

Pride ~ Progress ~ Possibilities

**Riverside Municipal Building
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

March 16, 2023

Council Meeting

6:00 P.M.

City Council

PETER J. WILLIAMS, MAYOR

MIKE DENNING
APRIL FRANKLIN
BRENDA FRY
ZACHARY JOSEPH
SARA LOMMATZSCH
JESSE MAXFIELD

Josh Rauch, City Manager

Katie Lewallen, Clerk of Council

Calendar for year 2023 (United States)



January

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Council meetings in aubergine.

Work sessions in pale yellow.

- Jan 1 • New Year's Day
- Jan 2 • 'New Year's Day' day off
- Jan 16 • Martin Luther King Jr. Day
- Feb 20 • Presidents' Day
- May 29 • Memorial Day

- Jun 19 • Juneteenth
- Jul 4 • Independence Day
- Sep 4 • Labor Day
- Oct 9 • Columbus Day
- Nov 10 • 'Veterans Day' day off

- Nov 11 • Veterans Day
- Nov 23 • Thanksgiving Day
- Dec 25 • Christmas Day

AGENDA

Please place all cell phones in silent mode before the meeting begins.

RIVERSIDE CITY COUNCIL

**Riverside Administrative Offices
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

**Thursday, March 16, 2023
Business Meeting 6:00 P.M.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) EXCUSE ABSENT MEMBERS
- 4) ADDITIONS OR CORRECTIONS TO AGENDA
- 5) APPROVAL OF AGENDA
- 6) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- 7) OATH OF OFFICE:
 FULL-TIME FIREFIGHTERS – Justin Veverka, Joshua Lipps, Ian Wilson
 POLICE OFFICERS – James Ohlinger, Brandon Newton
- 8) MINUTES – Approval of minutes from the March 2, 2023, council business meeting.
- 9) ACCEPTANCE OF CITIZEN PETITIONS
- 10) DEPARTMENT UPDATES:
 - A) Police Department
 - B) Fire Department
 - C) Public Service Department
 - D) City Manager Report
- 11) PUBLIC COMMENT ON AGENDA ITEMS
- 12) OLD BUSINESS
 - A) ORDINANCES

*If you need special accommodations to attend this meeting,
please notify the City of Riverside at least 72 hours in advance by calling 937.233.1801.*

- I) **Ordinance No. 23-O-820** – An ordinance amending Section 351.03 Prohibited Standing or Parking Places of the Unified Development Ordinance (UDO) of the City of Riverside, Ohio. (2nd reading, public hearing, adoption)
- II) **Ordinance No. 23-O-821** – An ordinance amending Chapter 131 Public Health and Safety Commission of the City of Riverside, Ohio. (2nd reading, public hearing, adoption)

13) NEW BUSINESS

A) ORDINANCES

- I) **Ordinance No. 23-O-822** – An ordinance to approve current replacement pages to the Codified Ordinances of Riverside, Ohio, and declaring an emergency. (1st reading)
- II) **Ordinance No. 23-O-823** – An ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2023, and declaring an emergency. (1st reading)

B) RESOLUTIONS

- I) **Resolution No. 23-R-2833** – A resolution authorizing the city manager on behalf of the City of Riverside to execute participation forms related to the new National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart.

C) DISCUSSION ITEM – Elected Official Compensation

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

15) COUNCIL MEMBER COMMENTS

16) ADJOURNMENT

MINUTES

CALL TO ORDER: Mayor Williams called the Riverside, Ohio, City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, absent; Ms. Lommatzsch, present; Mr. Maxfield, absent; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; Jon Freeman, Legal Representative; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Deputy Mayor Lommatzsch moved, seconded by Mr. Denning to excuse Mr. Joseph and Mr. Maxfield from the council meeting. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made to the agenda.

APPROVAL OF AGENDA: Mr. Denning moved, seconded by Mrs. Franklin, to approve the agenda. All were in favor. **Motion carried.**

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Williams led the pledge of allegiance.

PRESENTATION: Mr. Brandon Policicchio, RTA Chief Customer and Business Development Officer, presented an update on RTA and upcoming plans involving Riverside. He discussed the Tapp Pay programs that allows customers to save money and pay no more than a max daily or monthly rate. He stated there are 18 bus routes with over 2,500 stops running seven days a week. He reviewed the On-Demand, Paratransit, and 5310 Programs. He presented their current services and how they are looking to expand services in Riverside. This will be accomplished through more frequent, direct and easy to use multi-mobility options. The program will increase connectivity to within at least ¼ mile of all services. The redesign will reach 80 percent of individuals living in poverty, 85 percent of jobs, and 100 percent of major hospitals in Montgomery County. It will also, through a combination of programs, continue to be available to 100 percent of the 65 and older population and individuals with disabilities in the county. He presented the current plan they are out for public feedback on, and it primarily focuses on services in Riverside. They are adding an east connector. This service they are proposing in the redesign are meant to allow people to connect between routes and not have to come downtown in order to get people where they need to go. This east connector will go up to Huber Heights and down to the Meijer at Stroop and Woodman. They feel this will allow people to better connect throughout the entire system, especially in Riverside.

Ms. Fry asked if the paratransit and the other option that is more expensive than the regular bus allows for those customers to get the same max cap on monthly fees. Mr. Policicchio replied that they do. The same fare program applies for those programs. No one will be charged more than \$7 per day.

Mayor Williams asked how the city could help share RTA services and expanded things they are doing for Riverside and the region. Mr. Policicchio stated it does help for the communities to get the word out. RTA can get materials to the community and identify key points along the service expansion to places people want to go. RTA can reach its current customers, but the city can get information out to all of the community.

Ms. Fry asked regarding the objective of getting within a quarter of a mile of 70 percent of the residents what is the best path forward for that remaining 30 percent. Mr. Policicchio stated that if they look at the map that program has really allowed them to reach more of the county. When they are looking at some of the areas in the county, they are talking about really rural areas. They do go out to Farmersville, which has very low usage. They are aware of transportation needs out there and those are typically medically related. It is reaching out with jurisdictions and seeing what they can do to help them. They are covering a large amount of the population when looking at the map of RTA coverage. The very west side of the county is where they don't have a lot of coverage where it gets very rural. They work with the county and other transportation providers to fill in those needs. Eventually, their goal is to get to 100 percent coverage, but sometimes it is best for their resources to be located where the density is. Ms. Fry stated as they make plans for the future, how can they help each other and work in concert. Mr. Policicchio stated they have a great communication relationship with Riverside. It is important to have RTA involved at beginning discussions of where economic development is happening and making sure things are aligned where transit is running. They can't be everything to everyone, but when they are talking about critical development and job sites it is important to have RTA on at beginning conversation.

Mrs. Franklin asked how in other areas of the country bus systems go through shopping centers why RTA does not do that. Mr. Policicchio stated it has to do with those entities and not wanting that. She stated she was concerned because there are older people who cannot walk down to the bus stop and knew there must be a reason why it isn't happening here. Mr. Policicchio stated that is something they can help with by echoing that to the other entities. Meijer does have a stop as well as Eastown Shopping Center. He added that it really depends on the owner of the property. They are all for going to the door. Mayor Williams stated that he would like to know if there was data for some of the high school kids that rely on the RTA, and what kind of ridership they see from their high schools. He added if there was anything on the coordination side for them to assist to make it easier for kids to get to and from school. Mr. Policicchio stated they do that that data.

Ms. Fry asked about the community bus program. Mr. Policicchio stated that it is coming. There are a total of 21 community buses that are going out; 12 are out right now. It was to roll out quicker, but there was a vinyl shortage. The Riverside community bus is on its way. He added that if the city has a community event or a parade and they let RTA know in advance, they can come to those things and use them as cooling/warming stations or utilized for what they may need. He stated that bus will run for 10 – 12 years.

Deputy Mayor Lommatzsch stated that a number of residents use the Soin hospital. She is aware the bus goes out to that area but stops over by Walmart. She asked if the hospital could be a stop in the future. Mayor Williams asked if this is something they could advocate to Kettering Network on behalf of the citizens for RTA. Mr. Policicchio replied that would be good to take that angle. He added they do have plans, and right now, they have limited trips to the Soin Hospital. They are working with Wright State to put a charging station at Wright State. They have limited trips there, now. Their trolley buses are normally all out on the road everywhere, but they are going through a huge infrastructure rebuild and that is why they are not out as much. The charging station will allow them to go out on every trip to the pentagon area with their trolley buses. It will be a helpful conversation to have. Discussion continued on getting a stop at the hospital.

MINUTES: Mr. Denning moved, seconded by Mrs. Franklin, to approve the minutes of the February 9, 2023, council work session, and the February 16, 2023, council business meeting. All were in favor. **Motion carried.**

WRITTEN CITIZEN PETITIONS: Mayor Williams stated that any citizen wishing to speak should fill out a petition form and turn it in to the clerk.

DEPARTMENT UPDATES:

A) Finance Department – Mr. Garrett stated they have finished getting out all of the end year tax reporting forms. They are using the new software and have gone through three payrolls and a couple of check runs. There is a lot more to learn with the new system. In the packet they had more details reports than the old system. Next week, they will renew the Wright Point note. CCA has been helping them out a bit. In January, they received just over \$1.0 million in income tax collections, and in February, they received about \$650,000. It is a little early to predict a trend as it is tax filing season. Deputy Mayor Lommatzsch stated there has been some positive feedback on people getting their help with taxes in the city. Mr. Garrett stated that CCA was in yesterday and had about 20 appointments. They will be back in late March and April 14.

B) Administration Department – Mr. Lohr stated that the aggregation project is moving forward. The public notices for the required meetings for the plan of governance of each aggregation program on March 20, 2023. The electric aggregation will be at 10:00 am with the natural gas following. The second set of meetings will be at

6:00 pm the same day. It was scheduled this way so people can have the option of a morning or evening meeting. He stated that once the hearings are complete, they can get the legislation on the calendar for the first meeting in April. Mr. Rauch stated that there would be a resolution making them a member of SOPEC, and there would be two ordinances that would adopt the plan of governance. Once that passes, they will be in the group and the next time they go out for bid and get aggregation proposals they will then be part of that.

C) Community Development Department/City Manager Report – Mr. Rauch stated that Kroger is on track for their March 10, 2023, opening. New mast arms have gone up for the new traffic signal out there. Timing is up in the air as a power connection needs to be run to a pole on the west side before signals can be put up. They are trying to get that done as quickly as they can. He reported on research for council compensation. A number of staff and council have provided information and the City of Sidney does a study themselves every two years. They have about 33 peers where they have compared elected officials compensation. The current amounts for council are \$4,000/year, and the mayor is \$6,000/year. This is the same amount since the city was established in 1995. When compared to the 33 peer communities they are in the bottom five. He ran those amounts through the Bureau of Labor Statistics to what they should be with inflation in 2023, and they are all pretty much doubled. He stated the main takeaway is \$8,000/year for council and \$12,000/year for the mayor are closer to the median and average within the 33 peer communities. He is aware that some on council asked if they could index those amounts maybe to the minimums that OPERS requires for eligibility and the retirement system. He will talk to legal counsel regarding that. He believes there is room to adjust council salaries given the time that has gone by, the impact of inflation and where they are, with regard to comparable communities. He stated if council wants to move forward with it, they need to have an ordinance adopted and approved by the end of April in order to make the next cutoff for the election cycle. Any change to salary becomes effective following the next election. Discussion was held on the election cycle and the next seats that would see the increase. Mr. Rauch stated he could add this as a discussion item for the meeting on March 16, 2023. If they wait until April, they may not make the cutoff for having the ordinance in place.

Mayor Woodman pointed out that they have had challenges getting people to run for office or even volunteer on the boards and committees. He stated it may not fix everything, but it is a step in the right direction for filling council seats.

Ms. Fry stated that as part of her decision making she would like to know if there is data that supports the mayor's suggestion that it might help recruitment. She would also want some information about the timing of staff's comp study and when will staff see adjustments in their pay. Mr. Rauch stated he could get them that.

Everyone agreed on information coming forward as a discussion item for the next council meeting on March 16, 2023.

Mr. Denning asked if they wanted to index this is so that this doesn't happen again to vote on, it will just automatically go up when OPERS goes up. He does not care what it is indexed at, but wants to make sure they are able to. He is unsure if the way the charter reads they can do that. If not, then perhaps it goes on council's agenda to reevaluate every five years. Mrs. Franklin commented that they look at it every year to see if the OPERS cap has changed and if council pay has not reached that, then council can consider it at the beginning of the year. Mr. Denning stated then they would not get it until the next election cycle. Mayor Williams stated it is impossible to give themselves a raise, it is goes into effect when the seat is filled next election. Mr. Denning stated he does not do this for the money; he does it for the community and to make things happen for the city. There is a certain amount of time spent doing things. Compensating even a little is helpful to people. At first, he was against it, but he checked the numbers like the city did. At this point, they should double everyone's and move forward if they are not allowed to index and then the council in 10 years to look at it.

PUBLIC COMMENT ON AGENDA ITEMS: Mayor Williams stated that no one turned in a form to speak on agenda items.

NEW BUSINESS

A. ORDINANCES

- I) **Ordinance No. 23-O-820 – An ordinance amending Section 351.03 Prohibited Standing or Parking Places of the Codified Ordinances of the City of Riverside, OH. (1st reading)**

Mr. Denning moved, seconded by Mrs. Franklin, to approve the first reading of Ordinance No. 23-O-820. The clerk read the ordinance by title only.

Mayor Williams stated he was not present for the work session, but he did read the minutes and watch the video.

Roll call: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion passed.**

- II) **Ordinance No. 23-O-821 – An ordinance amending Chapter 131 Public Health and Safety Commission of the City of Riverside, Ohio. (1st reading)**

Mr. Denning moved, seconded by Mrs. Franklin, to approve the first reading of Ordinance No. 23-O-821. The clerk read the ordinance by title only.

Mr. Denning stated he read through it, but he did not believe that a member of council should be a voting member of Health and Safety. They should have five volunteer members and an ex-officio member of council to be there and answer any questions. This person can also come back and tell council what is going on. Mrs. Franklin stated either way does not bother her. Planning Commission and BZA votes change policy, but other boards and commissions don't change policy. Discussion continued on getting more citizen involvement. Ms. Fry asked if five was a viable number to get on the commission in the past. Mr. Rauch replied it depends. The proposed number of five is down from the seven; and they have had a hard time getting seven. Discussion continued about having four citizens and one council member versus five citizens. Mayor Williams asked if there were compelled to have a council member on the commission. Ms. Fry stated that the wording of what is before them says "may" have a council member appointed. Everyone was fine with that wording. Mr. Denning stated if they get five community members then they do not have to appoint someone from council.

Roll call: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion passed.**

NEW BUSINESS

A. RESOLUTIONS

- I) **Resolution No. 23-R-2828 - A resolution recognizing Fisher/Nightingale House, Inc. as a function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.**

Mr. Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 23-R-2828.

All were in favor. **Motion carried.**

- II) **Resolution No. 23-R-2829 - A resolution appointing representatives to the Ohio Benefits Cooperative Council.**

Mr. Rauch stated that since they are now a part of the Ohio Benefits Cooperative Council, they need to send two staff members to represent the city. The resolution appoints Mrs. Elayna Myers and Mr. Chris Lohr as representatives.

Deputy Mayor Lommatzsch moved, seconded by Mr. Denning, to approve Resolution No. 23-R-2829.

All were in favor. **Motion carried.**

III) Resolution No. 23-R-2830 - A resolution authorizing the city manager to enter into an agreement with McGohan Brabender for Insurance Brokerage and Consulting Services.

Mr. Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 23-R-2830.

All were in favor. **Motion carried.**

IV) Resolution No. 23-R-2831 - A resolution authorizing the city manager to enter into a revised professional service agreement with 'Projects West, Inc.' an Ohio for profit corporation, DBA Downing Community Advisors (DCA), for the purpose of including the conditions of a grant award.

Mr. Rauch stated that Ms. Minnich worked with Jobs Ohio to get the city a \$25,000 economic development grant that can be applied towards consultant services they have been using to position the Wright Point buildings and other key parcels the city owns for redevelopment. As part of the agreement, Jobs Ohio required the city to expand the scope of the agreement, paying more for the services provided. That puts them at the \$50,000 threshold, which requires council approval. By approving it will authorize them to accept the grant award and continue the work with the consultant.

Deputy Mayor Lommatzsch moved, seconded by Mr. Denning, to approve Resolution No. 23-R-2831. Deputy Mayor Lommatzsch stated it was a good opportunity to thank Ms. Minnich for the many outreach efforts she has been a part of, correcting situations, fixing things, and creating things.

All were in favor. **Motion carried.**

V) Resolution No. 23-R-2832 - A resolution adopting a strategic plan for the City of Riverside.

Mr. Rauch stated this resolution adopts the strategic plan, the final deliverable that came out of the process from WBI last year.

Mr. Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 23-R-2832. Mayor Williams thanked WBI for how they helped them.

All were in favor. **Motion carried.**

PUBLIC COMMENT ON NON-AGENDA ITEMS: Mayor Williams stated that one form had been turned in to speak on a non-agenda item. He invited Ms. Gangloff to come forward and state her name and address and to keep her comments to three minutes.

Ms. Eva Gangloff, 4301 Beach Haven Court, Riverside, Ohio, stated she has been a resident at the address for the last 22 years, but this is the first time to a meeting and thanked council for what they do on behalf of the residents. She stated she felt a bit demoralized from the zoning decision on the Allen Farm on Union Schoolhouse Road. She understands notification was made to people around that property sometime in November of last year. She learned about it through the Dayton Daily News; she feels not enough was done to notify people who are going to be most impacted in that neighborhood. She is concerned about congestion as her two teens will be learning how to drive over the next several years and her older children come to visit. She asked if the city could provide her with statistics for car accidents that occur at Union Schoolhouse Road and Valley Street. She commented on the number of accidents that happen there. She is concerned that council chose to change the zoning as single housing would have been okay with her. She feels they took a step too far to change it to PUD zoning as it says to her they are more concerned with packing people in on that property rather than making it better for all the residents. She stated that as much as she knows they need multiple housing for the greater good, she doesn't think that is the site for it. She is not happy with their decision and will be looking for ways to appeal the decision. She thinks there was an overreach there in changing the zoning. She asked what the council did to notify people of this where they made the community aware this was on the agenda and if that lack of notification or just notification was the normal process because as a citizen she wants to know when things like this come up in the future. She wants to know what kind of changes are made to her neighborhood. She feels that she was cut out of this as a citizen as it happened in winter around Christmas when many neighbors don't see one another. She reiterated that she would like to know the accident statistics and the standard practice of notification.

Mayor Williams stated he doesn't believe they will have the statistics ready tonight, but they can look into it. He stated they can explain the public notice requirements and what they did for both planning commission and for council. Mr. Rauch stated they followed their process of notifying all residents that fell within the 300' radius of the subject property parcel. Everything was listed publicly on agendas for planning commission and city council. The customary process and what is required by both city code and the Ohio Revised Code was followed. He stated he could provide more information about which properties were included in the 300' radius or any other way the city can be helpful. Mayor Williams stated if anyone ever wonders about some of the questions that get asked and they don't have answers to right away, they can email the city manager or email a council member and they will forward to the city manager. There is a very prescribed process for public meetings that council holds and zoning and appeals that happen on a specific property that the Ohio Revised Code has standards that the city must follow in the interest of transparency and the law. He added that property owners came to the council meeting requesting information and he feels like they went above and beyond to know everything that could possibly happen and when it may happen.

He stated that they encourage the public to let them know when they have questions as they can only answer them when they know about them.

COUNCIL MEMBER COMMENTS: Mayor Williams stated that he would like to recognize a very special guest, Mr. James Ater. James is a member of Boy Scout Troop #329, a troop his sons are a member of, and he is also the nephew of a councilmember Brenda Fry. He invited James to the podium to share what merit badge he is working on. James stated he is getting information on what is happening in the City of Riverside. He is working on his citizenship and community merit badge. Mayor Williams stated he hopes that James will encourage other members of his scout troop to attend a City of Riverside meeting. He added that his sons probably should have come to a meeting before he did. He was provided a copy of the RTA presentation to show his attendance at the meeting. Mayor Williams stated the St. Helen's Fish Fry is next Friday and Saturday.

Ms. Fry thanked James for coming to the meeting. It was wonderful to talk to him about what it is like to participate in your community and being on council. She looks forward to other scouts taking the same opportunity. She thanked everyone who participated in the recent blood drive. It is one of her favorite ways of engaging with the community and being of service. The next blood drive is in eight weeks.

Deputy Mayor Lommatzsch stated the RTA was a big deal this morning. She stated there is a training opportunity on May 17, 2023; MVRPC and Emergency Management are putting together a workshop. With the train wreck issue in Ohio, and many people remembering the train wreck back in 1986 in Miamisburg, they are going to be sure that everyone has updates and has reviewed the programs. She is going to try and attend and asked if a staff member could attend; it is free. She stated that the Eintracht has their fish fry tomorrow night.

Mr. Denning stated he was sitting in the parking lot at Stebbins High School at 3:00 pm to pick up his grandson when the tornado sirens went off. He stated that staff came out and brought all the parents inside of the high school. The parking lot was full. Staff came out and ushered them into the building to protect the community and citizens. He stated it was good they did that, and that St. Helen's and Carroll did the same thing. He added that the community cares about the community; he thanked the schools for Stebbins staff doing what they did. Mayor Williams stated it is wonderful to hear, but not surprising at all.

ADJOURNMENT: Mr. Denning moved, seconded by Mrs. Franklin, to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 7:00 pm.

Peter J. Williams, Mayor

Clerk of Council

CITY COUNCIL
CALENDAR

2023 COUNCIL CALENDAR

February 9, 2023 – Work Session

- Ordinance: Parking in front of mailboxes (Frank)
- Strategic Plan
- Health and Safety – Code changes for Council ex-officio
- Land Use Plan preview/update
- Update on Engineering Services RFQ
- Aggregation Update

February 16, 2023

- Monthly Update: Police, Fire, Public Services, and CM Report
- Ordinance: 7544 Union Schoolhouse Rd. Rezoning (2nd Reading)
- Ordinance: TO Update – EMT Basic (2nd Reading)
- Resolution: Bob Chiles Golf Outing
- Resolution: Engineering Services
- Resolution: Surplus Items

March 2, 2023

- Monthly Update: Finance, Administration, Community Development, and CM Report
- Presentation: RTA
- Ordinance: Parking Code Update (1st Reading)
- Ordinance: Health and Safety Update (1st Reading)
- Resolution: Fisher-Nightingale Houses All-American Evening
- Resolution: OBC Representatives
- Resolution: Downing Group/Jobs Ohio Agreement
- Resolution: Benefits Administration Broker
- Resolution: Strategic Plan Adoption

March 9, 2023 – Work Session - CANCELLED

March 16, 2023

- Monthly Update: Police, Fire, Public Services, and CM Report
- Presentation: Oath of Office for Full-Time Firefighters; Oath of Office for Police Officers
- Ordinance: Parking Code Update (2nd Reading)
- Ordinance: Health and Safety Update (2nd Reading)
- Ordinance: Codification of Riverside Code (1st reading)
- Ordinance: Supplemental (1st reading)
- Resolution: New National Opioid Settlement (Teva, Allergan, CVS, Walgreens, Walmart)
- Discussion Item: Elected Official Compensation

2023 COUNCIL CALENDAR

April 6, 2023

- Monthly Update: Finance, Administration, Community Development, and CM Report
- Ordinance: Codification of Riverside Code (2nd reading)
- Ordinance: Electric Aggregation Plan of Governance (1st reading)
- Ordinance: Natural Gas Aggregation Plan of Governance (1st reading)
- Ordinance: Elected Official Salaries (Emergency) (1st reading)
- Ordinance: Supplemental (2nd reading)
- Resolution: Medic Purchase
- Resolution: Necessity for Assessments (Lynnhaven/Meyer Curb/Gutter)

April 13, 2023 – Work Session

- Revised Property Maintenance Code Update
- Stormwater Utility Fee Update
- CRA Technical Correction for Central and South CRAs

April 20, 2023

- Monthly Update: Police, Fire, Public Services, and CM Report
- Ordinance: Electric Aggregation Plan of Governance (2nd reading)
- Ordinance: Natural Gas Aggregation Plan of Governance (2nd reading)
- Ordinance: Elected Official Salaries (Emergency) (2nd reading)
- Resolution: SOPEC

May 4, 2023

- Monthly Update: Finance, Administration, Community Development, and CM Report

May 11, 2023 – Work Session

May 18, 2023

- Monthly Update: Police, Fire, Public Services, and CM Report

June 1, 2023

- Monthly Update: Finance, Administration, Community Development, and CM Report

LEGISLATION



MEETING DATE: March 16, 2023

AGENDA ITEM: Old Business

TO: Riverside City Council

FROM: Frank Robinson, Chief of Police

SUBJECT: 23-O-820 An ordinance amending Section 351.03 Prohibited Standing or Parking Places of the Codified Ordinances of the City of Riverside, Ohio.

EXPLANATION

Due to a number of complaints of parked vehicles in front of mailboxes and mail not being delivered, it has been determined to update Section 351.03 Prohibited Standing or Parking Places of the City of Riverside Codified Ordinances to add no parking within ten feet of another property owner's mailbox between the hours of 8:00 am and 5:00 pm.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Exhibit A

23-O-820

AN ORDINANCE AMENDING SECTION 351.03 PROHIBITED STANDING OR PARKING PLACES OF THE CODIFIED ORDINANCES OF THE CITY OF RIVERSIDE, OHIO.

WHEREAS, the City of Riverside has previously enacted Section 351.03 Prohibited Standing or Parking Places; and

WHEREAS, the City of Riverside desires to amend Section 351.03 to add language prohibiting parking a motor vehicle in front of a mailbox between the hours of 8:00 am to 5:00 pm; and

WHEREAS, the Riverside City Council finds that parking of vehicles in the proximity of mailboxes within the municipal boundaries of the City of Riverside has the ability to negatively affect public health, safety, and welfare, if not appropriately regulated; and

WHEREAS, the Council of the City of Riverside, Ohio has determined that it is in the City's best interest to incorporate the changes to better manage the City's public parking resources by amending Section 351.03.

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

Section 1: That Section 351.03 Prohibited Standing or Parking Places be amended as set forth in Exhibit "A" attached hereto and incorporated herein as is fully set forth is hereby enacted.

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

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

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

23-O-820

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-820 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day
_____.

CLERK

351.03 - *Prohibited standing or parking places.*

(a) No person shall stand or *park* a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (1) On a sidewalk, curb or street lawn area, except a bicycle;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or *parking* would obstruct traffic;
- (12) Alongside any vehicle stopped or *parked* at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (14) At any place where signs *prohibit* stopping, standing or *parking*, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (15) Within one foot of another *parked* vehicle;
- (16) On the roadway portion of a freeway, expressway or thruway;

(17) Any public or private area designated and posted as a fire lane.

(18) Within ten (10) feet of another property owner's mailbox between the hours of 8:00 am and 5:00 pm.

(b) (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.68)

(2) Whoever violates subsection (a)(17) hereof is guilty of a misdemeanor of the fourth degree.



MEETING DATE: March 16, 2023

AGENDA ITEM: Old Business

TO: Riverside City Council

FROM: Josh Rauch, City Manager

SUBJECT: Ordinance No. 23-O-821 – An ordinance amending Chapter 131 Public Health and Safety Commission of the City of Riverside, Ohio.

EXPLANATION

Over the last several months, the City has experienced reduced volunteer interest in serving on the Public Health and Safety Commission (Health & Safety). The Commission currently has no active members. The City deferred action on Health & Safety until the conclusion of the 2022 strategic planning process.

The attached ordinance makes three key changes to Health & Safety:

- Reduces Commission size from 7 to 5 members to make filling vacancies easier.
- Provides for a Council seat on Health & Safety as one of the five members.
- Clarifies that the City Manager or City Manager’s designee may serve as ex-officio.

These changes will help provide increased Council oversight of the Commission and reduce volunteer requirements to fully staff Health & Safety. If adopted, City Council and staff can begin recruiting volunteers and establish a framework for the Commission that aligns with the City’s Strategic Plan.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Exhibit A – Chapter 131 revisions

23-O-821

AN ORDINANCE AMENDING CHAPTER 131 PUBLIC HEALTH AND SAFETY COMMISSION OF THE CITY OF RIVERSIDE, OHIO.

WHEREAS, the City of Riverside established a Public Health and Safety Commission after incorporation in 1995; and

WHEREAS, the City has experienced difficulty attracting and retaining volunteers to serve on the Public Health and Safety Commission; and

WHEREAS, the Council of the City of Riverside, Ohio has determined that the composition of the Public Health and Safety Commission should be adjusted to improve its viability and connection to the City's strategic objectives.

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

Section 1: That Chapter 131 Public Health and Safety Commission be amended as set forth in Exhibit "A" attached hereto and incorporated herein as is fully set forth is hereby enacted.

Section 2: That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-821 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day _____.

CLERK

CHAPTER 131 - PUBLIC HEALTH AND SAFETY COMMISSION

131.01 - Creation and membership.

- (a) There is hereby created a Public Health and Safety Commission for the City. The Commission shall consist of ~~seven~~ **five** members to be appointed by Council. **The Council may appoint one of its members to serve on the Public Health and Safety Commission.** Membership shall be open to any resident elector of the City.
- (b) Each member shall serve terms of three years, ~~except that members first appointed shall be appointed so that the terms of three members will expire after three years, the terms of two members shall expire after two years and the term of two members shall expire after a one year term.~~ **Two members shall serve terms ending in odd-numbered years, and three members shall serve terms ending in even-numbered years.** Any member who misses three consecutive meetings without being excused by a majority of the Commission may be declared inactive by Council and replaced as provided above.
- (c) The City Manager, **or the City Manager's designee**, shall be an ex-officio member of the Commission without the right to vote.
- (d) Membership on the Commission shall be honorary, and ~~the members;~~ shall serve without compensation.

131.02 - Organization.

The Public Health and Safety Commission shall organize, elect a chairperson by majority vote of its members and adopt such rules and regulations as may be necessary for the efficient and effective conduct of its business provided that such rules and regulations shall not be in conflict with the ordinances and Charter of the City and the laws of the State of Ohio.

131.03 - Purpose.

The purpose of the Public Health and Safety Commission shall be as follows: to study, consider and recommend to the City Manager programs, actions and activities relating to the enhancement of the public health, safety and environment of the City.

131.04 - Powers and duties.

The Public Health and Safety Commission may perform and exercise the following powers and shall have the following duties:

- (a) Elect a chairperson.
- (b) Adopt rules and regulations for the conduct of the Commission.
- (c) Establish and appoint such subcommittees as may be deemed necessary.
- (d) Advise the City Manager on such items as may be related to its purpose.
- (e) Cooperate with other boards and commissions and other governmental bodies and agencies, and with the City Manager.

- ~~(f) Furnish to the City Manager an annual report on or before October 1st of each year, beginning in 1996, which shall include a review of the past year's activities, the goals and objectives for the next year, and any budget request for the upcoming fiscal year.~~
- (g) Keep official minutes of its meetings. Copies of minutes shall be forwarded to the City Manager.
- (h) All meetings of the Commission shall be held in accordance with the open meetings ordinance **open to the public and held in accordance with applicable local and state laws regarding open meetings.**



MEETING DATE: March 16, 2023

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Katie Lewallen, Clerk of Council

SUBJECT: 23-O-822 An ordinance to approve current replacement pages to the Codified Ordinances of Riverside, Ohio, and declaring an emergency.

EXPLANATION

This is the annual housekeeping of updating our codified ordinances with legislation that has passed since the last codification, including state law (general offenses) and traffic code.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Exhibit A and Exhibit B

23-O-822

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF RIVERSIDE, OHIO, AND DECLARING AN EMERGENCY.

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

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with Municode to prepare and publish such revision which is before Council.

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

Section 1: That the ordinances of the City of Riverside, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages (Supplement No. 3) to the Codified Ordinances are hereby approved and adopted.

Section 2: The addition, amendment, or removal of the City of Riverside City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Riverside, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals; and that the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Riverside, Ohio City Code

Sections: 111, 134, 139.03, 182.01, 182.03, 182.06, 311.01, 1321, 1101.23, 1105.19, 1113.19, 1115.01, 1117.03, 1119, 1501.01, 1503, and 1505

Traffic Code

Sections: 303.082, 335.04, 377.01, and 377.06; included in Exhibit A

General Offenses Code

Sections: 517.08, 521.09, 529.07, 533.14, 537.07, 545.03, 549.02, and 549.04; included in Exhibit B

23-O-822

Section 3: The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Riverside, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4: For the provisions of this ordinance that are applicable to sections of the Municipal Code, the codifier shall apply the following in preparing a supplement to the Municipal Code:

(a) All portions of this ordinance which have been repealed shall be excluded from the Municipal Code by the omission thereof from reprinted pages.

(b) The codifier may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Municipal Code printed in the supplement, and make changes in such catch lines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Municipal Code which embody the substantive sections, or the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Municipal Code.

(c) The pages of a supplement shall be so numbered that they will fit properly into the Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution

23-O-822

of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements. Therefore, the ordinance shall go into immediate effect upon its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-822 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day _____.

CLERK

2022 Amendments to Traffic Code – Riverside City Code

Sections: 303.082, 335.04, 337.01, and 377.06; to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

303.082 Private tow-away zones.

(a) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

(1) The owner of the private property posts on the property a sign, that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that includes all of the following information:

A. A statement that the property is a tow-away zone;

B. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.

C. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in Ohio R.C. 4505.101(B).

In order to comply with the requirements of subsection (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:

A. It is located within 25 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within 25 linear miles.

B. It is well-lighted.

C. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(b) (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25,

and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.

- (2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.
 - (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.
- (c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.
- (d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (e) (1) If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:
- A. The vehicle's license number, make, model and color;
 - B. The location from which the vehicle was removed;
 - C. The date and time the vehicle was removed;
 - D. The telephone number of the person from whom the vehicle may be recovered;
 - E. The address of the place from which the vehicle may be recovered.
- (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received

notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.

- (f) (1) When a vehicle is removed from private property in accordance with this section, within three days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle;
- ~~. The Registrar of Motor Vehicles shall ensure that such information is provided in a timely manner.~~ Subject to subsection (f)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
- A. Within five business days after the Registrar of Motor Vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;
- B. If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section;
- ~~C. If the vehicle remains unclaimed 45 days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section.~~
- (2) Sixty days after any notice sent pursuant to subsection (f)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under Ohio R.C. 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
- (3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under Ohio R.C. 4505.101(B).
- (4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(1)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
- A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;
- B. Payment of the following fees:
1. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;
 2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).
- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

- (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.
- (4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.
- (h) No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.
- (i) This section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.
- (j) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.
- (k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:
 - (1) Any person who holds title to the property;
 - (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
 - (3) A person who is authorized to manage the property;
 - (4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section. (ORC 4513.601)

335.04 Certain acts prohibited.

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

statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

377.01 Definitions.

As used in this chapter:

Snowmobile means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))

All purpose vehicle means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in Ohio R.C. 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Ch. 4503 or Ch. 4561, and any vehicle excepted from definition as a motor vehicle by Section 301.20 of this Traffic Code. (ORC 4519.01(B))

Owner means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all purpose vehicle, or other right to the possession thereof. (ORC 4519.01(C))

Operator means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle or all purpose vehicle.

Limited access highway or freeway means a highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Ohio Director of Transportation. (ORC 5511.02)

Interstate highway means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, and amendments thereof.

Off-highway motorcycle means every motorcycle, as defined in Ohio R.C. 4511.01, that is designed to be operated primarily on lands other than a street or highway. (ORC 4519.01)

"Electronic" and "electronic record" have the same meanings as in section 4501.01 of the Revised Code.

"Electronic dealer" means a dealer whom the registrar of motor vehicles designates under section 4519.511 of the Revised Code.

"Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

"State highway" and "state route" have the same meanings as in section 4511.01 of the Revised Code.

"Proof of financial responsibility" has the same meaning as in section 4509.01 of the Revised Code.

377.06 Registration of vehicles.

- (a) Except as provided in Ohio R.C 4519.02(B), (C) and (D), no person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle unless the snowmobile, off-highway motorcycle, or all purpose vehicle is registered and numbered in accordance with Ohio R.C. 4519.03 and 4519.04.
- (b) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section shall be fined not more than twenty-five dollars (\$25.00). If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, whoever violates subsection (a) of this section shall be fined not less than \$50.00 ~~twenty-five dollars (\$25.00)~~ nor more than \$100.00 ~~fifty dollars (\$50.00)~~. (ORC 4519.02)

2022 Amendments to General Offenses – Riverside City Code

Sections: 517.08, 521.09, 529.07, 533.14, 537.07, 545.03, 549.02, and 549.04; to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.

517.08 Raffles.

- (a) (1) Subject to subsection (a)(2) of this section, a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the ~~person or entity~~ organization or school and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.
- (2) If a charitable organization that is described in subsection (a)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the charitable organization shall distribute at least 50 percent of the net profit from the raffle to a charitable purpose described in Section 517.01(v) or to a department or agency of the federal government, the state, or any political subdivision.
- (b) Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.
- (c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092)

521.09 Noxious or offensive odors.

- (a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. (ORC 3767.13)
- (b) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.
- (c) No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream, or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.
- (d) b) Whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 3767.13)

529.07 Open container prohibited.

- (a) As used in this section:
- (1) *Chauffeured limousine* means a vehicle registered under Ohio R.C. 4503.24.
- (2) *Street, highway and motor vehicle* have the same meanings as in Ohio R.C. 4511.01.

(b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

- (1) Except as provided in subsection (c)(1)E. hereof, in an agency store;
- (2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
- (3) In any other public place;
- (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
- (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

(c) (1) A person may have in the person's possession an opened container of any of the following:

- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2(f), A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D8, E, F, F-2, F-5, F-7 or F-8 permit;
- B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
- C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
- D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
- E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3) A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

B. As used in subsection (c)(3)A. of this section:

1. "Orchestral performance" means a concert comprised of a group of not fewer than 40 musicians playing various musical instruments.
2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than 150 acres of land and that is open for performances from the first day of April to the last day of October of each year.

- (4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.
- (5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:
 - A. An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;
 - B. An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than 25 other events or performances that are free of charge on the permit premises.

As used in subsection (c)(5) hereof, "orchestral performance" has the same meaning as in subsection (c)(3)B. of this section.

- (6) A. A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:
 - 1. The person is attending a racing event at the facility; and
 - 2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility;
- B. As used in subsection (c)(6)A. of this section:
 - 1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
 - 2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:
 - a. It is two and four-tenths miles or more in length.
 - b. It is located on 200 acres or more of land.
 - c. The primary business of the owner of the facility is the hosting and promoting of racing events.
 - d. The holder of a D-1, D-2 or D-3 permit is located on the property of the facility.

- (7) A. A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under Ohio R.C. 4301.82, if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:
 - 1. The permit holder's premises is located within the outdoor refreshment area.
 - 2. The permit held by the permit holder has an outdoor refreshment area designation.
- B. Subsection (c)(7) of this section does not authorize a person to do either of the following:
 - 1. Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;
 - 2. Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area unless the possession is otherwise authorized under subsection (d) or (e) of this section.

- C. As used in division (c)(7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.
- (8) A. A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:
1. The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;
 2. The market is hosting an event pursuant to an F-8 permit and the market has notified the Division of Liquor Control about the event in accordance with Ohio R.C. 4303.208(A)(3).
- B. As used in subsection (c)(8) of this section, market means a market, for which an F-8 permit is held, that has been in operation since 1860.
- (d) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of such a person, when all of the following apply:
- (1) The person or guest is a passenger in the limousine;
 - (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located;
 - (3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.
- (e) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:
- (1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.
 - (2) The opened bottle of wine that is resealed in accordance with subsection (e)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.
- (f) (1) Except if an ordinance or resolution is enacted or adopted under subsection (f)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:
- A. The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.
 - B. The commercial quadricycle is being operated on a street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
 - C. The person has in their possession on the commercial quadricycle an opened container of beer or wine.
 - D. The person has in their possession on the commercial quadricycle not more than either 36 ounces of beer or 18 ounces of wine.
- (2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.
- (3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

- A. It has four wheels and is operated in a manner similar to a bicycle.
- B. It has at least five seats for passengers.
- C. It is designed to be powered by the pedaling of the operator and the passengers.
- D. It is used for commercial purposes.
- E. It is operated by the vehicle owner or an employee of the owner.

(g) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in subsection (g) of this section, "market" means an establishment that:

- (1) Leases space in the market to individual vendors, not less than 50 percent of which are retail food establishments or food service operations licensed under Ohio R.C. Chapter 3717;
- (2) Has an indoor sales floor area of not less than 22,000 square feet;
- (3) Hosts a farmer's market on each Saturday from April through December. (ORC 4301.62)

(h)(1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.

(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.

(i) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with division (E) of section 4301.201 of the Revised Code.

(j) Whoever violates this section is guilty of a minor misdemeanor (ORC 4301.99(A))

533.14 Unlawful advertising of massage.

- (a) No person, by means of a statement, solicitation, or offer in a print or electronic publication, sign, placard, storefront display, or other medium, shall advertise massage, relaxation massage, any other massage technique or method, or any related service, with the suggestion or promise of sexual activity.
- (b) Whoever violates this section is guilty of unlawful advertising of massage, a misdemeanor of the first degree.
- (c) Nothing in this section prevents the legislative authority of a municipal corporation or township from enacting any regulation of the advertising of massage further than and in addition to the provisions of subsections (a) and (b) of this section. (ORC 2927.17)

(d) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

537.07 Endangering children.

- (a) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under 18 years of age or a mentally or physically handicapped child under 21 years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection or support. It is not a violation of a duty of care, protection or support under this subsection when the parent, guardian, custodian or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(b) No person shall abuse a child under 18 years of age or a mentally or physically handicapped child under 21 years of age.

(c) (1) No person shall operate a vehicle, streetcar, or trackless trolley in violation of Section 333.01(a) of the Traffic Code when one or more children under 18 years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of subsection (c) hereof and a violation of Section 333.01(a) of the Traffic Code that constitutes the basis of the charge of the violation of subsection (c) hereof.

For purposes of Ohio R.C. 4511.191 to 4511.197 and all related provisions of law, a person arrested for a violation of subsection (c) hereof shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in subsection (c) hereof:

A. *Controlled substance* has the same meaning as in Ohio R.C. 3719.01.

B. *Vehicle, streetcar, and trackless trolley* have ~~has~~ the same meaning as in Ohio R.C. 4511.01.

(d) Whoever violates this section is guilty of endangering children.

(1) Whoever violates subsection (a) or (b) hereof is guilty of a misdemeanor of the first degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child, endangering children is a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Endangering children is a felony and shall be prosecuted under appropriate State law if either of the following applies:

A. The violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under Ohio R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child.

B. The violation results in serious physical harm to the child involved and the offender previously has been convicted of a violation of Ohio R.C. 2919.22(C) or subsection (c) hereof, Ohio R.C. 2903.06, or 2903.08, Section 2903.07 as it existed prior to March 23, 2000, or Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section.

(3) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (d)(2) hereof, or pursuant to any other provision of law, the court also may impose upon the offender any of the sanctions provided under Ohio R.C. 2919.22(E)(5)(d).

(e) (1) If a person violates subsection (c) hereof and if, at the time of the violation, there were two or more children under 18 years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of subsection (c) hereof for each of the children, but the court may sentence the offender for only one of the violations.

(2) A. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, both of the following apply:

1. For purposes of the provisions of the Traffic Code penalty that set forth the penalties and sanctions for a violation of Section 333.01(a) of the Traffic Code, the conviction of or

plea of guilty to the violation of subsection (c) hereof shall not constitute a violation of Section 333.01(a) of the Traffic Code.

2. For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code and that is not described in subsection (e)(2)A.1. hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall constitute a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code.

B. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof and the person also is convicted of or pleads guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code, a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code. (ORC 2919.22)

545.03 Property exceptions as felony offense.

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

- (a) A credit card;
- (b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;
- ~~(c) A firearm or dangerous ordnance as defined in Ohio R.C. 2923.11;~~
- (c) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary license placard or windshield sticker as prescribed by Ohio R.C. 4503.182, or any comparable license plate, placard or sticker as prescribed by the applicable law of another state or the United States;
- (d) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;
- (e) A blank form for any license listed in Ohio R.C. 4507.01(A). (ORC 2913.71)

549.02 Carrying concealed weapons.

- (a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:
 - (1) A deadly weapon other than a handgun;
 - (2) A handgun other than a dangerous ordnance;
 - (3) A dangerous ordnance.
- (b) No person who has been issued a concealed handgun license, shall do any of the following:
 - (1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person is carrying a concealed handgun, provided that it is not a violation if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop; ~~promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;~~

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

~~(4)~~ If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person;

C. A person's transportation or storage of a firearm, other than a firearm described in Ohio R.C. 2923.11(G) to (M) in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

D. A person's storage or possession of a firearm, other than a firearm described in Ohio R.C. 2923.11(G) to (M) in the actor's own home for any lawful purpose.

(2) Subsection (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).

(d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the

actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

- (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (e) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
- (f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Ohio R.C. Ch. 4303, or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.
- (2) Except as provided in subsection (f)(5) of this section, if a person being arrested for a violation of subsection (a)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection, and the offender shall be punished as follows:
 - A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
 1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
 2. At the time of the arrest, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).
 - B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
 1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.
 2. Within 45 days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
 3. At the time of the commission of the offense, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).
 - C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.
- (3) Except as otherwise provided in this subsection, carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of subsection (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to Ohio R.C. 2923.128(A)(2).

- (4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
- (5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), and if at the time of the violation the person was not knowingly in a place described in Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) and if the person is not in a place described in Ohio R.C. 2923.126(B), the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:
 - A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
 - B. At the time of the citation, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).
- (6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in Ohio R.C. 2923.126(B)(5), and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:
 - A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
 - B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
 - C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;
 - D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

- (g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, Ohio R.C. 2923.163(B) applies.
- (h) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.

(ORC 2923.12)

549.04 Improperly handling firearms in a motor vehicle.

- (a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:
- (1) In a closed package, box or case;
 - (2) In a compartment which can be reached only by leaving the vehicle;
 - (3) In plain sight and secured in a rack or holder made for the purpose;
 - (4) If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.
- (b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:
- (1) ~~Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle. Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;~~
 - (2) ~~Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle. Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;~~

- (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
 - (4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;
 - (5 4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.
- (2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
- A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
 - B. The person transporting or possessing the handgun is not knowingly in a place described in Ohio R.C. 2923.126(B).
- (3) Subsection (a) of this section does not apply to a person if all of the following apply:
- A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
 - B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.
 - C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.
- (d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

- (f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. Except as otherwise provided in this subsection, a violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
- (g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, Ohio R.C. 2923.163(B) applies.
- (h) As used in this section:
- (1) *Motor vehicle, street* and *highway* have the same meanings as in Ohio R.C. 4511.01.
 - (2) A. *Unloaded* means:
 1. With respect to a firearm other than a firearm described in subsection (h)(2)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:
 - a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.
 - b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.
 2. For the purposes of subsection (h)(2)A.1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

- a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
 - b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
3. For the purposes of subsection (h)(2)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- B. *Unloaded* means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.
- (3) *Commercial motor vehicle* has the same meaning as in Ohio R.C. 4506.25(A).
- (4) *Motor carrier enforcement unit* means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.
- (i) Subsection (h)(2) of this section does not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in that subsection, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter or Ohio R.C. Ch. 2923. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter or Ohio R.C. Ch. 2923. (ORC 2923.16)

MEETING DATE: March 16, 2023

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Josh Rauch, City Manager

SUBJECT: 23-O-823 An ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2023, and declaring an emergency.

EXPLANATION

Several changes since January have prompted the need to authorize additional appropriations for the FY2023 Budget. These include:

General Fund

- \$150,000 in estimated total compensation expenses to fill a Finance Administrator position. A finalist has been selected and accepted an offer.
- \$700,000 in additional costs for work related to the Safe Streets 4 All (SS4A) program. We learned this week that the grant is funded on a reimbursement basis, so we have to spend monies first and then ask to be paid back.
- \$10,000 in additional IT costs related to server upgrades and network configuration.
- \$30,000 in server and user computer upgrades. While we are reducing on-premises server needs by migrating to the cloud, we still have to maintain some server capacity for shared programs and files that have not been migrated.

This amounts to a total of \$890,000 in additional appropriation in the General Fund. We expect to pay for these costs using available fund balances. Remember, the bulk of the appropriation above (\$700,000) will be reimbursed to us through SS4A.

Fire Fund

- \$400,000 in capital expenses to order a new medic.

This amount will be paid using available fund balance. Funds will be encumbered so we can place the order, but no monies will actually be spent until the new medic is received (likely in 2025).

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

Net additional spending authorized by this supplemental appropriation is \$190,000 in the General Fund and \$400,000 in the Fire Fund.

SOURCE OF FUNDS

General Fund – Current Fund Balance ~\$3.3 Million

Fire Fund – Current Fund Balance ~\$1.1 million

EXHIBITS

Exhibit A – Supplemental appropriations detail

23-O-823

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF RIVERSIDE, STATE OF OHIO, FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2023, AND DECLARING AN EMERGENCY.

WHEREAS, the Finance Director does report and recommend that certain supplemental appropriations be made.

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

Section 1: That the Council of the City of Riverside, State of Ohio, to provide for current and other expenditures for the period January 1 through December 31, 2023, the following additional sums and amounts as listed in Exhibit "A" attached hereto and incorporated herein by this Ordinance be and they are hereby set aside and appropriated as a supplemental appropriation to the existing appropriation.

Section 2: That the Finance Director is hereby authorized to draw warrants on the City Treasury for payments from the foregoing supplemental appropriation as authorized by legislation of Council to make appropriations.

Section 3: That this Ordinance, being an Appropriation Ordinance, shall take effect immediately upon its passage as provided for in the Charter.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-823 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day _____.

CLERK

That there be appropriated within and from the General Fund the following:

General Fund

1100-210-200-	Personnel Expense	Increase by \$150,000
1100-210-200-	Operating Expense	Increase by \$710,000
1100-210-200-	Capital Expense	Increase by \$30,000

That there be appropriated within and from the Fire Fund the following:

Fire Fund

2201-215-400-	Capital Expense	Increase by \$400,000
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MEETING DATE: March 16, 2023

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Josh Rauch, City Manager

SUBJECT: 23-R-2833 A resolution authorizing the city manager on behalf of the City of Riverside to execute participation forms related to the new National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart.

EXPLANATION

The City was notified recently that new opioid settlements have been reached with Teva, Allergan, CVS, Walgreens, and Walmart. In order to receive payments from these settlements, the City must register to participate.

No final settlement numbers have been formally announced. Signing the participation forms begins the process of registering the City for the settlement. We expect that the next phase of this process will include the calculation of settlement amounts and proposed disbursements to each participating community, similar to last year's settlement with Janssen, et al.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Exhibit A – Opioid Settlement Participation Forms

A RESOLUTION AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY OF RIVERSIDE TO EXECUTE PARTICIPATION FORMS RELATED TO THE NEW NATIONAL OPIOID SETTLEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART.

WHEREAS, The City of Riverside, Ohio (hereinafter referred to as “the City”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the opioid pharmaceutical supply chain; and

WHEREAS, the State of Ohio, through its attorney general, and certain local governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold opioid pharmaceutical supply chain participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its governor and attorney general, and its local governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, five new proposed national opioid settlements have been reached with Teva, Allergan, CVS, Walgreens, and Walmart; and

WHEREAS, the City must execute and submit Participation Forms for each settlement by April 18, 2023, to participate in the settlement process; and

WHEREAS, Council desires to participate in the proposed settlement process.

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

Section 1: That City Council hereby accepts the terms and conditions of the Participation Forms attached hereto as Exhibit A.

Section 2: That the City Manager on behalf of the City of Riverside is hereby authorized to take all steps necessary to accept, agree, and execute the Participation Forms.

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

23-R-2833

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2833 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day

CLERK

New National Opioids Settlements: Teva, Allergan, CVS, Walgreens, and Walmart
Opioids Implementation Administrator
opioidsparticipation@rubris.com

Riverside city, OH
Reference Number: CL-389618

TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:

THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOID SETTLEMENTS. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.

Deadline: April 18, 2023

Five new proposed national opioid settlements (“*New National Opioid Settlements*”) have been reached with **Teva, Allergan, CVS, Walgreens, and Walmart** (“Settling Defendants”). This *Participation Package* is a follow-up communication to the *Notice of National Opioid Settlements* recently received electronically by your subdivision or special district (“subdivision”).

You are receiving this *Participation Package* because Ohio is participating in the following settlements:

- **Teva**
- **Allergan**
- **CVS**
- **Walgreens**
- **Walmart**

If a state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

This electronic envelope contains:

- *Participation Forms* for Teva, Allergan, CVS, Walgreens, and Walmart, including a release of any claims.

The *Participation Form for each settlement* must be executed, without alteration, and submitted on or before April 18, 2023, in order for your subdivision to be considered for initial participation calculations and payment eligibility.

Based upon subdivision participation forms received on or before April 18th, the subdivision participation rate will be used to determine whether participation for each deal is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

Consistent with the previously entered settlements involving Cardinal Health, AmerisourceBergen, the McKesson Corporation, and Johnson & Johnson/Janssen, proceeds from any settlement entered into with any of the five companies identified in this letter will be allocated and distributed in accordance with the OneOhio Memorandum of Understanding, a copy of which can be found at <https://nationalopioidsettlement.com/wp-content/uploads/2021/11/Exhibit-8-2021.07.28-One-Ohio-Memorandum-of-Understanding.pdf>.

You are encouraged to discuss the terms and benefits of the *New National Opioid Settlements* with your counsel, your Attorney General's Office, and other contacts within your state.

Information and documents regarding the *New National Opioid Settlements* and how they are being implemented in your state and how funds will be allocated within your state allocation can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

How to return signed forms:

There are three methods for returning the executed *Participation Forms* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Forms* electronically through DocuSign will return the signed forms to the Implementation Administrator and associate your forms with your subdivision's records. Electronic signature is the most efficient method for returning *Participation Forms*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning manually signed *Participation Forms* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return executed *Participation Forms* using DocuSign, signed *Participation Forms* may be returned via electronic mail to opioidsparticipation@rubris.com. Please include the name, state, and

reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Forms*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com>. You may also contact opioidsparticipation@rubris.com.

The sign-on period for subdivisions ends on April 18, 2023.

If you have any questions about executing these forms, please contact your counsel, the Implementation Administrator at opioidsparticipation@rubris.com, or the Ohio Attorney General's Help Center at 800.555.2350.

Thank you,

National Opioids Settlements Implementation Administrator

The Implementation Administrator is retained to provide the settlement notice required by the respective settlement agreements referenced above and to manage the collection of settlement participation forms for each settlement.

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

Yes No

Governmental Entity: Riverside city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity: Riverside city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

Yes No

Governmental Entity: Riverside city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*CVS Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K

Subdivision Participation and Release Form

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

Yes No

Governmental Entity: Riverside city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K

Subdivision Participation Form

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

Yes No

Governmental Entity: Riverside city	State: OH
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 (“Walmart Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



- 24-The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
- 25-The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
- 26-The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
- 27-In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



CITY MANAGER

PREVIOUS

UPDATES

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Josh Rauch, City Manager
DATE: March 3, 2023
SUBJECT: Weekend Update
CC: Department Directors, City Clerk, Law Director

City Manager's Office

- In recent weeks I was introduced by our partners at SSI to a company called ClearGov. ClearGov provides cloud-based software for budget creation, forecasting, visualization, budget book development, capital improvement planning, and transparent public access. I met with ClearGov today for a demonstration – the software is very promising and I'm confident we can secure attractive pricing. ClearGov also has integrations with SSI's VIP program which makes sharing data between the platforms straightforward. I'll continue to explore and share results with staff and Council.
- The Eintracht Society has notified us of their willingness to renegotiate their facility lease. I'll work with staff to begin this process on our end.
- Kathy and I attended a virtual kickoff meeting for the SS4A grant this week. The grant is reimbursement-based, meaning we will need to authorize funding up-front via a supplemental. I intend to bring a supplemental to Council at the March 16th meeting to cover a number of housekeeping items like this, including the proposed medic purchase proposed by Chief Stitzel.

Administration

- **Discrimination and Harassment Prevention Training-** Discrimination and Harassment Training was completed on Feb 28th and March 2nd. Frontline employees completed a one and half hour training. Supervisors and managers received a 2 hour training tailored specific to supervision related issues. All training was provided by Clemans Nelson Consultants.
- **Aggregation Process Update-** Notifications have gone out for two public hearings that will be held regarding plans of governance for electric and natural gas aggregation programs. The first electric aggregation hearing will be held on 3/20 at 10 AM with the natural gas aggregation meeting to follow. The second hearing for electric aggregation will be held at 6 PM with the natural gas hearing to follow.
- **OBC Health Insurance Rate Renewal-** Health insurance renewal rates for the 9/1/23 -8/31/24 rate year are due to be released near the end of April.

Community Development Department

- The 2nd Draft of the Land Use Plan has been sent out to the Steering Committee and Planning Commission for feedback.

- Riverside fire and zoning representatives hosted a meeting on Thursday with the Montgomery County Building Officials. Other fire inspectors from the region were in attendance and the County updated everyone on changes to improve this permitting process.
- Staff have begun interviews to fill the open Board of Zoning Appeals position.
- The Online Citizen Permit Portal has been sent to Planning Commission and BZA for testing. A survey will be used to gather feedback.
- Cases: 141 YTD, 333 Currently Open, 29 Closed This Week, 27 New This Week
 - Staff sent a NOV regarding the lighting and required county permits at 602 Woodman Drive. Made contact with owner who will make adjustments with tenant. Awaiting reinspection once adjustments are complete.

Finance Department

- We've made an offer to the best qualified applicant for the Finance Administrator position. If the offer is not accepted, we'll re-post the position and expand advertising efforts.
- Tom and Crystal received training on the new Employee Portal this week. The training was very promising.

Fire Department

- Met with Beavercreek fire to improve mutual aid notifications
- Attended county building department / Fire inspectors meeting working to improve collaboration in plans review and permitting.
- Attended city wide harassment trainings
- Crew are working on annual EMS protocol training and recertifications.

Police Department

- Enterprise has all info regarding the upfit for the cruisers. We are changing to PNR in Dayton with a significant savings per vehicle.
- Upcoming Active Shooter training event at Wright Patt AFB on March 15th, 2023. Just wanted to get it on the radar as we will be a part of the event. I will keep you posted.
- Contract signed by the CM for the Flock camera project.
- SRO/DUP grant mid-year report for the state.
- Officer Newton is now in Phase 2 of his FTO training.
- Officer Skinner and Officer Wargo will be attending Field Training School.
- Sgt. Schmidt has completed his first year as a supervisor.
- Police Supervisors attended Sexual Harassment and discrimination training on Thursday 3/2/2023.

Public Service Department

Engineering/Administration:

- Submitted City logo and Air Force Museum contact to RTA for collecting graphics for the new Riverside Community Bus.

- Met with RTA to discuss their proposed new route and general communication with Riverside's transit needs. Discussed potential for grants for new shelters.
- Met with Montgomery County TID and Woolpert on Woodman Corridor Study.
- Attended Discrimination and Harassment Training-city wide
- Attended monthly progress meeting with Choice One
- Attended a first FHWA webinar for SS4A grant recipients
- Updated project descriptions and costs on the website

Projects:

- Signal mast arms are up at Kroger and wiring installed
- Drive apron was installed on Harshman Road south of Brandt
- Eastman signal easement was approved by school board. AES is to run electric next week.
- Culvert restoration on Penn Ave starts Monday

Crews:

- Applied more than 5.5 tons of asphalt to City streets
- Made multiple sign repairs after receiving a parts order
- Made multiple OUPS requests as part of prep for projects planned for next week
- Took sweeper to Murphy tractor for annual preventive maintenance
- Maintained the generator fuel at the traffic signal at Eastman and Woodman
- Removed a fallen tree from the Dog Park
- Picked up several dead animals
- Parks were cleaned at beginning and end of the week
- **Installation of the new playset for Community Park began this week

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Josh Rauch, City Manager
DATE: March 10, 2023
SUBJECT: Weekend Update
CC: Department Directors, City Clerk, Law Director

City Manager's Office

- Many thanks to everyone for all their hard work and tremendous effort over the last year regarding the Kroger project. I'm very proud of the speed and service we provided to Kroger as a client and a leading business in our community, and I know Kroger's staff is very grateful for Council and staff's support. All the grand opening celebrations went without a hitch, and I for one am looking forward to sushi.
- The finalist for the Finance Administrator position accepted our employment offer this week. No official start date has been set, but we're very excited to bolster capacity in the Finance Department and help backfill for Tom.
- We've drafted an RFQ for legal services which I've circulated to staff for review and comment. We plan to finalize the RFQ next week and send to the Ohio Municipal Attorneys Association for review, feedback, and hopefully assistance circulating among their membership.
- I attended the Greater Dayton Mayors and Managers dinner this month and learned more about the proposed project at the Montgomery County Fairgrounds. For what it's worth, several folks approached me and said they'd heard about good things happening in Riverside. I'll take that as a positive thing!

Administration

- **Employee Wellness Program-** Staff launched the OBC Employee Wellness Program on Thursday, March 9th. All employees and their spouses who are enrolled in health insurance through the City are eligible for the program. Employees who complete certain health improvement activities are eligible to earn cash rewards.
- **Aggregation Process Update-** Information about next steps in implementing the aggregation programs has been posted to Facebook and the website. Residents with questions are encouraged to call or e-mail Chris Lohr directly.

Community Development Department

- A new Poker Club has signed a lease to go into the Spinning Hills Plaza. Staff have approved zoning compliance. The club still needs an approved building occupancy and fire inspections.
- Zoning Department is continuing to address nuisance properties.

- Year long code violations at Harshman Plaza were closed this week when they came into compliance.
- Rob is continuing to work with 602 Woodman regarding lighting issues. They have made improvements, but are still not fully code compliant.

Finance Department

- Staff are evaluating Clear Gov software, which works in concert with SSI VIP to visualize data and enable staff to more easily prepare budgets and forecasts.

Fire Department

- BC Taylor and I attended the Ohio Fire Chief's winter symposium and legislative update in Columbus.
- Crews conducted Hazardous Materials training this week.
- 3 members a CPR / ACLS instructor class.
- We have 3 part time applicants we working through the process. Working to recruit more fulltime applications for two openings that will be happening in the next month to month and a half.

Police Department

- Keeping this on the radar, Upcoming event at Wright Patt AFB. Active shooter event on March 15th,2023. I will keep you posted.
- Officer Newton is now in Phase 2, and Officer Ohlinger will be going to Phase 2 March 17th in the FTO Program.
- Officer Toscani completed updated training for Beverly Gardens and Spinning Hills on Safety.
- Working with Dayton Cold Case Unit on Tidewater double homicide.
- Reviewed Emergency Operations Plan.
- Pursuit prevention stop sticks installed into the cruisers.
- Finalization of the new cruiser upfit with KE Rose.
- Reviewed the legal services RFQ.
- Mid-year report for the DUP/SRO grant submitted to the state.
- Anne attended public records training Thursday.

Public Service Department

Engineering/Administration:

- Received quote to make traffic signal modifications at Harshman/Rt 4 intersection. Work is being scheduled.
- Attended a MVRPC informational meeting on a SS4A grant they hope to submit.
- All staff attended the OBC provided Wellness program meeting.
- Received the official notification from MVRPC of our Transportation Alternatives grant in the amount of \$847,250
- Completed an analysis on hiring summer help vs contracting out mowing

Projects:

- Final inspection is complete on Burkhart & Woodman signal replacement.
- Kroger signal light is installed and set on flash for 7 days.
- Working with Parks & Rec committee and area Eagle Scouts to install information boards in parks.
- Penn Ave tile restoration is complete.
- Inspected multiple driveway installation in right of way.
- New power service is scheduled for installation next week at Eastman & Woodman intersection

Crews:

- Applied approximately 15 tons of asphalt on City streets including around the Harshman wall. This is 3 times more than a typical week.
- Repaired a catch basin on Towanda
- Worked on removing graffiti from play set and shelter at Shellabarger Park
- Used street sweeper to cleanup by Kroger for grand opening
- Built sweeper bin for dumping
- Replaced some swings in parks
- Serviced and repaired the backhoe
- Repaired signs throughout the City
- Picked up dead animals
- Cleaned the parks at beginning and end of the week