of the director shall consider the same together with such application; and shall make its determination either that the application should be accepted upon such terms and conditions as the city shall determine, and as herein provided, or that such application should be rejected. In making any determination hereunder as to any application, the city shall give due consideration to the quality of the service proposed, rates to subscribers, income to the city, experience, character background, and financial responsibility of the applicant and its management and owners, the technical and performance quality of the equipment to be used, the willingness and ability of the applicant to meet construction and physical requirements, policy conditions, permit limitations, and requirements imposed by this chapter or pursuant hereto, and any other considerations deemed pertinent by the city for safeguarding the interest of the city and the public. The city may determine that the award of any permit shall be made on the basis of such considerations with or without competitive bidding, or otherwise in its discretion.
(4) If the city shall determine that such application should be rejected, such determination shall be final and conclusive, and the same shall be deemed rejected subject to any rights of appeal as provided by law. If the city shall determine such application should be accepted, the following shall be done and caused to be done:
(a) The city shall decide and specify the terms and conditions of any permit to be granted hereunder as is herein provided.
(b) The city shall:
1. Pass an ordinance of its intention to consider granting such permit or, at city council's option, have a first reading of the ordinance granting such permit, such ordinance shall contain the name of the proposed operator, the character of permit, the terms and conditions upon which such permit is proposed to be granted;
2. Fix and set forth the date, hour and place certain when and where any persons having any interest therein or objection to the granting thereof may appear before the city and be heard; and
3. Direct the clerk of city council to publish said ordinance, or a summary thereof, at least once, within fifteen days of the passage or initial reading thereof; such publication shall also specify a time and date for a hearing on said ordinance. Such hearing shall be not less than five days nor more than thirty days after the date of publication.
(5) At the time set for such hearing, or at any adjournment thereof, the city shall proceed to hearing and pass upon all protests, and its decision thereon shall be final and conclusive. Thereafter, the city shall make one of the following determinations:

(a) That such permit be denied; or
(b) That such permit be granted upon the terms and conditions as specified in said resolution or ordinance; or
(c) That such permit be granted, but upon the terms and conditions different from those specified in said resolution or ordinance the same.
(6) If the city shall determine that such permit be denied, such determination shall be by resolution and shall be final and conclusive, subject to any rights of appeal as provided by law. If the city shall determine that such permit be granted, such determination shall be by ordinance, granting such permit upon such terms and conditions as specified therein.
(7) The above procedures shall be effective only to the extent not pre-empted by federal law.
(D) Acceptance of Permit.
(1) Any permits hereunder shall become effective upon the filing of written acceptance thereof with the clerk of city council, with a copy to the director; and such written acceptance shall be in form and substance as shall be prescribed and approved by the city attorney and shall be and operate as an acceptance of each and every term and condition and limitation contained in this chapter and in such permit.
(2) Such written acceptance shall be so filed by the applicant not later than 12:01 p.m. of the fifth business day next following the effective date of the ordinance granting such permit; and in default of the filing of such written acceptance as herein required, the applicant shall be deemed to have rejected and repudiated the same; and thereafter, the acceptance of any such applicant shall not be received nor filed by the clerk of city council, and such applicant shall have no rights, remedies or redress in the premises unless and until the city council shall, by resolution, determine that such acceptance be received or filed, and then upon such terms and conditions as the city may impose;
(E) Programming.
(1) The operator shall initially provide programming, consisting of the services identified in its permit.
(2) If an operator provides a premium channel without charge to subscribers who do not subscribe to such premium channel, the operator shall, at the time of initial service and at least once annually;
(a) Notify subscribers that the operator may provide a premium channel without charge;
(b) Notify subscribers that they have a right to request that the channel carrying the premium channel be blocked or that they may control the same via a parental control device; and
(c) Block the channel carrying the premium channel upon the request of a subscriber or provide instructions on use of the parental control device. For purposes of this section the term "premium channel" shall mean any pay television channel which offers movies rated by the Motion Picture Association of America as unrated, X, NC-17, or R.
(F) FM Stereo Service. The operator shall exercise good faith efforts to offer an audio/radio service as an optional service and will endeavor to include a broad range of representative programming.
(G) Video Programming Guide. The operator shall provide a video programming guide service which will inform subscribers of the programming offered, applicable channel designations and other relevant programming information.
(H) Programming Decisions.
(1) All programming decisions shall be at the sole discretion of the operator; provided, however, that any material change in the mix, quality, or level of service undertaken by the operator voluntarily shall require the prior approval of the director, unless requiring such approval is contrary to federal law. Any such approval by the director shall not be unreasonably withheld.
(2) The operator shall provide the city and subscribers 30 days advance written notice of any change in channel assignment or in video programming services provided over any channel.
(I) Emergency Alert System. The operator shall install, and thereafter maintain an Emergency Alert System (EAS) so long as the same is not inconsistent with FCC regulations. This system shall be remotely activated by telephone and shall allow an audio or textual override or both on all channels of the system, which the operator may lawfully override, in the event of a civil emergency or for reasonable tests in accordance with the regulations. The director shall consult with other regional political subdivisions and agencies to establish the regulations in this regard.
(J) Government Access Channels.
(1) The operator shall supply to the city, without charge a downstream governmental access channel. Subscribers to basic service shall receive this channel on VHF Channel 3 when using the standard television receiver. All converters shall provide this channel on Channel 3 on basic service.
(2) The operator shall, upon request, supply to the city, without charge, two (2) additional 6 MHz Channels, one upstream and one downstream, for governmental services. The specific frequencies and dates of availability of these channels shall be determined by the operators and director provided that the channels utilizing such frequencies shall be uniform among all operators; and provided further however, that, without the consent of the operator, the additional downstream channel shall not be requested prior to June 30, 1997 and the additional upstream channel shall not be requested prior to June 30, 1998. The operator may use any frequencies set aside for these channels so long as such channels have not been requested by the city.
(3) The operator shall permit the city, through the department of administrative services, to interconnect all systems and utilize the channels and frequencies specified in this section simultaneously to program to, and, when technically feasible, the network shall have the capability to receive return communications directly from, all cable system subscribers within the city. The operator shall notify the department one hundred and twenty (120) days in advance of any change in its facilities or operations which could affect the interconnect. The operator shall simultaneously accomplish any changes in, or relocation of, the interconnect caused by such changes in the operator's system. Except for the governmental channel designated in Section ~~595.050(J)(1)~~, **595.05(J)(1)**, which must be provided as part of the basic service, the operator shall not have to provide the other mandated channels on basic service.
(4) Governmental access shall be administered by the director who may, in her or his discretion adopt regulations governing such governmental access.
(K) Public and Educational Access Channels.
(1) The operator shall supply, without charge:
(a) A minimum of one (1) 6 MHz downstream channel on the system as a public channel; and
(b) A minimum of one (1) 6 MHz downstream channel on the system as an educational channel.
(2) No charges may be made for channel time or playback of pre-recorded programming on the specially designated channels referred to in

Sections 595.05(K)(1)(a) and (b).
(3) Whenever either of the specially designated channels required by Sections 595.01(K)(1)(a) and (b) are in use an average of six (6) hours per day, six (6) days per week, for any period of not less than twelve (12) consecutive weeks with nonrepetitive video programming, which shall presumptively demonstrate the demand for use of additional video channels for the same purpose, the operator shall have three (3) months after receipt of written notice from the director in which to provide a new specially designated access video channel for the same purpose; provided, however, that without the consent of the operator, only one additional channel for the purposes set for in Sections 595.05(K)(1)(a) and one additional channel for the purposes set forth in Section 595.05(K)(1)(b) need be provided and any such additional access channels need not be provided until after completion of any system upgrade or March 31, 1996, whichever is later, or in the case of an operator which has received an initial permit hereunder, no earlier than six (6) months after initial system activation; and provided further, however, that any operator may object in writing, within fifteen days of the date of the director's notice, to the director regarding the provision of such additional channel on the basis that demand for such channel has not been demonstrated or is insufficient because there was insufficient locally produced programming included in the nonrepetitive program test set forth above or that provision of such channel will be contrary to the public interest for any reason. After a review of such data as the director deems appropriate, which data shall include the results of the periodic subscriber surveys required by this chapter as well as other evidence of public opinion and demand for such additional channels, the director may uphold the objection and the operator shall be released from its obligation to provide such additional channel or refuse to uphold the objection and the operator shall then provide said channel within thirty (30) days. The additional channel need not be provided during the pendency of the director's review. The director's decision is final. Provided there is adequate channel capacity without displacing other programming or services, and for so long as the same is available without such displacement, any operator shall not unreasonably withhold its consent for like additional channels, over and above those required herein, should the criteria set forth herein be met after the addition of the second channels. For purposes of this section "initial system activation" shall mean the date upon which an operator which is granted an initial permit hereunder renders service to more than 1,000 subscribers.
(4) The director is authorized and directed to enter into a contract, which shall be subject to the approval of the city council, with a person to provide the administration of public access. The director shall promulgate and administer regulations for the administration of public access. Said regulations shall provide for:
(a) Public access on a first-come, first-served, nondiscriminatory basis for any individual or group.
(b) A record of the names and addresses of all persons or groups requesting access time. Such record shall be open to public inspection and be retained for a period of two (2) years from such request.
(c) The prohibition of:
1. Any advertising material designed to promote the sale of commercial products or services.
2. Lottery information.
3. Legally obscene matter pursuant to applicable federal, state or city law.
(5) The operator shall have no control over access programs.
(6) Other than as provided in Section 595.05(L), the operator shall not be required to provide equipment, personnel, or production capability for any use.
(7) The director shall promulgate and administer regulations for the administration of educational access.
(L) Access Equipment and Facilities. The operator shall cooperate in the provision of reasonable amounts of training, demonstration and, in the operator's discretion, donation of any equipment to any groups or organizations designated by the director to aid in the broader availability of access programming on public and educational access channels; provided, however, that any operator which has elected to pay the additional fees set forth in Section 595.04(F)(5) shall be exempt from this provision. (Ord. 779-96.)

595.07 Consumer protection provisions.

(A) Approval of Changes.
(1) The initial rates and charges for programming services shall be set forth within each permit granted. The city reserves the right to regulate rates for basic service and any other services offered over the system, to the extent not prohibited by federal or state law. The operator shall maintain on file with the city at all times, as an appendix to its permit, a current schedule of all rates and charges.
(2) Not less than thirty (30) days prior to the effective date of any change in any fee, charge, deposit, term or condition set forth in a permit (or such shorter period as may, upon a showing of good cause, be approved by the city), the operator shall:
(a) Submit a revised schedule of rates and charges to the city; and
(b) Provide written notice of the proposed change to each affected subscriber and other person utilizing the affected service.
The operator shall not make any change in any rate set forth in a permit or otherwise unless it has provided the notice required in this section.
(B) Nonregulated Rates. Prior to implementing any rate increase for service offered over the system not requiring city approval, the operator shall give the following notice:
(1) At least thirty (30) days advance written notice to the city; and
(2) At least thirty (30) days advance written notice to subscribers.
(C) Consumer Protection and Customer Service. The operator shall, at all times, comply with Section 632 **(47 USC sect. 552)** of the Cable Communications Policy Act of 1984, as amended, and all FCC rules and regulations promulgated pursuant to Section 632. To the extent lawfully permitted, the city specifically reserves the right to establish and enforce any law or regulation concerning customer service that may impose requirements exceeding standards set by the FCC pursuant to Section 632 of the Cable Communications Policy Act of 1984, as amended, or which would address matters not addressed by the standards set by the FCC pursuant to 632.
(D) Charges for Disconnection or Downgrading of Service.
(1) The operator may impose a charge reasonably related to the cost incurred for a downgrade of service, except that no such charge may be imposed when:

(a) A subscriber requests total disconnection from the system; or
(b) A subscriber requests the downgrade within a thirty (30) day period following any rate increase relative to the service in question.
(2) If a subscriber requests disconnection from service prior to the effective date of an increase in rates, the subscriber shall not be charged the increased rate if the operator fails to disconnect service prior to the effective date. Any subscriber who has paid in advance for the next billing period and who requests disconnection from service shall receive a prorated refund of any amounts paid in advance.
(E) Preferential Treatment Prohibited. The operator shall not, as to rates, charges, service, service facilities; repairs, maintenance, rules, regulations, or in any other respect, make or grant undue preference or advantage to any person or business, nor subject any person or business to any prejudice or disfavor. Service shall not be denied to any group of potential residential subscribers because of the income of the residents of the area in which such group resides. This section shall not be construed to preclude the operator from establishing and implementing bulk subscriber rates or discounts or rate classifications based upon reasonable criteria.
(F) Subscriber Complaint Practices.
(1) The operator shall maintain a local office which shall be open during normal business hours at least nine (9) hours per weekday and four (4) hours on Saturdays. The operator shall have a publicly-listed toll-free telephone number and be so operated as to receive subscriber complaints and requests on a twenty-four (24) hour-a-day, seven (7) days-a-week basis. Other than during extreme weather or other emergency conditions, at least ninety percent (90%) of such calls to the operator shall be connected to a live service representative within thirty (30) seconds, Monday through Friday (except holidays), during the hours of 8:00 a.m. to 8:00 p.m., and 9:00 a.m. to 6:00 p.m. on Saturday (except holidays). At all other times the operator shall provide for either a live answer or an automated response so long as such automated system provides for a reasonably prompt response to the subscriber. The operator shall maintain written or computer-generated records demonstrating, to the satisfaction of the city, its ability to meet these standards. A written or computer-generated log available for city inspection shall be maintained listing all complaints and their dispositions.
(2) Within the operator's local office, at least one monitor of reasonably recent vintage shall display programming available on the system allowing subscribers to view properly received cable pictures.
(3) The operator shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system. A written log available for city inspection shall be maintained for all service interruptions.
(4) The operator shall use its best efforts to perform subscriber requests for maintenance or repairs received prior to 2:00 p.m., Monday through Friday, the same day or at the subscriber's convenience.
(5) The operator shall use its best efforts to perform subscriber requests for maintenance or repairs received after 2:00 p.m., Monday through Friday, within twenty-four (24) hours of the request or at the subscriber's convenience.
(6) The operator shall use its best efforts to perform subscriber requests for maintenance or repairs received on Saturdays or Sundays within twenty-four (24) hours of the request or at the subscriber's convenience.
(7) The operator shall respond within two (2) hours to all outage reports affecting at least one (1) channel for five percent (5%) or more of the system's subscribers.
(8) Service calls for maintenance or repair of operator service or equipment shall be performed at no charge; provided, however, if such maintenance or repair is required as a result of damage caused by a subscriber or subscriber owned equipment then the operator may charge according to any FCC allowable charges for such repairs or if there are no such FCC allowable charges, its actual cost for time and material.
(9) Except under circumstances where service is delayed per subscriber request, if the operator fails to correct a service outage, affecting one or more channels within twenty-four (24) hours after notice, the operator shall, upon request, credit one thirtieth (1/30) of the monthly charge to the subscriber for each twenty-four (24) hours or fraction thereof after the first twenty-four (24) hours during which a subscriber receives reduced service.
(10) All money owed to a subscriber, or potential subscriber, shall be refunded within fifteen (15) working days of the operator's knowledge of the obligation. Credit may be issued to the subscriber's account by mutual agreement.
(11) The operator shall provide the director with the name of its chief management employee for the referral of complaints made to the city.
(12) The operator shall, in accordance with the regulations, notify a representative of the city as soon as practicable regarding any large scale service outages or problems.
(G) Installation.
(1) Subscribers who will request installation or maintenance or repairs shall be given the schedule option of morning, afternoon or Saturday appointments. Persons requesting installation of service shall be afforded a right of rescission between the time service is requested and the time service is actually installed. Other than in extraordinary circumstances, all new installations, reconnects, service upgrades or downgrades shall be performed within seven (7) working days of the date the order was placed by the subscriber or at the subscriber's convenience.
(2) The operator shall extend service to those areas not already served by another operator and included in the initial service area when the density of homes meets or exceeds twenty five (25) homes per cable mile as measured from the nearest useable trunk cable of the operator.
(3) Only those homes which require drops in excess of 150 feet shall be required to pay for the operator's materials and time. All other installations shall be performed at the advertised installation rate.
(H) Subscriber Information. At least annually, the operator shall provide to the city and all subscribers written subscriber service information which shall include, but not be limited to, the following:
(1) The procedure for investigation and resolution of subscriber complaints, including the telephone number and contact person at the city who may assist in the resolution of complaints and the address of the FCC;
(2) Programming services, rates, and charges for all services, including any public access related charges;
(3) Billing practices as required by Section 595.07(I);
(4) Service termination procedures;
(5) Change in service procedures;
(6) Refund policy;
(7) Office hours; and

(8) Converter/VCR hookup information and use instructions.
(I) Subscriber Billing Practices.
(1) The operator shall notify each of its subscribers, through the written subscriber information required by Section 595.07(H), of its billing practices. The information shall describe the operator's billing practices including, but not limited to, the following: frequency of billing; time periods upon which billing is based; advance billing practices; security deposit requirements; charges for late payments or returned checks; payments required necessary to avoid account delinquency; availability of credits for service outages; procedures to be followed to request service deletions including the notice period a subscriber must give to avoid liability for such services and, procedures to be followed in the event of a billing dispute.
(2) The operator shall notify all affected subscribers not less than thirty (30) days prior to any change in the billing practices and such notice shall include a description of the changed practice.
(3) Unless otherwise temporarily permitted by the director in writing, for good cause shown, the subscriber bill shall contain the following information presented in plain language and format:
(a) Name and address of the operator;
(b) The period of time over which each chargeable service is billed including prorated periods as a result of the establishment and termination of service;
(c) Each rate or charge levied;
(d) The amount of the bill for the current billing period, separate from any balance;
(e) The operator's telephone number and a statement that the subscriber may call this number with any questions or complaints about the bill; and
(f) The date on which payment is due from the subscriber.
(4) The account of a subscriber shall not be considered delinquent until at least five (5) days have elapsed from the due date of the bill, which shall be a date certain and shall be no earlier than ten (10) days from the date of receipt. The following provisions shall apply to the imposition of late charges on subscribers:
(a) The operator shall not impose a late charge on a subscriber unless a subscriber is delinquent.
(b) A charge of not more than five dollars ($5.00) may be imposed as a one time late charge; provided, however, that this maximum charge may be adjusted upward by an operator no more than once annually for each year beginning January 1, 1998 by a factor reflecting the cumulative increase in the Consumer Price Index from December 1995 or the last increase in such fee, whichever is later, and the most recent measure of the Consumer Price Index.
(c) No late charge may be collected on the amount of a bill in bona fide dispute.
(d) Any charge for returned checks shall be reasonably related to the costs incurred by the operator in processing such checks.
(J) Parental Control Option. The operator shall provide, at no additional cost, parental control devices to all subscribers who wish to be able to block out any objectionable programming from the service entering the subscriber's home.
(K) Periodic Subscriber Survey.
(1) Commencing in 1995, and every year thereafter, the operator shall, no earlier than ninety (90) days prior to submitting its annual report required by Section 595.06(C), conduct a random survey of city subscribers. Each questionnaire shall be prepared and conducted in good faith so as to provide reasonably reliable measures of subscriber satisfaction with:
(a) Signal quality;
(b) Response to subscriber complaints;
(c) Billing practices;
(d) Programming services.
(2) The survey shall be conducted and reported in conformity with the regulations, which regulations shall permit telephone surveys to be conducted by an independent person in the business of regularly conducting such surveys and permit a sample size of three hundred (300) subscribers or such other sample size as to yield a margin of error of plus or minus six percent (6%) (or less) of total customer base.
(3) As a part of each annual report required by Section 595.06(C), the operator shall report the results of such survey and any steps the operator is taking in response to the findings of the survey. (Ord. 779-96.)

595.12 Miscellaneous provisions.

(A) Compliance With Laws. The operator and the city shall conform to all State and federal laws and rules regarding the system as they become effective, unless otherwise stated. The operator shall also conform with all the city ordinances, resolutions, rules and regulations heretofore or hereafter adopted or established during the entire term of any permit issued pursuant to this chapter.
(B) Continuity of Service Mandatory. Upon expiration or the termination of a permit, the city may require the operator to continue to operate the system for an extended period of time not to exceed six (6) months. The operator shall, as trustee for its successor in interest, continue to operate the system under the terms and conditions of this chapter and the expired or terminated permit. In the event the operator does not so operate the system, the city may take such steps as it, in its sole discretion, deems necessary to assure continued service to subscribers.
(C) Work Performed by Others.
(1) The operator shall give notice to the city specifying the names and addresses of any other entity, other than the operator, which performs services pursuant to this chapter, provided, however, that all provisions of this chapter shall remain the responsibility of the operator, and the operator shall be responsible for and hold the city harmless for any claims or liability arising out of work performed by persons other than the operator as if the operator performed such work.
(2) All provisions of this chapter shall apply to any subcontractor or others performing any work or services pursuant to the provisions of this chapter.
(D) Compliance with Federal, State and Local Laws.
(1) If any federal or State law or regulation requires or permits the operator to perform any service or act or shall prohibit the operator from

performing any service or act which may be in conflict with the terms of this chapter, then as soon as possible following knowledge thereof, the operator shall notify the city of the point of conflict believed to exist between such law or regulation.
(2) If any term, condition or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or provision to persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this chapter and all the terms, provisions and conditions hereof shall, in all other respects, continue to be effective and to be complied with. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on the operator and the city.
(3) Notwithstanding anything to the contrary, in the event that any court, agency, commission, legislative body or other authority of competent jurisdiction:
(a) Declares this chapter invalid, in whole or in part; or
(b) Requires the operator either to:
1. Perform any act which is inconsistent with any of the provisions of this chapter; or
2. Cease performing any act required by said chapter, the operator shall immediately notify the city.
Such notice shall state whether the operator intends to exercise its rights pursuant to such declaration or requirement. If the city determines within six (6) months of receiving such notice that said declaration or requirement has a material and adverse effect on the chapter, the city shall notify the operator, and city and the operator will negotiate in good faith any required changes to this chapter or a permit.
(E) Nonenforcement and Waivers by City. The operator shall not be relieved of its obligation to comply with any of the provisions of this chapter by reason of any failure of the city or to enforce prompt compliance.
(F) Administration.
(1) The city shall have continuing regulatory jurisdiction and supervision over the system and the operator's operation under this chapter and any permit granted pursuant to this chapter. The city may issue such regulations concerning the construction, operation and maintenance of the system as are consistent with the provisions of the chapter.
(2) The operator shall construct, operate and maintain the system subject to the supervision of all the authorities of the city who have jurisdiction in such matters and in strict compliance with all laws, ordinances, departmental rules and regulations affecting the system.
(3) The system and all parts thereof shall be subject to the right of periodic inspection by the city provided that such inspection shall not interfere with the operation of the system and such inspections take place during normal business hours.
(G) Miscellaneous Violations.
(1) It shall be unlawful for any person to establish, operate or to carry on the business of distributing to any persons in the city any television signals or radio signals by means of a system using public right of ways unless a permit therefor has first been obtained pursuant to the provisions of this chapter, and unless such permit is in full force and effect.
(2) It shall be unlawful for any person to construct, install or maintain within any street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city, or the city's official map or the city's major thoroughfare plan, any equipment or facilities for distributing any television signals or radio signals through a system, unless a permit has first been obtained.
(H) Emergency Use. In the case of any emergency or disaster, the operator shall, upon request of the city, make available its system and related facilities to the city for emergency use during the emergency or disaster period.
(I) Controlling Law. This chapter shall be construed and enforced in accordance with the substantive laws of the State of Ohio.
(J) Captions. The paragraph captions and headings in this chapter are for convenience and reference purposes only and shall not affect in any way the meaning of interpretation of this chapter.
(K) Calculation of Time. Where the performance or doing of any act, duty, matter, payment or thing is required hereunder and the period of time or duration for the performance or ~~during~~ **doing** thereof is prescribed and fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday or a legal holiday, that day shall be omitted from the computation.
(L) Force Majeure. If by reason of a force majeure either party is unable in whole or in part to carry out its obligations hereunder, that party shall not be deemed to be in violation or default during the continuance of such inability. (Ord. 779-96.)

595.13 Rates for services to subscribers.

(A) Notwithstanding other provisions of this chapter, the city shall follow the procedures for the regulation of cable operator's basic tier rates and related equipment pursuant to the Cable Act.
(B) The city hereby adopts and shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part ~~76.900~~ sub-part N., as amended, and adopts the following procedures for implementation:
(1) The director may reduce rates that are in excess of the FCC rules and take all other appropriate actions as authorized by the Cable Act.
(2) Confidential information shall be protected from disclosure if the party submitting the information requests confidentiality with respect to specific portions of the materials submitted and makes a showing by a preponderance of the evidence that nondisclosure is consistent with applicable provisions of Ohio and federal law.
(3) The director shall receive written comments from interested parties concerning operator practices and rates under procedures that the director shall establish. An oral hearing for comments may be afforded an interested party at the director's discretion, provided that the affected operator is afforded a reasonable opportunity to attend the oral hearing and make a brief reply to the comments. (Ord. 779-96.)

Title 7 HEALTH, SANITATION AND SAFETY CODE

Chapter 701 ADMINISTRATION AND ENFORCEMENT

701.11 Notice of violation.

(A) Issuance of notice of violation. Whenever the director determines, or has reasonable grounds to believe, that there exists a condition that violates any provisions or requirements set forth in the Ohio Statutes, the Ohio Administrative Code, or this Health, Sanitation and Safety Code, the director may issue a notice setting forth the alleged violations and advising the owner or person having charge that such violations must be corrected.
(B) Content of Notice of Violation.
(1) All notices of violation, except emergency orders, shall be in writing and shall be served on the person from whom action, forbearance or compliance is required.
(2) All notices of violation shall identify the sections of the Health, Sanitation and Safety Code to which the order applies.
(3) All notices of violation shall provide a description of the dwelling, dwelling unit, multiple dwelling, business building or premises where the violations are alleged to exist or to have been committed; and/or a description of the public nuisance and the premises where the said public nuisance is alleged to exist.
(4) All notices of violation shall specify a reasonable time for compliance with the order.
(5) All notices of violation shall advise the owner or person having charge of the right to appeal.
(6) All notices of violation shall advise the owner or person having charge that if the order is not complied with by the specified date of compliance, the director may initiate a civil and/or criminal complaint against the owner or person having charge; and/or the director may, by city personnel or private contractor, cause the violations to be corrected with the cost of such correction to be charged as a lien upon the real estate.
(C) Service of Notice of Violation. A notice of violation shall be served upon the owner or any person from whom action, forbearance or compliance is required. Such notice 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 in a newspaper of general circulation in the county; 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 the property, except that if a structure or premise is vacant, then the notice shall be posted on the structure or premise and one (1) of the above methods of service shall also be used.
(D) When the notice of violation has been properly serviced, the order shall be effective as to anyone having any interest in the premises whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the director.
(E) Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the owner pursuant to Section ~~701.05~~ **701.15** shall constitute evidence of written acknowledgment by the owner of service of notice of violation. (Ord. 858-01 §§ 1 (part), 2 (part).)

Chapter 703 DEFINITIONS

703.14 Letter M.

"Materials from construction or demolition operations" shall include but not be limited to such materials as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation.
"Multiple dwelling" means any dwelling containing two (2) or more dwelling units including units sharing bathrooms, but shall not include rooming units as defined under "rooming units", Section ~~4501.3.~~ **4501.33** (Ord. 858-01 §§ 1 (part), 3 (part).)

Title 9 STREETS, PARKS AND PUBLIC PROPERTIES CODE

Chapter 903 EXCAVATION/OCCUPANCY REGULATIONS

903.01 Transportation administrator's consent required.

(a) All public service agencies, companies or corporations, persons and individuals wishing to dig into or open holes, ditches or trenches in the sidewalk or roadway or to occupy the right-of-way of any streets, alleys or public ways of the city in order to place, extend or repair therein any pipes, conduits or wires, or for any other reason, shall at least ten (10) working days before proposing or preceding to do so, obtain the consent of the transportation administrator. All such requests shall be submitted to, reviewed and approved by, along with appropriate fees and deposits paid to the city, before it shall become effective. All such fees shall be deposited by the transportation administrator with the city treasurer to the credit of the street construction maintenance and repair fund. All deposits shall be returned upon completion and acceptance of the work. A record of such written consent shall be kept in the office of the transportation administrator.

(b) All public service agencies, companies or corporations, persons and individuals wishing to occupy the public right-of-way of any street, alley, sidewalk, public way or paving of the city in order to repair, replace, renovate, extend, refurbish, alter, mark, decorate, install, maintain any building, structure, surface, pole, conduit, pipe, wires, sign or graphic, cable, sewer or drain structure or building connection of any kind above, near or adjacent to said right-of-way shall at least five (5) working days before proposing or ~~preceding~~ **proceeding** to do so, obtain the consent of the transportation administrator. All such requests shall be submitted to, reviewed and approved by, along with appropriate fees paid to the city, before it shall become effective. All such fees shall be deposited by the transportation administrator with the city treasurer to the credit of the street construction maintenance and repair fund. A record of such written consent shall be kept in the office of the transportation administrator.
(c) Strict liability is intended for this section. (Ord. 1006-93; Ord. 1909-01 § 1 (part).)

Chapter 910 COMPREHENSIVE RIGHTS-OF-WAY

910.04 Application procedure, appeal.

A. Applications for a general right-of-way permit by a holder of a service permit shall be filed in such form and in such manner as the regulations require. There shall be no application fee. Any person holding a valid service permit shall be granted a general right-of-way permit. Such general right-of-way permit shall be valid so long as the underlying service permit is valid and the applicable provisions of that service permit, the right-of-way permit and of this chapter are complied with; provided, however, that such right-of-way permit shall only relate to and entitle the permittee to utilize the rights-of-way, in accordance with this chapter, for purposes directly related to the provision of the specific services for which it has a service permit. Any other right-of-way use by such permittee shall require a separate or amended right-of-way permit issued pursuant to Section 910.04(B).
B. All other applications for general right-of-way permits, or amendments or renewals thereof, shall be filed in such form and in such manner as the regulations require, along with an application fee of one thousand dollars ($1,000.00). The director shall determine if the application is in order and shall, within forty-five (45) days of the receipt of a complete application, issue a written report regarding such application. The report shall recommend that the right-of-way board deny or grant the right-of-way permit, subject to any appropriate terms and conditions, in accordance with the criteria set forth in this chapter. The director's report shall be served upon the applicant by mail along with a notice of when the right-of-way board will consider the same. The right-of-way board shall then consider such recommendation and make a final determination in writing, within thirty (30) days of the director's report, as to whether or not such right-of-way permit should be granted and if so, upon what terms and conditions. The term of each such general right-of-way permit shall be for ten (10) years from issuance, or such lesser term as the applicant requests.
C. An application for a special right-of-way permit, or renewal thereof, shall be filed in such form and in such manner as the regulations require, along with an application fee of either (i) fifty dollars ($50.00) for a special right-of-way permit for residential purposes, or (ii) five hundred dollars ($500.00) for all others. If the director determines that the application is in order and that the criteria set forth in Section 910.05 have been met, and that the application should be granted, the director shall, within forty-five (45) days of a receipt of a completed application, conditionally grant or renew such a right-of-way permit subject to any appropriate terms and conditions or deny the same. The director's conditional grant, renewal or denial shall be served upon the applicant by mail. Such conditional denial, grant or renewal shall become final unless modified or rejected by the right-of-way board within thirty (30) days of issuance by the director, or unless appealed pursuant to Section 910.04~~(E)~~ **(D)**. The term of such special right-of-way permits shall be three (3) years from issuance, or such lesser term as the applicant requests. A special right-of-way permit for residential purposes may be granted for an indefinite term from issuance, but may be cancelled by the director with sixty (60) days written notice.
D. Any applicant may appeal the failure of the director to grant a right-of-way permit, or to recommend it to be granted upon terms and conditions acceptable to the applicant, to the right-of-way board. In order to perfect such appeal, the applicant shall file, within ten (10) days of the director's determination or recommendation, or within sixty (60) days of the filing of the application if the director has taken no action, an appeal to the right-of-way board. The right-of-way board shall then review the matter and after affording the applicant an opportunity to be heard either in person or in writing render a final determination within thirty (30) days of the filing of the appeal, unless such period is waived by the applicant. Except to the extent otherwise appealable by law, the right-of-way board's decision shall be final.
E. Any right-of-way permittee shall, within thirty (30) days of the granting or renewal of any right-of-way permit hereunder, if and as applicable, pay a pro rata portion of the fees required by section 910.07(B) or (C); provided, however, that should the permittee appeal, and during the pendency thereof the permittee does not use or occupy any right-of-way, the permittee shall not be required to pay such pro rata portion of said fees until such appeal has been finally determined. (Ord. 1589-98 § 1 (part).)

910.05 Criteria for granting permits.

A. A general right-of-way permit shall be granted to any applicant holding a valid service permit.
B. Except as provided in Section 910.05(A) and (C), a general or a special right-of-way permit shall be granted to an applicant upon a determination that:
1. The granting of the right-of-way permit will contribute to the public health, safety or welfare in the city;
2. The granting of the right-of-way permit will be consistent with the policy of the city as set forth in Section 910.02~~(E)~~ **(D);** and
3. The applicant is not delinquent on any taxes or other obligations to the city or Franklin County and has the requisite financial, managerial and technical ability to fulfill all its obligations hereunder.
C. A special right-of-way permit for residential purposes not exempted pursuant to Section 910.03(A) shall be granted at the director's discretion if the director finds that granting such permit will not be inconsistent with the policy of the city set forth in Section 910.02(D).

D. The director or the right-of-way board may impose such lawful conditions on the granting of a permit as reasonably required to be consistent with the criteria set forth in this Section 910.05 and to promote the policy of the city set forth in Section 910.02(D). (Ord. 1589-98 § 1 (part).)

910.10 Adoption of Regulations

A. In accordance with the provisions of Section 910.10(C), the director may promulgate regulations, as the director deems appropriate from time to time, to carry out the express purposes and intent of this chapter, including regulations governing the procedures of the right-of-way board.
B. Such regulations shall not materially increase the obligations of any permittee hereunder. In promulgating such regulations, including those related to Section 910.06(A), the director shall, among other appropriate factors, consider the costs of permittee compliance as an important factor in determining the appropriateness of the regulations.
C. The director shall promulgate proposed regulations by filing the same with the clerk of council for publication in the city bulletin pursuant to Section 121.05. Each general right-of-way permittee shall be served with a copy of the proposed regulations by regular U.S. mail; provided, however, that any failure of any permittee to actually receive such notice shall not in any way affect the validity or enforceability of such regulation. Any person, including any permittee, may file specific written comments or objections on the proposed regulations within a thirty (30) day period after such publication (hereinafter "comment period"). The proposed regulations shall become effective thirty (30) days after the end of the comment period (or such longer period as determined by council), unless such regulation is modified or rejected by council.
D. The mayor may adopt emergency regulations to be immediately effective, when the mayor determines the same to be appropriate or required by the public health, safety or welfare; provided, however, that any such regulation shall nonetheless be subject to the comment and review process as set forth in Section 910.10~~(B)~~.**(C)** (Ord. 1589-98 § 1 (part).)

Chapter 913 RECREATION AND PARKS COMMISSION

913.02 Miscellaneous contracts.

(A) The director of recreation and parks is authorized, with the approval of the recreation and parks commission, to enter into the following contracts on behalf of the city of Columbus: lease of equipment, facilities and property, under control and supervision of the recreation and parks department, to the public for recreation and park purposes; lease of space, fixtures and equipment under the control and supervision of the recreation and parks department to concessionaires for the purpose of operating concessions; contract for various services to be performed on recreation and park facilities and property whereby the city of Columbus incurs no financial obligation, contract with seasonal athletic officials, athletic scorers, and attendants in conjunction with the operation of recreation and parks programs and facilities.
(B) In order to carry out the purpose of Section 913.02, the recreation and parks commission and the director of recreation and parks shall be governed by the guidelines as set forth below:
1. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to sign various agreements which deal with the day-to-day operations of the department of recreation and parks. Such agreements shall include:
a. Rental of boat docks and boat stakes in accordance with Sections ~~921.10 and 921.105~~ **921.01-7 (Application for city-owned docks, stakes, and moorings) and 921.01-8 (Permitting of private docks, stakes, and moorings)** of the Columbus City Codes and in accordance with fees and charges established by the recreation and parks commission.
b. Rental of recreation facilities on an hourly, daily or seasonal basis in accordance with the board of education (where applicable) and in accordance with fees and charges established by the recreation and parks commission.
c. Agreements for the operation of vending machines, telephones, and other utilities within recreation and park facilities where fees and charges will be reimbursed to the recreation and parks department through a fees and charges schedule as approved by the recreation and parks commission.
d. Special permits for the use of parklands, showmobile, shelterhouses, swimming pools, or similar recreation and park facilities or properties where a fee is required (as established by the recreation and parks commission) or a deposit is required to insure proper utilization of facilities.
e. Rental of city-owned golf carts on a daily basis or as established by contractual agreement with a golf cart leasing company with fees and charges established by the recreation and parks commission.
f. Rental of paddleboats, establishment of arts and crafts class fees, establishment of fees for tennis lessons, league fees for sports programs, and related programs as established by fees and charges from the recreation and parks commission, contractual agreements, or cost of program materials.
g. Rental of city-owned residences in accordance with rental rates established by appraised values and approved as a part of the city's master salary ordinance.
2. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to execute various license agreements, not to exceed two (2) years in length, with individuals, groups, clubs or organizations for the utilization of recreation and parks facilities and/or property which does not involve the expenditure of city of Columbus funds. Such license agreements shall include:
a. License agreements for the use of recreation and park properties for activities commensurate with the development of recreation and park opportunities within Central Ohio such as:
(1) Lease of space for model airplane use;
(2) Lease of White Sulphur Quarry as a ski area;
(3) Lease of properties to boat clubs.
b. Lease of undeveloped properties until such land is required for future development.
3. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to execute various concession agreements in conjunction with the day-to-day operation of various recreation and parks facilities and programs. In each case, the

department of recreation and parks will advertise and seek competitive bids for the operation and privilege of these concessions however, if no bids are received, the director of recreation and parks, with the approval of the recreation and parks commission, has the option to negotiate an appropriate agreement for the privilege of operating a concession for a period not to exceed two (2) years. Such agreements shall include:
a. Gas and oil concessions, boat rental concessions, bait store concessions, and similar concessions relating to the operation and utilization of the reservoir areas.
b. Concession privileges for the sale of food, drinks, etc. at various recreation and parks facilities as a part of the day-to-day operation.
c. Specialized concession agreements that relate to the day-to-day operation of a recreation and park facility.
d. The length of term and procedures for execution of concession agreements shall be as follows:
(1) The contract term shall not exceed two (2) years.
(2) Concession agreements in excess of two (2) years shall be submitted to city council as standard legislation after appropriate approval from the recreation and parks commission.
(3) All agreements shall be approved as to form by the city attorney.
4. The recreation and parks director, with the approval of the recreation and parks commission will have the authority to establish a schedule of special rates for contracting with seasonal athletic officials, athletic scorers, and attendants in conjunction with the operation of recreation and parks programs and facilities, and to contract with such officials, scorers, and attendants for such purpose.
a. All such contracts shall be in accordance with the schedule of special rates established, and
b. Such contracts may be informal on a per-game, per-match, or per-hour-of-game-or-match basis and need not be individually executed in writing.
5. The fees and charges for all recreation and parks facilities and programs will be established by the recreation and parks commission. (Ord. 2949-79.)

Chapter 919 PARK RULES AND REGULATIONS

919.01 Definitions.

As used in this chapter:
(A) “Camping” shall mean utilization of any piece of equipment for sleeping in or upon, including, but not limited to, a sleeping bag, hammock, motor vehicle, trailer, tent, tarp or vessel for the purpose of occupying a portion of city-owned or controlled property or waterway for temporary or permanent outdoor living.
(B) “Commission” shall mean the recreation and parks commission, as established by Section ~~112-1~~ **128** of the Columbus City Charter.
(C) “Department” shall mean the recreation and parks department of the city.
(D) “Designated area” shall mean any location, place, site, region, facility, zone or space identified by the director.
(E) “Director” shall mean the director of the recreation and parks department for the city, or any representative the director so designates.
(F) “Park” or “parks” shall mean all city parks, parklands or waterways, as well as all other areas outgranted or under lease, license, written or concession agreement.
(G) “Waterways” shall mean all city-controlled water including, but not limited to, reservoirs, reservoir lands, rivers, lakes, creeks, streams, ponds, fountains, and water-filled quarries. (Ord. 1648-91.)

919.05 Restrictions.

(A) Parks shall be open daily between the hours of 7:00 a.m. to 11:00 p.m. with the following exceptions:
(1) Upon written approval by the director.
(2) Camping pursuant to Section ~~919.13~~ **919.12.**
(3) Offshore and shorebound fishing and associated trailering activities.
(B) The director or any law enforcement officer may close or restrict to public use and evacuate a park, facility or area when necessitated by reason of and in the interest of the public health, safety, welfare, maintenance or any other reasons deemed necessary for public interest. (Ord. 2155-91.)

Title 11 WATER, SEWER AND ELECTRICITY CODE

Chapter 1105 WATER RATES AND CHARGES

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.
“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 consumer” shall mean any customer who applies for and receives certification by the Division of Power and Water that he or she

(a) receives service by means of a single meter, registering to a single-family residence; (b) is personally or whose spouse is personally responsible (c) is sixty (60) years of age or older and (d) has a total income for a one (1) person household not greater than seven thousand eight hundred dollars ($7,800.00) or one hundred fifty (150) percent of the federally established poverty level, whichever is greater; or a total income for a two (2) or more person household of one hundred fifty (150) percent of the federally established poverty level, as defined by the poverty threshold statistics published annually by the Poverty Statistic Branch of the Bureau of the 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 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. ~~228~~ **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 or electricity service furnished to consumers in contract areas or water or electricity 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).)

1105.16 Separability of provisions.

Each section and each part of each section of this chapter is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent that if any section or part of a section or any provision thereof, or the application thereof to any person or circumstances, is ~~field~~ **held** to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that these sections or parts of sections would have been adopted independently of such sections or parts of a section so held to be invalid. (Ord. 155-64.)

1105.21 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) 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, Homestead Exemption or any other state or federal low income assistance program acceptable to the director.
(B) All low income residential customers may receive a fifteen (15) percent discount on the commodity portion of their water bill. This discount will be available to the low income 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 fifteen (15) percent discount on the commodity portion of their water 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 fifteen (15) 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.
(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~~ **1105.21** and ~~1147~~ **1147.19** 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 mastered 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. 1905-05 § 4; Ord. 422-06 § 2 (part): Ord. 962-06 § 1 (part).)

Chapter 1107 COLLECTION AND DISPOSITION OF WATER FUNDS

1107.09 Credit balances at service contract termination.

(a) Credit balances of five dollars ($5.00) or more:
Credit balances of five dollars ($5.00) or more will be rebated to the customer when said customer's service contract has been terminated. "Contract termination" shall be defined to occur after the city has taken a final reading of the inside water meter, after all pertinent charges have been billed and posted to the account, and after all charges have been paid. The city shall attempt to contact the customer to refund credit balances of five dollars ($5.00) or more.
(b) Credit balances of four dollars and ninety-nine cents ($4.99) or less:
Credit balances of four dollars and ninety-nine cents ($4.99) or less will not be rebated unless specifically requested by the customer after said customer's service contact has been terminated.
(c) All credit balances that remain unclaimed for ~~tow~~ **two** years or more after a contract has been terminated shall be deposited into the unclaimed money agency fund.
(d) This section does not apply to security deposits. (Ord. 2197-01 § 1.)

Chapter 1115 WELLFIELD PROTECTION

1115.10 Mining of industrial minerals in a restricted area.

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. 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 within sixty (60) days of receipt of such application. If the director does not deny the permit within this sixty (60) day period, it shall be deemed to be denied. A denial of a 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 his 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 ~~he~~ **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.
(A) The information contained in subparagraphs (1) to (10) below shall ~~he~~ **be** submitted with the permit application:
(1) 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.
(2) Such identification information as:
(a) The nature of the mining operation;
(b) The precise geographical location and boundaries of the mining operation which shall be indicated on a seven and one-half (7-1/2) minute USGS topographical map and by a legal description;
(c) The name and address and telephone number of the mining operator;
(d) The name and address of the owner(s) of the land to be used for mining;
(e) The name and address of the person who prepared the plans.
(3) Such site information as:
(a) All land owned, leased, or proposed to be leased or purchased for the mining operation;
(b) All existing land uses on or within one thousand (1000) feet of the mining operation;
(c) All public roads, access roads, communities, and habitable buildings on or within one thousand (1000) feet of the mining operation;
(d) The location of all existing or proposed maintenance, weighing, storage, processing or other facilities or buildings;
(e) The location of existing or proposed utilities;
(f) 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;
(g) The limits of the regulatory flood plain, if applicable, and the facilities proposed for flood protection;
(h) All fencing, gates, and natural or other screening on the site;
(i) 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;
(j) Plans for the disposal of fines in a wellfield protection area, including an annual disposal plan; and
(k) 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.
(4) Such hydrogeologic and surface drainage information as:
(a) The direction and flow and points of concentration of all surface waters on the site; and
(b) A complete log (description) of each boring made during the exploratory program (with appropriate description and explanation in an accompanying report) showing:
(i) The location, depth, surface elevation and water level measurements of all borings; and
(ii) Textural Classification (Unified Soil Classification System - USCS); and
(iii) Grain size distribution curves for representative samples of each group of borings of similar soil composition; and
(iv) Atterberg limits, moisture content, and coefficient of permeability, based on field and/or laboratory determinations; and
(c) 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
(d) The following information relating to the ground water (may be shown in accompanying report):
(i) The depth to maximum elevation of ground water; and
(ii) Direction of the flow of ground water; and
(iii) Analysis by an EPA certified laboratory of such a number of samples from such a number of wells as the Director or his authorized representative deems necessary to determine existing ground water quality and monitor future ground water quality in the area:
Field Testing Parameters
(a) Temperature (measured at the time sample is collected); and
(b) Conductivity; and
(c) pH; and Laboratory Testing Parameters
(d) Total Alkalinity; and
(e) Total Acidity; and
(f) Total Dissolved Solids (TDS); and
(g) Iron (Fe); and
(h) Volatile Organic Compounds (VOCs) (USEPA Method 524.2 or as specified by the Director); and
(i) Total Organic Carbon (TOC); and
(j) Total organic halogens (TOX)
All monitoring wells installed pursuant to this regulation, shall conform to Chapter 3745-9 of the regulations of the Ohio EPA. 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.
(5) 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 and comply with Section 1115.09 hereof.
(6) A geotechnical laboratory testing program defining the physical parameters of the cohesive and noncohesive soils excavated during the mining operation and drilling work. This shall include: soil moisture (ASTM method D-2216-80), Atterberg limits (ASTM method D-422-63) on bore holes drilled in the permit area to determine the amount of waste likely to be generated during mineral processing and washing operations. No mineral processing waste shall be disposed of in the 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.
(7) Such operation information as:
(a) 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.
(b) Such equipment information as:
(i) Types of equipment to be used to operate and maintain the facility and to maintain the rechargeability of the mined pit; and
(ii) Hours of operation; and
(8) Such closure information as:
(a) 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.
(b) How the site will be closed. This information shall include descriptions of:
(i) Means by which access to the site will be limited; and
(ii) 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 (A)(6) of this section.
(iii) Intended use of the site after closure, if known.
(9) 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.
(10) (a) Applications for mining permit shall be signed:
(i) In the case of corporations, by the corporate officer having direct responsibility for the facility; or
(ii) In the case of organizations other than corporations by an equivalent responsible individual; or
(iii) In all other cases, by the operator.
(b) The signatures shall constitute an agreement by the entity that it is responsible for compliance with this section and this chapter.
(B) If detailed plans, specifications, and information submitted to the director or his authorized representative do not conform to the requirements for maintaining ground water recharge and quality, the director or his 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.
(C) If the director or his authorized representatives determines that information in addition to that required by paragraph (A) 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.
(D) 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.
(E) Information submitted pursuant to (A)(3)(j) of this section shall be confidential, with this information only being available as needed to employees and agents of the city of Columbus.
(F) 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. An application fee of five thousand dollars ($5,000.00) shall be submitted with each application made under this section. In addition, on or before January 31st of each calendar year, the mining operator shall pay an annual inspection fee of eight thousand dollars ($8,000.00) per annum. Users who have paid all application and inspection fees for a facility pursuant to this section shall not be required to pay any additional fees established pursuant to Section 1115.16(C) hereof. (Ord. 2560-90.)

1115.17 Vandalism.

No person shall maliciously, willfully, or with gross negligence break, damage, destroy, uncover, deface, or ~~temper~~ **tamper** with any structure, appurtenance, property or equipment which is a part of or used in conjunction with the city's water facilities. (Ord. 2560-90.)

Chapter 1149 STORMWATER MANAGEMENT PROGRAM CHARGES

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, manholes, 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 man-made 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.)

1149.07 Billings and terms of payment.

(a) Billings. A stormwater bill may be rendered on either a monthly or quarterly basis.
(b) Terms of Payment. The stormwater charges prescribed in Section ~~1149.04~~ **1149.06** of the Columbus City Codes, 1959, are net. If monthly

payments are not paid within twenty-one (21) days from the date of billing, or if quarterly accounts are not paid within thirty-five (35) days from the date of billing, a gross rate, which is the net rate plus ten (10) percent shall apply.
Effective January 1, 2000 or upon promulgation of a regulation by the director announcing the implementation of a new water and sewer information management system, whichever occurs first, if monthly and quarterly accounts are not paid within twenty-eight (28) days from the date of billing a gross rate, which is the net rate plus ten (10) percent, shall apply. (Ord. 1381-94; Ord. 3252-98 § 1 (part).)

Chapter 1153 SEWER AND WATER ADVISORY BOARD

1153.01 Sewer and water advisory board.

There shall be a sewer and water advisory board consisting of the city auditor or his representative; the Director of Public Utilities or his/her representative; the director of finance and management or his 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 Power and 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 chairman, 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 chairman 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 Power and 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 ~~120 to 123~~ **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 Power and Water, and if so, the 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).)

Chapter 1163 MUNICIPAL ELECTRIC RATES

1163.01 Definitions.

(a) "Maximum capacity" means the sum of the individual demands as determined separately for each metered service and supplied under the provisions of this chapter.
(b) "Individual demand" means the measured demand where the connected load on a metered service is in excess of twenty (20) kilowatts; where the connected load is twenty (20) kilowatts or less, the individual demand may be established by periodic test, or as the estimated demand derived from the connected load.
(c) "Measured demand," either by permanent installation of a demand meter or by periodic test, shall be determined in accordance with the division's standard practices and, except in unusual cases, shall be the maximum fifteen minute integrated kilowatt demand recording of an integrating demand meter, or the highest registration of a thermal type demand meter, during the billing period. In instances of highly fluctuating loads, or demands of short duration, the measured demand may be determined by appropriate metering equipment designed to measure fully the impact of such demands. Where measured demand are determined by periodic test a measured demand so determined shall continue in effect until superseded by a subsequent test.
(d) "Estimated demands" means a calculated demand figure determined from the connected load, as follows:
First 5,000 watts @ 90%
Next 5,000 watts @ 80%
Over 10,000 watts @ 70%
(e) "Contract location" means each separate point of delivery of service metered and billed under a separate service contract. Under special conditions, two (2) or more services supplied to a consumer at one (1) "contract location" may be combined on one (1) service contract as determined by the Director of Public Utilities or designee under the applicable schedule.
(f) "Service" means the conductors and equipment for delivering electric energy from the secondary distribution main, or from the transformer, or from a distribution feeder to the wiring system of the premises served.
(g) "Sub-station" means a receiving point for electric energy consisting of transformers, voltage regulators, switches and miscellaneous equipment and appurtenances.
(h) "Commercial service" means electric energy delivered to commercial enterprises such as stores, hotels, offices, schools, churches, hospitals, apartment buildings, rooming or boarding houses, sales rooms, shops and a combined residence and office.

(i) “Industrial service” means electric energy delivered to factories, processing plants, manufacturing plants and similar industries.
(j) “Residential service” means electric energy delivered to residences. (Ord. 972-94.)
(k) The off-peak period shall be the time between 7:00 p.m. of each week day and 7:00 a.m. of the following day, between 5:00 p.m. on Friday and 7:00 a.m. of the following Monday and all day of New Year’s Day, President’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. The hours of the off-peak period above defined shall be subject to change from time to time at the city’s option, provided that the week day off-peak period shall not be reduced to less than eight (8) hours. On-peak hours are all hours not defined as off-peak hours. (Ord. 2743-95.)
(l) “Eligible senior customers” means any customer who (a) is receiving, service by means of a single meter to a single family residence; (b) is personally responsible for payment of the bill as head of household; and (c) is sixty (60) years of age or older having a total income of less than one hundred fifty percent (150%) of the poverty level as published by the U.S. Department of Commerce, Bureau of Census.
(m) “Total income” means adjusted the gross income of the applicant and spouse for the year preceding the year on which application for the senior citizen adjustment 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. ~~228~~ **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. (Ord. 972-94; Ord. 422-06 § 2 (part); Ord. 1911-2006 § 1 (part).)

Title 13 REFUSE COLLECTION CODE

Chapter 1301 DEFINITIONS

1301.317 Public nuisance.

“Public nuisance” means any structure or vehicle, which is 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 **C.C.** Chapter 4513; or
D. Any structure, vehicle, real or personal property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health, sanitation or refuse ordinance of the Columbus City Code or Columbus City Health Code; or
E. Real or personal property of any kind which is used in violation of any division of Section 2925.13, Ohio Revised Code; or
F. Any real property upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment. (Ord. 1415-02 § 6.)

Chapter 1303 PURPOSE, DUTIES AND POWERS

1303.024 Designated special project areas.

A. German Village Area Defined. The German Village area as used in this title is the area with the same boundaries as set forth in Section ~~3325.04~~ **3119.25** of the Columbus City Code which also meets all of the following criterion:
1. The area has been designated as a historic district;
2. The area has a reduced or inadequate street right-of-way;
3. There is reliance on street and alley parking in the area;
4. The area has a reduced amount of front, side, and back yard space; and
5. There is inadequate space for placement and access to large containers without material interference with on-site and off-site parking, traffic flow, pedestrian ways, or the use of private premises.
B. The University District Area.
1. The University District Area Defined. The University District area as used in this title shall have the same definition and boundaries as set forth in Section ~~3315.07~~ **3111.07** of the Columbus City Code.
2. The University District Area Overlay. A University District overlay will be developed in cooperation with a committee structure established for the University District and campus area to achieve the following objectives:
a. Provide a clean, well-maintained university neighborhood with the removal of trash and bulk solid waste on a regular basis;
b. Remove litter from the university neighborhood; and
c. Make code enforcement a priority for solid waste issues in university neighborhoods.
3. The University District Area Requirements. In order to respond to refuse storage problems which create health and environmental problems within the high density portions of the University District area due to unique living arrangements and the lack of adequate refuse storage, special standards are required, and are hereby provided, for the owner of each property zoned apartment-residential and of residential use located therein. Each such owner shall provide and continuously maintain a refuse storage receptacle or cubic yard container of sufficient capacity to contain all refuse generated or found upon the property during the interim between municipal refuse collections from such property and whose capacity and type shall conform to no less than the minimum standards of subsections (a), (b), and (c) respectively, as follows:
a. Minimum required capacity is determined by the formula:

$$\frac{[\text{total calculated floor area} - (\#\text{d.u.} \times 300)]}{\text{minimum cubic yard capacity required}} = 1000$$

(1) “Total calculated floor area” means the combined gross floor area of all spaces, including attics, basements, cellars, and crawl spaces, with a floor to ceiling height of six (6) feet or more of all buildings on the site and as further defined in C.C. 3372.502(C).
(2) “#d.u.” means the number of dwelling units. A unit required to have a rooming house license shall be considered as one (1) dwelling unit.
(3) Exception: The capacity required for a residence which does not require a rooming house license need not exceed the product of one and one-fourth (1-1/4) cubic yards times the number of dwelling units located on said property.
b. A cubic yard container shall be used if required capacity equals or exceeds two and one-half (2-1/2) cubic yards.
c. Any receptacle or container shall comply with the refuse collection division specifications and markings. Such refuse storage receptacle or cubic yard container shall be:
(1) Located on site; outside of any front yard, required side yard, required landscaped area, or required parking area (excluding those spaces exempted by C.C.3372.510); and
(2) For public collection service as near as reasonably possible to the public way from which it is to be assessed and so positioned as to facilitate access by city trucks; and
(3) On a hard, level surface and located in an area so designated, delineated, or marked that it is apparent such area is reserved for its placement and is to be unobstructed by any other use such as bulk refuse or parking.
(4) The requirement for on-site refuse storage may be temporarily waived by the trade and development director in accordance with C.C.3372.569(C).
d. All refuse to be collected by the refuse collection division shall be deposited in an approved refuse storage receptacle or cubic yard container at least one-half (1/2) hour before the scheduled date and time of collection and at no time shall refuse be placed or stored in such a manner as to obstruct or hamper the lawful use of any public way or to prevent the collection of such refuse.
e. The refuse collection division shall promptly give notice concerning the enactment hereof to each owner of a building or premises in said area and include therewith a form for the owner to attest to the address and description of such building or premises, total calculated floor area thereof, number of dwelling units therein, and the capacity of the refuse storage receptacle or cubic yard container required to be provided therefor. Such owner shall deliver such completed form to the refuse collection division administrator who shall maintain it on file for reference and enforcement purposes.
f. Any prior administrative exception to or waiver of requirements regarding location, type, or capacity of a refuse storage receptacle or cubic yard container is hereby revoked. (Ord. 3038-97 (part).)

Title 17 AIRPORT AND AVIATION CODE

Chapter 1713 RATES AND CHARGES; DISPOSITION OF FUNDS

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.)
J. "Director" means the Director of the Department of Public Utilities of the City of Columbus, Ohio or his authorized representative. (Ord. 478-92.)
K. "Fixed base operator" means a firm which maintains facilities at a City-owned or operated airport who has entered into contract with the City for purpose of (1) engaging in retail sales of aviation fuels primarily to purchasers other than (a) scheduled or supplemental air carriers certified by the Civil Aeronautics Board pursuant to **Title 49 USC sect. 41102** ~~Tile 49 U.S.C., Section 1371~~, or (b) the Department of Defense; and (2) persons performing one or more of the following general aviation activities: (a) aircraft maintenance, servicing, parking, tie-down, storage and other aircraft services; (b) baggage and cargo handling and other passenger/freight services; (c) maintenance of avionics equipment and systems; (d) dealers in the sale of aircraft.
L. "Ground Transportation Coordinator" means that person designated and authorized by the Airports Administrator to oversee the operation of the Commercial Vehicle traffic at Port Columbus International Airport.
M. "Operate" with respect to aircraft, means use, cause to use or authorize to use aircraft for the purpose (except as provided in 91.10 of the F.A.R.'s) of navigation including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).
N. "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or any other governmental or business entity including a trustee, receiver, assignee, or similar representative of any of them.
O. "Preventive maintenance" means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations. (Ord. 2066-90.)

Title 19 POLICE AND FIRE DIVISIONS CODE

Chapter 1905 PENSIONS; DISABILITY OR SICKNESS; POLICE SURGEON

1905.01 Establishment of pension fund.

It is declared necessary to establish and maintain a policemen's pension fund for the benefit of the city, pursuant to the provisions of Ohio Revised Code ~~741.32~~ **742.01** et seq. (Sec. 33.7.)

Chapter 2501 ENFORCEMENT; DEFINITIONS AND PENALTY

2501.01 Adoption.

(A) The Ohio Fire Code as amended periodically is incorporated fully into the city of Columbus Fire Prevention Code, save and except for such parts which have been herein deleted or amended, as if set out at length herein. The Ohio Fire Code, for which the designation "OFC" may be substituted contains ~~Chapters 1301:7-1-01 to 1301:7-7-34~~ **Chapter 1301:7-7** of the Ohio Administrative Code (OAC).
(B) The minimum requirements of the OFC, as adopted above, shall be the basis of the Columbus Fire Prevention Code except that more restrictive requirements may be imposed by the Columbus Fire Prevention Code and shall be as hereinafter set forth.
(C) The "Administrative and Enforcement" provisions of the OFC, **Rule 01**~~Chapters 1301:7-1-01 through 1301:7-7-01~~, **OAC 1301:7-7-01,** are not specifically adopted for use in the Columbus Fire Prevention Code, and the provisions of Chapter 2501 of this code are substituted therefore. (Ord. 3082-86.)

2502.072 Hazardous materials.
Any person storing, dispensing, using or handling hazardous materials as indicated in OFC Rule 27 ~~1301:7-7-24 through Rule 1301:7-7-43~~ OAC**1301:7-7-27** of the Ohio Administrative Code must pay an annual fire prevention inspection fee of one hundred fifty dollars ($150.00) unless the condition or operation is covered by another permit issued by the fire official pursuant to this code. (Ord. 2049-95: Ord. 1210-2006 § 1 (part): Ord. 1446-2007 § 1 (part).)

2502.0734 Pesticide display and storage.

Any person engaged in the display and storage of any pesticides in any quantity as indicated in OFC Rule 27~~1301:7-7-39~~ **1301:7-7-27 (hazardous materials in general) and in 1301:7-7-37 (highly toxic and toxic materials)** of the Ohio Administrative Code the Ohio Fire Code must pay an annual fire prevention inspection fee of one hundred fifty dollars ($150.00). (Ord. 2049-95: Ord. 1210-2006 § 1 (part): Ord. 1446-2007 § 1 (part).)

Chapter 2507 APPLICATION OF FLAMMABLE FINISHES

2507.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 15 OAC ~~1301:7-7-13~~ **1301:7-7-15**, Application of Flammable Finishes. The following revisions and additions, if any, apply to this Article. (Ord. 2049-95.)

Chapter 2509 FIRE INVESTIGATIONS, RECORDS AND DRILLS

2509.07 Fuel for kerosene heaters.

This section shall include in its entirety, and as changed from time to time, the OFC section FM-2813.0, ~~OAC~~ ~~1301: 7-7-28~~ **OFC Rule 34 and OAC 1301:7-7-34** . (Ord. 2049-95.)

2509.08 Safe use of unvented kerosene heaters.

This section shall include in its entirety, and as changed from time to time the OFC Rule 6 & 34, OAC ~~1301: 7-7-28~~ **1301:7-7-34 OAC 1301:7-7-06 (C)**. (Ord- 2049-95.)

2509.09 Manufacturer's instructions for using kerosene heaters.

This section shall include in its entirety, and as changed from time to time, the OFC Rule 6 & 34, ~~1301: 7-7-28~~ **1301:7-7-34 and OAC 1301:7-7-06 (C)** . (Ord. 2049-95.)

2509.10 Manufacturer's markings for unvented kerosene heaters.

This section shall include in its entirety, and as changed from time to time, the OFC Rule 6 & 34, OAC ~~1301: 7-7-28~~ **1301:7-7-34 and OAC 1301:7-7-06 (C)**. (Ord. 2049-95.)

Chapter 2529 DRY CLEANING PLANTS

2529.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 12 , OAC ~~1301:7-7-11~~ **1301:7-7-12**, Dry Cleaning Plants. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2532 PYROTECHNIC SPECIAL EFFECTS

2532.01 Scope.

This chapter shall apply to any use of indoor pyrotechnic special effects in the performing arts in conjunction with theatrical, musical or any similar productions before proximate audience, performers, or support personnel.
This chapter shall apply to any outdoor use of pyrotechnic special effects at distances less than those required by Chapter 2533; Fireworks, of the Columbus City Codes and the 1990 edition of Standard NPFA 1123, Code for the Outdoor Display of Fireworks, as referenced in OFC Rule 33; OAC ~~1301: 7-7-31~~ **1301:7-7-33**.
This chapter shall comply with the 2008 edition of Standard NFPA 1126, Use of Pyrotechnics Before a Proximate Audience, in its entirety, as referenced in OFC Rule 33; OAC 1301: 7-7-3.3. (Ord. 2049-95.)

2532.02 Definitions.

All definitions shall be the same as defined in the 2008 edition of Standard NFPA 1126, as referenced in OFC Rule 33; OAC ~~1301: 7-7-31~~ **1301:7-7-33**. (Ord. 2049-95.)

2532.03 Exceptions.

Any use of aerial shells as regulated in the 2008 edition of Standard NFPA 1123, as referenced in OFC Rule 33 ; OAC ~~1301: 7-7-31~~ **1301:7-7-33**, shall comply with the provisions of that code and Chapter 2533 of this code. (Ord. 2049-95.)

Chapter 2533 FIREWORKS

2533.01 Scope.

This chapter shall apply to the construction, handling, storage, and the use of fireworks to provide requirements for the reasonably safe conduct of outdoor fireworks displays.
This chapter shall comply with the 2008 edition of Standard NFPA 1123, Code for the Outdoor Display of Fireworks, in its entirety, as referenced in OFC Rule 33 ; OAC ~~1301: 7-7-31~~ **1301:7-7-33**. (Ord. 2049-95.)

2533.02 Definitions.

All definitions shall be the same as defined in the 2008 edition of Standard NFPA 1123, as referenced in OFC Rule 33 ; OAC ~~1301: 7-7-31~~ **1301:7-7-33**. (Ord. 2049-95.)

Chapter 2540 DUST EXPLOSION HAZARDS

2540.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 13 , OAC ~~1301:7-7-12~~ **1301:7-7-13**, Dust Explosion Hazards. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2541 CROP RIPENING OR COLORING PROCESSES

2541.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 16 , OAC ~~1301:7-7-10~~ **1301:7-7-16**, Crop Ripening or Coloring Processes. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2542 FUMIGATION AND THERMAL INSECTICIDAL FOGGING

2542.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 17 , OAC ~~1301:7-7-14~~ **1301:7-7-17**, Fumigation and Thermal Insecticidal Fogging. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2543 LUMBER YARDS AND WOODWORKING PLANTS

2543.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 19 OAC ~~1301:7-7-16~~ **1301:7-7-19**, Lumber Yards and Woodworking Plants. The following revision and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2544 OVENS AND FURNACES

2544.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 3 , OAC ~~1301:7-7-3~~ **1301:7-7-03, Precautions Against Fire, and OAC 1301:7-7-21, Industrial Ovens.** The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2545 PLACES OF ASSEMBLY

2545.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 10, OAC ~~1301:7-7-06~~ **1301:7-7-10,** Means of Egress, and OFC Rule 3, OAC 1301: 7-7-03, Precautions Against Fire. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2547 TENTS, AIR-SUPPORTED AND OTHER TEMPORARY STRUCTURES

2547.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 24, OAC ~~1301:7-7-20~~ **1301:7-7-24,** Tents and Air-Supported Structures. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2548 VEHICLE TIRE REBUILDING AND TIRE SHREDDING PLANTS

2548.05 Dust collecting system.

Buffing machines shall be located in a room separated from the remainder of the plant as required by the building code, and fire doors in such separations shall be maintained free of all obstructions at all times. Each machine shall be connected to an ample dust collecting system conforming to ~~NFPA 91 listed in Rule~~ ~~1301:7-7-44~~ OAC Rule 13, **1301:7-7-13** of the OAC . (Ord. 2049-95.)

Chapter 2550 ABOVEGROUND AND UNDERGROUND STORAGE TANKS

2550.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OAC Rule, Chapter 1301: 7-9, Underground Storage Tank Regulations, except OAC 1301: 7-9-02 and OAC 1301:7-9-12, unless specifically referenced in CC 2550.02; and OFC Rule 34, OAC ~~1301:7-7-28~~ **1301:7-7-34,** Flammable and Combustible Liquids, shall include aboveground tank storage.
Any installation, temporary closure, removal, abandonment or repair made on site must be performed under the supervision of an installer certified by the State Fire Marshal as required by Section 3737.881 of the Ohio Revised Code. (Ord. 2049-95.)

Chapter 2554 HAZARDOUS PRODUCTION MATERIAL FACILITIES

2554.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 27, OAC ~~1301:7-7-15~~ **1301:7-7-27**, Hazardous Production Material Facilities. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2555 OIL AND GAS PRODUCTION

2555.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 9, OAC ~~1301:7-7-18~~ **1301:7.7.9** Oil and Gas Production. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2556 ORGANIC PEROXIDES

2556.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 39, OAC ~~1301:7-7-38~~ **1301:7-7-40**, Liquid and Solid Oxidizers. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2557 LIQUID & SOLID OXIDIZERS

2557.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 40, OAC 1301:7-7-40, Liquid and Solid Oxidizers. The following revisions and additions, if any, apply to this article. (Ord. 2049-95).

Chapter 2558 FLAMMABLE SOLIDS

2558.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 36, OAC ~~1301: 7-7-33~~ **1301:7-7-36**, Flammable Solids. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2560 WELDING OR CUTTING, CALCIUM CARBIDE AND ACETYLENE GENERATORS

2560.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 26, OAC ~~1301:7-7-22~~ **1301:7-7-26**, Welding or Cutting, Calcium Carbide and Acetylene Generators. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2561 CELLULOSE NITRATE MOTION PICTURE FILM

2561.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 42, OAC ~~1301:7-7-25~~ **1301:7-7-42**, Cellulose Nitrate (Pyroxylin) Plastics. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2562 CELLULOSE NITRATE (PYROXYLIN) PLASTICS

2562.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 42, OAC ~~1301:7-7-25~~ **1301:7-7-42**, Cellulose Nitrate (Pyroxylin) Plastics. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2563 COMBUSTIBLE FIBERS

2563.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 29, OAC ~~1301:7-7-26~~ **1301:7-7-29**, Combustible Fibers. The following revisions and additions, if any, apply to this Article. (Ord. 2049-95.)

Chapter 2564 COMPRESSED GASES

2564.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 30, OAC ~~1301:7-7-27~~ **1301:7-7-30**, Compressed Gases. The following revision and additions, if any, apply to this Article. (Ord. 2049-95.)

Chapter 2565 CRYOGENIC LIQUIDS

2565.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 32, OAC ~~1301:7-7-29~~ **1301:7-7-32**, Cryogenic Liquids. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2566 EXPLOSIVES, AMMUNITION AND BLASTING AGENTS

2566.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 33, OAC ~~1301:7-7-30~~ **1301:7-7-33**, Explosives, Ammunition and Blasting Agents. The following revisions and additions, if any apply to this Article. (Ord. 2049-95.)

Chapter 2568 FLAMMABLE AND COMBUSTIBLE LIQUIDS

2568.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 34, OAC ~~1301:7-7-28~~ **1301:7-7-34**, Flammable and Combustible Liquids. The following revisions and additions, if any, apply to this Article. (Ord. 3082-86.)

Chapter 2569 HAZARDOUS MATERIALS

2569.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 27, OAC ~~1301:7-7-23~~ **1301:7-7-27**, Hazardous Materials. The following revisions and additions, if any, apply to this Article. (Ord. 2049-95.)

Chapter 2570 LIQUEFIED PETROLEUM GASES AND MAINTENANCE

2570.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 38, OAC ~~1301:7-7-36~~ **1301:7-7-38**, Liquefied Petroleum Gases. The following revisions and additions, if any, apply to this Article. (Ord. 2049-95.)

Chapter 2571 MAGNESIUM

2571.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 36, OAC ~~1301:7-7-33~~ **1301:7-7-36**, Flammable Solids. The following revisions and additions, if any, apply to this Article. (Ord. 2049-95.)

Chapter 2573 ORGANIC COATINGS

2573.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 15 & 20, OAC ~~1301:7-7-19~~ **1301:7-7-20 and 1301:7-7-15**, Organic Coatings. The following revisions and additions, if any, apply to this Article. (Ord. 2049-95**.)**

Chapter 2574 AEROSOL PRODUCTS

2574.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 28, OAC ~~1301:7-7-24~~ **1301:7-7-28**, Aerosol Products. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2575 CORROSIVES

2575.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 31, OAC ~~1301:7-7-32~~ **1301:7-7-31**, Corrosives. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2576 HIGHLY TOXIC AND TOXIC SOLIDS AND LIQUIDS

2576.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 37, OAC ~~1301: 7-7-34~~ **1301:7-7-37**, Highly Toxic and Toxic Solids and Liquids. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2578 PESTICIDE DISPLAY AND STORAGE

2578.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 27 & 37, OAC ~~1301: 7-7-39~~ **1301:7-7-27 and OAC**[WSB1] **1301:7-7-37**, Pesticide Display and Storage. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2579 PYROPHORIC MATERIALS

2579.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 41, OAC ~~1301: 7-7-40~~ **1301:7-7-41**, Pyrophoric Materials. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2581 UNSTABLE (REACTIVE) MATERIALS

2581.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 43, OAC ~~1301: 7-7-42~~ **1301:7-7-43**, Unstable (Reactive) Materials. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2582 WATER-REACTIVE MATERIALS

2582.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 44, OAC ~~1301: 7-7-43~~ **1301:7-7-44,** Water-Reactive Materials. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2592 DEFINITIONS

2592.04 (F - N).

Fire chief: See fire official.
Fire official: Means the chief of the Fire Prevention Bureau or his duly authorized representative.
High-rise building: Any building identified as a high-rise building by the ~~OBBC~~ **OBC**.
NFPA: Means the National Fire Protection Association. (Ord. 3082-86.)

Chapter 2594 OPEN FLAMES OR BURNING

2594.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 3, OAC ~~1301: 7-7-04~~ **1307:7-7-03(H) (Section 308)**, Open Flames or Burning. The following revisions and additions, if any, apply to this article. (Ord. 2049-95.)

Chapter 2596 REFERENCED STANDARDS

2596.01 Scope.

This chapter of the Columbus Fire Prevention Code shall include in its entirety, and as changed from time to time, the OFC Rule 45 , OAC ~~1301:7-7-44~~ **1301:7-7-45**, Referenced Standards. The following revisions and additions, if any, apply to this Article. (Ord. 2049-95.)

Title 29 WEIGHTS AND MEASURES CODE

Chapter 2937 HOME SOLICITATION SALES

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 ~~3937.03, paragraph (d)~~ **2937.03(d)** the seller must present to the buyer and obtain his 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.)

Chapter 2939 RETAIL ADVERTISING AND MARKETING PRACTICES

2939.02 Available stock.

No person shall advertise for sale, food, grocery products or other merchandise as being sold at a certain price unless the advertised food, grocery products, or other merchandise are in stock and readily available marked for sale at the advertised price in all of such person's stores located within the area in which food, grocery products, or other merchandise is advertised.

"In stock and readily available" means either displayed in plain sight within the person's store or capable of being obtained upon request at such store. If the merchandise is not in plain sight, adequate notice must be given in the store that the merchandise is available upon request at the advertised price.

However, it shall constitute a defense to a charge under this section if the retailer maintains records sufficient to show that the advertised products were not "loss leaders." "Loss leaders" means foods, grocery products, or other merchandise sold at a price lower than its cost.

Provided, further, that it shall constitute a defense to a charge under this section if the retailer maintains records sufficient to show that the advertised products were ordered in adequate time for delivery and delivered to the store in quantities sufficient to meet reasonably anticipated demand.

Provided, further, that there shall be no violation of this section or Section ~~3939.03~~ **2939.03** if such person clearly and conspicuously and specifically discloses in all such advertisements all exceptions and/or limitations or restrictions with respect to stores, products or prices otherwise included within the advertisements. However, general disclaimers, including but not limited to, "not available in all stores," do not comply with the requirements of this paragraph. (Ord. 1545-71.)

Title 31 PLANNING AND PLATTING CODE

Article II. Historic Preservation

Chapter 3116 HISTORIC PRESERVATION AND ARCHITECTURAL REVIEW

3116.09 Issuance of certificate.

(A) At the public hearing the commission shall issue a concept approval pending the submission of final construction drawing to be approved by the commission.

(B) At the public hearing the commission shall issue a certificate of appropriateness to the applicant if one of the following conditions applies:

(1) The alteration, construction, site improvement, or demolition is appropriate as defined by the architectural standards in C.C. 3116.11, 3116.12, 3116.13 or 3116.14, respectively, the pertinent typical architectural characteristics and such guidelines as the commission shall have adopted; or

(2) Although inappropriate such proposal due to unusual and compelling circumstances as defined in C.C. 3116.01**8** and by C.C. 3116.16 criteria affects only the subject structure and not the listed property or district generally and such certificate may be issued without substantial detriment

to the public welfare and without substantial derogation from the intent and purpose of this chapter or of the chapter pertinent to the subject property; or
(3) Failure to issue such certificate will result in a substantial economic hardship for the applicant as defined in C.C. 3116.01 and by C.C. 3116.15 criteria and such
certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this chapter or of the chapter pertinent to the subject property; or
(4) The commission fails to make a determination hereinbefore prescribed, and the certificate of appropriateness may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this chapter or of the chapter pertinent to the subject property.
(B) An affirmative vote by a majority of the members present, but in no case less than a quorum, shall cause issuance of a certificate of appropriateness.
(C) If the proposed alteration will not affect any architectural feature of the structure or listed property, the commission may, without public hearing, review the application and issue a certificate of appropriateness subject to reasonable terms and conditions. (Ord. 1515-89; Ord. 628-02 § 7.)

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 lose 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 he or she 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. ~~4113.014~~ **4113.79**. (Ord. 1515-89.)

Title 33 ZONING CODE

Chapter 3307 BOARD OF ZONING ADJUSTMENT; APPEALS AND VARIANCES

3307.12 Notice.

A. Before any meeting at which a request for a variance or special permit will be heard or decided, notice of the time and place of such meeting shall be sent by mail to the applicants, all the owners of any parcel or parcels which are the subject of the proposed variance or special permit, and all the owners of properties within one hundred twenty-five (125) feet of the exterior boundaries of the subject parcel or parcels. All such meetings shall be held on such dates and at such times as provided for by rule of the governing body.
B. Written notice of city council's public hearing on a proposed ordinance to grant a variance shall be given as provided in C.C. ~~111.31~~ **111.33**.
C. In the event the applicant secures permission from city council or the zoning committee chairperson to reschedule the public hearing after notices have already been mailed by the city clerk, applicant shall pay a service fee of fifty dollars ($50.00) to cover the cost of handling and mailing up to fifty (50) copies of a subsequent notice plus one dollar ($1.00) for each copy handled and mailed in excess of fifty (50). The city clerk shall assess such fee which shall be payable to the city treasurer.
D. The city clerk shall notify persons identified in subsection a of the hearing on a proposed ordinance to grant a variance which is rescheduled or tabled unless said ordinance was tabled or rescheduled during the original hearing to a specific date for hearing before council. (Ord. 184-94.)

Chapter 3309 ZONING MAP AND ZONING MAP DISTRICTS

3309.145 Thirty-five foot height district exception.

(A) An antenna as defined in C.C. ~~3303.067~~ **3303.01** for private, noncommercial radio communication may be erected up to a maximum height of sixty (60) feet as an exception to C.C. 3309.14(A) provided such antenna complies with the following conditions:
(1) The base of any such antenna which exceeds thirty-five (35) feet in height shall be set back from all property lines one (1) foot for every foot such antenna exceeds thirty-five (35) feet. The height shall be measured vertically from the grade level to the uppermost point of the antenna and in no case shall such height exceed sixty (60) feet nor shall such antenna be capable of exceeding the maximum height allowable under this paragraph.
(2) No more than one such antenna over thirty-five (35) feet in height shall exist at any one (1) time on any one (1) lot.

(3) Neither the antenna nor any of its appurtenant parts shall be located in a front yard or required side yard area.
(4) Prior to installation, the property owner shall first obtain:
(a) A certificate of appropriateness from the architectural review commission having jurisdiction, if any.
(b) A certificate of zoning clearance; and
(c) A building permit;
(5) The proposed installation shall at all times be in full compliance with the Columbus City Codes, the Ohio Basic Building Code and the National Electrical Code.
(6) No part of any communication antenna or its appurtenant parts including, but not limited to, lines, guys and braces, shall at any time extend across or over any part of the public right-of-way or any property line.
(7) No antenna shall have affixed or attached to it in any way except during reasonable time of repair or installation any lights, reflectors, flashers, or other illumination device, except as required by the Federal Aviation Administration or the Federal Communications Commission; or any sign, platform, catwalk, crow's nest, or like structure.
(8) Any ground supported antenna shall be protected to discourage climbing thereon by unauthorized persons.
(B) An antenna as defined in city codes 3303.01 for private, noncommercial radio communication may be erected to a height of more than sixty (60) feet but not more than seventy-five (75) feet as an exception to city codes 3309.14(A) provided such antenna complies with the following conditions:
(1) The base of any such antenna which exceeds sixty (60) feet in height shall be set back from all property lines one (1) foot for every foot of the antenna's height. The height shall be measured vertically from the grade level to the uppermost point of the antenna;
(2) The antenna complies with all provisions of A(2) through (8) above. (Ord. 2429-85.)

Chapter 3311 ADMINISTRATION OF DEVELOPMENT STANDARDS

3311.31 Application for zoning clearance.

An application for a certificate of zoning clearance shall be submitted to the administrator and shall contain the following information in addition to that required by C.C. Sections 3347.05, 3311.41, and 3311.17:
(a) Four (4) copies of a current survey of the topography of the property with a maximum contour interval of two (2) feet. A smaller contour interval may be required to accurately delimit the floodway and floodway fringe boundaries.
(b) Four (4) copies of a development plan which shall contain the following information:
(1) The location and quantity as to area covered and depths of all proposed fill and excavations;
(2) The elevations of the lowest floor, including the basement, cellar or crawl space, or all proposed buildings;
(3) Specifications for building construction and materials and floodproofing procedures as required by C.C. Section ~~4413.04~~ **Chapters 4175 and 4175.041**.
The site survey and site plan shall be prepared under the supervision of a professional engineer registered in the state of Ohio. The site survey and site plan must be submitted on base maps of the some scale, which must be a minimum of one (1) inch equals two hundred (200) feet.
(c) For development proposed within the floodway, the following additional information may be requested by the administrator for review by an approved technical institute or other governmental agency as set forth in C.C. 3311.32:
(1) A representative cross-section of the floodplain perpendicular to the direction of flow, showing the usual channel of the stream and the elevation of land areas adjoining each side of the channel of the stream and the elevation of land areas adjoining each side of the channel within the designated floodplain;
(2) Photographs of the site topography looking both upstream and downstream from the development site which show the usual channel and adjacent areas within the floodplain;
(3) The location and description of any floodway obstruction in the vicinity of the site. (Ord. 577-84; Ord. 1272-01 § 1 (part).)

3311.33 Action on application.

The administrator shall accept all properly prepared applications for zoning clearances. The administrator shall investigate all complaints, give notice of violations, and enforce the provisions of Chapter 3385 and Sections 3311.31 through 3311.33. The administrator 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. ~~Section 4113.04~~ **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 administrator 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 he shall indicate his or her approval upon a certificate of zoning clearance. (Ord. 577-84; Ord. 1272-01 § 1 (part).)

Chapter 3375 GENERAL PROVISIONS*

3375.03 Applicability.

A. This Graphics Code regulates private graphics in general, and specifically private exterior signs, both illuminated and nonilluminated, along with neon graphics and neon outline lighting, both exterior and interior, located within the city.
B. A graphic regulated by this Graphics Code shall be subject to the construction, installation and maintenance requirements of this Graphics

Code and of the Ohio Basic Building Code ~~(OBBC)~~ **(OBC)** latest edition. An electrical graphic, including but not limited to, an illuminated sign and neon graphics and outline, or effects, lighting, shall be subject to the provisions of the National Electric Code (NFPA 70), latest edition. In addition, a private exterior sign, on-premises or off-premises, shall be regulated by zoning-related standards, including but not limited to time, place and manner of display.

C. Any graphic lawfully in existence and in use prior to the effective date of the ordinance codified in this Graphics Code, or to subsequent dates of amendment, which does not conform to the provisions of this Graphics Code, may remain in use; however, such nonconforming graphic shall not be altered, rebuilt, or reconstructed, unless done in conformance to the provisions of C.C.3381.08.

D. As established by city council, there are areas within the city where graphics are regulated for special and diverse reasons:

1. C.C.3380.01 provides a mechanism for the creation by city council of an area of special graphics control. Areas of special graphics control shall be limited to any planning overlay, historic, scenic or cultural area so designated by city council. Graphic standards and design specifications for each area of special graphic control shall be included in Chapter 3380 as they are adopted.

2. In Chapter 3117, C.C., city council has established a mechanism for creating architectural review commissions having jurisdiction within a historic designated area or property as defined by Chapter 3116, C.C. An architectural review commission area shall require a certificate of appropriateness to install or alter an exterior graphic within a historic designated area or property. A certificate of appropriateness is required only within the designated areas and properties.

3. In Chapter 3359, C.C., city council has established the downtown district, and created the downtown commission to guide development within the downtown. The downtown commission shall review, based on standards contained in this Graphics Code or in an approved graphics plan, all graphics associated with any new project requiring a certificate of appropriateness as per C.C. 3359, all graphics for any project already receiving a certificate of appropriateness as per C.C. 3359, and all graphics mounted over two (2) stories or twenty-four (24) feet above grade. Within the downtown district, the downtown commission shall hear and decide all requests for variances, special permits and graphics plans, as provided in this Graphics Code.

E. Each application for a variance, special permit or graphics plan to be heard by the graphics commission shall be submitted for review to the affected area commission, architectural review commission, or other body designated by city council. Any recommendation formulated by said area commission, architectural review commission, or other body shall be made part of the record, when submitted to the graphics commission prior to or during the public hearing. (Ord. 3398-98 § 1.)

Title 39 AFFIRMATIVE ACTION CODE

Chapter ~~3901~~ **3909** Equal Opportunity Clause

3909.01 Equal Opportunity Clause.

(A) The contracting agencies of the city are directed to include the following equal opportunity clause in all ~~contacts~~, **contracts** as defined in C.C. 3901.01. The inclusion of this clause may be waived by the EBO Commission Office Executive Director where it is appropriate due to a similar clause requirement by state or federal law. The requirements contained in this clause will be considered by the Executive Director in determining whether a contractor is in compliance with this Article.

(B) Equal Opportunity Clause:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment up-grading, demotion, or termination; rates of pay or other forms of compensation; and selection for training. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices summarizing the provisions of this Equal Opportunity Clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that the contractor is an equal opportunity employer.

(3) It is the policy of the city of Columbus that business concerns owned and operated by minority and female persons shall have the maximum practicable opportunity to participate in the performance of contracts awarded by the city.

(4) The contractor shall permit access to any relevant and pertinent reports and documents ~~by~~ **to** the Executive Director for the sole purpose of verifying compliance with this Article, and with the regulations of the Contract Compliance Office. All such materials provided to the Executive Director by the contractor shall be considered confidential.

(5) The contractor will not obstruct or hinder the Executive Director or his deputies, staff and assistants in the fulfillment of the duties and responsibilities imposed by Article I, Title 39.

(6) The contractor and each subcontractor will include a summary of this Equal Opportunity Clause in every subcontract. The contractor will take such action with respect to any subcontractor as is necessary as a means of enforcing the provisions of the Equal Opportunity Clause.

(7) The contractor agrees to refrain from subcontracting any part of this contract or contract modification thereto to a contractor not holding a valid certification number as provided for in Article I, Title 39.

(8) Failure or refusal of a contractor or subcontractor to comply with the provisions of Article I, Title 39, may result in cancellation of this contract. (Ord. 1178-95.)

Chapter 3953 Policy

3953.02 City agency responsibility.

To effectuate this policy, each city agency is directed to cooperate and work with the Affirmative Action ~~Administrator~~ **Coordinator** in the performance of the duties and responsibilities imposed by this Article 7 of Title 39, and to furnish such reports as may be required. (Ord. 810-75.)

Title 41 PART I, BUILDING CODE

Chapter 4109 UNSAFE BUILDINGS AND CONDITIONS

4109.035 Evidence of service.

Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the owner pursuant to C.C~~. 4109.03~~ **4109.02** shall constitute evidence of written acknowledgment by the owner of service of notice of violation. (Ord. 1693-98 § 2.)

Chapter 4113 PERMITS AND FEES

4113.49 Special building permits--Radon mitigation.

(A) No person shall perform radon mitigation as defined and regulated by Chapter 3701-69 of the Ohio Administrative Code (OAC) to reduce the level of radon gas, within any existing building and/or structure within the corporation limits of Columbus without applying for, paying the fee for, and obtaining a building permit for such radon mitigation work from the chief building official pursuant to C.C. 4113.37.
A separate permit for radon mitigation performed during construction of a new building and/or structure shall not be required.
(B) A special building permit for radon mitigation shall be issued only to a radon mitigation contractor with a valid and current license issued by the Ohio Department of Health in accordance with ~~Chapter 3709-69 OAC~~ **OAC chapter 3701.69** or to an individual, business and/or government entity performing radon mitigation on a building or structure that the individual, business and/or government entity owns or leases.
(C) A special building permit for radon mitigation issued under this subsection does not include a permit for any of the building service equipment trades that can be associated with the radon mitigation installation in any building or structure.
(D) No person shall fraudulently or deceptively obtain or attempt to obtain a special building

4113.63 Warm air heating and ventilation permit.

A. (1) No person shall construct, install, alter, or repair any heating or ventilation equipment or system within the city without first obtaining a permit from the department to do such work and paying the fee prescribed ~~therefor~~ **therefore** in the fee schedule; nor shall the owner or person having charge of any property within the city cause or allow any such work to be done on such premises without a permit having been first obtained ~~therefor~~ **therefore** and the fee having been paid. Any ventilation system not a part of the heating system or a heating system unregulated by this section, shall require a separate permit.
(2) A permit shall be obtained only by an ~~OCIEB~~ **OCILB** heating, ventilating and air conditioning (HVAC) licensed contractor duly registered with the department or an occupying homeowner.
(3) Such permit shall be required to install, repair or replace any heating unit or fuel-fired section or ventilation unit, or to add any air outlets or heating units, such as, but not limited to, a central heating plant, conversion burner, direct-fired unit heater, space heater, portable heating appliance or floor furnace.
(4) This section shall apply to all types of heating systems, including, but not limited to, forced warm air, gravity warm air, steam, hot water and electric.
B. (a) Warm air heating and ventilation permit fees shall be required as follows:
(1) Residential Dwelling Units. One (1) warm air heating and ventilation permit fee shall be required for each 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, a separate warm air heating and ventilation permit fee shall be required for each certified address.
The permit fee for any type of ventilation system, including, but not limited to, a fan with no ducts, ducting system, air handling system, dust collecting system, supply and return air ducts, and makeup air system shall be assessed according to the total CFM installed as prescribed in the schedule of CFM fees, except as excluded in the schedule of BTU's, watts and fees, in the fee schedule.
(3) The alteration or extension of supply and return ducts where a heating and ventilation system is existing shall require a warm air heating and ventilation permit. A permit shall not be required to alter or extend one (1) duct less than ten (10) feet in an existing one (1), two (2), or three (3) family dwelling. This exemption shall not apply to in-slab ductwork. The fee for the ductwork shall be as prescribed in the schedule of duct outlet fees in the fee schedule. Alteration of an existing, multi-story building shall require a separate permit for each floor, except that all floors occupied by a single tenant shall require only one (1) permit.
(b) The minimum warm air heating and ventilation permit fee shall be as prescribed in the fee schedule.
(c) Warm air heating and ventilation permit fees shall be assessed according to the fee schedule.
(1) Permit fees for residential replacement equipment only shall include the electrical inspection of the final connection not to exceed five (5) feet beyond equipment.
(2) A warm air heating and ventilation system shall include heating units, toilet room exhaust fans not
exceeding two hundred (200) CFM, and all duct outlets and inlets. The permit shall describe devices installed and capacities of each device and

the fee which shall be based on the total installed BTU per hour shall be as prescribed in the fee schedule.
(3) Heating and ventilation permit fees for all types of ventilation systems, including but not limited to fans with no ducts, ducting systems, air handling systems, dust collecting systems, and makeup air systems shall be assessed according to the total CFM installed (except as excluded in the fee schedule).
(d) A warm air heating and ventilation permit shall be required for alteration or extension of supply and return ducts where a heating and ventilation system exists. Permit fees for the ductwork shall be assessed according to the fee schedule.
(e) A warm air heating and ventilation permit shall be required for a gas or oil conversion burner and the fee ~~therefor~~ t**herefore** shall be as prescribed in the schedule of BTU's, watts and fees in the fee schedule.
(f) A warm air heating and ventilation permit shall be required for a dual-fuel burner where equipment is and has existed but was installed and fired with one fuel on the original permit. The permit shall be for installation and firing with the standby fuel and the fee for said permit shall be as prescribed in the schedule of BTU's, watts and fees in the fee schedule.
(g) A warm air heating and ventilation permit shall be required for an infrared heater and the fee for said permit shall be assessed for the total BTU's according to the schedule of BTU's, watts and fees in the fee schedule.
(h) Warm air heating and ventilation permits shall be required for stokers and shall be assessed according to the fee schedule.
(i) A warm air heating and ventilation permit shall be required for a commercial clothes dryer and the fee for said permit shall be as prescribed in the schedule of BTU's, watts and fees in the fee schedule. No warm air heating and ventilation permit shall be required for a domestic clothes dryer under thirty thousand (30,000) BTU per hour or nine thousand (9,000) watts.
(j) A warm air heating and ventilation permit for a warm air heating device with variable input burners shall be assessed on the maximum input of the device.
(k) A warm air heating and ventilation permit shall be required for an incinerator or crematory and the fee for said permit shall be as prescribed in the schedule of BTU's, watts and fees in the fee schedule.
(l) A warm air heating and ventilation permit shall be required for a solar warm air heating system and the fee for said permit shall be based upon BTU's at four hundred (400) BTU per square feet of solar panel and shall be assessed according to the schedule of BTU's, watts and fees in the fee schedule.
(m) A warm air heating and ventilation permit shall be required for a retrofit automatic flue damper on a warm air heating device or a domestic hot water heater.
(n) A warm air heating and ventilation permit shall be required for a wood or coal burning stove connected to a central heating system, except as covered by a blanket residential permit.
(o) A wall insert heating and cooling unit, which is factory built and utilizes slide-in installation, is regulated under C.C. 4113.69. (Ord. 781-98 § 6; Ord. 1669-01 § 17.)

4113.65 Prefabricated fireplace, wood or coal burning stove permit.

No person shall construct, install, alter or repair any prefabricated fireplace or wood or coal-burning stove or add gas logs in any building within the city without first obtaining a permit from the department to do such work and paying the fee prescribed ~~therefor~~ **therefore** in the fee schedule; nor shall the owner or person having charge of any property within the city cause or allow any such work to be done on such premises without a permit having been first obtained ~~therefor~~ **therefore** and the fee having been paid. Such work shall be subject to regular heating inspection procedures. A permit shall be obtained by an ~~OCIEB~~ **OCILB** licensed heating, ventilating and air conditioning (HVAC) contractor duly registered with the department, an occupying homeowner or a department-licensed home improvement general or duly licensed limited contractor. An installation requiring interconnection with a central heating system shall be installed by an OCIEB licensed heating, ventilating and air conditioning (HVAC) contractor duly registered with the department, and shall require a heating and ventilation permit. A prefabricated fireplace or wood or coal-burning stove shall be included in a blanket permit only if included in the original application ~~therefore~~ **therefore**. (Ord. 1483-97 § 2 (part); Ord. 1669-01 § 18.)

4113.67 Environmental comfort system or heat pump system--Permit and fees.

A. An ~~OCIEB~~ **OCILB** licensed heating, ventilating and air conditioning (HVAC) contractor duly registered with the department may, at his or her 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 (5) tons shall require separate permits.
B. (a) Permit fees shall be required as follows:
(1) Residential Dwelling Units. One (1) 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 (1) 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 (5) 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 (5) tons necessitates replacement of a major component, an OCIEB 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 (5) 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.)

4113.69 Refrigeration permit.

A. (1) No person shall construct, install, alter, or repair any refrigeration equipment or system within the city without first obtaining a permit from the department to do such work and paying the fee prescribed ~~therefore~~ **therefore** in the fee schedule; nor shall the owner or person having charge of any property within the city cause or allow any such work to be done on such premises without a permit having been first obtained and the fee ~~therefor~~ **therefore** having been paid.
A distinction is made between environmental refrigeration and product refrigeration. Environmental refrigeration refers to a system or group of systems which condition air in spaces which are primarily intended for human occupancy. Product refrigeration refers to a specific system which is primarily used for the preservation, storage or sale of products or produce. The fees for environmental and product refrigeration are differentiated in the fee schedule.
A permit shall be required for the removal of any refrigeration system containing a Group 2 or Group 3 refrigerant (as defined in ANSI B 9.1). A permit for the installation, alteration, or removal of a refrigeration system containing a Group 3 refrigerant shall not be issued until after complete plans and specifications are approved by the department.
A refrigeration permit shall be required for a cooler, freezer or refrigerated building and said permit shall include all special construction required for floors, walls and ceilings. Erection of a cooler or freezer within an existing or new structure shall require only a refrigeration permit and fee, unless its size or construction, or both, is such as shall also require a building permit and fee.
Erection of a refrigerated building separate from an existing or new structure shall require a separate building permit and fee in addition to a refrigeration permit and fee.
(2) Procedure for Issuing Refrigeration Permits. Prior to the commencement of any installation, alteration, or removal of a refrigeration system for which a permit is required, an application for a permit shall be made.
(3) A permit shall be obtained only by an ~~OCIEB~~ **OCILB** licensed refrigeration contractor duly registered with the department, or an occupying homeowner. A homeowner shall not install a Group 1 refrigeration system in excess of sixty thousand (60,000) BTU or any system containing a Group 2 or Group 3 refrigerant.
Exception: An OCIEB licensed heating, ventilating and air conditioning (HVAC) contractor duly registered with the department may obtain an environmental comfort system or heat pump system permit for the installation, replacement, or repair of an environmental comfort system or heat pump system which does not exceed a capacity of five (5) tons in any occupancy or use group.
(4) An application for a permit for the installation, alteration, or removal of a refrigeration system of more than sixty thousand (60,000) BTU shall be accompanied by such plans, sketches, and specifications as are required to verify compliance with the Building Code.
(5) Exceptions: A refrigeration permit shall not be required for the installation of:
(a) A unit system for space cooling up to and including one ton (12,000 BTU) capacity used in a one (1), two (2), or three (3) family occupancy.
(b) The installation or alteration of a unit system up to and including one ton (12,000) capacity used in all other occupancies.
(c) A unit replacement only up to and including one ton (12,000 BTU) in any residential building of an R-2 or R-3 use group not over two (2) stories high, or an R-4 use group.
B. (a) Refrigeration permit fees shall be required as follows:
(1) Residential Dwelling Units. One (1) refrigeration permit fee shall be required for each 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, a separate refrigeration permit fee shall be required for each certified address.
(b) Repair of an environmental or product refrigeration system which necessitates replacement of a major component part shall require a permit and payment of a fee as prescribed in the fee schedule. For purposes of this subsection, a major component part means a nonhermetically sealed compressor, condenser, receiver, accumulator or evaporator.
(c) The minimum refrigeration permit fee shall be as prescribed in the fee schedule.
(d) For all refrigeration permit calculations twelve thousand (12,000) BTU shall be equal to one (1) ton of refrigeration or one (1) horsepower.
(e) Refrigeration permit fees for environmental refrigeration systems shall be assessed as prescribed in the fee schedule.
A refrigeration system shall include all condensing units, evaporators, and refrigeration accessories. The fee for replacement of a condensing unit shall be as prescribed in the fee schedule and shall include the electrical inspection of the final connection, not to exceed five (5) feet beyond equipment.
The permit shall describe devices installed and capacities of each device and the fee shall be based on the total installed BTU per hour per system.
(f) A refrigeration permit or a plumbing permit shall be required for each cooling tower and the fee ~~therefor~~ **therefore** shall be as prescribed in the fee schedule.
(g) A refrigeration permit or a plumbing permit shall be required for each evaporative cooler and the fee t~~herefor~~ **therefore** shall be as prescribed in the fee schedule.
(h) A refrigeration permit shall be required for each installation of product refrigeration and the fee ~~therefor~~ t**herefore** shall be as prescribed in the fee schedule.
(i) A refrigeration permit shall be required for each installation of a product refrigeration system and the fee ~~therefore~~ **therefore** shall be as prescribed in the fee schedule.
A refrigeration system shall include all condensing units, evaporators, and refrigeration accessories. The permit shall describe devices installed and capacities of each device and the fee shall be based on the total installed BTU per hour. One (1) evaporator shall be included with each condensing unit listed as a device on the permit schedule. A fee shall be charged for each additional evaporator listed on the same permit. A heat reclamation coil in conjunction with a refrigeration system shall be assessed a fee.

(j) A refrigeration permit and fee is required for:
1. Alteration of an environmental or product refrigeration system.
2. Repair of a nonresidential environmental or product refrigeration system.
(k) A refrigeration permit shall be required for a solar refrigeration system and said permit shall be based on four hundred (400) BTU per square foot of solar panel assessed according to the refrigeration schedule in the fee schedule.
(l) Wall insert heating and cooling units which are factory built and utilize a slide-in installation are considered part of a total environmental heating and cooling system. (Ord. 3031-98 § 2; Ord. 1669-01 § 20.)

4113.71 Steam and hot water heating (hydronics) permit.

A. (1) No person shall construct, install, alter or repair any steam and hot water heating (hydronics) equipment in or about any building in the city without first obtaining a permit from the department to do such work and paying the fee prescribed ~~therefor~~ t**herefore** in the fee schedule; nor shall the owner or person having charge of any property within the city cause or allow any such work to be done on such premises without a permit having been first obtained ~~therefor~~ t**herefore** and the fee having been paid.
(2) A permit shall be obtained only by an ~~OCIEB~~ **OCILB** licensed hydronics (steam and hot water heating) contractor, duly registered with the department, or an occupying homeowner.
B. (a) Steam and hot water heating (hydronics) permits shall be required as follows and the fee ~~therefor~~ t**herefore** shall be as prescribed in the fee schedule:
(1) Residential Dwelling Units. One (1) steam and hot water heating (hydronics) permit fee shall be required for each dwelling unit or separate system, whichever is fewer, for each residential building of 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, a separate steam and hot water heating (hydronics) permit fee shall be required for each certified address.
(b) Minimum Fee. For any steam and hot water heating (hydronics) permit the minimum fee shall be as prescribed in the fee schedule. Whenever modification of a steam or hot water boiler necessitates revision of the safety control sequence a ~~min imum~~ **minimum** permit fee as prescribed in the fee schedule shall be paid.
(c) The steam and hot water heating (hydronics) permit fee for a new or replacement boiler connected to a system shall be as prescribed in the fee schedule.
(d) The steam and hot water heating (hydronics) permit fee for a heating fixture or device to be attached to a steam or hot water boiler shall be as prescribed in the fee schedule.
(e) The steam and hot water heating (hydronics) permit fee for a heating fixture or device described in subsection (B)(d) above shall include, but is not limited to, the following:
air handling unit;
baseboard radiation (each ten (10) ft. or section less than ten (10) ft.);
cabinet heater;
unit heater;
ceiling radiator;
hot water coil in boiler (domestic);
pressing machine;
radiant heat (300 sq. ft. or fraction thereof);
snow melting oven (300 sq. ft. or larger);
water or steam coil.
(f) A steam and hot water heating (hydronics) permit shall be required for a gas or oil domestic or commercial conversion burner on a boiler and the fee for said permit shall be according to the BTU per hour input as prescribed in the new or replacement boiler schedule of the fee schedule.
(g) A steam and hot water heating (hydronics) permit shall be required for a dual-fuel burner where equipment is or has been existing on a boiler but was installed and fired with one (1) fuel on the original permit. This permit shall be for installation and firing with the standby or second fuel and the fee for said permit shall be as prescribed in the new or replacement boiler schedule of the fee schedule.
(h) The steam and hot water heating (hydronics) permit fee for a boiler with variable input burners shall be determined according to the maximum input.
(i) A steam and hot water heating (hydronics) permit shall be required for a stoker and the fee ~~therefor~~ **therefore** shall be as prescribed in the fee schedule.
(j) A steam and hot water heating (hydronics) permit shall be required for a retrofit automatic flue damper on a boiler and the fee ~~therefor~~ **therefore** hall be as prescribed in the fee schedule.
(k) A steam and hot water heating (hydronics) permit shall be required for a solar panel or system connected to a hot water heating system and the fee ~~therefor~~ **therefore** shall be based upon BTU's at four hundred (400) BTU per square feet of solar panel and shall be as prescribed in the new or replacement boiler schedule of the fee schedule. (Ord. 1483-97 § 2 (part); Ord. 1669-01 § 21.)

Chapter 4121 RESTRICTIONS IN FIRE ZONE 1

4121.03 Occupancies prohibited.

~~High hazard industrial, and storage buildings as defined in Chapter 4325 and aircraft hangars are not permitted in Fire Zone No. 1. (Ord. 2042-81.)~~

Provisions relating to high hazard materials use and storage may be found in the Ohio Fire Code, OAC 1301:7-7. Provisions of the Ohio Fire Code relating to aviation facilities are OAC 1301:7-7-11.

Chapter 4175 FLOOD PLAIN CONSTRUCTION

4175.01 Scope.

~~This chapter of the Columbus Building Code shall include in its entirety and as changed from time to time, Ohio Building Code (OBC) Section 1612 FLOOD LOADS. The following revisions and additions apply to this chapter. (Ord. 635-87; Ord. 0230-04 § 30.)~~
For current provisions of the OBC relating to flood hazard areas, see OAC 4101:1-16-12.3 and 4101:1-16-12.5.

Chapter 4191 AIRPORT ENVIRONS

4191.07 Structures requiring protection.
Structures to be protected shall include, but are not limited to:
(A) All residential structures (~~OBBC~~ **OBC** R-1, R-2, R-3 and R-4 occupancies); and
(B) The portion of nonresidential structures where noise-sensitive activities are conducted within the building or which are open to one or more members of the public, e.g., offices, reception areas, libraries, research facilities, meeting rooms, and similar activities. (Ord. 1138-94.)

4191.14 Ceiling criteria.

(A) Gypsum board or plaster ceilings at least one-half (1/2) inch thick shall be provided where required by the ~~OBBC~~. **OBC** Ceilings shall be substantially airtight, with minimum number of penetrations.
(B) Glass fiber, foam or mineral wool insulation at least six (6) inches thick shall be provided above the ceiling between joists. (Ord. 1138-94.)

Title 45 HOUSING CODE

Chapter 4501 DEFINITIONS

4501.45 Weeds.

"Weeds" shall mean those plant species including but not limited to, brush, vines or shrubs as listed in Chapter ~~901:5-31~~ **901:5-37-01** of the Ohio Administrative Code, titled "Noxious Weeds," and Chapter 901:5-37 of the Ohio Administrative Code, titled "Other Prohibited Noxious Weeds," and thistles, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak, grass or other plant species of rank growth which may potentially create, directly or indirectly, an unhealthy or unsafe condition. (Ord. 859-01 § 43.)

Chapter 4509 ENFORCEMENT; NOTICE; PENALTIES

4509.90 Procedures for finding a public nuisance.

Whenever the director determines that there are reasonable grounds to believe that a public nuisance exists, or when notices issued pursuant to Sections 4509.02, ~~4513.04~~ **4513.07** or 4515.03 do not alleviate such determination, the director may:
(A) 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. The procedures to be followed will be pursuant to the Ohio Rules of Civil Procedure; or
(B) Cause to be filed in the environmental division of the Franklin County municipal court a misdemeanor criminal complaint. The procedures to be followed will be pursuant to the Ohio Rules of Criminal Procedure; or
(C) Notify the chairman of the board of nuisance abatement, who shall cause a hearing to be held by the board of nuisance abatement on the question of the existence of a public nuisance pursuant to Chapter 4701. (Ord. 1692-98 § 10: Ord. 374-06 § 13.)

Title 47 NUISANCE ABATEMENT CODE

Chapter 4701 ADMINISTRATION AND ENFORCEMENT

4701.09 Notice of violation.

A. Whenever the director determines there exists a public nuisance as defined in Section ~~4703.01(E)~~, **4703.01 (F)** he or she 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:
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.)

Chapter 4705 SAFE NEIGHBORHOOD REVIEW BOARD

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(E)~~ **4703.01 (F)** exists, he or she shall cause the suspected public nuisance to be inspected. If the inspection produces evidence that supports the director's determination, the director may:
1. Not withstanding 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 chairman 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. Not withstanding 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 his or her 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 he or she 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.)

Chapter 4707 SECURING OF VACANT STRUCTURES

4707.03 Standards for securing and maintaining vacant buildings.

A vacant building or structure shall be secured in accordance with all of the following requirements:
A. All windows, doors, openings, or holes in the structure shall be covered with minimum one-half (1/2) inch weather protected CDX plywood tightly fitted to the exterior of the opening; and
B. The CDX plywood shall be attached with appropriate length galvanized bolts or two (2) inch galvanized screws; and shall be painted to be compatible with the exterior of the structure; and
C. The roof and flashing shall be sound, tight, and not have defects that admit water. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. The use of sheets of plastic or tarpaulins or similar materials does not satisfy the requirements of this paragraph;
D. All graffiti shall be removed; and
E. The vacant building or structure and premise shall be maintained in compliance with~~;~~**:**
1. ~~Title 700~~, **Title 7** the Health Safety and Sanitation Code as it relates to interior and exterior sanitation, infestation, and high grass and weed requirements C.C.C. § 705.03, C.C.C. § 707.03, C.C.C. § 709.03, and C.C.C. § 713.03; and,
2. Title 45, the Columbus Housing Code C.C.C. § 4521.04, C.C.C. § 4525.01, C.C.C. § 4525.03, C.C.C. § 4525.08, C.C.C. § 4525.11, C.C.C. § 4525.13, C.C.C. § 4525.14; and,
3. Title 9, the Streets, Parks and Public Properties Code as it relates to the maintenance of the public sidewalks adjacent to the premise and house number requirements, C.C.C. § ~~905.04~~ **905.06**, and C.C.C. § 907.01. (Ord. 0946-04 § 2 (part); Ord. 897-05 § 4 (part): Ord. 374-06 § 5.)