

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5710

**AN ORDINANCE ENACTING AND
ADOPTING A SUPPLEMENT TO THE
CODIFIED ORDINANCES OF
THE CITY OF BRECKSVILLE;
AND DECLARING AN EMERGENCY**

WHEREAS, the City's Codifier has completed the Municode Supplement 1 to the Codified Ordinances of the City of Brecksville, which supplement contains all Ordinances of a general and permanent nature enacted since the recodification and subsequent Supplements of the Codified Ordinances of the City of Brecksville; and

WHEREAS, the City's Codifier has also recommended revisions and/or supplementation of certain sections of the Codified Ordinances of the City of Brecksville which are based upon or make reference to certain sections of the Ohio Revised Code; and

WHEREAS, it is the intent of City Council to accept these updated sections in accordance with the changes made in the laws of the State of Ohio:

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Municode Supplement 2 to the Codified Ordinances of the City of Brecksville, as submitted by the City's Codifier, a complete copy of which is attached hereto as Exhibit "A" and expressly made a part hereof by reference be, and the same is, hereby adopted in its entirety.

SECTION 2. Any existing Sections of the Codified Ordinances of the City of Brecksville which are inconsistent with the provisions contained in the aforesaid Thirtieth Supplement to the Codified Ordinances of the City of Brecksville be and the same are hereby repealed from and after the effective date of this Ordinance.

SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the necessity to update the Codified Ordinances of the City of Brecksville, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

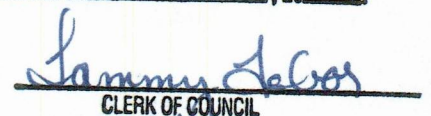
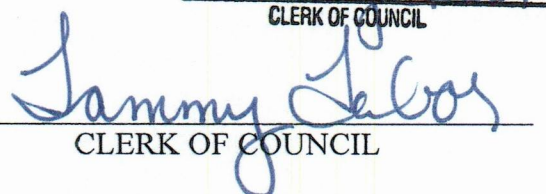
PASSED: June 4, 2024

APPROVED: June 4, 2024



MAYOR

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5710 duly passed by the Council of the City of Brecksville, Ohio, on 6-4, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6-7, 20 24.


CLERK OF COUNCIL
CLERK OF COUNCIL

CODE OF ORDINANCES

City of

BRECKSVILLE, OHIO

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 5697, enacted April 2, 2024.

See the Code Comparative Table for further information.

Remove Old Pages

xiii—xx
Checklist of up-to-date pages

SH:1
CHT:1—CHT:24
CD1:23, CD1:24
CD1:69—CD1:82
CD7:1
CD7:9—CD7:11
CD7:149, CD7:150

xiii—xx
CD13:43, CD13:44
TSO:53
TSO:153, TSO:154
TSO:321
CCT:1
CDi:1—CDi:91

Insert New Pages

VOLUME I

xiii—xx
Checklist of up-to-date pages
(following Table of Contents)
SH:1, SH:2
CHT:1—CHT:25
CD1:23, CD1:24
CD1:69—CD1:81
CD7:1
CD7:9—CD7:11
CD7:149

VOLUME II

xiii—xx
CD13:43, CD13:44
TSO:53
TSO:153, TSO:154
TSO:321
CCT:1
CDi:1—CDi:90

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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BRECKSVILLE CODE

| Part | Page |
|--|---------|
| Title Three. Legislative | CD1:13 |
| Ch. 121. Council | CD1:15 |
| Ch. 123. Ordinances and Resolutions | CD1:24 |
| Title Five. Administrative | CD1:25 |
| Ch. 125. Mayor | CD1:29 |
| Ch. 126. Pension Pick-up | CD1:30 |
| Ch. 127. Reserved | CD1:31 |
| Ch. 128. Economic Development Director | CD1:32 |
| Ch. 129. Public Hearings | CD1:35 |
| Ch. 131. Purchasing Procedure | CD1:36 |
| Ch. 132. Selecting Depositories | CD1:38 |
| Ch. 134. Treasury Investment | CD1:39 |
| Ch. 135. Reserved | CD1:41 |
| Ch. 136. Department of Recreation | CD1:42 |
| Ch. 137. Municipal Facility Registration and Use Review Board | CD1:49 |
| Ch. 138. Department of Human Services | CD1:50 |
| Ch. 139. Recreation Commission | CD1:54 |
| Ch. 140. Police Department | CD1:55 |
| Ch. 141. Fire Department | CD1:57 |
| Ch. 142. City Engineer | CD1:60 |
| Ch. 143. Volunteer Firemen's Dependents Fund | CD1:63 |
| Ch. 145. Employees Generally | CD1:64 |
| Ch. 147. City Records Commission | CD1:81 |
| Title Seven. Judicial | CD1:83 |
| Ch. 161. Mayor's Court | CD1:85 |
| THREE. TRAFFIC CODE | |
| Title One. Administration | CD3:3 |
| Ch. 301. Definitions | CD3:5 |
| Ch. 303. Enforcement, Impounding and Penalty | CD3:19 |
| Ch. 305. Traffic Control | CD3:29 |
| Title Three. Streets and Traffic-Control Devices | CD3:31 |
| Ch. 311. Street Obstructions and Special Uses | CD3:33 |
| Ch. 313. Traffic-Control Devices | CD3:36 |
| Title Five. Vehicles | CD3:47 |
| Ch. 331. Operation Generally | CD3:51 |
| Ch. 333. Intoxication; Reckless Operation; Speed | CD3:82 |
| Ch. 335. Licensing; Accidents | CD3:104 |
| Ch. 337. Safety and Equipment | CD3:128 |
| Ch. 339. Commercial and Heavy Vehicles | CD3:155 |
| Ch. 341. Drivers of Commercial Cars or Tractors | CD3:176 |
| Ch. 343. School Buses | CD3:177 |

TABLE OF CONTENTS—Cont'd.

| Part | Page |
|--|---------|
| Ch. 347. Motor Transportation Companies | CD3:180 |
| Title Seven. Parking | CD3:183 |
| Ch. 351. Parking Generally | CD3:185 |
| Ch. 353. Municipal Lot Regulations | CD3:197 |
| Title Nine. Pedestrians, Bicycles and Motorcycles | CD3:199 |
| Ch. 371. Pedestrians | CD3:201 |
| Ch. 373. Bicycles and Motorcycles | CD3:211 |
| Ch. 375. Snowmobiles and All Purpose Vehicles | CD3:220 |
| | |
| FIVE. GENERAL OFFENSES CODE | |
| Title One. Generally | CD5:3 |
| Ch. 501. General Provisions and Penalty | CD5:11 |
| Ch. 505. Animals and Fowl | CD5:39 |
| Ch. 509. Disorderly Conduct and Peace Disturbance | CD5:54 |
| Ch. 511. Disorderly Conduct in or About Business Places | CD5:65 |
| Ch. 513. Drug Abuse Control | CD5:68 |
| Ch. 514. Open Burning | CD5:102 |
| Ch. 515. Fire Prevention | CD5:110 |
| Ch. 516. Fireworks | CD5:115 |
| Ch. 517. Gambling | CD5:122 |
| Ch. 521. Health, Safety and Sanitation | CD5:156 |
| Ch. 525. Law Enforcement and Public Office | CD5:165 |
| Ch. 529. Liquor Control | CD5:183 |
| Ch. 531. Nuisances | CD5:203 |
| Ch. 533. Obscenity and Sex Offenses | CD5:205 |
| Ch. 537. Offenses Against Persons | CD5:228 |
| Ch. 541. Property Offenses | CD5:253 |
| Ch. 545. Theft and Fraud | CD5:264 |
| Ch. 549. Weapons and Explosives | CD5:289 |
| Ch. 553. Railroads | CD5:313 |
| | |
| SEVEN. BUSINESS REGULATION CODE | |
| Title One. Generally | CD7:3 |
| Ch. 701. Admissions Tax | CD7:13 |
| Ch. 702. Transient Occupancy Tax | CD7:18 |
| Ch. 703. Gasoline and Service Stations | CD7:22 |
| Ch. 705. Peddlers | CD7:23 |
| Ch. 707. Recovery of Costs of Emergency Actions | CD7:30 |
| Ch. 709. Taxicabs | CD7:33 |
| Ch. 711. Police and Fire Emergency Alarms | CD7:36 |
| Ch. 712. Telecommunications Right-of-Way Permits | CD7:40 |
| Apx. i. Telecommunications Right-of-Way Permit | CD7:41 |
| Ch. 713. Small Cell Facilities and Wireless Support Structures | CD7:69 |

BRECKSVILLE CODE

| Part | Page |
|---|---------|
| Apx. i. Small Cell Facilities and Wireless Support Structures | CD7:70 |
| Ch. 715. Master Cable Television Regulations | CD7:97 |
| Ch. 716. Customer Service Standards for Cable Television Systems | CD7:133 |
| Ch. 717. Wireless Communication Antennas and Towers | CD7:140 |
| Ch. 719. Reserved | CD7:149 |
| Ch. 721. Adult Entertainment Businesses | CD7:151 |
| Ch. 729. Helistops | CD7:172 |
| Ch. 750. Explosive Devices and Dangerous Ordnances | CD7:176 |
| NINE. STREETS AND PUBLIC SERVICES CODE | |
| Title One. Streets and Sidewalks | CD9:3 |
| Ch. 901. Street Openings | CD9:5 |
| Ch. 903. Sanitary Sewers | CD9:7 |
| Ch. 905. Water Regulations | CD9:9 |
| Ch. 907. Highland-boston Water and Sewer District | CD9:11 |
| Ch. 909. Whitewood-hilton Sanitary Sewer District | CD9:14 |
| Ch. 910. Echo-snowville Sanitary Sewer District | CD9:16 |
| Title Three. Other Public Services | CD9:19 |
| Ch. 911. City Property Rentals | CD9:21 |
| Ch. 912. Recreation Concessions | CD9:24 |
| Ch. 913. Cemeteries | CD9:26 |
| Ch. 915. Trees, Hedges and Shrubs | CD9:33 |
| Ch. 917. Collection and Disposal of Refuse and Other Waste Material | CD9:46 |

VOLUME II

| | |
|--|---------|
| ELEVEN. PLANNING AND ZONING CODE | |
| Title One. Municipal Planning | CD11:3 |
| Ch. 1101. Planning Commission | CD11:5 |
| Title Three. Land Planning and Subdivision Regulations | CD11:9 |
| Ch. 1111. Title; Purpose | CD11:13 |
| Ch. 1113. Definitions | CD11:15 |
| Ch. 1115. Land Subdividing Procedures | CD11:27 |
| Ch. 1117. Planning Criteria | CD11:34 |
| Ch. 1119. Required Improvements | CD11:41 |
| Ch. 1121. Plans and Plats | CD11:51 |
| Ch. 1123. Adoption; Appeals; Enforcement | CD11:56 |
| Title Five. Scope and Application | CD11:59 |
| Ch. 1131. Intent and Application | CD11:61 |
| Ch. 1133. Definitions | CD11:63 |

TABLE OF CONTENTS—Cont'd.

| Part | Page |
|--|----------|
| Ch. 1135. Establishment of Code and Map | CD11:65 |
| Ch. 1137. Administration of Code | CD11:68 |
| Title Seven. Districts | CD11:69 |
| Ch. 1151. Residential Districts | CD11:73 |
| Ch. 1153. Community Facilities District | CD11:95 |
| Ch. 1155. Business Districts | CD11:101 |
| Ch. 1156. Planned Development Overlay District | CD11:113 |
| Ch. 1157. Industrial Districts | CD11:117 |
| Ch. 1158. Automotive Parking Districts | CD11:128 |
| Ch. 1159. Flood Reduction and Control | CD11:130 |
| Ch. 1160. Oil and Gas Wells Conditional Use Permits | CD11:153 |
| Title Nine. Regulations Applying to All Districts | CD11:155 |
| Ch. 1171. Required Yards and Areas to be Maintained | CD11:159 |
| Ch. 1173. Nonconforming Uses and Lots | CD11:160 |
| Ch. 1175. Soil Removal, Drainage Courses, Temporary Buildings and Utilities | CD11:164 |
| Ch. 1176. Tree Cutting | CD11:169 |
| Ch. 1177. Illicit Discharge and Illegal Connection Control | CD11:172 |
| Ch. 1179. Standards and Criteria for Planned Development Areas | CD11:179 |
| Ch. 1181. Height District Regulations | CD11:188 |
| Ch. 1183. Parking and Loading Facilities | CD11:190 |
| Ch. 1185. Fences | CD11:201 |
| Apx. A. Examples of Fences | CD11:207 |
| Ch. 1186. Small Wind Energy Systems and Solar Energy Systems | CD11:209 |
| Ch. 1187. Sign Regulation | CD11:218 |
| Ch. 1189. Prohibited Uses | CD11:240 |
| Ch. 1190. Oil and Gas Wells | CD11:243 |
| Title Eleven. Administration and Enforcement | CD11:263 |
| Ch. 1191. Administrative Procedures | CD11:265 |
| Ch. 1193. Development Plans | CD11:273 |
| Ch. 1195. Planned Development Areas | CD11:279 |
| Ch. 1196. Design Review Guidelines | CD11:289 |
| Ch. 1197. Board of Zoning Appeals | CD11:297 |
| Ch. 1199. Amending Procedures | CD11:302 |
| Apx. I. Outline of Procedures | CD11:305 |
| Apx. II. Forms for Final Plat Certifications | CD11:307 |
| Apx. III. Forms for Performance Bonds | CD11:310 |
| Apx. IV. Form for Resolution Accepting the Dedication of Streets and Approving the Development of | |

BRECKSVILLE CODE

| Part | Page |
|---|----------|
| the Subdivision | CD11:311 |
| THIRTEEN. BUILDING CODE | |
| Title One. Building Code Provisions | CD13:1 |
| Ch. 1301. Residential Code of Ohio for One-, Two- and Three Family Dwellings. | CD13:3 |
| Ch. 1303. Property Maintenance Code. | CD13:5 |
| Ch. 1305. State of Ohio Basic Building Code. | CD13:11 |
| Ch. 1307. National Electric Code | CD13:13 |
| Title Three. Local Provisions | CD13:15 |
| Ch. 1311. Registering Contractors | CD13:21 |
| Ch. 1312. Certificate of Occupancy. | CD13:25 |
| Ch. 1313. Building Permit Expiration. | CD13:26 |
| Ch. 1314. Schedule of Permit Fees, Deposits and Other Charges | CD13:30 |
| Ch. 1315. Topographic Survey. | CD13:44 |
| Apx. A. Checklist for Review of Sublot Topographic Plans | CD13:46 |
| Apx. B. Sample Topographic Survey and Improvement Plat | CD13:49 |
| Ch. 1316. Flood Hazards | CD13:51 |
| Ch. 1317. Grade Lines | CD13:53 |
| Ch. 1318. House and Building Numbering. | CD13:54 |
| Ch. 1319. Reserved | CD13:55 |
| Ch. 1320. Portable Storage Devices and Structures | CD13:56 |
| Ch. 1321. Driveway Installation | CD13:58 |
| Ch. 1322. Television, Satellite Dish, Radio Transmitting and Receiving Antennas, and Supporting Structures. | CD13:59 |
| Ch. 1323. Outdoor Swimming Pool. | CD13:65 |
| Ch. 1324. Stables | CD13:68 |
| Ch. 1325. Water Mains and Connection Charges | CD13:70 |
| Ch. 1326. Placement of Noise Generating Equipment | CD13:73 |
| Ch. 1327. Design and Construction Review Board | CD13:74 |
| Ch. 1329. Automatic Fire-Extinguishing Systems | CD13:78 |
| Ch. 1331. Construction Site Soil Erosion, Sediment, Stormwater Runoff and Stormwater Quality Controls and Regulations | CD13:80 |
| Ch. 1339. Demolition of Unsafe Buildings | CD13:101 |
| Ch. 1341. Exterior Property Maintenance Code | CD13:109 |
| Ch. 1343. Condominiums. | CD13:121 |
| Ch. 1345. Repairing or Removal of Fire Damaged Building and Other Structures. | CD13:135 |
| Ch. 1347. Inspection of Residential Rental Structures | CD13:136 |

TABLE OF CONTENTS—Cont'd.

| Part | Page |
|---|----------|
| Ch. 1349. Point of Sale Septic System Inspection | CD13:141 |
| FIFTEEN. TAXATION CODE | |
| Title One. Municipal Income Tax Regulations. | CD15:1 |
| Ch. 1501. Purpose | CD15:3 |
| Ch. 1503. Definitions | CD15:7 |
| Ch. 1505. Imposition of Income Tax | CD15:8 |
| Ch. 1507. Determination of Allocation of Tax | CD15:14 |
| Ch. 1509. Exemptions. | CD15:17 |
| Ch. 1511. Returns | CD15:18 |
| Ch. 1513. Payment of Tax | CD15:20 |
| Ch. 1515. Interest and Penalties. | CD15:24 |
| Ch. 1517. Collection of Unpaid Taxes and Refunds of Overpayments. | CD15:27 |
| Ch. 1519. Tax Credit. | CD15:28 |
| Ch. 1521. Disbursement of Receipts of Tax Collection . | CD15:29 |
| Ch. 1523. Duties and Authority of the Administrator . . | CD15:30 |
| Ch. 1525. Board of Review | CD15:34 |
| Ch. 1527. Other Provisions. | CD15:36 |
| Ch. 1529. Tax Administrator | CD15:37 |
| Ch. 1531. Amendment to Above Chapters and Enact- ment of Chapter 1531 Effective for Tax Years Beginning on or After January 1, 2016 | CD15:38 |
| Table of Special Ordinances | |
| Table A. Franchises. | TSO:1 |
| Table B. Easements | TSO:30 |
| Table C. Vacating of Streets and Alleys | TSO:90 |
| Table D. Dedication and Plat Approval | TSO:120 |
| Table E. Acquisition and Disposal of Real Property. | TSO:150 |
| Table F. Lease of Real Property. | TSO:180 |
| Table G. Street Grade Levels and Change of Street Name . . | TSO:210 |
| Table H. Annexation and Detachment of Territory | TSO:240 |
| Table I. Zone Map Issues | TSO:270 |
| Table J. Funds | TSO:320 |
| Table K. City Charter Amendments | TSO:360 |
| Parallel References | |
| History References to Revised Code of Ohio | PRT:1 |
| References to Ordinances | PRT:1 |
| References to Resolutions | PRT:1 |

BRECKSVILLE CODE

| Part | Page |
|--|--------|
| Code Comparative Table—Legislation | CCT:1 |
| Charter Index | CHTi:1 |
| Code Index | CDi:1 |

Checklist of Up-to-Date Pages

(This checklist will be updated with the
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

| Page No. | Supp. No. | Page No. | Supp. No. |
|----------------|-----------|----------------|-----------|
| Volume 1 | | CHT:25 | 2 |
| Title Page | OC | CD1:1 | OC |
| iii | OC | CD1:3 | OC |
| vii | OC | CD1:5, CD1:6 | OC |
| xiii, xiv | 2 | CD1:7, CD1:8 | OC |
| xv, xvi | 2 | CD1:9, CD1:10 | OC |
| xvii, xviii | 2 | CD1:11 | OC |
| xix, xx | 2 | CD1:13 | OC |
| SH:1, SH:2 | 2 | CD1:15, CD1:16 | OC |
| CHT:1, CHT:2 | 2 | CD1:17, CD1:18 | OC |
| CHT:3 | 2 | CD1:19, CD1:20 | OC |
| CHT:5, CHT:6 | 2 | CD1:21, CD1:22 | OC |
| CHT:7, CHT:8 | 2 | CD1:23, CD1:24 | 2 |
| CHT:9, CHT:10 | 2 | CD1:25, CD1:26 | OC |
| CHT:11, CHT:12 | 2 | CD1:27, CD1:28 | OC |
| CHT:13, CHT:14 | 2 | CD1:29, CD1:30 | OC |
| CHT:15, CHT:16 | 2 | CD1:31, CD1:32 | OC |
| CHT:17, CHT:18 | 2 | CD1:33, CD1:34 | OC |
| CHT:19, CHT:20 | 2 | CD1:35, CD1:36 | OC |
| CHT:21, CHT:22 | 2 | CD1:37, CD1:38 | OC |
| CHT:23, CHT:24 | 2 | CD1:39, CD1:40 | OC |

[1]

BRECKSVILLE CODE

| Page No. | Supp. No. | Page No. | Supp. No. |
|-----------------|------------------|------------------|------------------|
| CD1:41, CD1:42 | OC | CD3:31 | OC |
| CD1:43, CD1:44 | OC | CD3:33, CD3:34 | OC |
| CD1:45, CD1:46 | OC | CD3:35, CD3:36 | OC |
| CD1:47, CD1:48 | OC | CD3:37, CD3:38 | OC |
| CD1:49, CD1:50 | OC | CD3:39, CD3:40 | OC |
| CD1:51, CD1:52 | OC | CD3:41, CD3:42 | OC |
| CD1:53, CD1:54 | OC | CD3:43, CD3:44 | OC |
| CD1:55, CD1:56 | OC | CD3:45, CD3:46 | OC |
| CD1:57, CD1:58 | OC | CD3:47, CD3:48 | OC |
| CD1:59, CD1:60 | OC | CD3:49, CD3:50 | OC |
| CD1:61, CD1:62 | OC | CD3:51, CD3:52 | OC |
| CD1:63 | OC | CD3:53, CD3:54 | OC |
| CD1:65, CD1:66 | OC | CD3:55, CD3:56 | OC |
| CD1:67, CD1:68 | OC | CD3:57, CD3:58 | OC |
| CD1:69, CD1:70 | 2 | CD3:59, CD3:60 | OC |
| CD1:71, CD1:72 | 2 | CD3:61, CD3:62 | OC |
| CD1:73, CD1:74 | 2 | CD3:63, CD3:64 | OC |
| CD1:75, CD1:76 | 2 | CD3:65, CD3:66 | OC |
| CD1:77, CD1:78 | 2 | CD3:67, CD3:68 | OC |
| CD1:79, CD1:80 | 2 | CD3:69, CD3:70 | OC |
| CD1:81 | 2 | CD3:71, CD3:72 | OC |
| CD1:83 | OC | CD3:73, CD3:74 | OC |
| CD1:85, CD1:86 | OC | CD3:75, CD3:76 | OC |
| CD3:1 | OC | CD3:77, CD3:78 | OC |
| CD3:3, CD3:4 | OC | CD3:79, CD3:80 | OC |
| CD3:5, CD3:6 | OC | CD3:81, CD3:82 | OC |
| CD3:7, CD3:8 | OC | CD3:83, CD3:84 | OC |
| CD3:9, CD3:10 | OC | CD3:85, CD3:86 | OC |
| CD3:11, CD3:12 | OC | CD3:87, CD3:88 | OC |
| CD3:13, CD3:14 | OC | CD3:89, CD3:90 | OC |
| CD3:15, CD3:16 | OC | CD3:91, CD3:92 | OC |
| CD3:17 | OC | CD3:93, CD3:94 | OC |
| CD3:19, CD3:20 | OC | CD3:95, CD3:96 | OC |
| CD3:21, CD3:22 | OC | CD3:97, CD3:98 | OC |
| CD3:23, CD3:24 | OC | CD3:99, CD3:100 | OC |
| CD3:25, CD3:26 | OC | CD3:101, CD3:102 | OC |
| CD3:27 | OC | CD3:103, CD3:104 | OC |
| CD3:29 | OC | CD3:105, CD3:106 | OC |

CHECKLIST OF UP-TO-DATE PAGES

| Page No. | Supp. No. | Page No. | Supp. No. |
|------------------|-----------|------------------|-----------|
| CD3:107, CD3:108 | OC | CD3:183 | OC |
| CD3:109, CD3:110 | OC | CD3:185, CD3:186 | OC |
| CD3:111, CD3:112 | OC | CD3:187, CD3:188 | OC |
| CD3:113, CD3:114 | OC | CD3:189, CD3:190 | OC |
| CD3:115, CD3:116 | OC | CD3:191, CD3:192 | OC |
| CD3:117, CD3:118 | OC | CD3:193, CD3:194 | OC |
| CD3:119, CD3:120 | OC | CD3:195, CD3:196 | OC |
| CD3:121, CD3:122 | OC | CD3:197 | OC |
| CD3:123, CD3:124 | OC | CD3:199 | OC |
| CD3:125, CD3:126 | OC | CD3:201, CD3:202 | OC |
| CD3:127, CD3:128 | OC | CD3:203, CD3:204 | OC |
| CD3:129, CD3:130 | OC | CD3:205, CD3:206 | OC |
| CD3:131, CD3:132 | OC | CD3:207, CD3:208 | OC |
| CD3:133, CD3:134 | OC | CD3:209, CD3:210 | OC |
| CD3:135, CD3:136 | OC | CD3:211, CD3:212 | OC |
| CD3:137, CD3:138 | OC | CD3:213, CD3:214 | OC |
| CD3:139, CD3:140 | OC | CD3:215, CD3:216 | OC |
| CD3:141, CD3:142 | OC | CD3:217, CD3:218 | OC |
| CD3:143, CD3:144 | OC | CD3:219, CD3:220 | OC |
| CD3:145, CD3:146 | OC | CD3:221, CD3:222 | OC |
| CD3:147, CD3:148 | OC | CD3:223, CD3:224 | OC |
| CD3:149, CD3:150 | OC | CD5:1 | OC |
| CD3:151, CD3:152 | OC | CD5:3, CD5:4 | OC |
| CD3:153, CD3:154 | OC | CD5:5, CD5:6 | OC |
| CD3:155, CD3:156 | OC | CD5:7, CD5:8 | OC |
| CD3:157, CD3:158 | OC | CD5:9 | OC |
| CD3:159, CD3:160 | OC | CD5:11, CD5:12 | OC |
| CD3:161, CD3:162 | OC | CD5:13, CD5:14 | OC |
| CD3:163, CD3:164 | OC | CD5:15, CD5:16 | OC |
| CD3:165, CD3:166 | OC | CD5:17, CD5:18 | OC |
| CD3:167, CD3:168 | OC | CD5:19, CD5:20 | OC |
| CD3:169, CD3:170 | OC | CD5:21, CD5:22 | OC |
| CD3:171, CD3:172 | OC | CD5:23, CD5:24 | OC |
| CD3:173, CD3:174 | OC | CD5:25, CD5:26 | OC |
| CD3:175, CD3:176 | OC | CD5:27, CD5:28 | OC |
| CD3:177, CD3:178 | OC | CD5:29, CD5:30 | OC |
| CD3:179, CD3:180 | OC | CD5:31, CD5:32 | OC |
| CD3:181 | OC | CD5:33, CD5:34 | OC |

BRECKSVILLE CODE

| Page No. | Supp. No. | Page No. | Supp. No. |
|------------------|-----------|------------------|-----------|
| CD5:35, CD5:36 | OC | CD5:111, CD5:112 | OC |
| CD5:37, CD5:38 | OC | CD5:113, CD5:114 | OC |
| CD5:39, CD5:40 | OC | CD5:115, CD5:116 | OC |
| CD5:41, CD5:42 | OC | CD5:117, CD5:118 | OC |
| CD5:43, CD5:44 | OC | CD5:119, CD5:120 | OC |
| CD5:45, CD5:46 | OC | CD5:121, CD5:122 | OC |
| CD5:47, CD5:48 | OC | CD5:123, CD5:124 | OC |
| CD5:49, CD5:50 | OC | CD5:125, CD5:126 | OC |
| CD5:51, CD5:52 | OC | CD5:127, CD5:128 | OC |
| CD5:53, CD5:54 | OC | CD5:129, CD5:130 | OC |
| CD5:55, CD5:56 | OC | CD5:131, CD5:132 | OC |
| CD5:57, CD5:58 | OC | CD5:133, CD5:134 | OC |
| CD5:59, CD5:60 | OC | CD5:135, CD5:136 | OC |
| CD5:61, CD5:62 | OC | CD5:137, CD5:138 | OC |
| CD5:63, CD5:64 | OC | CD5:139, CD5:140 | OC |
| CD5:65, CD5:66 | OC | CD5:141, CD5:142 | OC |
| CD5:67, CD5:68 | OC | CD5:143, CD5:144 | OC |
| CD5:69, CD5:70 | OC | CD5:145, CD5:146 | OC |
| CD5:71, CD5:72 | OC | CD5:147, CD5:148 | OC |
| CD5:73, CD5:74 | OC | CD5:149, CD5:150 | OC |
| CD5:75, CD5:76 | OC | CD5:151, CD5:152 | OC |
| CD5:77, CD5:78 | OC | CD5:153, CD5:154 | OC |
| CD5:79, CD5:80 | OC | CD5:155, CD5:156 | OC |
| CD5:81, CD5:82 | OC | CD5:157, CD5:158 | OC |
| CD5:83, CD5:84 | OC | CD5:159, CD5:160 | OC |
| CD5:85, CD5:86 | OC | CD5:161, CD5:162 | OC |
| CD5:87, CD5:88 | OC | CD5:163, CD5:164 | OC |
| CD5:89, CD5:90 | OC | CD5:165, CD5:166 | OC |
| CD5:91, CD5:92 | OC | CD5:167, CD5:168 | OC |
| CD5:93, CD5:94 | OC | CD5:169, CD5:170 | OC |
| CD5:95, CD5:96 | OC | CD5:171, CD5:172 | OC |
| CD5:97, CD5:98 | OC | CD5:173, CD5:174 | OC |
| CD5:99, CD5:100 | OC | CD5:175, CD5:176 | OC |
| CD5:101, CD5:102 | OC | CD5:177, CD5:178 | OC |
| CD5:103, CD5:104 | OC | CD5:179, CD5:180 | OC |
| CD5:105, CD5:106 | OC | CD5:181, CD5:182 | OC |
| CD5:107, CD5:108 | OC | CD5:183, CD5:184 | OC |
| CD5:109, CD5:110 | OC | CD5:185, CD5:186 | OC |

CHECKLIST OF UP-TO-DATE PAGES

| Page No. | Supp. No. | Page No. | Supp. No. |
|------------------|-----------|------------------|-----------|
| CD5:187, CD5:188 | OC | CD5:263, CD5:264 | OC |
| CD5:189, CD5:190 | OC | CD5:265, CD5:266 | OC |
| CD5:191, CD5:192 | OC | CD5:267, CD5:268 | OC |
| CD5:193, CD5:194 | OC | CD5:269, CD5:270 | OC |
| CD5:195, CD5:196 | OC | CD5:271, CD5:272 | OC |
| CD5:197, CD5:198 | OC | CD5:273, CD5:274 | OC |
| CD5:199, CD5:200 | OC | CD5:275, CD5:276 | OC |
| CD5:201, CD5:202 | OC | CD5:277, CD5:278 | OC |
| CD5:203, CD5:204 | OC | CD5:279, CD5:280 | OC |
| CD5:205, CD5:206 | OC | CD5:281, CD5:282 | OC |
| CD5:207, CD5:208 | OC | CD5:283, CD5:284 | OC |
| CD5:209, CD5:210 | OC | CD5:285, CD5:286 | OC |
| CD5:211, CD5:212 | OC | CD5:287, CD5:288 | OC |
| CD5:213, CD5:214 | OC | CD5:289, CD5:290 | OC |
| CD5:215, CD5:216 | OC | CD5:291, CD5:292 | OC |
| CD5:217, CD5:218 | OC | CD5:293, CD5:294 | OC |
| CD5:219, CD5:220 | OC | CD5:295, CD5:296 | OC |
| CD5:221, CD5:222 | OC | CD5:297, CD5:298 | OC |
| CD5:223, CD5:224 | OC | CD5:299, CD5:300 | OC |
| CD5:225, CD5:226 | OC | CD5:301, CD5:302 | OC |
| CD5:227, CD5:228 | OC | CD5:303, CD5:304 | OC |
| CD5:229, CD5:230 | OC | CD5:305, CD5:306 | OC |
| CD5:231, CD5:232 | OC | CD5:307, CD5:308 | OC |
| CD5:233, CD5:234 | OC | CD5:309, CD5:310 | OC |
| CD5:235, CD5:236 | OC | CD5:311, CD5:312 | OC |
| CD5:237, CD5:238 | OC | CD5:313, CD5:314 | OC |
| CD5:239, CD5:240 | OC | CD5:315 | OC |
| CD5:241, CD5:242 | OC | CD7:1 | 2 |
| CD5:243, CD5:244 | OC | CD7:3, CD7:4 | OC |
| CD5:245, CD5:246 | OC | CD7:5, CD7:6 | OC |
| CD5:247, CD5:248 | OC | CD7:7, CD7:8 | OC |
| CD5:249, CD5:250 | OC | CD7:9, CD7:10 | 2 |
| CD5:251, CD5:252 | OC | CD7:11 | 2 |
| CD5:253, CD5:254 | OC | CD7:13, CD7:14 | OC |
| CD5:255, CD5:256 | OC | CD7:15, CD7:16 | OC |
| CD5:257, CD5:258 | OC | CD7:17, CD7:18 | OC |
| CD5:259, CD5:260 | OC | CD7:19, CD7:20 | OC |
| CD5:261, CD5:262 | OC | CD7:21, CD7:22 | OC |

BRECKSVILLE CODE

| Page No. | Supp. No. | Page No. | Supp. No. |
|-----------------|------------------|------------------|------------------|
| CD7:23, CD7:24 | OC | CD7:99, CD7:100 | OC |
| CD7:25, CD7:26 | OC | CD7:101, CD7:102 | OC |
| CD7:27, CD7:28 | OC | CD7:103, CD7:104 | OC |
| CD7:29, CD7:30 | OC | CD7:105, CD7:106 | OC |
| CD7:31, CD7:32 | OC | CD7:107, CD7:108 | OC |
| CD7:33, CD7:34 | OC | CD7:109, CD7:110 | OC |
| CD7:35, CD7:36 | OC | CD7:111, CD7:112 | OC |
| CD7:37, CD7:38 | OC | CD7:113, CD7:114 | OC |
| CD7:39, CD7:40 | OC | CD7:115, CD7:116 | OC |
| CD7:41, CD7:42 | OC | CD7:117, CD7:118 | OC |
| CD7:43, CD7:44 | OC | CD7:119, CD7:120 | OC |
| CD7:45, CD7:46 | OC | CD7:121, CD7:122 | OC |
| CD7:47, CD7:48 | OC | CD7:123, CD7:124 | OC |
| CD7:49, CD7:50 | OC | CD7:125, CD7:126 | OC |
| CD7:51, CD7:52 | OC | CD7:127, CD7:128 | OC |
| CD7:53, CD7:54 | OC | CD7:129, CD7:130 | OC |
| CD7:55, CD7:56 | OC | CD7:131, CD7:132 | OC |
| CD7:57, CD7:58 | OC | CD7:133, CD7:134 | OC |
| CD7:59, CD7:60 | OC | CD7:135, CD7:136 | OC |
| CD7:61, CD7:62 | OC | CD7:137, CD7:138 | OC |
| CD7:63, CD7:64 | OC | CD7:139, CD7:140 | OC |
| CD7:65, CD7:66 | OC | CD7:141, CD7:142 | OC |
| CD7:67, CD7:68 | OC | CD7:143, CD7:144 | OC |
| CD7:69, CD7:70 | OC | CD7:145, CD7:146 | OC |
| CD7:71, CD7:72 | OC | CD7:147, CD7:148 | OC |
| CD7:73, CD7:74 | OC | CD7:149 | 2 |
| CD7:75, CD7:76 | OC | CD7:151, CD7:152 | OC |
| CD7:77, CD7:78 | OC | CD7:153, CD7:154 | OC |
| CD7:79, CD7:80 | OC | CD7:155, CD7:156 | OC |
| CD7:81, CD7:82 | OC | CD7:157, CD7:158 | OC |
| CD7:83, CD7:84 | OC | CD7:159, CD7:160 | OC |
| CD7:85, CD7:86 | OC | CD7:161, CD7:162 | OC |
| CD7:87, CD7:88 | OC | CD7:163, CD7:164 | OC |
| CD7:89, CD7:90 | OC | CD7:165, CD7:166 | OC |
| CD7:91, CD7:92 | OC | CD7:167, CD7:168 | OC |
| CD7:93, CD7:94 | OC | CD7:169, CD7:170 | OC |
| CD7:95, CD7:96 | OC | CD7:171, CD7:172 | OC |
| CD7:97, CD7:98 | OC | CD7:173, CD7:174 | OC |

CHECKLIST OF UP-TO-DATE PAGES

| Page No. | Supp. No. | Page No. | Supp. No. |
|------------------|-----------|------------------|-----------|
| CD7:175, CD7:176 | OC | CD11:9, CD11:10 | OC |
| CD7:177, CD7:178 | OC | CD11:11 | OC |
| CD7:179, CD7:180 | OC | CD11:13, CD11:14 | OC |
| CD7:181 | OC | CD11:15, CD11:16 | OC |
| CD9:1 | OC | CD11:17, CD11:18 | OC |
| CD9:3, CD9:4 | OC | CD11:19, CD11:20 | OC |
| CD9:5, CD9:6 | OC | CD11:21, CD11:22 | OC |
| CD9:7, CD9:8 | OC | CD11:23, CD11:24 | OC |
| CD9:9, CD9:10 | OC | CD11:25, CD11:26 | OC |
| CD9:11, CD9:12 | OC | CD11:27, CD11:28 | OC |
| CD9:13, CD9:14 | OC | CD11:29, CD11:30 | OC |
| CD9:15, CD9:16 | OC | CD11:31, CD11:32 | OC |
| CD9:17, CD9:18 | OC | CD11:33, CD11:34 | OC |
| CD9:19, CD9:20 | OC | CD11:35, CD11:36 | OC |
| CD9:21, CD9:22 | OC | CD11:37, CD11:38 | OC |
| CD9:23, CD9:24 | OC | CD11:39, CD11:40 | OC |
| CD9:25, CD9:26 | OC | CD11:41, CD11:42 | OC |
| CD9:27, CD9:28 | OC | CD11:43, CD11:44 | OC |
| CD9:29, CD9:30 | OC | CD11:45, CD11:46 | OC |
| CD9:31, CD9:32 | OC | CD11:47, CD11:48 | OC |
| CD9:33, CD9:34 | OC | CD11:49, CD11:50 | OC |
| CD9:35, CD9:36 | OC | CD11:51, CD11:52 | OC |
| CD9:37, CD9:38 | OC | CD11:53, CD11:54 | OC |
| CD9:39, CD9:40 | OC | CD11:55, CD11:56 | OC |
| CD9:41, CD9:42 | OC | CD11:57, CD11:58 | OC |
| CD9:43, CD9:44 | OC | CD11:59 | OC |
| CD9:45, CD9:46 | OC | CD11:61, CD11:62 | OC |
| CD9:47 | OC | CD11:63, CD11:64 | OC |
| Volume 2 | | CD11:65, CD11:66 | OC |
| Title Page | OC | CD11:67, CD11:68 | OC |
| xiii, xiv | 2 | CD11:69, CD11:70 | OC |
| xv, xvi | 2 | CD11:71 | OC |
| xvii, xviii | 2 | CD11:73, CD11:74 | OC |
| xix, xx | 2 | CD11:75, CD11:76 | OC |
| CD11:1, CD11:2 | OC | CD11:77, CD11:78 | OC |
| CD11:3 | OC | CD11:79, CD11:80 | OC |
| CD11:5, CD11:6 | OC | CD11:81, CD11:82 | OC |
| CD11:7 | OC | CD11:83, CD11:84 | OC |

[7]

BRECKSVILLE CODE

| Page No. | Supp. No. | Page No. | Supp. No. |
|--------------------|------------------|--------------------|------------------|
| CD11:85, CD11:86 | OC | CD11:161, CD11:162 | OC |
| CD11:87, CD11:88 | OC | CD11:163, CD11:164 | OC |
| CD11:89, CD11:90 | OC | CD11:165, CD11:166 | OC |
| CD11:91, CD11:92 | OC | CD11:167, CD11:168 | OC |
| CD11:93, CD11:94 | OC | CD11:169, CD11:170 | OC |
| CD11:95, CD11:96 | OC | CD11:171, CD11:172 | OC |
| CD11:97, CD11:98 | OC | CD11:173, CD11:174 | OC |
| CD11:99, CD11:100 | OC | CD11:175, CD11:176 | OC |
| CD11:101, CD11:102 | OC | CD11:177, CD11:178 | OC |
| CD11:103, CD11:104 | OC | CD11:179, CD11:180 | OC |
| CD11:105, CD11:106 | OC | CD11:181, CD11:182 | OC |
| CD11:107, CD11:108 | OC | CD11:183, CD11:184 | OC |
| CD11:109, CD11:110 | OC | CD11:185, CD11:186 | OC |
| CD11:111, CD11:112 | OC | CD11:187, CD11:188 | OC |
| CD11:113, CD11:114 | OC | CD11:189, CD11:190 | OC |
| CD11:115, CD11:116 | OC | CD11:191, CD11:192 | OC |
| CD11:117, CD11:118 | OC | CD11:193, CD11:194 | OC |
| CD11:119, CD11:120 | OC | CD11:195, CD11:196 | OC |
| CD11:121, CD11:122 | OC | CD11:197, CD11:198 | OC |
| CD11:123, CD11:124 | OC | CD11:199, CD11:200 | OC |
| CD11:125, CD11:126 | OC | CD11:201, CD11:202 | OC |
| CD11:127, CD11:128 | OC | CD11:203, CD11:204 | OC |
| CD11:129, CD11:130 | OC | CD11:205, CD11:206 | OC |
| CD11:131, CD11:132 | OC | CD11:207 | OC |
| CD11:133, CD11:134 | OC | CD11:209, CD11:210 | OC |
| CD11:135, CD11:136 | OC | CD11:211, CD11:212 | OC |
| CD11:137, CD11:138 | OC | CD11:213, CD11:214 | OC |
| CD11:139, CD11:140 | OC | CD11:215, CD11:216 | OC |
| CD11:141, CD11:142 | OC | CD11:217, CD11:218 | OC |
| CD11:143, CD11:144 | OC | CD11:219, CD11:220 | OC |
| CD11:145, CD11:146 | OC | CD11:221, CD11:222 | OC |
| CD11:147, CD11:148 | OC | CD11:223, CD11:224 | OC |
| CD11:149, CD11:150 | OC | CD11:225, CD11:226 | OC |
| CD11:151, CD11:152 | OC | CD11:227, CD11:228 | OC |
| CD11:153 | OC | CD11:229, CD11:230 | OC |
| CD11:155, CD11:156 | OC | CD11:231, CD11:232 | OC |
| CD11:157, CD11:158 | OC | CD11:233, CD11:234 | OC |
| CD11:159, CD11:160 | OC | CD11:235, CD11:236 | OC |

CHECKLIST OF UP-TO-DATE PAGES

| Page No. | Supp. No. | Page No. | Supp. No. |
|--------------------|-----------|------------------|-----------|
| CD11:237, CD11:238 | OC | CD11:313 | OC |
| CD11:239, CD11:240 | OC | CD13:1 | OC |
| CD11:241, CD11:242 | OC | CD13:3 | OC |
| CD11:243, CD11:244 | OC | CD13:5, CD13:6 | OC |
| CD11:245, CD11:246 | OC | CD13:7, CD13:8 | OC |
| CD11:247, CD11:248 | OC | CD13:9, CD13:10 | OC |
| CD11:249, CD11:250 | OC | CD13:11, CD13:12 | OC |
| CD11:251, CD11:252 | OC | CD13:13 | OC |
| CD11:253, CD11:254 | OC | CD13:15, CD13:16 | OC |
| CD11:255, CD11:256 | OC | CD13:17, CD13:18 | OC |
| CD11:257, CD11:258 | OC | CD13:19, CD13:20 | OC |
| CD11:259, CD11:260 | OC | CD13:21, CD13:22 | OC |
| CD11:261 | OC | CD13:23, CD13:24 | OC |
| CD11:263, CD11:264 | OC | CD13:25, CD13:26 | OC |
| CD11:265, CD11:266 | OC | CD13:27, CD13:28 | OC |
| CD11:267, CD11:268 | OC | CD13:29, CD13:30 | OC |
| CD11:269, CD11:270 | OC | CD13:31, CD13:32 | OC |
| CD11:271, CD11:272 | OC | CD13:33, CD13:34 | OC |
| CD11:273, CD11:274 | OC | CD13:35, CD13:36 | OC |
| CD11:275, CD11:276 | OC | CD13:37, CD13:38 | OC |
| CD11:277, CD11:278 | OC | CD13:39, CD13:40 | OC |
| CD11:279, CD11:280 | OC | CD13:41, CD13:42 | OC |
| CD11:281, CD11:282 | OC | CD13:43, CD13:44 | 2 |
| CD11:283, CD11:284 | OC | CD13:45, CD13:46 | OC |
| CD11:285, CD11:286 | OC | CD13:47, CD13:48 | OC |
| CD11:287, CD11:288 | OC | CD13:49, CD13:50 | OC |
| CD11:289, CD11:290 | OC | CD13:51, CD13:52 | OC |
| CD11:291, CD11:292 | OC | CD13:53, CD13:54 | OC |
| CD11:293, CD11:294 | OC | CD13:55, CD13:56 | OC |
| CD11:295, CD11:296 | OC | CD13:57, CD13:58 | OC |
| CD11:297, CD11:298 | OC | CD13:59, CD13:60 | OC |
| CD11:299, CD11:300 | OC | CD13:61, CD13:62 | OC |
| CD11:301, CD11:302 | OC | CD13:63, CD13:64 | OC |
| CD11:303, CD11:304 | OC | CD13:65, CD13:66 | OC |
| CD11:305 | OC | CD13:67, CD13:68 | OC |
| CD11:307, CD11:308 | OC | CD13:69, CD13:70 | OC |
| CD11:309, CD11:310 | OC | CD13:71, CD13:72 | OC |
| CD11:311, CD11:312 | OC | CD13:73, CD13:74 | OC |

BRECKSVILLE CODE

| Page No. | Supp. No. | Page No. | Supp. No. |
|--------------------|------------------|----------------------|------------------|
| CD13:75, CD13:76 | OC | CD15:13, CD15:14 | OC |
| CD13:77, CD13:78 | OC | CD15:15, CD15:16 | OC |
| CD13:79, CD13:80 | 1 | CD15:17, CD15:18 | 1 |
| CD13:81, CD13:82 | 1 | CD15:19, CD15:20 | 1 |
| CD13:83, CD13:84 | 1 | CD15:21, CD15:22 | OC |
| CD13:85, CD13:86 | 1 | CD15:23, CD15:24 | OC |
| CD13:87, CD13:88 | 1 | CD15:25, CD15:26 | OC |
| CD13:89, CD13:90 | 1 | CD15:27, CD15:28 | OC |
| CD13:91, CD13:92 | 1 | CD15:29, CD15:30 | OC |
| CD13:93, CD13:94 | 1 | CD15:31, CD15:32 | OC |
| CD13:95, CD13:96 | 1 | CD15:33, CD15:34 | OC |
| CD13:97, CD13:98 | 1 | CD15:35, CD15:36 | OC |
| CD13:99, CD13:100 | 1 | CD15:37, CD15:38 | OC |
| CD13:101, CD13:102 | 1 | CD15:39, CD15:40 | OC |
| CD13:107, CD13:108 | OC | CD15:41, CD15:42 | OC |
| CD13:109, CD13:110 | OC | CD15:43, CD15:44 | OC |
| CD13:111, CD13:112 | OC | CD15:45, CD15:46 | OC |
| CD13:113, CD13:114 | OC | CD15:47, CD15:48 | OC |
| CD13:115, CD13:116 | OC | CD15:49, CD15:50 | OC |
| CD13:117, CD13:118 | OC | CD15:51, CD15:52 | OC |
| CD13:119, CD13:120 | OC | CD15:53, CD15:54 | OC |
| CD13:121, CD13:122 | OC | CD15:55, CD15:56 | 1 |
| CD13:123, CD13:124 | OC | CD15:57, CD15:58 | 1 |
| CD13:125, CD13:126 | OC | CD15:59, CD15:60 | 1 |
| CD13:127, CD13:128 | OC | CD15:61, CD15:62 | 1 |
| CD13:129, CD13:130 | OC | CD15:63, CD15:64 | 1 |
| CD13:131, CD13:132 | OC | CD15:65, CD15:66 | 1 |
| CD13:133, CD13:134 | OC | CD15:67, CD15:68 | 1 |
| CD13:135, CD13:136 | OC | CD15:69, CD15:70 | 1 |
| CD13:137, CD13:138 | OC | CD15:70.1, CD15:70.2 | 1 |
| CD13:139, CD13:140 | OC | CD15:70.3 | 1 |
| CD13:141 | OC | CD15:71, CD15:72 | OC |
| CD15:1 | OC | CD15:73, CD15:74 | OC |
| CD15:3, CD15:4 | OC | CD15:75, CD15:76 | OC |
| CD15:5, CD15:6 | 1 | CD15:77, CD15:78 | OC |
| CD15:7, CD15:8 | OC | CD15:79, CD15:80 | 1 |
| CD15:9, CD15:10 | OC | CD15:81, CD15:82 | 1 |
| CD15:11, CD15:12 | OC | CD15:83, CD15:84 | 1 |

CHECKLIST OF UP-TO-DATE PAGES

| Page No. | Supp. No. | Page No. | Supp. No. |
|------------------|-----------|------------------|-----------|
| CD15:85, CD15:86 | 1 | TSO:360, TSO:361 | OC |
| CD15:87, CD15:88 | 1 | TSO:361, TSO:362 | OC |
| TSO:1 | OC | TSO:363, TSO:364 | OC |
| TSO:3, TSO:4 | OC | TSO:365, TSO:366 | OC |
| TSO:30, TSO:31 | OC | PRT:1 | OC |
| TSO:31, TSO:32 | OC | PRT:3, PRT:4 | OC |
| TSO:33, TSO:34 | OC | PRT:5, PRT:6 | OC |
| TSO:35, TSO:36 | OC | PRT:7, PRT:8 | OC |
| TSO:37, TSO:38 | OC | PRT:9, PRT:10 | OC |
| TSO:39, TSO:40 | OC | PRT:11, PRT:12 | OC |
| TSO:41, TSO:42 | OC | PRT:13, PRT:14 | OC |
| TSO:43, TSO:44 | OC | PRT:15, PRT:16 | OC |
| TSO:45, TSO:46 | OC | PRT:17, PRT:18 | OC |
| TSO:47, TSO:48 | OC | PRT:19, PRT:20 | OC |
| TSO:49, TSO:50 | OC | PRT:21, PRT:22 | OC |
| TSO:51, TSO:52 | OC | PRT:23, PRT:24 | OC |
| TSO:53 | 2 | PRT:25, PRT:26 | OC |
| TSO:90 | OC | PRT:27, PRT:28 | OC |
| TSO:120, TSO:121 | OC | PRT:29, PRT:30 | OC |
| TSO:121, TSO:122 | OC | PRT:31, PRT:32 | OC |
| TSO:123, TSO:124 | OC | PRT:33 | OC |
| TSO:125 | OC | PRT:35, PRT:36 | OC |
| TSO:150, TSO:151 | OC | PRT:37, PRT:38 | OC |
| TSO:151, TSO:152 | OC | PRT:39, PRT:40 | OC |
| TSO:153, TSO:154 | 2 | PRT:41, PRT:42 | OC |
| TSO:180, TSO:181 | OC | PRT:43, PRT:44 | OC |
| TSO:181, TSO:182 | OC | PRT:45, PRT:46 | OC |
| TSO:183, TSO:184 | OC | PRT:47 | OC |
| TSO:210 | OC | CCT:1 | 2 |
| TSO:240 | OC | CHTi:1, CHTi:2 | 1 |
| TSO:270, TSO:271 | OC | CHTi:3, CHTi:4 | 1 |
| TSO:271, TSO:272 | OC | CHTi:5, CHTi:6 | 1 |
| TSO:273, TSO:274 | OC | CDi:1, CDi:2 | 2 |
| TSO:275, TSO:276 | OC | CDi:3, CDi:4 | 2 |
| TSO:277, TSO:278 | OC | CDi:5, CDi:6 | 2 |
| TSO:279, TSO:280 | OC | CDi:7, CDi:8 | 2 |
| TSO:281 | 1 | CDi:9, CDi:10 | 2 |
| TSO:321 | 2 | CDi:11, CDi:12 | 2 |

BRECKSVILLE CODE

| Page No. | Supp. No. | Page No. | Supp. No. |
|-----------------|------------------|-----------------|------------------|
| CDi:13, CDi:14 | 2 | CDi:89, CDi:90 | 2 |
| CDi:15, CDi:16 | 2 | | |
| CDi:17, CDi:18 | 2 | | |
| CDi:19, CDi:20 | 2 | | |
| CDi:21, CDi:22 | 2 | | |
| CDi:23, CDi:24 | 2 | | |
| CDi:25, CDi:26 | 2 | | |
| CDi:27, CDi:28 | 2 | | |
| CDi:29, CDi:30 | 2 | | |
| CDi:31, CDi:32 | 2 | | |
| CDi:33, CDi:34 | 2 | | |
| CDi:35, CDi:36 | 2 | | |
| CDi:37, CDi:38 | 2 | | |
| CDi:39, CDi:40 | 2 | | |
| CDi:41, CDi:42 | 2 | | |
| CDi:43, CDi:44 | 2 | | |
| CDi:45, CDi:46 | 2 | | |
| CDi:47, CDi:48 | 2 | | |
| CDi:49, CDi:50 | 2 | | |
| CDi:51, CDi:52 | 2 | | |
| CDi:53, CDi:54 | 2 | | |
| CDi:55, CDi:56 | 2 | | |
| CDi:57, CDi:58 | 2 | | |
| CDi:59, CDi:60 | 2 | | |
| CDi:61, CDi:62 | 2 | | |
| CDi:63, CDi:64 | 2 | | |
| CDi:65, CDi:66 | 2 | | |
| CDi:67, CDi:68 | 2 | | |
| CDi:69, CDi:70 | 2 | | |
| CDi:71, CDi:72 | 2 | | |
| CDi:73, CDi:74 | 2 | | |
| CDi:75, CDi:76 | 2 | | |
| CDi:77, CDi:78 | 2 | | |
| CDi:79, CDi:80 | 2 | | |
| CDi:81, CDi:82 | 2 | | |
| CDi:83, CDi:84 | 2 | | |
| CDi:85, CDi:86 | 2 | | |
| CDi:87, CDi:88 | 2 | | |

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

| Ord. No./Res. No. | Date Adopted | Included/Omitted |
|--------------------|--------------|------------------|
| Supp. No. 1 | | |
| 5437(Res.) | 5-16-23 | Omitted |
| 5438(Res.) | 5-16-23 | Omitted |
| 5449(Res.) | 7- 5-23 | Omitted |
| 5606 | 7-18-23 | Included |
| 5607 | 7-18-23 | Included |
| 5608 | 7-18-23 | Included |
| 5609 | 7-18-23 | Included |
| 5610 | 7-18-23 | Included |
| 5611 | 7-18-23 | Included |
| 5623 | 6-20-23 | Omitted |
| 5630 | 6-20-23 | Omitted |
| 5649 | 10- 3-23 | Omitted |
| 5658 | 11- 7-23 | Included |
| 5659 | 11- 7-23 | Omitted |
| 5660 | 11- 7-23 | Included |
| 5661 | 11-21-23 | Included |
| Supp. No. 2 | | |
| 5486(Res.) | 12-19-23 | Omitted |
| 5487(Res.) | 12-19-23 | Omitted |
| 5530(Res.) | 2- 6-23 | Omitted |
| 5531(Res.) | 2- 6-23 | Omitted |
| 5534(Res.) | 3- 5-24 | Omitted |
| 5581 | 1-17-23 | Included |
| 5586 | 2- 7-23 | Included |
| 5590 | 3- 7-23 | Included |
| 5591 | 3- 7-23 | Included |
| 5592 | 3- 7-23 | Omitted |
| 5604 | 4- 4-23 | Omitted |
| 5619 | 5-16-23 | Included |
| 5667 | 12- 5-23 | Included |
| 5671 | 12- 5-23 | Included |
| 5675 | 1-16-24 | Included |

BRECKSVILLE CODE

| Ord. No./Res. No. | Date Adopted | Included/Omitted |
|-------------------|--------------|------------------|
| 5685 | 2-20-24 | Included |
| 5697 | 4- 2-24 | Included |

CHARTER OF
THE CITY OF BRECKSVILLE, OHIO

The members of the Charter Commission, chosen by the voters at the general election in November, 1955, which framed and submitted the Charter were:

Fred O. Burkhalter — Chairperson

Julian R. Fredebaugh — Vice-Chairperson

Geraldine S. McNabb — Secretary

Arthur C. Gravatt — Assistant Secretary

Robert F. Below
Marian A. Bourne
Ray E. Butler
William H. Claire
Donald G. Dobay

Dorothy L. A. Fernengel
L. Merle Hostetler
Elton R. Lube
M. Patricia Pohle
Kenneth H. Winter

Dates appearing in parenthesis following a section indicate those provisions were subsequently adopted or amended on the date given.

BRECKSVILLE CODE

Preamble

Article I. Boundaries

Article II. Municipal Powers

Article III. The Mayor

- Section 1. Term.
- Section 2. Qualifications.
- Section 3. Absence or vacancy.
- Section 4. Powers of the Mayor.

Article IV. The Council

- Section 1. Number and terms.
- Section 2. Qualifications.
- Section 3. President of Council.
- Section 4. Removal.
- Section 5. Vacancies.
- Section 6. Salaries.
- Section 7. Meetings.
- Section 8. Quorum.
- Section 9. Rules and journal of Council.
- Section 10. Form of legislative action.
- Section 11. Effective date of ordinances and resolutions.
- Section 12. Mandatory referral.

Article V. Administrative Officers, Departments, Boards, and Commissions

- Section 1. General provisions.
- Section 2. Director of Finance.
- Section 3. Director of Public Safety.
- Section 4. Director of Public Service.
- Section 5. Law Director.
- Section 6. Clerk of Council.
- Section 7. Board of Zoning Appeals.
- Section 8. Planning Commission.
- Section 9. Recreation Commission.
- Section 10. Civil Service Commission.
- Section 11. Residence qualifications.

Article VI. Finances

- Section 1. General.
- Section 2. Annual budget and appropriations.
- Section 3. Limitation on rate of taxation.
- Section 4. Limitation upon expenditures without prior Council approval.
- Section 5. Advertisement for bids.

CHARTER

- Section 6. Sale of municipal property.
- Section 7. Procedure for selecting depositories and deposit of public monies.
- Section 8. Purchasing.

Article VII. Nominations and Elections

Article VIII. Initiative, Referendum and Recall

- Section 1. Initiative.
- Section 2. Referendum.
- Section 3. Recall.
- Section 4. Petitions.

Article IX. Franchises

Article X. Amendments to Charter

Article XI. Charter Review Commission

Article XII. Miscellaneous Provisions

- Section 1. Effective date of Charter.
- Section 2. Saving clause.
- Section 3. Effect of the Charter upon existing laws and rights.
- Section 4. Interpretation of the Charter.
- Section 5. Misspellings, errors in grammar, renumbering upon codification and gender neutral designations.

PREAMBLE

We, the people of Brecksville, in the County of Cuyahoga and State of Ohio, in order to secure for ourselves the benefits of municipal home rule and to exercise all the powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for our municipality.

ARTICLE I. BOUNDARIES

This municipality now existing in the County of Cuyahoga and State of Ohio shall continue to be a body politic incorporated under the name of BRECKSVILLE, with the same boundaries as now exist. It shall have the power and authority to change its boundaries in the manner authorized by the laws of Ohio, except that no territory shall be detached from or annexed to this municipality, nor shall the municipality be annexed to or merged with any other body politic, nor shall the corporate existence of this municipality be terminated, without the assent of a majority of the electors of this municipality. Any such question shall be submitted to the electors only at a regular election in such manner as Council shall by resolution or ordinance prescribe.

ARTICLE II. MUNICIPAL POWERS

The municipality of Brecksville shall have all the powers, general or special, governmental or proprietary, express or implied, which may now or hereafter lawfully be possessed or assumed by municipalities of the class of this municipality under the Constitution and laws of Ohio. No enumeration of specific powers in this Charter shall be held to be exclusive.

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as Council may determine, or unless a contrary intent appears in this Charter or in the enactments of the Council, in such manner as now or hereafter may be provided by the laws of Ohio.

ARTICLE III. THE MAYOR**Section 1. Term.**

The Mayor shall be elected at the regular municipal election in the year 1975, and every fourth year thereafter, for a term of four (4) years. The Mayor's term shall commence and the Mayor shall assume office on the second day of January next following such election and shall serve until the Mayor's successor has been duly elected and qualified. The Mayor may be a candidate to succeed himself.

(Amended 11-6-73; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 2. Qualifications.

The Mayor shall have been a qualified elector and a resident in this municipality for at least four (4) years immediately prior to the date of the Mayor's election, and shall continue to be a qualified elector and resident therein during the Mayor's term. The Mayor shall not, directly or indirectly, solicit, contract for, receive or be interested in any profit or emolument from or on account of any contracts job, work or service with or for the municipality.

If at any time the Mayor shall cease to possess any of the aforesaid qualifications of office, or shall be convicted of a felony or other crime involving moral turpitude, it shall be the duty of Council to declare the office of Mayor vacant, and upon such declaration the office of Mayor shall automatically and immediately become vacant. Such declaration by Council shall be made only after public hearing upon the charge or charges brought, and provided, further, that the Mayor shall have been notified in writing of the charge or charges against the Mayor at least fifteen (15) days in advance of such hearings; provided, further, that the Mayor or the Mayor's counsel shall have been given an opportunity to be heard, present evidence, and examine all witnesses appearing in support of such charge or charges. To be effective such declaration of vacancy in the office of Mayor must receive the affirmative vote of five (5) or more members of Council.

(Ord. No. 5606, § 1, 7-18-23)

Section 3. Absence or vacancy.

When the Mayor is absent or inaccessible or is unable for any cause or reason to perform the Mayor's duties, the President of Council shall become the acting Mayor, but the President of Council shall not thereby cease to be a councilperson.

In the event of a vacancy in the office of Mayor, the President of Council shall thereupon become acting Mayor for a period not to exceed sixty (60) days, and during such period the President of Council shall continue to serve the offices of President of Council and councilperson. Within such sixty (60) day period, Council shall appoint as Mayor a councilperson or any qualified elector of the City of Brecksville who meets the qualifications of said office. Such appointee shall hold office for the unexpired term of the Mayor or until the beginning of the term of a successor duly elected for the unexpired term at the next regular Municipal election if the vacancy shall have occurred more than ninety (90) days prior to such election, provided such election shall occur two years or more prior to the expiration of the unexpired term. If the President of Council or other councilperson is appointed to the office of Mayor as provided for herein, then such office or offices shall become vacant upon the succession to the office of Mayor.

In the event the President of Council shall be absent or inaccessible or for any reason unable to perform the President of Council's duties as acting Mayor, then Council, by a vote of a majority of the remaining members of Council, shall designate one of their number to act as Mayor.

(Amended 11-8-83; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Powers of the mayor.

A. *Judicial.* The Mayor shall have all the judicial powers now or hereafter granted by the laws of Ohio to Mayors of municipalities of the class of this municipality.

B. *Legislative.* The Mayor shall be entitled to a seat in the Council and shall attend all meetings of Council. The Mayor shall have the right to introduce ordinances, resolutions and motions, and the right to participate in the discussion of all matters coming before the Council, but the Mayor shall have no vote in the Council.

C. *Veto.* Every ordinance or resolution passed by Council shall be signed by the Clerk of Council and shall be presented to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, the Mayor shall sign it and file it with the Clerk of Council. If the Mayor disapproves any

emergency ordinance or resolution, the Mayor shall return it to the Clerk of Council within twenty-four (24) hours after its passage, and in case the Mayor disapproves any other ordinance or resolution, the Mayor shall return it to the Clerk of Council within ten (10) days after its passage, together in each instance with the Mayor's objections in writing. The Mayor's objections shall be entered in full on the Journal of Council.

The Mayor may approve or disapprove the whole or any part of any ordinance appropriating money, but otherwise the Mayor's approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor within the time specified after its passage does not sign or disapprove an ordinance or resolution so presented to the Mayor, such ordinance or resolution shall take effect in the same manner as if the Mayor had signed it within the time specified. When the Mayor has disapproved an ordinance or resolution or an item of it as herein provided, the Council may, but not later than its next regular meeting, reconsider the ordinance or resolution or part thereof disapproved by the Mayor and if, upon such reconsideration, the ordinance, resolution or item is approved by an affirmative vote of five (5) or more members of Council, such ordinance or resolution shall take effect, notwithstanding the disapproval of the Mayor.

D. *Executive.* The Mayor shall be the chief executive officer of the municipality. The Mayor shall supervise the administration of the affairs of the municipality, and supervise all the departments and divisions thereof except the Departments of Finance and Law and Clerk of Council. The Mayor shall be the chief conservator of the peace within the municipality and shall see that all laws and ordinances are enforced therein. Except as otherwise provided by the Charter and subject to the laws of Ohio, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of this municipality not required by this Charter to be elected. The Mayor shall recommend to Council for adoption such measures as the Mayor may deem necessary or expedient, keep the Council advised of the condition and needs of the municipality, and exercise such powers and perform such duties as are conferred upon the Mayor or required by this Charter. The Mayor shall execute on behalf of the municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the municipality is a party. The Mayor shall be the official and ceremonial head of the municipality and shall receive all civil processes in any action wherein the municipality is a party.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

ARTICLE IV. THE COUNCIL

Section 1. Number and terms.

All the legislative powers of the municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, all of whom shall be elected at large as hereinafter provided, and shall assume office on the second day of January next following their election.

The terms of Councilpersons shall be staggered. Four (4) Councilpersons shall be elected at each regular municipal election held after November 1957. Of the four candidates so elected the three (3) receiving the highest number of votes shall each serve for a term of four (4) years and the one (1) receiving the next highest number of votes shall serve for a term of two (2) years.

At the regular municipal election to be held in November 1957, and for that election only, and to start the above system of staggered terms, the three (3) candidates for Council receiving the highest number of votes shall each serve for a term of four (4) years and the four (4) candidates receiving the next highest number of votes shall each serve for a term of two (2) years.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 2. Qualifications.

Each member of Council shall have been for at least two years immediately prior to the date of each member of Council's election and during each member of Council's term of office shall continue to be, a resident in this municipality and qualified elector thereof. Except as otherwise provided in this Charter, no member of Council shall hold any other municipal office or municipal employment in this municipality. Each member of Council shall not, directly or indirectly, solicit, contract for, receive, or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the municipality.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 3. President of council.

A member of Council shall be elected to the office of President of Council for a term of one year by a majority of the members of Council at the first regular meeting of Council in January of each calendar year, or as soon thereafter as is practicable.

The President of Council shall preside at all meetings of Council, but shall not by virtue of holding that office be deprived of the President of Council's powers and rights or be relieved of any of the President of Council's duties, functions or obligations as a member of Council.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Removal.

The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance in or disqualification for office, or upon conviction while in office of a felony or other crime involving moral turpitude, or for violation of any member's oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council, provided, however, that such expulsion or removal shall be upon concurrence of five (5) or more members of Council after public hearing upon the charge or charges brought; and provided, further, that the accused member shall have been notified in writing of the charge or charges against the accused member at least fifteen (15) days in advance of such public hearing; and provided, further that the accused member or the accused member's counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.

The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 5. Vacancies.

Whenever the office of councilperson shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after it has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular municipal election if (a) such election shall occur two (2) years or more prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than ninety (90) days prior to such election. Any vacancy in the office of President of Council, whether occurring by death, disqualification, recall, removal, resignation or by succession to the office of Mayor, shall be filled by a councilperson elected by the majority of the remaining members of Council. The successor shall hold office for the balance of the unexpired term. If the vacancy be not so filled by the Council within thirty (30) days from the date such vacancy occurs, the power of Council to do so shall lapse, and the Mayor shall appoint one of the remaining councilpersons to fill such vacancy.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 6. Salaries.

Council shall fix the salaries or compensation of the Mayor, members of Council, and each officer, employee or member of any Board or Commission of the municipality, whether elected or appointed. Any such person may be required by Council to furnish a bond or bonds for the faithful performance of any such person's duties, and Council may provide for the payment of the premium for any such bond by the municipality. The compensation of the Mayor and of each member of Council shall be fixed not less than one hundred twenty (120) days immediately preceding the date of the next municipal election, and shall not thereafter be changed in respect of any of the terms of the Mayor or Councilpersons elected thereat. The compensation of every other officer, employee and member of any Board or Commission of the municipality as fixed by Council shall at all times be subject to the power of Council to provide otherwise by ordinance or resolution, and may be changed at any time at the discretion of Council. Council may authorize the payment or reimbursement of expenses incurred by any officer or employee or member of any Board or Commission of the municipality for traveling or other expenses incidental to the authorized furtherance of the interests of the municipality.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 7. Meetings.

A. *Regular Meetings.* At 8:00 p.m. on the second day of January following a regular municipal election, the Council shall convene and organize at the Council Chambers of the municipality. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations or by ordinance,

except that it shall hold regular meetings at least twice during each calendar month. All regular meetings of Council shall be held at the Council Chambers, and all meetings of Council, whether regular or special, shall be open to the public, except as provided in subsection C. hereof.

B. Special Meetings. Special meetings of the Council may be called in accordance with and as provided for by the rules, or by-laws adopted by the Council. In absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council, or three (3) members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered thereat. Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or three (3) members of Council, shall be given to each member of Council and the Mayor, by serving on each of them personally or by leaving a copy thereof at their usual place of residence, not less than twelve (12) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing.

C. Executive Sessions. Council may call an executive session of its members for any regular or special Council meeting or committee meetings, or adjourn any regular or special Council meeting or committee meeting into executive session in any of the following circumstances:

1. In any matter involving personnel including the appointment, employment, dismissal, discipline, promotion, demotion or compensation of any public employee or official, or the investigation of charges or complaints against a public employee or official;
2. To consider the purchase, sale, lease or other disposition of real property;
3. Conferences with an attorney or attorneys for the City concerning issues of pending, imminent or potential litigation;
4. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
5. Matters required to be kept confidential by federal law or rules or state statutes;
6. Any situation where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for a violation of law.

(Amended 11-7-89; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 8. Quorum.

Four (4) members of Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or resolution.

Section 9. Rules and journal of Council.

Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution, or motion shall be by roll call, and the vote of each councilperson shall be entered upon the journal.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 10. Form of legislative action.

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form except that action by Council not required by this Charter or law to be by ordinance or resolution, may be taken by motion approved by at least four (4) members of Council. An affirmative vote of at least four (4) members of Council shall be required for the passage or enactment of every ordinance or resolution. Every ordinance or resolution shall be fully and distinctly read at three (3) different regular Council meetings unless five (5) members of Council vote affirmatively to dispense with the rule, in which event the ordinance or resolution shall be fully and distinctly read at least once before passage. Ordinances and resolutions may be read by title only unless otherwise determined by the affirmative vote of at least four (4) members of Council. No ordinance or resolution shall contain more than one subject, which subject shall be clearly expressed in the title; and no ordinance or resolution shall be revised or amended unless said amendments or revisions are indicated by the use of highlighted or similar typeface for new or additional wording, and the use of dashes through words and letters which are to be deleted. This provision shall not apply to ordinances or resolutions that create new laws or regulations or that repeal existing laws or regulations in their entirety provided the ordinance or resolution so designates.

All ordinances, resolutions, statements, orders, proclamations and reports required by law or by this Charter or by ordinance to be published or posted, shall be posted in not less than three (3) public places in the municipality as determined by Council for a period of not less than fifteen (15) days prior to the taking effect thereof. Any emergency ordinance or resolution shall also be published or posted as aforesaid, but said requirement shall not postpone the immediate taking effect as provided in Section II of this Article IV.

(Amended 11-6-90; Amended 11-2-93; Amended 11-4-03; Amended 11-5-13)

Section 11. Effective date of ordinances and resolutions.

Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. No other ordinance or resolution shall become effective until thirty (30) days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor or upon its passage after veto by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action, and shall require the affirmative vote of five (5) members of Council for its enactment. No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or rezoning ordinance or amendment or repeal of any zoning ordinance, shall be designated an emergency measure or enacted under a suspension of the rules.

(Amended 11-4-03)

Section 12. Mandatory referral.

Any legislation passed by Council or proposed by initiative petition which refers to a change in existing zoning or to a change in any use regulations controlling the use or development of land shall not

become effective or binding upon the municipality unless and until the same be submitted to the electors of the municipality and approved by a fifty-five percent (55%) favorable vote of all votes cast for this issue by the qualified electors of the city at the next general election in the case of legislation proposed by initiative petition and for legislation adopted by Council at the next general, regular, or primary election held in the municipality, which shall occur not less than ninety (90) days after its passage by Council or, in the case of legislation proposed by initiative petition, after its certification to the Board of Elections. The Clerk of Council shall advertise any proposed change in a newspaper of general circulation, whose circulation is either the largest, or second to the largest within the limits of the city for two consecutive times, with at least two weeks between notices and a third notice one week prior to the election.

If this section is violated and a building is under construction or completely constructed it shall be mandatory for the Mayor, Safety Director, Law Director, and Building inspector equally to have the building or structure removed completely within sixty (60) days at the owner's expense as these officials are charged with the enforcement of this section. The Planning Commission shall have on display at all times in the Council Chambers, available to the public, a zone map, showing a legend and summary of zoning regulations by district, major use, minimum and maximum lot width and that each district, City park, playground and City lands be accurately located and identified with the date of adoption and the date of revisions to date. Any and all revisions shall be posted to the zone map within ninety (90) days of their occurrence. Maps shall be available to each landowner of the city for a nominal cost.
(Amended 11-6-90; Amended 11-4-03; Amended 5-3-11)

ARTICLE V. ADMINISTRATIVE OFFICERS, DEPARTMENTS, BOARDS, AND COMMISSIONS

Section 1. General provisions.

This Municipality shall have a Department of Finance, Department of Public Safety, Department of Public Service, Department of Law, a Board of Zoning Appeals, Planning Commission, Recreation Commission, and Civil Service Commission, and Council shall provide by ordinance for the organization and duties thereof not provided for by this Charter. The Council may establish by ordinance new departments or divisions and new boards and commissions, and with the exception of the departments, divisions, boards and commissions established by this Charter, the Council may continue or abolish existing departments, divisions, boards and commissions as it may deem necessary.

The Council may authorize and require one person to be the head of two or more departments or divisions or perform the duties of two or more offices or positions subject to the following exceptions: The Director of Finance may, while holding that office, also be appointed Clerk of Council and be required to perform the duties thereof, but the Director of Finance shall not be authorized or required to perform any other duties except those imposed upon the Director of Finance by this Charter or directly related to the fiscal and accounting matters of this municipality. The Mayor shall hold no other municipal office or municipal employment in this municipality except as otherwise expressly provided in this Charter.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 2. Director of Finance.

(a) The Director of Finance shall be the head of the Department of Finance and have charge of the administration of the fiscal affairs of the municipality. The Director of Finance and any assistants shall be appointed by Council and shall be subject to removal by Council. The Director of Finance shall serve the Mayor and Council as financial adviser in municipal affairs. The Director of Finance's duties shall include the preparation of data for the annual estimate, custody of all public funds of the municipality, keeping and supervision of all accounts, the certification for collection of special assessments, the collection of all license fees and permit fees, and the performance of such additional duties in fiscal matters as Council may direct.

(b) The Director of Finance shall establish and maintain accounting procedures necessary for keeping complete financial records accurately showing all moneys received and expended, all property owned by the municipality, all revenues accrued and liabilities incurred, and the financial transactions of all departments and officers of the municipality. Such accounting procedures and financial records shall be adequate in form and in such detail as necessary for the making of all financial reports and furnishing such other financial data and statements as may be required of the Director of Finance under this Charter.

(c) All public funds shall be kept and preserved in the place or places authorized by ordinance, and the Director of Finance shall disburse said funds only as authorized by law or ordinance. The Director of Finance shall not allow the amount set aside for any appropriation to be overdrawn or drawn for any purpose other than the purpose provided by ordinance of Council. The Director of Finance shall have the right to examine and audit the accounts of all departments, officers, employees, boards and commissions of the municipality.

No warrant for the payment of public funds shall be issued and no claim against or obligation of the municipality shall be paid except upon voucher first approved in writing by the department head or officer for whom the obligation or claim was incurred, and in case of purchases, such vouchers shall also be approved in writing by the Director of Purchasing.

(d) The Director of Finance shall assist the Mayor in the preparation of an annual estimate as provided in Article VI hereof, and shall prepare financial statements at least quarterly and submit same to the Council not later than fifteen (15) days after the end of each accounting period, detailed as to appropriations and funds in such manner as to show the true financial condition of the municipality, and each department and division thereof as of the last day of the accounting period. The Director of Finance shall furnish such other financial reports, data and statements as shall be required by the Mayor, Council or laws of the State of Ohio.

(Amended 11-2-93; Amended 11-5-13; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 3. Director of Public Safety.

(a) The Director of Public Safety shall be the head of the Public Safety Department and shall be appointed by the Mayor with the approval of Council. The Director of Public Safety shall be the executive head of the Fire Department and Police Department and Building Department, and shall be charged with the duty of enforcing all police, health, safety, sanitary and building regulations that may be prescribed by the ordinances of the municipality or the general laws of the State of Ohio.

The Police Department shall consist of a Chief of Police and such other officers, patrol officers and personnel as Council and the Mayor shall deem advisable, all of whom shall be appointed by Council upon recommendation of the Director of Public Safety.

The Fire Department shall consist of a Fire Chief and such other officers, firefighters and personnel as Council and the Mayor shall deem advisable, all of whom shall be appointed by Council upon recommendation of the Director of Public Safety.

The Building Department shall consist of a Building Commissioner and such other personnel as Council and the Mayor shall deem advisable, all of whom shall be appointed by Council upon recommendation of the Director of Public Safety.

(b) The Director of Public Safety shall make and publish, with the approval of Council, written rules for the government of the Police, Fire, and Building Departments and the conduct and discipline of members and personnel thereof.

(c) The Mayor, in addition to the Mayor's other duties, shall be and perform the duties of the Director of Public Safety. Should the Mayor determine that it is not in the best interest of this municipality for the Mayor to serve as the Director of Public Safety, the Director of Public Safety shall be appointed by the Mayor with the approval of the Council.

(Amended 11-5-13; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Director of Public Service.

(a) The Director of Public Service shall be the head of the Department of Public Service, and shall be appointed by the Mayor with the approval of the Council. The Director of Public Service shall manage and supervise the construction, improvement, and maintenance of all public works, public construction, buildings, grounds, cemeteries, streets and lanes, alleys and bridges, and other public places, and shall supervise and manage the cleaning, resurfacing, repairing, and lighting of streets and all other public places, and the collection and disposal of wastes, and the preservation and maintenance of all municipal property.

The Director of Public Service shall have charge of and supervise the maintenance of all municipal equipment and the storage of all materials and supplies, and keep and submit to Council and the Mayor an inventory thereof or such other report with respect thereto as either of them may require.

(b) It shall be the responsibility of the Director of Public Service to see that all terms and conditions imposed in favor of the municipality or its inhabitants in any franchise to which the municipality is a party, are fully and faithfully kept and performed.

(c) The Director of Public Service shall assist the Mayor in the preparation of the annual estimate, and shall perform such other duties as may be required of the Director of Public Service by the Mayor.

(d) The Director of Public Service may, as approved by the Mayor, employ and discharge such assistants and employees as may from time to time be necessary for the proper discharge of the Director's duties.

(Amended 11-2-93; Amended 11-5-13; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 5. Law Director.

The Law Director shall be head of the Department of Law, and shall be appointed and may be removed by Council. The Law Director shall be an attorney at law in good standing, admitted to practice in the courts of Ohio and shall have been engaged in the active practice of law for a period of five (5) years or more immediately prior to the Law Director's appointment. The Law Director shall be the legal adviser and attorney for the municipality.

The Law Director shall perform such duties as are consistent with the office as may be required by Council and/or the Mayor.

(Amended 11-5-13)

Section 6. Clerk of Council.

A Clerk of Council shall be appointed and may be removed by Council. Council may employ such other employees as it deems necessary for the proper discharge of the duties of Council.

The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council, authenticate by the Clerk of Council's signature and have custody of and properly file and index all laws, ordinances and resolutions of Council, and shall have custody of other official documents, reports, papers and communications received by the Council, and have custody and control of all files of Council, and perform such other duties as Council shall require.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 7. Board of Zoning Appeals.

A. *Membership.* The Board of Zoning Appeals shall consist of the Mayor, one member of Council to be appointed by Council for a term of two years, and in addition five (5) qualified electors of the municipality not holding other municipal office or appointment who shall be appointed by the Council. The members of the Board of Zoning Appeals shall receive no compensation. The term of the present members of the Board of Zoning Appeals shall terminate on December 31, 1957. Those persons other than the councilperson appointed to the Board by the Council shall be appointed for a term of five years, except that of the five (5) appointed for the term beginning January 1, 1958, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and the fifth member for a full term of five years. Any member of the Board of Zoning Appeals appointed by the Council may be removed for any cause by a vote of five (5) members of Council. A vacancy occurring during the term of any member of the Board shall be filled for the unexpired term in the manner authorized for an original appointment.

B. *Jurisdiction.* The Board of Zoning Appeals shall have such duties and power as are now or may be granted to it by ordinances of Council to hear and decide appeals for exceptions to and variances in the application of zoning ordinances and regulations, and orders and regulations of administrative officials or agencies governing zoning.

Procedure before the Board of Zoning Appeals shall be in accordance with the ordinances of Council or rules and regulations established by the Board of Zoning Appeals not inconsistent therewith. Any and all such variances and exceptions allowed by the Board of Zoning Appeals shall be subject to the review and approval of Council before becoming effective.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 8. Planning Commission.

A. *Membership.* The Planning Commission shall consist of the Mayor, one member of Council to be appointed by the Council for a two year term, and in addition five (5) electors of the municipality not holding other municipal office or appointment who shall be appointed by the Council. The members of the Planning Commission shall receive no compensation. The term of the present members of the Planning Commission shall terminate December 31, 1957. The five (5) electors appointed to the Commission by Council as provided under authority of this Charter shall be appointed for a term of five (5) years, except that of the five (5) appointed for the term beginning January 1, 1958, one shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and one for a full term of five (5) years. Any member of the Planning Commission appointed by Council may be removed for any cause by a vote of five (5) members of Council. A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

B. *Powers and Duties.* Subject to approval by the Council, the Planning Commission shall:

- (a) Make, amend, extend or add to the Master Plan for the physical development of the municipality;
- (b) Exercise control over platting or subdividing land within the Municipality;
- (c) Draft an official map of the Municipality, showing the present and planned streets and use of public land, and adopt changes in such map;
- (d) Propose zoning regulations, subdivision regulations and a zoning map, and make recommendations as to amendments to zoning regulations, subdivision regulations, and zoning code;
- (e) Promote public interest and understanding of the Master Plan, zoning regulations, subdivision regulations and general physical improvement and development of the Municipality;
- (f) Hold public meetings and public hearings on matters presented for its consideration as may be provided by ordinance of Council, and keep a public record of its proceedings, findings and determinations, and report in writing its findings and determinations to Council;
- (g) Exercise such other powers and perform such other duties as are now or may hereafter be provided by ordinance of Council.

C. *Mandatory Referral.* No public building, street, boulevard, parkway, park, public land, playgrounds, dock, aviation field, utility, bridge, tunnel, or part thereof, shall be constructed or authorized to be constructed in the Municipality, or purchased or sold, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, located, relocated, vacated or its use changed, nor any ordinance referring to

zoning or other regulations controlling the use or development of lands, be passed or become effective or binding upon the Municipality unless and until a public hearing shall have been held thereon by the Planning Commission and Council shall have received a report and recommendation of the Planning Commission with respect thereto, which recommendation and report may be made by the Planning Commission to the Council on its own initiative, or in the event such matter is referred to it by Council, the Planning Commission shall make its recommendation and report with respect thereto within sixty (60) days after such matter is referred to the Planning Commission, unless a longer period is allowed by Council. If the Planning Commission shall fail to act within the time allotted with respect to any matter referred to it by the Council, the Council may act thereon as if it had received a recommendation of approval in such matters.

Upon receiving a recommendation or report of the Planning Commission the Council shall approve or disapprove the recommendation or report within sixty (60) days after the receipt thereof. In the event that implementation of the action of Council thereon requires adoption of legislation, such legislation shall be put on first reading within sixty (60) days after Council's approval or disapproval, and final legislative action shall be taken within sixty (60) days from such first reading.

The Planning Commission shall give such notice of public hearings as is now or may hereafter be provided for by ordinance of Council. Disapproval of any recommendation or report made pursuant to formal action of the Planning Commission shall require a concurrence of not less than five (5) members of Council.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 9. Recreation Commission.

The Recreation Commission shall consist of seven (7) members who shall serve without compensation. The Mayor shall appoint six (6) members thereof with the approval of Council. Each of the appointees by the Mayor shall serve for a term of four (4) years. The terms of the present members of the Recreation Commission shall continue until expiration thereof. The two (2) new appointments herein established shall be for a term of five (5) years commencing January 2, 1974. The seventh member of the Recreation Commission shall be a council member appointed by the Mayor with the approval of Council, who shall serve until the next organizational meeting of Council following the council member's appointment. Any member of the Recreation Commission appointed by the Mayor may be removed for any cause at the direction of the Mayor with the approval of at least five (5) members of City Council. A vacancy occurring during the term of any member of the Recreation Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The powers and duties of the Recreation Commission shall be as provided by ordinance of Council.

(Amended 11-6-73; Amended 11-2-93; Ord. No. 5607, § 1, 7-18-23)

Section 10. Civil Service Commission.

A. Appointment of Members. The Civil Service Commission shall consist of three (3) members of the Municipality not holding other municipal office or appointment, to be appointed by the Mayor with the approval of Council, for terms of six (6) years, commencing upon the expiration of the respective terms

of the present members of the Civil Service Commission. A vacancy occurring during the term of any member of the Civil Service Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

The Commission shall designate one of its members as Chairperson, and may appoint a Secretary, who need not be a member of the Commission and may hold other municipal office or appointment.

B. Compensation. The members of the Civil Service Commission shall serve without compensation unless otherwise provided by ordinance. A sufficient sum shall be appropriated by the Council to carry out the civil service provisions of this Charter.

C. Powers and Duties.

- (a) In all matters dealing with the Civil Service of the City, the Commission shall provide by rule for ascertainment of merit and fitness as a basis for appointment and promotion in the Classified Service of the municipality as required by the Constitution of the State of Ohio; for the basis and method for determination of eligibility, certification, appointment and promotion of candidates for positions in the Classified Service; for the conduct of the affairs of the Commission; and for appeals in case of transfer, reduction, suspension or removal.
- (b) The Commission shall keep a record of its proceedings and results of examinations which shall be open to public inspection, and shall have such other powers and duties as are given to Municipal Civil Service Commissions by the laws of the State of Ohio and not contrary to the provisions of this Charter.

D. Procedures. The Commission shall conduct its affairs in accordance with the provisions of the laws of the State of Ohio in all matters not otherwise provided for in this Charter.

E. Classification of Service. The Civil Service of the Municipality is hereby divided into Unclassified and Classified Service.

The Unclassified Service shall include:

- (a) All officers elected by the people or persons to fill vacancies in such office.
- (b) All directors of departments, department heads, division heads, supervisors and foremen, including their assistants, except Chief of Police and Fire Chief.
- (c) The members of all boards and commissions appointed by the Mayor or the Council.
- (d) Clerk of Council.
- (e) Municipal clerks and secretaries.
- (f) All persons duly licensed to practice a profession by the State of Ohio and employed in such capacity.
- (g) All employees of the Building, Finance, Service and Recreation Departments
- (h) All unskilled labor, temporary, part-time, and volunteer employees.

The Classified Service shall include:

All other persons or positions not included in the Unclassified Service. Any person who shall have served the Municipality for at least one (1) year immediately prior to January 1, 1964, may be retained in the same or any similar position without examination. In the case of volunteer firefighters, part-time paid in the Fire Department of the Municipality, any firefighter who has been continuously employed by the Municipality in such position since February 16, 1983, and is otherwise qualified, shall be eligible for full-time appointment to such position, when established, without written examination. When such list of eligible firefighters is exhausted, thereafter all appointments to the Fire Department shall be made from the eligibility list provided by the Civil Service Commission.

F. *Removal.* The Mayor may at any time suspend any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided, however, that such suspension shall not become final without the concurrence of at least five (5) members of Council.

(Amended 11-6-79; 5-8-84; Amended 11-7-89; Amended 11-2-93; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 11. Residence qualifications.

To be eligible for appointment to the Board of Zoning Appeals, Planning Commission, Recreation Commission or Civil Service Commission, each appointee shall have been a qualified elector and a resident of this municipality not less than two (2) years next preceding the commencement of [their] term. During their term each of said appointees shall continue to be a resident of this Municipality and a qualified elector thereof.

(Adopted 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

ARTICLE VI. FINANCES

Section 1. General.

The laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters applicable to municipalities of the class of this municipality shall be applicable to this municipality except as modified by or necessarily inconsistent with the provisions of the ordinances of the Council or this Charter.

(Amended 11-2-93)

Section 2. Annual budget and appropriations.

The fiscal year of this municipality shall, unless Council by proper action shall adopt a different date, be the same as that established from time to time for municipalities of the class of this municipality by the general laws of Ohio. The Mayor, with the assistance of the Director of Finance and the Service Director, shall prepare and submit to the Council an estimate of revenues and expenditures of this municipality for the succeeding fiscal year. This estimate shall be compiled from information which shall be furnished by

the head of each department, division, board or commission, in such form and detail as Council or the Mayor may require. The Mayor, with the assistance of the Director of Finance, shall furnish to the Council an ordinance making appropriations for the expenditures of this municipality.

(Amended 11-6-73)

Section 3. Limitation on rate of taxation.

The aggregate amount of taxes that may be levied by the taxing authority of the City of Brecksville without a vote of the people, on any taxable property assessed and listed for taxation according to value, shall not in any one year exceed the amount currently authorized by the Ohio Constitution to be so levied, plus an additional 4.40 mills for each dollar of assessed valuation. The additional 4.40 mills as specified above shall exclusively be used for the purposes described in subsections 3-A and 3-B of this section. The limitation upon the power of Council to levy taxes as specified herein shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of this State.

3-A. Within the maximum levy provided for in Section 3 herein, the Council may levy an amount not to exceed 3.40 mills for the purpose of creating a fund for the operation, including equipment and personnel, of a fire and ambulance service.

3-B. Within the maximum levy provided for in Section 3 herein, the Council may levy an amount not to exceed 1.00 mill for the purpose of creating a fund for road repair, maintenance, reconstruction and improvement.

(Amended 5-5-87; Ord. 3164, passed 7-16-91)

Section 4. Limitation upon expenditures without prior Council approval.

No expenditures shall be made or liability incurred in an amount of more than six thousand dollars (\$ 6,000.00) without prior authorization and approval by Council.

(Amended 11-2-93; Amended 11-4-03; Ord. No. 5608, § 1, 7-18-23)

Section 5. Advertisement for bids.

Competitive bidding shall be had and carried on as required by the laws of Ohio now or hereafter in effect and governing competitive bidding in municipalities of the class of this municipality.

There shall be no splitting of orders or making of multiple contracts to avoid the effect of Section 4 hereinabove or this Section 5, or both, and any order placed and any contract made contrary to or in evasion of the provisions of Section 4 or of this Section 5 or both, shall be illegal and void.

Section 6. Sale of municipal property.

At public sale the Director of Purchasing and/or the Service Director may sell personal property not needed for municipal purposes having an estimated value of one thousand dollars (\$1,000.00) or less without prior authorization and approval of Council.

(Adopted 11-5-63; Amended 11-2-93; Amended 11-4-03; Ord. 5609, § 1, 7-18-23)

Section 7. Procedure for selecting depositories and deposit of public monies.

Council shall by ordinance provide for the procedure of selecting depositories and the deposit and custody of public monies of the Municipality. Such ordinance shall establish the standards on which the selection of depositories for public monies is to be made, which standards shall include consideration of the interest to be earned and the security to be provided for public monies.

(Adopted 11-5-63)

Section 8. Purchasing.

Purchasing for the municipality shall be conducted by the Director of Purchasing who shall be appointed by the Mayor and serve at the Mayor's pleasure. All such purchasing, and the procedures therefor, shall be in accordance with this Charter and the ordinances of Council. The Director of Purchasing shall have the responsibility to make certain that all terms and conditions imposed in favor of the Municipality or its inhabitants in any purchasing contract to which the Municipality is a party are fully and faithfully kept and performed. The Director of Purchasing shall administer all competitive bidding as required by this Charter and the ordinances of Council. The Director of Purchasing shall perform such other duties and functions as may be required by the Mayor.

(Adopted 11-2-93; Ord. No. 5610, § 1, 7-18-23)

ARTICLE VII. NOMINATIONS AND ELECTIONS

Commencing with the Regular Municipal election to be held on November 8, 2011, nominations for elective offices of this municipality shall be made only by petition filed with the election authorities prescribed by the general laws of Ohio, not more than one hundred twenty (120) days nor less than ninety (90) days next preceding the date of the election, signed by registered electors of the municipality not less in number than two percent (2%) of the number voting at the last preceding general election. Each petition shall be accompanied by the written acceptance of the nomination by the nominee. The nomination of each candidate shall be made by a separate petition. No primary election shall be held for the selection of any candidate for any elective office of this municipality, and no nomination for such office shall be of any effect unless made as required by this Section. The ballot used in the election of officers of this municipality shall be without party mark or designation. The names of all candidates for any municipal office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio. Except as otherwise provided in this Charter, the laws of Ohio now or hereafter in effect shall govern the nomination and election of the elective officers of this municipality.

(Amended 5-3-11)

ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL**Section 1. Initiative.**

The electors of this municipality shall have the power to propose by initiative petition ordinances and other measures providing for the exercise of powers granted by the Constitution of Ohio and the laws of

the General Assembly to municipalities of the class of this municipality. The exercise of said power of initiative shall be in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

Section 2. Referendum.

The electors of this municipality shall have the power to approve or reject at the polls any ordinance or other measure passed by Council, except as otherwise provided by the laws of Ohio. The exercise of said power of referendum shall be in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

Section 3. Recall.

The electors shall have the power to remove from office by a recall election any elected officer of this municipality. If an elected officer shall have served for six months of their term, a petition demanding the elected officer's removal may be filed with the Clerk of the Council who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition shall be signed by at least that number of electors which equals 25% of the electors voting at the last preceding general election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of [the] certificate to the person who filed the petition with the Clerk, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than seventy-five (75) nor more than ninety (90) days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, such officer's office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

(Amended 5-3-11; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Petitions.

A recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than 200 words of the grounds for the removal. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general law regulating initiative and referendum petitions, shall apply to recall petitions in this municipality except as otherwise provided in this Charter.

ARTICLE IX. FRANCHISES

The Council may by ordinance grant a nonexclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, under or above any public street or public real estate within the municipality for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or public real estate shall be necessary to the effectiveness of any such grant, amendment or renewal.

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public real estate as shall, in the opinion of the Council, be necessary in the public interest.

ARTICLE X. AMENDMENTS TO CHARTER

The Council may, by affirmative vote of five (5) or more of its members, submit to the electors any proposed amendment or amendments to this Charter, and upon petition signed by not less than ten percent (10%) of the registered electors of the municipality setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and laws of Ohio now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution or the laws of the State of Ohio.

If any such proposed amendment or amendments shall be approved by a majority of the electors voting thereon, it or they shall become a part of this Charter; except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

ARTICLE XI. CHARTER REVIEW COMMISSION

On September 1, 2022, and each ten (10) years thereafter, the Mayor shall, with approval of Council, appoint a Commission of nine (9) qualified electors of the municipality holding no other office or appointment in this municipality, as members of a Charter Review Commission. In addition to the aforementioned nine (9) members, the Mayor shall appoint, with the approval of the Council, a tenth (10th) alternate member, who shall not be a voting member of the Commission at the time of such appointment. Should one of the said nine (9) members be unable or unwilling to continue to service as a member of the Commission, the alternate member shall replace said member and become a full voting member of the Commission. Such Commission shall review the municipal Charter, and within nine (9) calendar months after such appointment, deliver to Council such alterations, revisions and amendments,

if any, to this Charter as in the Commission's judgment are desirable. The Council shall forthwith without amendment submit to the electors any such proposed alterations, revisions or amendments to this Charter within the time frame provided in the Constitution and laws of Ohio.

The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

(Amended 11-8-83; Amended 11-5-13)

Editor's note—Pursuant to Resolution No. 3529, passed 1-21-03, the Charter Review Commission is hereby re-established in accordance with Article XI hereof.

ARTICLE XII. MISCELLANEOUS PROVISIONS

Section 1. Effective date of Charter.

For the purpose of nominating and electing officers of this municipality and fixing the compensation of those to be elected in 1957, this Charter shall be in effect from and after the date of its approval by the electors and for all other purposes the Charter shall be in effect on and after the second day of January, 1958.

Section 2. Saving clause.

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

Section 3. Effect of the Charter upon existing laws and rights.

The adoption of this Charter shall not affect any pre-existing rights of the municipality, or any right or liability or pending suit or prosecution, either on behalf of or against the municipality or any officer thereof, nor any franchise granted by the municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the municipality shall continue in effect until lawfully amended or repealed.

Section 4. Interpretation of the Charter.

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect any provision of this Charter.

Section 5. Misspellings, errors in grammar, renumbering upon codification and gender neutral designations.

All legislation and all amendments to the Codified Ordinances shall henceforth contain gender neutral language. Following any election at which any amendment to this Charter is adopted and prior

to any reprinting of this Charter, the Clerk of Council, with the majority approval of Council and the Law Director, shall make the following changes therein, provided that no substantive changes to the Charter language are made:

- A. *Misspellings and Errors in Grammar.* Any misspellings and errors of grammar or construction may be corrected.
- B. *Making Language Gender Neutral.* Any gender specific terms shall become gender neutral.
- C. *Renumbering upon Codification.* Any changes in the numbering of the provisions of this Charter or the cross referencing of provisions of this Charter by the addition or deletion of Articles, Sections, or Subsections may be made.

(Adopted 11-2-93; Ord. No. 5611, § 1, 7-18-23)

Editor's note—Ord. No. 5611, § 1, adopted July 18, 2023, amended the title of Art. XII, Section 5 to read as herein set out. The former Art. XII, Section 5 title pertained to gender neutral designations.

(d) In addition to the compensation provided for in subsections (a), (b) and (c) hereof, all Councilmen, commencing January 2, 2002, shall be entitled to the pension "pick-up" benefits as provided in chapter 126 of this Code.

('64 Code, § 121.02; Ord. 2668, passed 6-7-83; Am. Ord. 3140, passed 4-2-91; Am. Ord. 3429, passed 5-16-95; Am. Ord. 3707, passed 2-16-99; Am. Ord. 3861, passed 1-16-01; Am. Ord. 3999, passed 12-17-02; Am. Ord. 4304, passed 3-20-07; Am. Ord. 5045, passed 12-20-16)

Sec. 121.03. Designation of council chambers.

The Council Chambers of the city shall be permanently designated as the "Ralph W. Biggs Council Chambers" in recognition of the many significant contributions made by Mr. Biggs in administering the legislative branch of Brecksville city government during his 25 years of service as a Councilman and his 18 years as the President of City Council.

(Ord. 3612, passed 10-7-97)

BRECKSVILLE CODE

CHAPTER 123. ORDINANCES AND RESOLUTIONS*

Sec. 123.01. Posting places.

(a) In accordance with article IV, section 10 of the Charter of Brecksville, the following enumerated places are hereby designated by Council as public places in the municipality:

- (1) Brecksville City Hall;
- (2) City of Brecksville Website;
- (3) Brecksville Public Library.

(b) All ordinances, resolutions, statements, orders, proclamations and reports required by law or by Charter or by ordinance to be published or posted shall be posted in each of the three public places hereinabove enumerated in the manner provided for by the Charter of Brecksville.

('64 Code, § 123.01; Ord. 2155, passed 2-4-75; Am. Ord. 2862, passed 2-3-87; Am. Ord. 3231, passed 9-1-92; Ord. No. 5586, § 1, 2-7-23)

***Cross reference**—Effective date, see Charter Art. IV, Sec. 11

Cross reference—Legislative procedure-posting required, see Charter Art. IV, Sec. 10

Cross reference—Ordinance to provide for acceptance of bid and contract, see § 131.06

State law reference—Publication in book form, see R.C. § 731.23

their regular hourly rate for hours worked. If the employee works on an actual holiday (not the city designated holiday) the employee shall receive overtime at one and one-half times their regular hourly rate for hours worked, plus hours added to their vacation comp allowance equal to the number of hours worked. Hours are to be used within one year of earning.

- B. *Housekeeping.* Shall receive overtime at one and one-half times their regular hourly rate equal to the number of hours worked.

(b) *Full-time firemen.* Full-time firemen shall be entitled to seven tours of duty off as holiday credit during the calendar year. The use of more than four hours of compensatory time on a paid holiday shall result in the loss of the holiday pay. Effective January 1, 2024, full-time firemen shall be entitled to one tour of duty designated as a floating holiday. All such leave must be taken prior to the end of the calendar year, and such leave shall not be cumulative nor shall compensation be paid in lieu thereof.

(c) *Part-time firemen.* Part-time firemen who work on any of the designated holidays listed in subsection (a) above for a full-time fireman, shall be paid the overtime rate of one and one-half times the employee's regular rate for each hour worked on such holiday.

(d) *Qualified permanent part-time employees.* If the employee is scheduled to work on a city declared holiday, the employee is entitled to regular wages for hours worked on such holiday, plus the employee will be given holiday time in the proportion determined in section 145.03. Qualified permanent part-time employees who would normally be working on a day on which one of the designated holidays listed in subsection (a) above falls, shall be entitled to regular pay in the proportion determined in section 145.03. All holiday time will be added to the employee's holiday leave bank immediately and must be used within 60 days at the convenience of the employee, subject to the approval of the supervisor or department head. The Mayor may extend the 60 day use period at his discretion. Part-time, special or seasonal employees, contractual employees, and other employees not specifically provided for herein, shall not be entitled to any holiday pay.

(e) *Accrued holiday time.* Accrued holiday time is lost at the end of the approved use period and cannot be transferred or converted and is ineligible for separation or retirement cash out. ('64 Code, § 145.05; Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4100, passed 4-20-04; Am. Ord. 4536, passed 1-2-10; Am. Ord. 5049, passed 2-21-17; Am. Ord. 5280, passed 12-17-19; Am. Ord. 5538, passed 8-16-22; Am. Ord. 5577, passed 12-20-22; Ord. No. 5675, § 1, 1-16-24)

Sec. 145.06. Sick leave; FMLA leave.

(a) Each full-time employee of the municipality shall be entitled to sick leave, with pay, not to exceed a maximum of 15 days per year except for full-time firemen who shall be entitled to a maximum of seven tours of duty per year. This leave shall be accrued during the year in an amount to be determined by dividing 15 days by the number of bi-weekly pay periods in the calendar year or in the case of full-time firemen by dividing 168 by the number of bi-weekly pay periods in the calendar year. Sick leave shall be applied upon approval of the responsible department head against absence due to personal illness, injury, exposure to contagious disease, or illness or injury to the employee's spouse, children or parents. In the event the Mayor declares a Health and Safety Workplace Cautionary Period, an employee who is sent

home who does not support critical operations/processes or due to closing of city facilities, may utilize sick leave after all other forms of paid leave are exhausted. Not more than twenty percent (20%) of the sick leave accrued during the current year or in the case of full-time firemen one and one-half tours of duty may be used for personal leave with approval of the responsible department head. Unused sick leave shall be cumulative without limitation.

(b) Each employee who has accumulated sick leave of 120 days or 56 tours of duty or greater shall continue to earn sick leave at the rate hereinabove provided. The employee shall be permitted either of the following options concerning accumulation of sick leave in excess of 120 days or 56 tours of duty: the employee may have the entire excess up to 120 hours paid to such employee in the month of January following the close of the calendar year in which the sick leave was accrued, or alternatively, up to ten days, or four tours of duty up to 168 hours in the case of firemen, of such excess shall be paid to the employee in the month of January following the close of the calendar year in which the sick leave was accrued, the balance of any unused sick leave for the year being added to the employee's cumulative total.

(c) An employee, or his heirs at law in the event of death, at the time of such employee's retirement from active service, or death while in active service with the municipality, shall be paid, one-third of the value of his accrued but unused sick leave credit or employee gets paid for one-third of all accrued but unused sick leave earned prior to the year of retirement and in the succeeding January, the retired employee receives payment for all accrued but unused sick leave earned during the year of his or her retirement which was over and above 960 hours up to 120 hours (1,344 for fire) up to 168 hours. Such payment shall be based on the employee's rate of pay at the time of retirement and/or death.

(d) Qualified permanent part-time employees shall be entitled to a portion of the above sick leave with pay as provided in section 145.03 upon completion of an equivalent period of permanent part-time service. They may accumulate unused sick leave at the apportioned rate. Part-time special or seasonal, and contractual employees shall not be entitled to any sick leave.

(e) When an employee is diagnosed by a bona fide physician as contracting Acquired Immune Deficiency Syndrome as a possible result of his or her employment with the municipality, the municipality, at the sole and complete discretion of Council, shall compensate the employee the difference between his or her aggregate disability or other form of benefit compensation and the base salary the employee would have earned until the employee reaches 25 years of service or the employee's date of death whichever event occurs first. Prior to making its decision as to whether an affected employee shall receive compensation under this section, Council shall hold a hearing and review appropriate evidence as to the employee's qualification for benefits under this provision.

(f) In any event, an employee absent for three or more consecutive scheduled work days (or two tours of duty in the case of fire personnel) may be required by their department head or the Mayor to supply a physician's certificate justifying the reason for their absence to be eligible for paid sick leave and may be further required to present a doctor's release to their department head or supervisor that indicates their medical ability to return to work and their ability to perform the essential functions of their job without restriction. In addition the city, at its own cost and expense, may require an employee absent for three or more consecutive scheduled work days to be examined by a physician of the city choosing to verify the employee's ability to return to work and their ability to perform the essential functions of their job without restriction.

(g) The city may designate any absence that meets the eligibility requirements of the Family Medical Leave Act (FMLA) as FMLA leave. The designation of FMLA leave will occur either as a result of an employee's request for FMLA leave or if the city designates the employee's extended absence as eligible for FMLA leave.

(h) Under the city's Family and Medical Leave Act (FMLA) policy, all accrued paid leave time must be taken before the start of any unpaid FMLA time.

('64 Code, § 145.06; Ord. 2665, passed 6-7-83; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4761, passed 4-2-13; Am. Ord. 5046, passed 12-20-16; Am. Ord. 5281, passed 12-17-19; Am. Ord. 5318, passed 4-7-20; Am. Ord. 5538, passed 8-16-22; Ord. No. 5590, § 1, 3-7-23)

Sec. 145.07. Longevity.

Each full-time employee of the municipality shall be entitled to longevity pay as hereinafter provided. All full-time employees, except employees of the Police and Fire Departments, shall become eligible for longevity pay upon completion of at least 12 months of continuous service on January 1 of any year. Each full-time employee of the Police and Fire Departments and all employees hired after January 1, 1995, shall become eligible for longevity pay upon the completion of at least 24 months of continuous service on January 1 of any year. Upon establishing eligibility, each employee shall receive, in addition to all other compensation, a longevity payment with each installment of regular pay paid after January 1 of each year. The longevity payment shall be based on an annual rate of \$125.00 until December 31, 2008 and \$150.00 thereafter, for each 12 months of continuous service completed on January 1 of each year. Employees who have in excess of 12 months of continuous service, or 24 months in the case of employees hired after January 1, 1995 and Police and Fire Department employees, at the time they become eligible for longevity payments shall receive, during the first year of such payments, longevity payments based on an annual rate of \$10.41 until December 31, 2008 and \$12.50 thereafter, for each full month of continuous service completed at the time eligibility is established. On each January 1 thereafter, such employee shall be entitled to an annual increase in longevity payments at the \$125.00 until December 31, 2008 and \$150.00 thereafter, annual rate provided herein. The maximum number of years of service credited for longevity shall be limited to 30 years of service. Employees whose service is terminated during the year shall not receive any longevity payments beyond those included with their regular pay for services performed prior to the termination of employment. Employees who are on unpaid leave such as FMLA leave or Workers' Compensation leave, shall receive their longevity payments. Employees who are on unpaid leave such as a disciplinary suspension without pay, or on an authorized leave of absence shall not receive any longevity payments during such leaves.

('64 Code, § 145.07; Ord. 2665, passed 6-7-83; Am. Ord. 2731, passed 7-17-84; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4536, passed 1-2-09)

Sec. 145.08. Overtime.

(a) All full-time, permanent part-time, part-time, special or seasonal employees, and part-time police personnel of the municipality, except those specified in section 145.13, shall be paid overtime for all hours in excess of 40 worked in any one week. Hours worked include vacation, compensatory time off,

bereavement leave, and holidays, but does not include sick leave or personal leave. Hourly paid employees shall receive overtime pay at a rate equivalent to one and one-half times their regular hourly rate for all overtime work. The regular hourly rate used in this computation is to include longevity paid to each employee. Salaried employees shall be paid, in addition to their regular salary, overtime pay at a rate equivalent to one and one-half times their hourly compensation rate as determined in accordance with section 145.03. Any employee who, with the approval of his or her department head, regularly works less than the standard 40 hour work week shall not be entitled to overtime pay for hours worked in excess of such employee's normal work week, unless such employee works in excess of 40 hours. Overtime pay shall be calculated and paid to every employee not later than the employee's next regular pay period subsequent to such overtime pay being accrued.

(b) For full-time Service Department employees who are required to work on a previously unscheduled emergency basis, as same may be defined by the city, shall receive compensation at the rate equivalent to twice their regular hourly rate for all hours worked, but in no event shall they be compensated for less than two hours.

(c) For those Police Department employees whose work is scheduled over a two-week period, overtime shall be paid for hours worked in excess of 80 hours. Hours worked include vacation, compensatory time off, bereavement leave, and holidays or a day taken in compensation for such holiday, but does not include sick leave or personal leave. Holidays not worked, or a day taken in compensation for such holiday shall be included in computing the overtime in excess of 80 hours. Employees shall receive overtime pay at a rate equivalent to one and one-half times their regular hourly rate for all overtime worked. The regular hourly rate used in this computation is to include longevity paid to each employee.

(d) For full-time firemen, overtime shall be paid at the rate of one and one-half times the employee's regular rate of pay. The regular hourly rate used in this computation is to include longevity and professional pay paid to each employee. Any hours worked beyond the normal average two week work schedule of 106 hours shall be eligible for overtime compensation. Hours worked include vacation, compensatory time off; bereavement leave, and holidays, but does not include sick leave or personal leave. If a full-time fireman works a regularly scheduled tour of duty which falls on a holiday, including Easter Sunday, he or she shall be entitled to one and one-half times his or her regular rate of pay for all hours actually worked during a holiday tour of duty. In addition to the overtime compensation provided herein, any full-time fireman who is required to work on any such holiday shall be entitled to one hour off, with pay, for each hour actually worked on the holiday. These additional hours off shall be added to the employee's leave in the next calendar year. At the employee's option compensatory time off may be accumulated in lieu of paid overtime. Compensatory time off shall be accrued at the rate of one and one-half hours for each hour of overtime worked with a maximum accumulation of 120 hours of compensatory time off. Accumulated but unused compensatory time off will be paid to the employee at the time of separation from the city and shall be paid to the employee at the employee's current rate of pay.

(e) Part-time fire personnel working a scheduled tour of duty for a full-time fireman shall be entitled to one and one-half times the employee's regular rate of pay if such tour of duty qualifies as a holiday.

(f) Part-time fire personnel working in place of a full-time fireman for a scheduled tour of duty shall be paid at the employee's regular nonemergency rate for each hour worked.

(g) For all full-time Police Lieutenant(s) of the Police Department, at the employee's option, compensatory time off may be accumulated in lieu of paid overtime. Compensatory time off shall be accrued at the rate of one and one-half hours for each hour of overtime worked and the maximum amount of accumulated compensatory time off shall not exceed 80 hours at any time. Accumulated but unused compensatory time off will be paid to the employee at the time of separation from the city and shall be paid to the employee at the employee's current rate of pay. All or a portion of an employee's accumulated compensatory time off may be paid to an employee in an emergency situation upon application to and approval by the Director of Public Safety. Compensatory time off will be with approval of the Chief of Police in increments of not less than one hour. Compensatory time accumulation and use will be consistent with regulations contained in the Fair Labor Standards Act.

('64 Code, § 145.08; Ord. 2665, passed 6-7-83; Am. Ord. 2873, passed 4-7-87; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3635, passed 3-3-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4557, passed 4-6-10; Am. Ord. 5282, passed 12-17-19; Am. Ord. 5403, passed 4-20-21; Am. Ord. 5538, passed 8-16-22; Ord. No. 5671, § 1, 12-5-23)

Sec. 145.09. Uniform and clothing allowance.

(a) The city shall provide authorized uniforms, special clothing and equipment for employees of the Safety and Service Departments and such other city employees as may require special clothing and equipment in the performance of their municipal duties. The authorized uniforms, special clothing and equipment shall consist of those items described and enumerated on an "Authorized Clothing and Equipment List" prepared by the head of each department and approved by the Mayor and Council. Such list may be amended from time to time with the approval of the Mayor and Council.

(b) A distinction may be made in each department's "Authorized Clothing and Equipment List" in the amount and type of clothing and equipment to be provided to full-time, part-time and temporary employees, or to employees with different duties.

(c) The city shall provide for the replacement and maintenance of authorized clothing and equipment as set forth herein:

Commencing in January of 2024, the following employees shall be entitled to a clothing and equipment replacement and maintenance allowance as follows:

| | |
|--|------------|
| Full-time firemen, each | \$1,600.00 |
| Nonbargaining unit full-time police personnel, each | \$1,600.00 |
| Full-time service department employees (excluding administrative assistants and clerks), each | \$1,300.00 |

(2) The payment of the amounts provided above shall be made in January of each year in accordance with the procedures adopted by the Mayor. Employees who have been employed by the city for less than one year shall receive payment on a pro rata basis in December of the first

year of employment. Employees who leave the employ of the city for any reason shall have this payment pro rated on the basis of the amount of time worked during the year of departure. The employee's final paycheck shall be adjusted to reflect the application of this provision.

- (3) The city shall provide appropriate means for the maintenance of authorized clothing and equipment provided for full-time employees of the Service Department and other full-time city employees. A similar provision may be made for part-time and temporary employees if deemed necessary by the Mayor and Council.

(d) All employees are expected to wear the appropriate uniforms, clothing and equipment as specified in this section, above. Each employee is responsible to make certain that the uniforms, clothing and equipment being worn is in good repair, clean and in a presentable condition. Failure of an employee to abide by these provisions may result in disciplinary action.

('64 Code, § 145.09; Ord. 2341, passed 3-7-78; Am. Ord. 2642, passed 2-1-83; Am. Ord. 2872, passed 4-7-87; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4100, passed 4-20-04; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4388, passed 12-18-07; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4746, passed 1-15-13; Am. Ord. 4747, passed 2-5-13; Am. Ord. 5019, passed 9-20-16; Am. Ord. 5215, passed 11-6-18; Am. Ord. 5283, passed 12-17-19; Ord. No. 5667, § 1, 12-5-23)

Sec. 145.10. Insurance.

(a) *Health care.*

- (1) Full-time employees and the Mayor may receive, if desired, health care benefits.
- (2) When permitted under available health care insurance programs, effective January 1, 2023, part-time and permanent part-time employees may receive, if desired, health care benefits provided they work over 30 hours per week on average in the prior year. The prior year may be a time period other than the 12 month period spanning January through December but must encompass a consecutive 12 month period.
- (3) Effective January 1, 2015, the city shall provide the individual and family health care coverages and benefits per the terms as identified as health care plan options Red, White, and Blue referenced in the annual health care ordinance. The employee may select at their discretion the Red Plan, White Plan, or Blue Plan during the open enrollment period for the following year or upon a qualifying event.
- (4) The employee may select a plan and shall assume the costs at the applicable enrollment tier coverage rate defined for the plan. Employees selecting the Blue Plan (HSA) will receive an annual employer contribution to their HSA account at the contribution rate defined for the plan. Employer funding will be deposited into HSA accounts as follows: the first half in January and the second half in July. New employee funding will be prorated and deposited with the payroll corresponding with enrollment. Employee contribution shall begin on the first pay date in January in accordance with the annual payroll schedule.

(b) The city shall assume the entire cost for each full-time and permanent part time employee's and the Mayor's single or family coverage, whichever is applicable, for dental insurance. No dental benefits shall be provided to part-time, special or seasonal, or contractual employees.

(c) Coverage of full time, permanent part-time, and part-time employees, and the Mayor, shall commence at the earliest time allowed by the carrier or health maintenance organization contracted with the city.

(d) In the event two or more members of the same family are employed by the city (e.g., husband and wife, father and daughter, etc.) each of whom would otherwise be entitled to the benefits provided for in subsections (a) and (b) of this section the following shall occur:

- (1) In the event the employees are husband and wife, only the individual with the longest seniority shall be provided the medical coverages as specified in subsections (a) and (b) hereof with the other spouse being covered under the family plan provisions of such medical policies.
- (2) In the event the employees are father or mother and dependent child or children, only the father or mother shall be provided the medical coverages as specified in subsections (a) and (b) of this section with the dependent child or children being covered under the family plan provisions of such medical policies. At the time the child is no longer considered a dependent for purposes of being covered under the family plan insurance coverages and is still employed by the city, then such individual shall be provided the medical coverages afforded other employees of the same class and status.

(e) Council shall provide appropriate civil liability insurance to each employee whose duties may expose him or her to such liability. Commencing January 1, 2008, each full-time employee of the city and the Director of Law, Assistant Law Director, shall be provided with group term life insurance coverage in the amount of \$50,000.00.

('64 Code, § 145.10; Ord. 2757, passed 1-15-85; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3672, passed 8-4-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4100, passed 4-20-04; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4752, passed 2-19-13; Am. Ord. 4810, passed 12-3-13; Am. Ord. 4900, passed 12-2-14; Am. Ord. 4972, passed 1-2-16; Am. Ord. 5284, passed 12-17-19; Am. Ord. 5538, passed 8-16-22)

Sec. 145.11. Expenses.

Any full-time, permanent part-time and other employee who is required to use a personal vehicle in the performance of such employee's municipal duties, other than transportation to and from the employee's place of work, shall be reimbursed therefor at the rate of \$0.34½ per mile or such other rate as may be established from time to time by the Internal Revenue Service, upon submission to the Finance Director of a record indicating the date, time and purpose of such use and the number of miles driven. Any employee who, with the prior approval of their department head, is required to be beyond the limits of this municipality in the performance of their municipal duties, or to receive training therefor, shall be reimbursed for the cost of their overnight accommodation and necessary meals consistent with reasonable rates prevailing, as approved by the responsible department head and Mayor.

('64 Code, § 145.11; Ord. 2876, passed 4-21-87; Am. Ord. 3627, passed 1-20-98; Am. Ord. 3753, passed 7-6-99; Am. Ord. 3861, passed 1-16-01)

Sec. 145.12. Secondary employment.

Any full-time employee who also fills secondary job titles on a part-time or special basis shall not receive additional compensation for hours worked at the secondary job during the time he normally would be working at his full-time job. If such employee works at the secondary job outside of the time worked at his full-time job, he shall be paid for the hours so worked consistent with the provisions contained in the Fair Labor Standards Act. Such employee, however, may, with the approval of the department head for whom he works full-time, take leave of his full-time job during normal working hours to perform the duties of the secondary job without any reduction in his full-time compensation or sick leave credits. The time so spent may be counted towards any overtime accrued on his full-time job. ('64 Code, § 145.12; Ord. 2341, passed 3-7-78; Am. Ord. 4356, passed 9-21-07)

Sec. 145.13. Exempted employees.

The following job titles are hereby declared to be executive, administrative or professional positions and the persons employed therein shall not be entitled to overtime pay provided in section 145.08 or compensatory time off, although they shall be entitled to all other benefits accorded full-time employees of the municipality by this chapter. In fixing the annual compensation for the positions listed herein, Council shall give due consideration to the responsibilities of each job and the duties and obligations such job imposes upon the employee.

Administrative Assistant.

Animal Warden.

Aquatics Administrative Coordinator.

Aquatics Facilities Coordinator.

Athletics/Facility Coordinator.

Assistant Building Commissioner.

Assistant Director of Finance.

Assistant Purchasing Director.

Athletics Program Coordinator.

AV/Technology and Communications Technician.

Building Maintenance and Housekeeping Supervisor.

Building Supervisor — Recreation.

Building Commissioner or Building Official.

Building Inspectors.

Clerk of Council.

Clerk of Courts.

Director of Finance.

Director of Human Services.

Director of Planning and Community Development.

Director of Public Service.

Director of Public Service Trainee.

Director of Purchasing.

Director of Recreation.

Executive Administrator — Mayor.

Field House Coordinator.

Financial/Customer Service Clerk Recreation.

Fire Chief.

Fitness Center Coordinator/Recreation.

Food Service Operations Manager.

Human Resource Specialist.

Payroll Supervisor.

Planning and Zoning Coordinator/Inspector.

Police Chief.

Prosecutor/Assistant Law Director.

Records Clerk — Police.

Recreation Clerk.

Supervisor of Administrative Services/Recreation.

Supervisor of Payroll — Personnel.

Visual Communications Coordinator.

('64 Code, § 145.13; Ord. 2876, passed 4-21-87; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3731, passed 5-19-99; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4025, passed 5-6-03; Am. Ord. 4140, passed 12-7-04; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4521, passed 10-20-09; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4905, passed 12-16-14; Am. Ord. 5003, passed 5-3-16; Am. Ord. 5148, passed 12-19-17; Am. Ord. 5214, passed 11-6-18; Am. Ord. 5285, passed 12-17-19; Am. Ord. 5418, passed 6-15-21; Am. Ord. 5420, passed 7-6-21; Am. Ord. 5455, passed 12-7-21; Am. Ord. 5501, passed 5-3-22; Am. Ord. 5510, passed 6-7-22; Am. Ord. 5548, passed 9-20-22; Am. Ord. 5571, passed 12-6-22; Ord. No. 5661, § 1, 11-21-23; Ord. No. 5591, § 1, 3-7-23; Ord. No. 5685, § 1, 2-20-24)

Sec. 145.14. Leaves of absence; salary continuation.

(a) *Leave of absence.* Any full-time employee having at least five years service with the municipality may apply in writing to the Mayor for a leave of absence not to exceed six months. No compensation or any fringe benefits shall be paid to or on behalf of such employee granted such leave. A maternity leave of absence may be granted after one year of service with the municipality. In the event the Mayor declares

a Health and Safety Workplace Cautionary Period, the Mayor may waive the five year service requirement and may grant paid administrative leave to any full-time employee. The employee granted a leave of absence hereunder shall notify the Mayor, at least 30 days prior to the expiration of such leave, of his or her intention to return to service with the municipality.

(b) *Jury duty.* The city shall provide for payment of salaries and wages to employees serving jury duty, not to exceed two weeks per year. Any stipend or other form of compensation received by the employee from the agency responsible for the jury may be retained by the employee to cover parking, meals and other incidental expenses related to jury duty.

(c) *Military leave.*

- (1) The city shall provide for payment of salaries and wages to employees for performance of duty for an Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio National Guard, for periods of up to one month (176 hours or 408 hours for a public safety employee as defined in R.C. § 5923.05(A)(2)(g)) for each federal fiscal year in which they are performing duty in the uniformed services. "Federal fiscal year" means the year beginning on the first day of October and ending on the 30th day of September. Employees recalled to extended active duty with Reserve units shall be paid for any unused vacation time due them at the end of the year in which they were recalled to active duty. They may return to employment after service with full seniority rights.
- (2) The city shall provide for payment of salaries and wages to employees who are called or ordered to the uniformed services for longer than a month (176 hours or 408 hours for a public safety employee as defined in R.C. § 5923.05(A)(2)(g)) for each federal fiscal year in which they are performing duty in the uniformed services because of an executive order issued by the President of the United States, because of an Act of Congress, or because of an order to perform duty issued by the Governor pursuant to R.C. § 5919.29, during the period designated in the order or act, to a leave of absence and to be paid during each monthly pay period of that leave of absence, the lesser of the following:
 - A. The difference between the employee's gross monthly wage or salary and the sum of the employee's gross uniformed pay and allowances received that month.
 - B. Five hundred dollars.

(d) *Salary continuation.* When an employee is injured, but not permanently disabled, in the course and scope of their work duties, through no negligence of his or her own, while actually working for the city, the employee shall be eligible for a paid leave, commencing with the sixth day (after the second tour of duty in the case of fire personnel) he or she is off from work due to said injury, upon the authorization of City Council. Council shall act upon the recommendation of the department head and the Mayor. Payment shall be continued for a period determined by Council. Any employee who has his or her salary continued under this section shall be required, as a condition of having his or her salary continued, to reimburse the city for any and all monies received by such employee from any public source representing any part of the payment of said employee's compensation during the period for which Council has continued the affected employee's salary. The employee may utilize any accumulated but unused sick leave for the first five days of absence, two tours of duty in the case of fire personnel, due to injury as

described herein. The city shall have the right to require the employee to have a physical exam by a physician appointed and paid by the city resulting in the physician's certification that the employee is unable to work due to the injury as a condition precedent to the employee receiving any benefits under this section. The designated physician's opinion shall govern whether the employee is actually disabled or not.

('64 Code, § 145.14; Ord. 2341, passed 3-7-78; Am. Ord. 3527, passed 9-17-96; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4024, passed 4-15-03; Am. Ord. 4536, passed 1-2-10; Am. Ord. 5286, passed 12-17-19; Am. Ord. 5317, passed 4-7-20; Am. Ord. 5329, passed 5-19-20)

Sec. 145.15. Court time and other legal proceedings.

(a) All full-time and part-time employees of the city, other than those employees covered by a collective bargaining agreement and those employees covered by the provisions contained in section 145.13, shall be entitled to receive compensation for all hours devoted to a required appearance in court, deposition or other legal proceeding, including time for preparation, which case or legal matter involves the city. The number of hours of compensation shall be approved by the Director of Law. Such compensation shall be at the employee's regular rate of pay or at his or her overtime rate as may be required by law.

(b) All contract employees, including but not limited to consultants, engineers, architects, and inspectors shall be entitled to receive compensation for all hours devoted to a required appearance in court, deposition or other legal proceeding, including time for preparation, which case or legal matter involves the city. The number of hours of compensation shall be approved by the Director of Law. Such compensation shall be at the person's regular rate of pay as stated in their contract with the city or, if there is no contract with the city, then at that person's rate as normally charged for their services. (Ord. 4021, passed 4-15-03)

Sec. 145.16. Examination fee.

(a) The Civil Service Commission of the city is hereby authorized to establish a nonrefundable examination fee in the amount not to exceed \$30.00 to be charged to candidates taking written examinations for positions in the city's safety forces whether for an original appointment or promotion.

(b) The fee shall be collected by the Civil Service Commission at the time candidates take their written examination and all moneys collected by the commission shall be deposited with the city's Finance Department.

('64 Code, § 145.16; Ord. 2720, passed 6-5-84; Am. Ord. 4356, passed 9-21-07)

Sec. 145.17. Bereavement leave.

(a) All full-time employees of this municipality except for full-time firemen shall be entitled to three days paid leave for the death of the employee's current legal spouse, child, step child, mother, father, grandmother, grandfather, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, step mother and step father. In the event the funeral services for the individuals mentioned herein are held

more than 350 miles from the Brecksville City Hall, and further if the employee actually attends these funeral services, an additional two (2) days paid leave shall be granted to the employee. Such bereavement leave shall not be deducted from the employee's accumulated sick time.

(b) All full-time firemen shall be entitled to one paid tour of duty as bereavement leave for the death of the employee's current legal spouse, child, step child, mother, father, grandmother, grandfather, brother, sister, mother-in-law, father-in-law, brother-in-law sister-in-law, step mother and step father. In the event the funeral services for the individuals mentioned herein are held more than 350 miles from the Brecksville City Hall, and further if the employee actually attends these funeral services, an additional one paid tour of duty of bereavement leave shall be granted to the employee. Bereavement leave shall not be deducted from the employee's accumulated sick time.

('64 Code, § 145.17; Ord. 2872, passed 4-7-87; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01)

Sec. 145.18. Emergency call-in pay for firemen.

All firemen who are required to work on a previously unscheduled emergency basis, as same may be defined by the city, shall be compensated for all hours worked at the appropriate rate of pay, but in no event shall they be compensated for less than two hours.

('64 Code, § 145.18; Ord. 3010, passed 3-21-89)

Sec. 145.19. Firemen; Officer-In-Charge premium.

Effective December 18, 2022, any fireman who is performing the duties and assuming the responsibility of Officer-in-Charge for at least 12 hours of a regular tour of duty in the absence of a Lieutenant, shall be compensated at a flat rate of \$60.00 for each tour of duty worked. The Officer-in-Charge shall be the senior fireman normally assigned to work the tour of duty unless the Chief designates said shift with an Officer-in-Charge in advance.

(Ord. 3624, passed 1-2-98; Am. Ord. 5578, passed 12-20-22)

Sec. 145.20. Infectious disease outbreak (or potential outbreak) and extenuating circumstances policy.

It is the policy of the City of Brecksville to provide a safe work environment by establishing procedures and guidelines to help prevent and/or limit the transmission of communicable diseases in the workplace. The full policy, attached to Resolution No. 5052, passed April 21, 2020, as Exhibit A, is hereby adopted by reference.

(Res. 5052, passed 4-21-20)

CHAPTER 147. CITY RECORDS COMMISSION*

Sec. 147.01. Establishment and composition.

Council, pursuant to R.C. § 149.39, hereby establishes a City Records Commission. The commission shall consist of the Mayor, the Director of Finance, the Director of Law and a resident of the city appointed by the Mayor. The City Records Commission shall be governed in all respects by the provisions contained in R.C. § 149.39 and any amendments made thereto.

(*64 Code, § 147.01; Ord. 2984, passed 10-4-88)

*State law reference—Records review and disposal, see R.C. § 149.39

PART SEVEN

BUSINESS REGULATION CODE

TITLE ONE GENERALLY

- Chap. 701. Admissions Tax**
- Chap. 702. Transient Occupancy Tax**
- Chap. 703. Gasoline and Service Stations**
- Chap. 705. Peddlers**
- Chap. 707. Recovery of Costs of Emergency Actions**
- Chap. 709. Taxicabs**
- Chap. 711. Police and Fire Emergency Alarms**
- Chap. 712. Telecommunications Right-of-way Permits**
 - App. i. Telecommunications Right-of-way Permit
- Chap. 713. Small Cell Facilities and Wireless Support Structures**
 - App. i. Small Cell Facilities and Wireless Support Structures
- Chap. 715. Master Cable Television Regulations**
- Chap. 716. Customer Service Standards for Cable Television Systems**
- Chap. 717. Wireless Communication Antennas and Towers**
- Chap. 719. Reserved**
- Chap. 721. Adult Entertainment Businesses**
- Chap. 729. Helistops**
- Chap. 750. Explosive Devices and Dangerous Ordnances**

STREETS AND SIDEWALKS

- Sec. 715.14. Consideration of initial applications.
- Sec. 715.15. Franchise renewal.
- Sec. 715.16. Rate regulation; senior citizen discounts; promotions; broadcast basic service; guaranteed service calls.
- Sec. 715.17. Franchise fee.
- Sec. 715.18. Design and construction requirements; street and other public improvements.
- Sec. 715.19. Technical standards; tests.
- Sec. 715.20. Trimming of trees.
- Sec. 715.21. Provision of cable to public facilities.
- Sec. 715.22. Hold harmless.
- Sec. 715.23. Insurance; construction completion bond; performance bond.
- Sec. 715.24. Records required and grantor's right to inspect.
- Sec. 715.25. Annual reports.
- Sec. 715.26. Institutional network; interconnection with other government networks.
- Sec. 715.27. Public, educational, or government (PEG) access channels and facilities; fee in lieu.
- Sec. 715.28. Franchise violation.
- Sec. 715.29. Force majeure; grantee's inability to perform.
- Sec. 715.30. Abandonment or removal of franchise property.
- Sec. 715.31. Extended operation and continuity of services.
- Sec. 715.32. Receivership and foreclosure.
- Sec. 715.33. Rights reserved to grantor.
- Sec. 715.34. Rights of individuals.
- Sec. 715.35. Time limits strictly construed.
- Sec. 715.36. Delegation of authority.
- Sec. 715.37. Conflicts.
- Sec. 715.38. Severability.

Chapter 716. Customer Service Standards for Cable Television Systems

- Sec. 716.01. Policy.
- Sec. 716.02. Definitions.
- Sec. 716.03. Customer service.
- Sec. 716.04. Customer dissatisfaction with any service.
- Sec. 716.05. Safety.
- Sec. 716.99. Penalty.

Chapter 717. Wireless Communication Antennas and Towers

- Sec. 717.01. Definitions.
- Sec. 717.02. Location.
- Sec. 717.03. Procedure.
- Sec. 717.04. Type of construction.
- Sec. 717.05. Standards.
- Sec. 717.06. Architectural review.
- Sec. 717.07. Certification of registered engineer.
- Sec. 717.08. Time limitation for beginning of construction.
- Sec. 717.09. Reimbursement of expenses.
- Sec. 717.10. Permit fees.
- Sec. 717.11. Exemption for city-owned property.
- Sec. 717.12. Civil action.

BRECKSVILLE CODE

- Sec. 717.13. Remedies cumulative.
- Sec. 717.99. Penalty.

Chapter 719. Reserved

Secs. 719.01—719.03. Reserved.

Chapter 721. Adult Entertainment Businesses

- Sec. 721.01. Purpose and intent.
- Sec. 721.02. Definitions.
- Sec. 721.03. Classification of business.
- Sec. 721.04. Location of adult entertainment businesses.
- Sec. 721.05. Adult business license required.
- Sec. 721.06. Adult entertainment employee license required.
- Sec. 721.07. Adult business license application.
- Sec. 721.08. Issuance of adult business license.
- Sec. 721.09. Adult entertainment employee license application.
- Sec. 721.10. Issuance of adult entertainment employee license.
- Sec. 721.11. Fees.
- Sec. 721.12. Inspection.
- Sec. 721.13. Expiration and renewal of license.
- Sec. 721.14. Suspension.
- Sec. 721.15. Revocation.
- Sec. 721.16. Appeals rights.
- Sec. 721.17. Transfer of license.
- Sec. 721.18. Additional regulations for adults motels.
- Sec. 721.19. Regulations pertaining to the exhibition of sexually explicit films, videos, or live entertainment in viewing booths.
- Sec. 721.20. Additional regulations concerning the operation of adult entertainment business.
- Sec. 721.21. Loitering and exterior lighting and monitoring requirements.
- Sec. 721.22. Injunction.
- Sec. 721.99. Penalty.

Chapter 729. Helistops

- Sec. 729.01. Definitions.
- Sec. 729.02. Prohibition of landing helicopter other than at helistop.
- Sec. 729.03. Minimum specifications.
- Sec. 729.04. Rooftop or elevated helistop.
- Sec. 729.05. Submission of plans.
- Sec. 729.06. Approval of helistop.
- Sec. 729.07. Prohibitions.
- Sec. 729.08. Emergencies.
- Sec. 729.09. Criteria for qualification of operators.
- Sec. 729.10. Heliports prohibited.
- Sec. 729.99. Penalty.

Chapter 750. Explosive Devices and Dangerous Ordnances

- Sec. 750.01. Definitions.

STREETS AND SIDEWALKS

- Sec. 750.02. Purpose and scope.
- Sec. 750.03. Compliance standards; license or temporary permit fee.
- Sec. 750.04. Notice to blast.
- Sec. 750.05. Allowable limits; standards established.
- Sec. 750.06. Log required.
- Sec. 750.07. Application for temporary permit or license; issuance.
- Sec. 750.08. Hours of blasting.
- Sec. 750.09. Insurance protection.
- Sec. 750.99. Penalty.

CHAPTER 719. RESERVED*

Secs. 719.01—719.03. Reserved.

***Editor's note**—Ord. No. 5619, § 1, adopted May 16, 2023, repealed Ch. 719, §§ 719.01—719.03, which pertained to the telecommunications commission and derived from Ord. No. 3584, passed July 1, 1997.

TABLE OF CONTENTS

Page

VOLUME I

| | |
|--|-----|
| Officials of the City at the Time of this Recodification | iii |
| Current Officials (Reserved) | |
| Preface | vii |
| Adopting Ordinance (Reserved) | |
| Checklist of Up-to-Date Pages | [1] |
| Supplement History Table (Reserved) | |

CHARTER OF

THE CITY OF BRECKSVILLE, OHIO

| | |
|--|--------|
| Preamble | CHT:5 |
| Art. I. Boundaries | CHT:5 |
| Art. II. Municipal Powers | CHT:5 |
| Art. III. the Mayor | CHT:5 |
| Art. IV. the Council | CHT:7 |
| Art. V. Administrative Officers, Departments, Boards, and Commissions | CHT:12 |
| Art. VI. Finances | CHT:19 |
| Art. VII. Nominations and Elections | CHT:21 |
| Art. VIII. Initiative, Referendum and Recall | CHT:21 |
| Art. IX. Franchises | CHT:23 |
| Art. X. Amendments to Charter | CHT:23 |
| Art. XI. Charter Review Commission | CHT:23 |
| Art. XII. Miscellaneous Provisions | CHT:24 |

CODE OF ORDINANCES OF

THE CITY OF BRECKSVILLE, OHIO

Part

ONE. ADMINISTRATIVE CODE

| | |
|--|--------|
| Title One. General Provisions | CD1:3 |
| Ch. 101. Codified Ordinances | CD1:5 |
| Ch. 103. Official Standards (Reserved) | CD1:11 |

BRECKSVILLE CODE

| Part | Page |
|---|---------|
| Title Three. Legislative | CD1:13 |
| Ch. 121. Council | CD1:15 |
| Ch. 123. Ordinances and Resolutions | CD1:24 |
| Title Five. Administrative..... | CD1:25 |
| Ch. 125. Mayor | CD1:29 |
| Ch. 126. Pension Pick-up | CD1:30 |
| Ch. 127. Reserved | CD1:31 |
| Ch. 128. Economic Development Director..... | CD1:32 |
| Ch. 129. Public Hearings | CD1:35 |
| Ch. 131. Purchasing Procedure | CD1:36 |
| Ch. 132. Selecting Depositories | CD1:38 |
| Ch. 134. Treasury Investment..... | CD1:39 |
| Ch. 135. Reserved | CD1:41 |
| Ch. 136. Department of Recreation | CD1:42 |
| Ch. 137. Municipal Facility Registration and Use Review Board..... | CD1:49 |
| Ch. 138. Department of Human Services..... | CD1:50 |
| Ch. 139. Recreation Commission | CD1:54 |
| Ch. 140. Police Department | CD1:55 |
| Ch. 141. Fire Department | CD1:57 |
| Ch. 142. City Engineer | CD1:60 |
| Ch. 143. Volunteer Firemen's Dependents Fund | CD1:63 |
| Ch. 145. Employees Generally | CD1:64 |
| Ch. 147. City Records Commission..... | CD1:81 |
| Title Seven. Judicial..... | CD1:83 |
| Ch. 161. Mayor's Court | CD1:85 |
| THREE. TRAFFIC CODE | |
| Title One. Administration..... | CD3:3 |
| Ch. 301. Definitions | CD3:5 |
| Ch. 303. Enforcement, Impounding and Penalty..... | CD3:19 |
| Ch. 305. Traffic Control | CD3:29 |
| Title Three. Streets and Traffic-Control Devices | CD3:31 |
| Ch. 311. Street Obstructions and Special Uses..... | CD3:33 |
| Ch. 313. Traffic-Control Devices | CD3:36 |
| Title Five. Vehicles | CD3:47 |
| Ch. 331. Operation Generally | CD3:51 |
| Ch. 333. Intoxication; Reckless Operation; Speed | CD3:82 |
| Ch. 335. Licensing; Accidents | CD3:104 |
| Ch. 337. Safety and Equipment..... | CD3:128 |
| Ch. 339. Commercial and Heavy Vehicles | CD3:155 |
| Ch. 341. Drivers of Commercial Cars or Tractors..... | CD3:176 |
| Ch. 343. School Buses..... | CD3:177 |

TABLE OF CONTENTS—Cont'd.

| Part | Page |
|--|---------|
| Ch. 347. Motor Transportation Companies | CD3:180 |
| Title Seven. Parking | CD3:183 |
| Ch. 351. Parking Generally | CD3:185 |
| Ch. 353. Municipal Lot Regulations | CD3:197 |
| Title Nine. Pedestrians, Bicycles and Motorcycles | CD3:199 |
| Ch. 371. Pedestrians | CD3:201 |
| Ch. 373. Bicycles and Motorcycles | CD3:211 |
| Ch. 375. Snowmobiles and All Purpose Vehicles | CD3:220 |
| | |
| FIVE. GENERAL OFFENSES CODE | |
| Title One. Generally | CD5:3 |
| Ch. 501. General Provisions and Penalty | CD5:11 |
| Ch. 505. Animals and Fowl | CD5:39 |
| Ch. 509. Disorderly Conduct and Peace Disturbance | CD5:54 |
| Ch. 511. Disorderly Conduct in or About Business Places | CD5:65 |
| Ch. 513. Drug Abuse Control | CD5:68 |
| Ch. 514. Open Burning | CD5:102 |
| Ch. 515. Fire Prevention | CD5:110 |
| Ch. 516. Fireworks | CD5:115 |
| Ch. 517. Gambling | CD5:122 |
| Ch. 521. Health, Safety and Sanitation | CD5:156 |
| Ch. 525. Law Enforcement and Public Office | CD5:165 |
| Ch. 529. Liquor Control | CD5:183 |
| Ch. 531. Nuisances | CD5:203 |
| Ch. 533. Obscenity and Sex Offenses | CD5:205 |
| Ch. 537. Offenses Against Persons | CD5:228 |
| Ch. 541. Property Offenses | CD5:253 |
| Ch. 545. Theft and Fraud | CD5:264 |
| Ch. 549. Weapons and Explosives | CD5:289 |
| Ch. 553. Railroads | CD5:313 |
| | |
| SEVEN. BUSINESS REGULATION CODE | |
| Title One. Generally | CD7:3 |
| Ch. 701. Admissions Tax | CD7:13 |
| Ch. 702. Transient Occupancy Tax | CD7:18 |
| Ch. 703. Gasoline and Service Stations | CD7:22 |
| Ch. 705. Peddlers | CD7:23 |
| Ch. 707. Recovery of Costs of Emergency Actions | CD7:30 |
| Ch. 709. Taxicabs | CD7:33 |
| Ch. 711. Police and Fire Emergency Alarms | CD7:36 |
| Ch. 712. Telecommunications Right-of-Way Permits | CD7:40 |
| Apx. i. Telecommunications Right-of-Way Permit | CD7:41 |
| Ch. 713. Small Cell Facilities and Wireless Support Structures | CD7:69 |

BRECKSVILLE CODE

| Part | Page |
|--|---------|
| Apx. i. Small Cell Facilities and Wireless Support Structures | CD7:70 |
| Ch. 715. Master Cable Television Regulations | CD7:97 |
| Ch. 716. Customer Service Standards for Cable Television Systems | CD7:133 |
| Ch. 717. Wireless Communication Antennas and Towers | CD7:140 |
| Ch. 719. Reserved | CD7:149 |
| Ch. 721. Adult Entertainment Businesses. | CD7:151 |
| Ch. 729. Helistops | CD7:172 |
| Ch. 750. Explosive Devices and Dangerous Ordnances . | CD7:176 |

NINE. STREETS AND PUBLIC SERVICES CODE

| | |
|---|--------|
| Title One. Streets and Sidewalks | CD9:3 |
| Ch. 901. Street Openings | CD9:5 |
| Ch. 903. Sanitary Sewers | CD9:7 |
| Ch. 905. Water Regulations | CD9:9 |
| Ch. 907. Highland-boston Water and Sewer District . . . | CD9:11 |
| Ch. 909. Whitewood-hilton Sanitary Sewer District . . . | CD9:14 |
| Ch. 910. Echo-snowville Sanitary Sewer District. | CD9:16 |
| Title Three. Other Public Services | CD9:19 |
| Ch. 911. City Property Rentals | CD9:21 |
| Ch. 912. Recreation Concessions. | CD9:24 |
| Ch. 913. Cemeteries | CD9:26 |
| Ch. 915. Trees, Hedges and Shrubs | CD9:33 |
| Ch. 917. Collection and Disposal of Refuse and Other Waste Material | CD9:46 |

VOLUME II

ELEVEN. PLANNING AND ZONING CODE

| | |
|---|---------|
| Title One. Municipal Planning. | CD11:3 |
| Ch. 1101. Planning Commission | CD11:5 |
| Title Three. Land Planning and Subdivision Regulations. | CD11:9 |
| Ch. 1111. Title; Purpose | CD11:13 |
| Ch. 1113. Definitions | CD11:15 |
| Ch. 1115. Land Subdividing Procedures. | CD11:27 |
| Ch. 1117. Planning Criteria | CD11:34 |
| Ch. 1119. Required Improvements | CD11:41 |
| Ch. 1121. Plans and Plats | CD11:51 |
| Ch. 1123. Adoption; Appeals; Enforcement. | CD11:56 |
| Title Five. Scope and Application | CD11:59 |
| Ch. 1131. Intent and Application | CD11:61 |
| Ch. 1133. Definitions | CD11:63 |

TABLE OF CONTENTS—Cont'd.

| Part | Page |
|--|----------|
| Ch. 1135. Establishment of Code and Map | CD11:65 |
| Ch. 1137. Administration of Code | CD11:68 |
| Title Seven. Districts | CD11:69 |
| Ch. 1151. Residential Districts | CD11:73 |
| Ch. 1153. Community Facilities District | CD11:95 |
| Ch. 1155. Business Districts | CD11:101 |
| Ch. 1156. Planned Development Overlay District | CD11:113 |
| Ch. 1157. Industrial Districts | CD11:117 |
| Ch. 1158. Automotive Parking Districts | CD11:128 |
| Ch. 1159. Flood Reduction and Control | CD11:130 |
| Ch. 1160. Oil and Gas Wells Conditional Use Permits .. | CD11:153 |
| Title Nine. Regulations Applying to All Districts | CD11:155 |
| Ch. 1171. Required Yards and Areas to be Maintained . | CD11:159 |
| Ch. 1173. Nonconforming Uses and Lots | CD11:160 |
| Ch. 1175. Soil Removal, Drainage Courses, Temporary Buildings and Utilities | CD11:164 |
| Ch. 1176. Tree Cutting | CD11:169 |
| Ch. 1177. Illicit Discharge and Illegal Connection Con- trol | CD11:172 |
| Ch. 1179. Standards and Criteria for Planned Develop- ment Areas | CD11:179 |
| Ch. 1181. Height District Regulations | CD11:188 |
| Ch. 1183. Parking and Loading Facilities | CD11:190 |
| Ch. 1185. Fences | CD11:201 |
| Apx. A. Examples of Fences | CD11:207 |
| Ch. 1186. Small Wind Energy Systems and Solar Energy Systems | CD11:209 |
| Ch. 1187. Sign Regulation | CD11:218 |
| Ch. 1189. Prohibited Uses | CD11:240 |
| Ch. 1190. Oil and Gas Wells | CD11:243 |
| Title Eleven. Administration and Enforcement | CD11:263 |
| Ch. 1191. Administrative Procedures | CD11:265 |
| Ch. 1193. Development Plans | CD11:273 |
| Ch. 1195. Planned Development Areas | CD11:279 |
| Ch. 1196. Design Review Guidelines | CD11:289 |
| Ch. 1197. Board of Zoning Appeals | CD11:297 |
| Ch. 1199. Amending Procedures | CD11:302 |
| Apx. I. Outline of Procedures | CD11:305 |
| Apx. II. Forms for Final Plat Certifications | CD11:307 |
| Apx. III. Forms for Performance Bonds | CD11:310 |
| Apx. IV. Form for Resolution Accepting the Dedication of Streets and Approving the Development of | |

BRECKSVILLE CODE

| Part | Page |
|---|----------|
| the Subdivision | CD11:311 |
| THIRTEEN. BUILDING CODE | |
| Title One. Building Code Provisions | CD13:1 |
| Ch. 1301. Residential Code of Ohio for One-, Two- and Three Family Dwellings. | CD13:3 |
| Ch. 1303. Property Maintenance Code | CD13:5 |
| Ch. 1305. State of Ohio Basic Building Code. | CD13:11 |
| Ch. 1307. National Electric Code | CD13:13 |
| Title Three. Local Provisions | CD13:15 |
| Ch. 1311. Registering Contractors | CD13:21 |
| Ch. 1312. Certificate of Occupancy. | CD13:25 |
| Ch. 1313. Building Permit Expiration | CD13:26 |
| Ch. 1314. Schedule of Permit Fees, Deposits and Other Charges | CD13:30 |
| Ch. 1315. Topographic Survey | CD13:44 |
| Apx. A. Checklist for Review of Sublot Topographic Plans | CD13:46 |
| Apx. B. Sample Topographic Survey and Improvement Plat | CD13:49 |
| Ch. 1316. Flood Hazards | CD13:51 |
| Ch. 1317. Grade Lines | CD13:53 |
| Ch. 1318. House and Building Numbering. | CD13:54 |
| Ch. 1319. Reserved | CD13:55 |
| Ch. 1320. Portable Storage Devices and Structures | CD13:56 |
| Ch. 1321. Driveway Installation | CD13:58 |
| Ch. 1322. Television, Satellite Dish, Radio Transmitting and Receiving Antennas, and Supporting Structures | CD13:59 |
| Ch. 1323. Outdoor Swimming Pool. | CD13:65 |
| Ch. 1324. Stables | CD13:68 |
| Ch. 1325. Water Mains and Connection Charges | CD13:70 |
| Ch. 1326. Placement of Noise Generating Equipment .. | CD13:73 |
| Ch. 1327. Design and Construction Review Board | CD13:74 |
| Ch. 1329. Automatic Fire-Extinguishing Systems | CD13:78 |
| Ch. 1331. Construction Site Soil Erosion, Sediment, Stormwater Runoff and Stormwater Quality Controls and Regulations | CD13:80 |
| Ch. 1339. Demolition of Unsafe Buildings | CD13:101 |
| Ch. 1341. Exterior Property Maintenance Code | CD13:109 |
| Ch. 1343. Condominiums. | CD13:121 |
| Ch. 1345. Repairing or Removal of Fire Damaged Build- ing and Other Structures | CD13:135 |
| Ch. 1347. Inspection of Residential Rental Structures .. | CD13:136 |

TABLE OF CONTENTS—Cont'd.

| Part | Page |
|---|----------|
| Ch. 1349. Point of Sale Septic System Inspection | CD13:141 |
| FIFTEEN. TAXATION CODE | |
| Title One. Municipal Income Tax Regulations. | CD15:1 |
| Ch. 1501. Purpose | CD15:3 |
| Ch. 1503. Definitions | CD15:7 |
| Ch. 1505. Imposition of Income Tax | CD15:8 |
| Ch. 1507. Determination of Allocation of Tax | CD15:14 |
| Ch. 1509. Exemptions. | CD15:17 |
| Ch. 1511. Returns | CD15:18 |
| Ch. 1513. Payment of Tax | CD15:20 |
| Ch. 1515. Interest and Penalties. | CD15:24 |
| Ch. 1517. Collection of Unpaid Taxes and Refunds of Overpayments. | CD15:27 |
| Ch. 1519. Tax Credit. | CD15:28 |
| Ch. 1521. Disbursement of Receipts of Tax Collection | CD15:29 |
| Ch. 1523. Duties and Authority of the Administrator | CD15:30 |
| Ch. 1525. Board of Review | CD15:34 |
| Ch. 1527. Other Provisions. | CD15:36 |
| Ch. 1529. Tax Administrator | CD15:37 |
| Ch. 1531. Amendment to Above Chapters and Enact- ment of Chapter 1531 Effective for Tax Years Beginning on or After January 1, 2016 | CD15:38 |
| Table of Special Ordinances | |
| Table A. Franchises | TSO:1 |
| Table B. Easements | TSO:30 |
| Table C. Vacating of Streets and Alleys | TSO:90 |
| Table D. Dedication and Plat Approval | TSO:120 |
| Table E. Acquisition and Disposal of Real Property. | TSO:150 |
| Table F. Lease of Real Property. | TSO:180 |
| Table G. Street Grade Levels and Change of Street Name | TSO:210 |
| Table H. Annexation and Detachment of Territory | TSO:240 |
| Table I. Zone Map Issues | TSO:270 |
| Table J. Funds | TSO:320 |
| Table K. City Charter Amendments | TSO:360 |
| Parallel References | |
| History References to Revised Code of Ohio | PRT:1 |
| References to Ordinances | PRT:1 |
| References to Resolutions | PRT:1 |

BRECKSVILLE CODE

| Part | Page |
|--|--------|
| Code Comparative Table—Legislation | CCT:1 |
| Charter Index | CHTi:1 |
| Code Index | CDi:1 |

(e) In the event the applicant fails to make the initial deposit as required in this section or fails to timely replenish this fund as required herein, the Building Commissioner shall not accept any additional documentation from the applicant, issue the applicant a building permit, or allow any work to continue in the event a building permit is issued.

(f) The Building Commissioner, or his or her designee shall notify the Finance Director at such time when professional review is no longer necessary for the matter for which the deposit was made. The Finance Director, or his or her designee shall verify with all professional reviewers that they have submitted all of their invoices and that these invoices have been paid for that particular application. The Finance Director shall then promptly refund the balance of any funds remaining on deposit for that particular application to the person or entity who made such deposit with the city.
(Ord. 4407, passed 4-15-08)

Sec. 1314.22. Three percent assessment for nonresidential properties.

(a) The Building Commissioner is authorized and directed to collect, on behalf of the Board of Building Standards of the state, an amount equal to three percent of all the various plan review, building permit, and inspection fees as prescribed in the Building Code of the city for nonresidential property. This assessment, as collected on behalf of the Board of Building Standards, shall be in addition to the current fees charged for inspections and for the issuance of various building permits for nonresidential properties.

(b) The Director of Finance is authorized and directed to remit any assessments received pursuant to division (a) hereof to the Board of Building Standards of the state on a monthly basis.
(Ord. 4736, passed 12-4-12)

Sec. 1314.23. Plan examination services.

(a) The Building Commissioner is authorized and directed to collect plan examination and administration fees for residential and nonresidential plan submittals. This fee shall be in addition to the current fees charged for the issuance of various building permits for residential and nonresidential properties.

- (1) The fee for plan examination services rendered for projects subject to the Residential Code of Ohio; one, two or three-family dwellings, alterations or additions, per hour \$125.00
- (2) The fee for plan examination services rendered for projects subject to the Ohio Building Code, per hour \$150.00

(Ord. 5110, passed 10-17-17; Ord. No. 5581, § 1, 1-17-23)

BRECKSVILLE CODE

CHAPTER 1315. TOPOGRAPHIC SURVEY

Sec. 1315.01. Survey required; sample form incorporated.

Each application for a building permit for the erection, construction, remodeling or alteration of, addition to or moving of any building shall be accompanied by a topographic survey unless a topographic survey already exists and is on file with the Building Department for the parcel in question or if this requirement is waived by the Building Commissioner as approved by the City Engineer. All required topographic surveys shall be in the form of the sample appended to this chapter and dated December 10, 1996, which topographic survey shall contain the information shown in such sample. A copy of the sample topographic survey shall be kept in the Building Department for public inspection.

('64 Code, § 1315.01; Ord. 2719, passed 6-5-84; Am. Ord. 3546, passed 12-17-96; Am. Ord. 4569, passed 6-15-10)

Cross reference—Penalty, see § 1315.99

Sec. 1315.02. Fees for engineering services; compliance.

Each applicant shall, upon making application for a building permit in connection with which a topographic survey is required, shall pay to the Building Department, in addition to all other fees and deposits required, the following amounts for engineering services:

- (a) \$400.00 for examination of the topographic survey, which examination shall be made prior to the commencement of any construction; and
- (b) \$200.00 for each re-examination of the topographic survey; and
- (c) \$400.00 for the examination of the footer elevation before the footers have been poured, and the examination of the front and side yard setback requirements; \$250.00 if a re-examination is required due to the location or elevation of the footers being found incorrect; and
- (d) \$475.00 for the examination of yard grades, swales and first floor elevations; \$200.00 for re-inspection if found faulty; and
- (e) \$200.00 for final examination after installation of landscaping; and
- (f) \$250.00 if scheduled for any examination but not ready when field-checked.

Failure of the applicant or owner of the property to comply with or make necessary corrections to the grades in accordance with the topographic survey, as may be ordered by the Building Commissioner or City Engineer to conform the property to the approved topographic survey, shall constitute a violation of this section, the penalty for which violation is set forth in section 1315.99.

('64 Code, § 1315.02; Ord. 2519, passed 12-2-80; Am. Ord. 3853, passed 12-19-00; Am. Ord. 4253, passed 5-2-06; Am. Ord. 4390, passed 12-18-07; Am. Ord. 5141, passed 12-19-17)

Cross reference—Penalty, see § 1315.99

Sec. 1315.03. Further study; fee.

If, in the opinion of the Building Commissioner, further study is needed regarding soil conditions, subsurface water conditions, construction, and the like, the applicant shall pay to the Building Commis-

TABLE OF SPECIAL ORDINANCES

TABLE B

| Ord. No. | Date Passed | Description |
|-----------|-------------|---|
| Res. 5361 | 11-15-22 | Accepting an easement for temporary grading and access across certain lands owned by Andrew Sickle and known as PPN 603-09-002. |
| Res. 5368 | 12-6-22 | Accepting an easement for construction, reconstruction, maintaining, repairing, and replacing sidewalks and landscaping in, under, across and through certain lands owned by Courtney Leanne Montgomery and known as PPN 603-09-001. |
| Res. 5369 | 12-6-22 | Accepting an easement for temporary grading and access across certain lands owned by Courtney Leanne Montgomery and known as PPN 603-09-001. |
| Res. 5449 | 7-5-23 | Accepting an easement for access to storm and drainage facilities across certain lands owned by Zachary and Nina Moore and known as PPN 605-15-003; and declaring an emergency. |
| Res. 5486 | 12-19-23 | Accepting a temporary clearing and grading easement across certain lands owned by City of Cleveland known as Blossom Hill Farm and known as PPN 603-09-003. |
| Res. 5487 | 12-19-23 | Accepting a permanent easement for construction, reconstruction, maintaining, repairing and installing a sidewalk and driveway apron with landscaping across certain lands owned by City of Cleveland known as Blossom Hill Farm and known as PPN 609-09-003. |
| Res. 5530 | 2-6-23 | Authorizing the mayor to execute an extinguishment of temporary and permanent easements and declaring that such easements are no longer needed for municipal purposes. |
| Res. 5531 | 2-6-23 | Authorizing the mayor to execute a release of mortgage deed for the Glen-Valley Club Co. Permanent Parcel Nos. 602-15-004, 602-15-005 and 602-15-006. |

TABLE OF SPECIAL ORDINANCES

TABLE E

| Ord. No. | Date Passed | Description |
|-----------|-------------|--|
| Res. 5085 | 10-6-20 | Authorizing the Mayor to accept a quit claim deed from the Brecksville Community Improvement Corporation for PP# 603-20-029, 603-20-030, 603-21-022, 604-07-007, 604-08-001, 604-08-002, 604-08-003, 604-08-004, and 604-08-007. |
| Res. 5086 | 10-6-20 | Authorizing the Mayor to convey a quit claim deed to the Brecksville Community Improvement Corporation for PP# 603-20-029, 603-20-030, 603-21-022, 604-07-007, 604-08-001, 604-08-002, 604-08-003, 604-08-004, and 604-08-007. |
| 5451 | 10-19-21 | Authorizing the Mayor to enter into a purchase contract with Michael Jason Miller and Jacqueline R. Czarnota for the purchase of Permanent Parcel No. 602-09-042, property address V/L Crinkleroot Drive. |
| 5471 | 1-18-22 | Authorizing the Mayor to enter into an offer to purchase real estate and acceptance with Jayne M. Antrobus for the purchase of property located at 9056 Brecksville Road, PP# 601-34-085. |
| Res. 5263 | 3-1-22 | Authorizing the Mayor to enter into a development and real estate transfer agreement with the Brecksville- Broadview Heights City School District concerning identified district properties. |
| 5482 | 3-1-22 | Authorizing the Mayor to accept a fiduciary's deed to transfer from Jayne M. Antrobus real property located at 9056 Brecksville Road, PP# 601-34-085. |
| Res. 5290 | 5-17-22 | Authorizing the Mayor to accept a quit claim deed from VA Land, LLC for property known as Parcel 8-WD and also known as PPN 604-09-016. |
| Res. 5294 | 5-17-22 | Authorizing the Mayor to accept a quit claim deed from Brant E. Giere for property known as Parcel 2-WL and also known as PPN 604-16-002. |
| 5503 | 5-17-22 | Authorizing the Mayor to enter into a contract for sale and purchase of real property and a contract for right of entry with PNC Bank, National Association. |
| 5504 | 5-17-22 | Authorizing the Mayor to enter into a contract for sale and purchase of real property and a contract for right of entry with 6850 Miller Road Holding Company, LLC. |
| Res. 5306 | 7-19-22 | Authorizing the Mayor to accept a warranty deed from 6850 Miller Road Holding Company, LLC for property known as Parcel 9-WD1, WD2 and also known as PPN 604-17-003. |
| Res. 5307 | 7-19-22 | Authorizing the Mayor to accept a warranty deed from Grand Bay Plaza Limited Partnership for property known as Parcel 1-WL and also known as PPN 604-07-002. |

TABLE E

BRECKSVILLE CODE

| Ord. No. | Date Passed | Description |
|-----------|-------------|--|
| Res. 5329 | 9-6-22 | Authorizing the Mayor to accept a limited warranty deed from PNC Bank, National Association for property known as Parcel 7-WL and also known as part of PPN 604-17-008. |
| Res. 5437 | 5-16-23 | Authorizing the Mayor to accept a quit claim deed from Sherwin Williams Company for property known as parcel 6-WD and also known as PPN 604-08-008; and declaring an emergency. |
| Res. 5438 | 5-16-23 | Authorizing the Mayor to accept a quit claim deed from Sherwin Williams Company for property known as parcel 6-WL and also known as PPN 604-08-008; and declaring an emergency. |
| 5630 | 6-20-23 | Authorizing the Mayor to enter into a real estate transfer and development agreement with the Brecksville-Broadview Heights City School District and Triban Investments, LLC for PP# 603-15-009 located at 9457 Highland Drive; and declaring an emergency. |
| 5649 | 10-3-23 | Authorizing the Mayor to enter into an agreement for the sale and purchase of real estate with Morel Landscaping, LLC for PP# 604-25-007 located on Noble Park Lane, aka Noble Park Drive and Noble Park Road; and declaring an emergency. |
| Res. 5534 | 3-5-24 | Authorizing the mayor to enter into a release from agreement for the sale and purchase of real estate with Morel Landscaping, LLC for the mutual termination of the agreement to purchase property known as PPN 604-25-007 located on Noble Park Lane aka Noble Park Drive and Noble Park Road and the return of earnest money/down payment. |

TABLE OF SPECIAL ORDINANCES

TABLE J

| Ord. No. | Date Passed | Description |
|-----------|-------------|--|
| 4648 | 11-1-11 | Acknowledging the intent to reimburse the Building and Improvement Fund #490 for monies used to construct Fire Station Expansion with monies generated by the Fire Fund #290. |
| Res. 4189 | 12-6-11 | Eliminating the Echo-Snowville Sanitary Sewer Fund #263. |
| Res. 4437 | 3-18-14 | Establishing the Indigent Drivers Interlock and Alcohol Monitoring Fund No. 289. |
| Res. 4471 | 9-2-14 | Establishing the Workers' Compensation Fund No. 602. |
| 5604 | 4-4-23 | Providing for the issuance and sale of not to exceed \$3,600,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying, in anticipation of the levy and collection of special assessments, the property owners' portion and the city portion of the costs of constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley Pump Station. |
| 5659 | 11-7-23 | Amending Ordinance No. 5592 as it relates to employee compensation; and declaring an emergency. |

CODE COMPARATIVE TABLE

This table gives the location within this Code of those ordinances adopted since the 1995 Code, as supplemented. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

| Legislation | Adoption Date | Section | Section this Code |
|-------------|---------------|-----------|--------------------------|
| 5581 | 1-17-23 | 1 | 1314.23 |
| 5586 | 2- 7-23 | 1 | 123.01 |
| 5590 | 3- 7-23 | 1 | 145.06(g) |
| 5591 | 3- 7-23 | 1 | 145.13 |
| 5606 | 7-18-23 | 1 | Char., Art. III, § 2 |
| 5607 | 7-18-23 | 1 | Char., Art. V, § 9 |
| 5608 | 7-18-23 | 1 | Char., Art. VI, § 4 |
| 5609 | 7-18-23 | 1 | Char., Art. VI, § 6 |
| 5610 | 7-18-23 | 1 | Char., Art. VI, § 8 |
| 5611 | 7-18-23 | 1 | Char., Art. XII, § 5 |
| 5619 | 5-16-23 | 1 | Rpld 719.01—719.03 |
| 5658 | 11- 7-23 | 1(Exh. A) | Added 1331.01—1331.08 |
| | | 2 | Rpld 1331.01—1331.08 |
| 5660 | 11- 7-23 | 1(Exh. A) | 1511.03, 1511.04 |
| | | | 1531.03 |
| | | | 1531.05 |
| | | | 1531.18 |
| | | | Added 1531.27 |
| 5661 | 11-21-23 | 1 | 145.13 |
| 5667 | 12- 5-23 | 1 | 145.09(c) |
| 5671 | 12- 5-23 | 1 | 145.08(d) |
| 5675 | 1-16-24 | 1 | 145.05(b) |
| 5685 | 2-20-24 | 1 | 145.13 |
| 5697 | 4- 2-24 | 1(Exh. A) | Char., Art. III, § 1 |
| | | | Char., Art. III, §§ 3, 4 |
| | | | Char., Art. IV, §§ 1—7 |
| | | | Char., Art. IV, § 9 |
| | | | Char., Art. V, §§ 1—4 |
| | | | Char., Art. V, §§ 6—8 |
| | | | Char., Art. V, §§ 10, 11 |
| | | | Char., Art. VIII, § 3 |

CODE INDEX

Section

A

ABANDONMENT

| | |
|--|---------|
| Building code | |
| Local provisions | |
| Television, satellite dish, radio transmitting and receiving antennas, and supporting structures | |
| Abandonment, dismantling and removal..... | 1322.12 |
| Business regulation code | |
| Master cable television regulations | |
| Abandonment or removal of franchise property..... | 715.30 |
| Offenses code | |
| Animals and fowl | |
| Abandoning animals | 505.04 |
| Health, safety and sanitation | |
| Abandoned refrigerators and airtight containers | 521.01 |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Oil and gas wells | |
| Abandoned wells | 1190.14 |
| Sign regulation | |
| Abandoned signs | 1187.17 |
| Streets and sidewalks | |
| Sanitary sewers | |
| Sanitary sewer connections required; abandoned sewage disposal equipment..... | 903.01 |

ABATEMENT

| | |
|---|---------|
| Taxation code | |
| Municipal income tax regulations | |
| Interest and penalties | |
| Abatement of interest and penalty | 1515.04 |

ACCESS

| | |
|--|---------|
| Business regulation code | |
| Master cable television regulations | |
| Public, educational, or government (PEG) access channels and facilities; fee in lieu | 715.27 |
| Offenses code | |
| Theft and fraud | |
| Unauthorized use of property or access to computer systems | 545.08 |
| Planning and zoning code | |
| Districts | |
| Residential districts | |
| Access to and parking areas for nonresidential uses..... | 1151.11 |

BRECKSVILLE CODE

| | Section |
|--|----------------|
| ACCESS (Cont'd.) | |
| Traffic code | |
| Vehicles | |
| Operation generally | |
| Entering and exiting controlled-access highway | 331.32 |
| ACCIDENTS | |
| Business regulation code | |
| Taxicabs | |
| Reporting accidents | 709.11 |
| Traffic code | 335.01 et seq. |
| See: TRAFFIC CODE | |
| ADMINISTRATIVE CODE | |
| City engineer | 142.01 et seq. |
| See: CITY ENGINEER | |
| City records commission | 147.01 et seq. |
| See: CITY RECORDS COMMISSION | |
| Codified ordinances | |
| Conflicting provisions | 101.06 |
| Construction of section references | 101.05 |
| Designation; citation; headings | 101.01 |
| Determination of legislative intent | 101.08 |
| General definitions | 101.02 |
| General penalty | 101.99 |
| Revivor; effect of amendment or repeal | 101.04 |
| Rules of construction | 101.03 |
| Separability | 101.07 |
| Department of human services | 138.01 et seq. |
| See: DEPARTMENT OF HUMAN SERVICES | |
| Department of recreation | 136.01 et seq. |
| See: DEPARTMENT OF RECREATION | |
| Economic development director | 128.01 et seq. |
| See: ECONOMIC DEVELOPMENT DIRECTOR | |
| Employees generally | |
| Bereavement leave | 145.17 |
| Court time and other legal proceedings | 145.15 |
| Emergency call-in pay for firemen | 145.18 |
| Employee categories | 145.01 |
| Examination fee | 145.16 |
| Exempted employees | 145.13 |
| Expenses | 145.11 |
| Firemen; Officer-In-Charge premium | 145.19 |
| Holidays | 145.05 |

CODE INDEX

| | Section |
|--|----------------|
| ADMINISTRATIVE CODE (Cont'd.) | |
| Infectious disease outbreak (or potential outbreak) and extenuating circumstances policy | 145.20 |
| Insurance | 145.10 |
| Leaves of absence; salary continuation | 145.14 |
| Longevity | 145.07 |
| Overtime | 145.08 |
| Qualifications | 145.02 |
| Secondary employment | 145.12 |
| Sick leave; FMLA leave | 145.06 |
| Standard work week and year; paid time off | 145.03 |
| Uniform and clothing allowance | 145.09 |
| Vacations | 145.04 |
| Fire department | 141.01 et seq. |
| See: FIRE DEPARTMENT | |
| Judicial | |
| Mayor's court | |
| Compensation | 161.03 |
| Establishment | 161.01 |
| Qualifications and duties | 161.02 |
| Legislative | |
| Council | |
| Compensation; pension pick-up | 121.02 |
| Designation of council chambers | 121.03 |
| Rules of Council | 121.01 |
| Ordinances and resolutions | |
| Posting places | 123.01 |
| Mayor | 125.01 et seq. |
| See: MAYOR | |
| Municipal facility registration and use review board | 137.01 et seq. |
| See: MUNICIPAL FACILITY REGISTRATION AND USE REVIEW BOARD | |
| Pension pick-up | |
| Commencement date | 126.03 |
| Conflicts | 126.04 |
| Duties of finance director | 126.02 |
| Pension Pick-up Plan | 126.01 |
| Police department | 140.01 et seq. |
| See: POLICE DEPARTMENT | |
| Public hearings | |
| Citizens' initiative | 129.02 |
| Continuance of hearings | 129.03 |
| Democracy Day designation | 129.01 |

BRECKSVILLE CODE

| | Section |
|--|----------------|
| ADMINISTRATIVE CODE (Cont'd.) | |
| Effectiveness of regulations..... | 129.04 |
| Purchasing procedure | |
| Advertising for bids..... | 131.04 |
| Director of Purchasing | 131.01 |
| Opening of bids; recommendations | 131.05 |
| Ordinance to provide acceptance and contract | 131.06 |
| Purchases without authorization or bids | 131.02 |
| Statutes to govern other purchases | 131.03 |
| Recreation commission..... | 139.01 et seq. |
| See: RECREATION COMMISSION | |
| Selecting depositories | |
| Criteria for award of inactive funds | 132.03 |
| Manner of deposit..... | 132.01 |
| Selection of depositories..... | 132.02 |
| Treasury investment | |
| Deposit of securities | 134.05 |
| Investment authorized | 134.02 |
| Procedure for investment | 134.03 |
| Sufficiency of finance director's surety bond | 134.06 |
| Treasury investment account established | 134.04 |
| Treasury investment board established | 134.01 |
| Volunteer firemen's dependents fund..... | 143.01 et seq. |
| See: VOLUNTEER FIREMEN'S DEPENDENTS FUND | |
| ADVERTISING | |
| Administrative code | |
| Purchasing procedure | |
| Advertising for bids | 131.04 |
| Offenses code | |
| Obscenity and sex offenses | |
| Unlawful advertising of massage..... | 533.20 |
| Traffic code | |
| Streets and traffic-control devices | |
| Traffic-control devices | |
| Unauthorized signs and signals, hiding from view, advertising..... | 313.07 |
| AGREEMENTS. See: CONTRACTS AND AGREEMENTS | |
| AGRICULTURE | |
| Traffic code | |
| Vehicles | |

CODE INDEX

| | Section |
|--|----------------|
| AGRICULTURE (Cont'd.) | |
| Safety and equipment | |
| Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal- drawn vehicles | 337.10 |
| ALARM SYSTEMS | |
| Building code | |
| Local provisions | |
| Automatic fire-extinguishing systems | |
| Fire alarm connection | 1329.03 |
| Business regulation code | 711.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Disorderly conduct and peace disturbance | |
| Making false alarms..... | 509.07 |
| Traffic code | |
| Vehicles | |
| Safety and equipment | |
| Horn, siren and theft alarm signal..... | 337.19 |
| ALCOHOLIC BEVERAGES | |
| Offenses code..... | 511.03 et seq. |
| See: OFFENSES CODE | |
| AMUSEMENTS AND ENTERTAINMENTS | |
| Business regulation code | 701.06 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Gambling | |
| Skill-based amusement machines; prohibited conduct | 517.15 |
| Obscenity and sex offenses | |
| Juveniles on the premises of adult entertainment establish- ments prohibited | 533.18 |
| ANIMALS | |
| Offenses code..... | 505.01 et seq. |
| See: OFFENSES CODE | |
| Traffic code..... | 303.05 et seq. |
| See: TRAFFIC CODE | |
| ANNEXATIONS | |
| Planning and zoning code | |
| Scope and application | |
| Establishment of code and map | |
| Annexed territory..... | 1135.05 |

BRECKSVILLE CODE

| | Section |
|---|-----------------|
| ANTENNAS. See: TOWERS AND ANTENNAS | |
| APARTMENTS | |
| Planning and zoning code | 1117.05 et seq. |
| See: PLANNING AND ZONING CODE | |
| APPEALS | |
| Building code | 1311.10 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 701.09 et seq. |
| See: BUSINESS REGULATION CODE | |
| Municipal facility registration and use review board | |
| Appeals | 137.03 |
| Offenses code | |
| Animals and fowl | |
| Appeal procedure | 505.19 |
| Fire prevention | 515.04 |
| Planning and zoning code | 1123.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| Taxation code | |
| Municipal income tax regulations | |
| Board of review | |
| Duty to approve regulations and to hear appeals | 1525.02 |
| Right of appeal | 1525.03 |
| ARCHITECTURE | |
| Business regulation code | |
| Wireless communication antennas and towers | |
| Architectural review | 717.06 |
| ARRESTS | |
| Offenses code | |
| Law enforcement and public office | |
| Resisting arrest | 525.09 |
| Traffic code | |
| Vehicles | |
| Commercial and heavy vehicles | |
| Notice of arrest | 339.20 |
| ASSAULT AND BATTERY | |
| Offenses code | 537.02 et seq. |
| See: OFFENSES CODE | |
| AUDITS | |
| Taxation code | |

CODE INDEX

| | Section |
|---|---------|
| AUDITS (Cont'd.) | |
| Municipal income tax regulations | |
| Amendment to above chapters and enactment of chapter 1531 effective for tax years beginning on or after January 1, 2016 | 1531.13 |

B

BANKS. See: FINANCE

BATTERY. See: ASSAULT AND BATTERY

BEER. See: ALCOHOLIC BEVERAGES

BICYCLES

| | |
|--------------------|----------------|
| Traffic code | 303.06 et seq. |
| See: TRAFFIC CODE | |

BIDS, BIDDING

| | |
|---------------------------|----------------|
| Administrative code | 131.02 et seq. |
| See: ADMINISTRATIVE CODE | |

BILLBOARDS. See: SIGNS AND BILLBOARDS

BOARDINGHOUSES. See: HOTELS AND MOTELS

BOARDS, COMMISSIONS AND COMMITTEES

| | |
|--|-----------------|
| Administrative code | |
| Treasury investment | |
| Treasury investment board established | 134.01 |
| Building code | 1327.12 et seq. |
| See: BUILDING CODE | |
| City records commission | 147.01 et seq. |
| See: CITY RECORDS COMMISSION | |
| Planning and zoning code | 1197.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| Recreation commission | 139.01 et seq. |
| See: RECREATION COMMISSION | |
| Taxation code | 1503.04 et seq. |
| See: TAXATION CODE | |
| Traffic code | |
| Vehicles | |
| Motor transportation companies | |
| Compliance with state Public Utilities Commission rules .. | 347.01 |

BONDS, SURETY OR PERFORMANCE

Administrative code

BRECKSVILLE CODE

| | Section |
|---|---------|
| BONDS, SURETY OR PERFORMANCE (Cont'd.) | |
| Treasury investment | |
| Sufficiency of finance director's surety bond | 134.06 |
| Building code | |
| Local provisions | |
| Registering contractors | |
| Bond requirements | 1311.05 |
| Business regulation code | |
| Master cable television regulations | |
| Insurance; construction completion bond; performance bond | 715.23 |
| Offenses code | |
| Fireworks | |
| Public exhibition permit required; fee; bond; records | 516.02 |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Tree cutting | |
| Bond | 1176.05 |
| Traffic code | |
| Vehicles | |
| Motor transportation companies | |
| Liability insurance or bond | 347.04 |
| BOUNDARIES | |
| Cemeteries | |
| Lot ownership, boundaries and size | 913.02 |
| Planning and zoning code | |
| Scope and application | |
| Establishment of code and map | |
| District boundary lines | 1135.04 |
| BRIDGES AND CULVERTS | |
| Building code | |
| Local provisions | |
| Driveway installation | |
| Driveway and culvert required prior to excavation | 1321.01 |
| Traffic code | |
| Pedestrians, bicycles and motorcycles | |
| Pedestrians | |
| On bridges or railroad crossings | 371.10 |
| Vehicles | |
| Intoxication, reckless operation, speed | |
| Speed limitations over bridges | 333.05 |

BUDGET. See: FINANCE

CODE INDEX

| | Section |
|---|----------|
| BUILDING CODE | |
| Building code provisions | |
| National electric code | |
| Adoption and purpose | 1307.01 |
| Inspection and sale copies | 1307.02 |
| Violations and penalties | 1307.99 |
| Property maintenance code | |
| Amendments | 1303.04 |
| Code adopted | 1303.01 |
| Findings and declarations of policy | 1303.02 |
| Purposes | 1303.03 |
| Violations and penalties | 1303.99 |
| Residential code of Ohio for one-, two- and three family dwell- ings | |
| Code adopted | 1301.01 |
| Inspection and sale copies | 1301.02 |
| Violations and penalties | 1301.99 |
| State of Ohio basic building code | |
| Code adopted | 1305.01 |
| Inspection and sale copies | 1305.03 |
| Supervision of city Building Department | 1305.02 |
| Violations and penalties | 1305.99 |
| Local provisions | |
| Automatic fire-extinguishing systems | |
| Approval | 1329.02 |
| Completion of new installments | 1329.04 |
| Fire alarm connection | 1329.03 |
| Inspections | 1329.05 |
| Penalty | 1329.99 |
| System required | 1329.01 |
| Building permit expiration | |
| Activities prohibited without valid permit | 1313.02 |
| Court action for failure to complete work | 1313.08 |
| Expiration for failure to commence work | 1313.03 |
| Expiration for work cessation; safety precautions | 1313.04 |
| Failure to complete work or site improvements | 1313.07 |
| Penalty | 1313.99 |
| Permit application markers | 1313.011 |
| Permits required | 1313.01 |
| Remedy for other unlawful acts | 1313.09 |
| Site improvements required within 18 months | 1313.06 |
| Work completion required within one year | 1313.05 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| BUILDING CODE (Cont'd.) | |
| Certificate of occupancy | |
| Certificate required | 1312.01 |
| Enforcement | 1312.03 |
| Penalty | 1312.99 |
| Temporary certificate | 1312.02 |
| Condominiums | |
| Construction; severability; applicability | 1343.02 |
| Definitions | 1343.03 |
| Disclosures of the public offering statement | 1343.05 |
| Equal opportunity | 1343.08 |
| Inspections of the condominium development by the city | 1343.04 |
| Penalty | 1343.99 |
| Prohibitions against unlawful representations | 1343.07 |
| Protection of tenants and purchasers | 1343.06 |
| Remedies | 1343.09 |
| Title and purpose | 1343.01 |
| Construction site soil erosion, sediment, stormwater runoff and stormwater quality controls and regulations | |
| Compliance responsibility | 1331.08 |
| Conflicts, severability, nuisances and responsibility | 1331.03 |
| Definitions | 1331.04 |
| Performance standards | 1331.05 |
| Purpose | 1331.01 |
| Scope | 1331.02 |
| Site development plan | 1331.06 |
| Stormwater management (SWM) plan requirements | 1331.07 |
| Demolition of unsafe buildings | |
| Definitions; nuisance | 1339.01 |
| Examination by Building Commissioner | 1339.02 |
| Notice to owner of intent to demolish | 1339.08 |
| Notice to owner | 1339.03 |
| Permits | 1339.06 |
| Right to demolish | 1339.07 |
| Service of notice | 1339.04 |
| Vacation of premises | 1339.05 |
| Design and construction review board | |
| Alternate members | 1327.02 |
| Board decision on building permit; Councilmanic review | 1327.12 |
| Compensation | 1327.08 |
| Establishment | 1327.01 |
| Financial interest | 1327.09 |
| Meetings | 1327.07 |

CODE INDEX

| | Section |
|---|---------|
| BUILDING CODE (Cont'd.) | |
| Objections, public hearing, notice, review fee | 1327.11 |
| Purposes and jurisdiction | 1327.10 |
| Qualifications | 1327.05 |
| Removal | 1327.04 |
| Rules of procedure | 1327.06 |
| Vacancies | 1327.03 |
| Driveway installation | |
| Compliance; other routes prohibited | 1321.02 |
| Driveway and culvert required prior to excavation | 1321.01 |
| Existing driveways | 1321.03 |
| Penalty | 1321.99 |
| Exterior property maintenance code | |
| Administrative provisions; Building Commissioner to be Property Maintenance Officer | 1341.11 |
| Applicability to all buildings | 1341.05 |
| Certificate of necessity | 1341.14 |
| Conflict | 1341.06 |
| Definitions | 1341.04 |
| Enforcement of and compliance with other ordinances | 1341.08 |
| Existing offenses and violations not discharged | 1341.13 |
| Findings and declaration of policy | 1341.02 |
| Issuance and renewal of other permits and licenses | 1341.07 |
| Maintenance of exterior of premises | 1341.10 |
| Owner, operator and occupant responsibilities | 1341.09 |
| Purposes | 1341.03 |
| Severability | 1341.15 |
| Title | 1341.01 |
| Violations and penalties | 1341.12 |
| Flood hazards | |
| Construction permit review; flooding | 1316.02 |
| Construction permit review; mudslides | 1316.01 |
| Review of subdivision proposals | 1316.03 |
| Water supply and sewage systems | 1316.04 |
| Grade lines | |
| Determination prior to permit issuance | 1317.04 |
| Determining considerations | 1317.03 |
| Establishment by engineer | 1317.01 |
| Hardship; appeal to board | 1317.02 |
| House and building numbering | |
| Display of numbers | 1318.01 |
| Notice to owners | 1318.02 |
| Penalty | 1318.99 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| BUILDING CODE (Cont'd.) | |
| Inspection of residential rental structures | |
| Certificate of occupancy | 1347.03 |
| Compatibility with state law and regulations; severability | 1347.07 |
| Definitions | 1347.02 |
| Findings and purpose | 1347.01 |
| Forms, rules and regulations | 1347.04 |
| Notice of violation; designation of resident agent; mail and posting notice | 1347.05 |
| Penalty | 1347.99 |
| Right of appeal | 1347.06 |
| Outdoor swimming pool | |
| Barrier; erection and locking | 1323.03 |
| Compliance required | 1323.02 |
| Definition | 1323.01 |
| Denial; appeal to board | 1323.10 |
| Drainage required | 1323.04 |
| Lights; shading and hours | 1323.05 |
| Location and lot area | 1323.06 |
| Noises and peace disturbance | 1323.07 |
| Penalty | 1323.99 |
| Permit fee | 1323.09 |
| Permit required; application information | 1323.08 |
| Placement of noise generating equipment | |
| Air conditioning equipment | 1326.01 |
| Generators | 1326.02 |
| Penalty | 1326.99 |
| Point of sale septic system inspection | |
| Point of transfer inspections of septic systems | 1349.01 |
| Portable storage devices and structures | |
| Definitions | 1320.01 |
| Exemptions | 1320.03 |
| Penalty | 1320.99 |
| Regulations | 1320.02 |
| Registering contractors | |
| Application information | 1311.04 |
| Application of provisions | 1311.01 |
| Application | 1311.03 |
| Bond requirements | 1311.05 |
| Exceptions to registration | 1311.11 |
| Grounds for revocation, suspension or nonrenewal | 1311.09 |
| Insurance | 1311.06 |
| Penalty | 1311.99 |

CODE INDEX

| | Section |
|--|---------|
| BUILDING CODE (Cont'd.) | |
| Registration expiration; application fee | 1311.08 |
| Registration required; type of work covered | 1311.02 |
| Registration with income tax administrator..... | 1311.07 |
| Revocation, suspension or nonrenewal; appeal to Council.... | 1311.10 |
| Repairing or removal of fire damaged building and other structures | |
| Adoption of state statute..... | 1345.01 |
| Schedule of permit fees, deposits and other charges | |
| Application for building permit; deposit required..... | 1314.21 |
| Buildings or equipment not specified | 1314.07 |
| Charge for reinspection | 1314.15 |
| Double fee for commencement prior to permit issuance..... | 1314.13 |
| Electrical | 1314.09 |
| Fire permit and inspection fees..... | 1314.17 |
| Heating, air conditioning and refrigeration fees | 1314.11 |
| Landscaping..... | 1314.18 |
| Moving of buildings, structures, excessively large or heavy equipment or devices | 1314.03 |
| Obstruction deposit; final grade deposit | 1314.08 |
| One percent assessment | 1314.20 |
| Permit required; conditions precedent to issuance | 1314.01 |
| Plan examination services | 1314.23 |
| Plumbing | 1314.10 |
| Provisional permit; estimation and adjustment | 1314.14 |
| Radio receiving and transmitting masts or towers | 1314.05 |
| Residential, commercial and industrial structures | 1314.02 |
| Roadway or right-of-way opening..... | 1314.06 |
| Sanitary sewer connection..... | 1314.19 |
| Sidewalk permit fee and deposit | 1314.16 |
| Signs..... | 1314.12 |
| Swimming pools..... | 1314.04 |
| Three percent assessment for nonresidential properties | 1314.22 |
| Stables | |
| Application of regulations | 1324.05 |
| Inspections | 1324.06 |
| Land area required | 1324.03 |
| Location..... | 1324.02 |
| Penalty | 1324.99 |
| Sanitary regulations | 1324.04 |
| Stable defined | 1324.01 |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| BUILDING CODE (Cont'd.) | |
| Television, satellite dish, radio transmitting and receiving antennas, and supporting structures | |
| Abandonment, dismantling and removal | 1322.12 |
| Application for permit; fees | 1322.04 |
| Application review | 1322.05 |
| Definitions | 1322.01 |
| Exemptions from required permit | 1322.03 |
| Interference | 1322.10 |
| Location of antenna | 1322.06 |
| Penalty | 1322.99 |
| Permit required | 1322.02 |
| Prohibited uses | 1322.11 |
| Screening, lettering and coloring | 1322.09 |
| Size and height | 1322.08 |
| Support structure | 1322.07 |
| Topographic survey | |
| Checklist For Review of Sublot Topographic Plans. See Appendix A. | |
| Fees for engineering services; compliance | 1315.02 |
| Further study; fee | 1315.03 |
| Grade approval by engineer | 1315.05 |
| Penalty | 1315.99 |
| Plan approval by engineer | 1315.04 |
| Sample Topographic Survey and Improvement Plat. See Appendix B. | |
| Survey required; sample form incorporated | 1315.01 |
| Waiver of survey | 1315.06 |
| Water mains and connection charges | |
| Account fund transfers | 1325.06 |
| Establishment of two accounts; funds credited and use | 1325.05 |
| Master Plan; division into two zones | 1325.03 |
| Master Water Distribution Plan adopted | 1325.01 |
| Schedule of connection charges | 1325.04 |
| Water connection permit required | 1325.02 |
| Planning and zoning code | 1113.03 et seq. |
| See: PLANNING AND ZONING CODE | |
| BURIAL. See: CEMETERIES | |
| BURNING. See: FIRE PREVENTION AND PROTECTION | |
| BUSES | |
| Traffic code | 337.30 et seq. |
| See: TRAFFIC CODE | |

CODE INDEX

| | Section |
|---|---------|
| BUSINESS REGULATION CODE | |
| Admissions tax | |
| Admissions exempt from tax; statement required | 701.03 |
| Appeals to Council | 701.09 |
| Certificate in case of temporary or transient amusement..... | 701.06 |
| Certificate of registration; fee and posting | 701.05 |
| Collection of tax; payment and interest rate for nonpayment ... | 701.04 |
| Definitions | 701.01 |
| Effective date | 701.08 |
| Penalty | 701.99 |
| Reports to be confidential; exceptions | 701.10 |
| Rules and regulations | 701.07 |
| Severability | 701.11 |
| Tax levied; amount | 701.02 |
| Adult entertainment businesses | |
| Additional regulations concerning the operation of adult enter- tainment business | 721.20 |
| Additional regulations for adults motels | 721.18 |
| Adult business license application | 721.07 |
| Adult business license required | 721.05 |
| Adult entertainment employee license application..... | 721.09 |
| Adult entertainment employee license required | 721.06 |
| Appeals rights..... | 721.16 |
| Classification of business | 721.03 |
| Definitions | 721.02 |
| Expiration and renewal of license | 721.13 |
| Fees | 721.11 |
| Injunction..... | 721.22 |
| Inspection..... | 721.12 |
| Issuance of adult business license..... | 721.08 |
| Issuance of adult entertainment employee license..... | 721.10 |
| Location of adult entertainment businesses | 721.04 |
| Loitering and exterior lighting and monitoring requirements ... | 721.21 |
| Penalty | 721.99 |
| Purpose and intent..... | 721.01 |
| Regulations pertaining to the exhibition of sexually explicit films, videos, or live entertainment in viewing booths | 721.19 |
| Revocation..... | 721.15 |
| Suspension..... | 721.14 |
| Transfer of license | 721.17 |
| Customer service standards for cable television systems | |
| Customer dissatisfaction with any service | 716.04 |
| Customer service..... | 716.03 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| BUSINESS REGULATION CODE (Cont'd.) | |
| Definitions | 716.02 |
| Penalty | 716.99 |
| Policy | 716.01 |
| Safety | 716.05 |
| Explosive devices and dangerous ordnances | |
| Allowable limits; standards established | 750.05 |
| Application for temporary permit or license; issuance | 750.07 |
| Compliance standards; license or temporary permit fee | 750.03 |
| Definitions | 750.01 |
| Hours of blasting | 750.08 |
| Insurance protection | 750.09 |
| Log required | 750.06 |
| Notice to blast | 750.04 |
| Penalty | 750.99 |
| Purpose and scope | 750.02 |
| Gasoline and service stations | |
| Attendant required | 703.02 |
| Definitions | 703.01 |
| Penalty | 703.99 |
| Helistops | |
| Approval of helistop | 729.06 |
| Criteria for qualification of operators | 729.09 |
| Definitions | 729.01 |
| Emergencies | 729.08 |
| Heliports prohibited | 729.10 |
| Minimum specifications | 729.03 |
| Penalty | 729.99 |
| Prohibition of landing helicopter other than at helistop | 729.02 |
| Prohibitions | 729.07 |
| Rooftop or elevated helistop | 729.04 |
| Submission of plans | 729.05 |
| Master cable television regulations | |
| Abandonment or removal of franchise property | 715.30 |
| Annual reports | 715.25 |
| Conflicts | 715.37 |
| Consideration of initial applications | 715.14 |
| Definitions | 715.02 |
| Delegation of authority | 715.36 |
| Design and construction requirements; street and other public improvements | 715.18 |
| Extended operation and continuity of services | 715.31 |
| Federal, state and city jurisdiction | 715.07 |

CODE INDEX

| | Section |
|--|----------------|
| BUSINESS REGULATION CODE (Cont'd.) | |
| Force majeure; grantee's inability to perform..... | 715.29 |
| Franchise fee..... | 715.17 |
| Franchise nontransferable..... | 715.08 |
| Franchise renewal..... | 715.15 |
| Franchise required..... | 715.04 |
| Franchise territory..... | 715.06 |
| Franchise to install and operate..... | 715.03 |
| Franchise violation..... | 715.28 |
| Geographical coverage; multiple dwelling units (MDUS)..... | 715.10 |
| Hold harmless..... | 715.22 |
| Initial franchise or renewal applications..... | 715.13 |
| Institutional network; interconnection with other government networks..... | 715.26 |
| Insurance; construction completion bond; performance bond .. | 715.23 |
| Intent..... | 715.01 |
| Multiple franchises..... | 715.12 |
| Nonexclusive franchise..... | 715.11 |
| Provision of cable to public facilities..... | 715.21 |
| Public, educational, or government (PEG) access channels and facilities; fee in lieu..... | 715.27 |
| Purchase by city..... | 715.09 |
| Rate regulation; senior citizen discounts; promotions; broadcast basic service; guaranteed service calls..... | 715.16 |
| Receivership and foreclosure..... | 715.32 |
| Records required and grantor's right to inspect..... | 715.24 |
| Rights of individuals..... | 715.34 |
| Rights reserved to grantor..... | 715.33 |
| Severability..... | 715.38 |
| Technical standards; tests..... | 715.19 |
| Term of the franchise..... | 715.05 |
| Time limits strictly construed..... | 715.35 |
| Trimming of trees..... | 715.20 |
| Offenses code..... | 511.01 et seq. |
| See: OFFENSES CODE | |
| Peddlers | |
| "Do Not Knock Registry"..... | 705.07 |
| Canvassing or solicitation in violation of notice..... | 705.03 |
| Charitable or religious purposes; interstate commerce..... | 705.05 |
| Definitions..... | 705.01 |
| Intrastate commerce; peddlers..... | 705.06 |
| Notice prohibiting canvassing or solicitation..... | 705.02 |
| Penalty..... | 705.99 |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| BUSINESS REGULATION CODE (Cont'd.) | |
| Time limit on canvassing or solicitation | 705.04 |
| Planning and zoning code | 1115.08 et seq. |
| See: PLANNING AND ZONING CODE | |
| Police and fire emergency alarms | |
| Alarm business license | 711.02 |
| Alarm user responsibility | 711.03 |
| Definitions | 711.01 |
| Enforcement and penalties | 711.99 |
| Exemption | 711.07 |
| Fees | 711.09 |
| Interpretation | 711.08 |
| Liability of city | 711.06 |
| Prohibited alarm equipment | 711.05 |
| Specific alarm provisions | 711.04 |
| Recovery of costs of emergency actions | |
| Definitions | 707.02 |
| Liability | 707.03 |
| Procedure | 707.05 |
| Purpose and scope | 707.01 |
| Service of other governmental bodies or parties | 707.04 |
| Small cell facilities and wireless support structures | |
| Amendment of permit after grant | 713.03 |
| Form of permit | 713.02 |
| Penalty | 713.99 |
| Permit required | 713.01 |
| Small Cell Facilities and Wireless Support Structures. See Chapter 713, Appendix I | |
| Taxation code | 1503.05 et seq. |
| See: TAXATION CODE | |
| Taxicabs | |
| Definition | 709.01 |
| Driver qualifications | 709.05 |
| Fare prepayment; service refusal | 709.10 |
| Fraud or misrepresentation | 709.09 |
| Insurance | 709.03 |
| License required, fee and term; safety inspection; marking cab .. | 709.02 |
| License revocation; council hearing | 709.13 |
| Maximum fares posted in taxicab | 709.07 |
| Notice of city ordinances | 709.06 |
| Penalty | 709.99 |
| Reporting accidents | 709.11 |
| Required hours of operation | 709.08 |

CODE INDEX

| | Section |
|--|---------|
| BUSINESS REGULATION CODE (Cont'd.) | |
| Street parking..... | 709.12 |
| Use for immoral purposes | 709.04 |
| Telecommunications right-of-way permits | |
| Amendment of permit after grant..... | 712.03 |
| Form of permit | 712.02 |
| Penalty..... | 712.99 |
| Permit required | 712.01 |
| Regulation of small cell facilities | 712.04 |
| Telecommunications Right-of-way Permit. See Chapter 712, Appendix I | |
| Traffic code | |
| Parking | |
| Parking generally | |
| Two-hour parking limit in business area..... | 351.16 |
| Transient occupancy tax | |
| Actions to collect | 702.10 |
| Appeals | 702.09 |
| Definitions..... | 702.01 |
| Failure to collect and report tax; determination by Administrator..... | 702.08 |
| Interpretation..... | 702.12 |
| Payment of tax..... | 702.03 |
| Penalty | 702.99 |
| Purpose, rate and application of tax..... | 702.02 |
| Records | 702.04 |
| Refunds | 702.07 |
| Returns required | 702.06 |
| Rules and regulations | 702.11 |
| Tax to be separately stated and charged | 702.05 |
| Wireless communication antennas and towers | |
| Architectural review | 717.06 |
| Certification of registered engineer | 717.07 |
| Civil action..... | 717.12 |
| Definitions..... | 717.01 |
| Exemption for city-owned property | 717.11 |
| Location | 717.02 |
| Penalty | 717.99 |
| Permit fees | 717.10 |
| Procedure | 717.03 |
| Reimbursement of expenses | 717.09 |
| Remedies cumulative..... | 717.13 |
| Standards | 717.05 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| BUSINESS REGULATION CODE (Cont'd.) | |
| Time limitation for beginning of construction | 717.08 |
| Type of construction..... | 717.04 |

C

CANVASSERS. See: PEDDLERS, CANVASSERS AND SOLICITORS

CATS. See: ANIMALS

CEMETERIES

| | |
|--|--------|
| Disinterments | 913.06 |
| Grades and planting..... | 913.04 |
| Interments; rules and charges | 913.05 |
| Lot ownership, boundaries and size..... | 913.02 |
| Lot sale price; terms of payment | 913.03 |
| Monuments and headstones | 913.07 |
| Penalty | 913.99 |
| Police powers of Director of Public Service..... | 913.09 |
| Rules for lot sale and burial | 913.01 |
| Rules of conduct | 913.08 |

CERTIFICATES, CERTIFICATION

| | |
|--------------------------------|-----------------|
| Building code..... | 1312.01 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 701.05 et seq. |
| See: BUSINESS REGULATION CODE | |
| Planning and zoning code..... | 1113.18 et seq. |
| See: PLANNING AND ZONING CODE | |
| Traffic code..... | 335.08 et seq. |
| See: TRAFFIC CODE | |

CESSPOOLS. See: SEPTIC SYSTEMS

CHILDREN. See: MINORS

CIGARETTES. See: TOBACCO AND TOBACCO PRODUCTS

CITY COUNCIL

| | |
|---|---------|
| Planning and zoning code | |
| Regulations applying to all districts | |
| Small wind energy systems and solar energy systems | |
| Review and recommendation by Planning Commission; approval by City Council..... | 1186.05 |

CITY ENGINEER

| | |
|----------------------------------|--------|
| City Engineer, appointment | 142.01 |
|----------------------------------|--------|

CODE INDEX

| | Section |
|---|-----------------|
| CITY ENGINEER (Cont'd.) | |
| Duties of City Engineer | 142.03 |
| Reimbursement rate for City Engineer | 142.04 |
| Required training and experience requirements | 142.02 |
| CITY PROPERTY RENTALS | |
| Approval by Mayor or Recreation Director | 911.03 |
| Calendar to be maintained | 911.06 |
| Condition after usage; charge for work | 911.09 |
| Lease term; prohibited days of use | 911.07 |
| Rental Agreement incorporated | 911.02 |
| Rental available | 911.01 |
| Request information | 911.04 |
| Requests granted in order received | 911.05 |
| Responsibility for compliance | 911.10 |
| Schedule of fees | 911.08 |
| Terms of tenancy | 911.11 |
| Waiver of rental fees | 911.12 |
| CITY RECORDS COMMISSION | |
| Establishment and composition | 147.01 |
| CIVIL EMERGENCIES | |
| Administrative code | |
| Employees generally | |
| Emergency call-in pay for firemen | 145.18 |
| Business regulation code | 729.08 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | 537.12 et seq. |
| See: OFFENSES CODE | |
| Streets and sidewalks | |
| Water regulations | |
| Water use emergencies | 905.02 |
| Traffic code | 303.02 et seq. |
| See: TRAFFIC CODE | |
| COMMERCIAL. See: BUSINESS REGULATION CODE | |
| COMMUNITY DEVELOPMENT. See: PLANNING AND DEVELOPMENT | |
| CONDITIONAL USES | |
| Planning and zoning code | 1151.05 et seq. |
| See: PLANNING AND ZONING CODE | |
| CONSTRUCTION. See: BUILDING CODE | |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| CONTRACTS AND AGREEMENTS | |
| Administrative code | |
| Purchasing procedure | |
| Ordinance to provide acceptance and contract..... | 131.06 |
| Building code..... | 1311.01 et seq. |
| See: BUILDING CODE | |
| City property rentals | |
| Rental Agreement incorporated | 911.02 |
| Offenses code | |
| Law enforcement and public office | |
| Having an unlawful interest in a public contract | 525.10 |
| Taxation code | |
| Municipal income tax regulations | |
| Duties and authority of the administrator | |
| Authority to contract for central collection facilities | 1523.11 |
| Authority to enter agreement with other municipal corpora- tion | 1523.12 |
| CONTROLLED SUBSTANCES | |
| Offenses code..... | 513.14 et seq. |
| See: OFFENSES CODE | |
| COUNCIL. See: CITY COUNCIL | |
| COURTS | |
| Administrative code | 161.01 et seq. |
| See: ADMINISTRATIVE CODE | |
| Building code | |
| Local provisions | |
| Building permit expiration | |
| Court action for failure to complete work | 1313.08 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |
| Title; purpose | |
| Yards and courts | 1113.26 |
| CULVERTS. See: BRIDGES AND CULVERTS | |
| CURBS AND GUTTERS | |
| Offenses code | |
| Animals and fowl | |
| Animal excrement; curbing requirement | 505.14 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |

CODE INDEX

| | Section |
|---|---------|
| CURBS AND GUTTERS (Cont'd.) | |
| Required improvements | |
| Pavement, curbs, driveways, foundation walls, use of masonry, parking area and sidewalk specifications | 1119.09 |
| Traffic code | |
| Parking | |
| Parking generally | |
| Parking near curb; parking locations on public and private lots and garages for persons with disabilities | 351.04 |
| Vehicles | |
| Operation generally | |
| Driving upon sidewalks, street lawns or curbs | 331.37 |
| CURFEW | |
| Offenses code | |
| Disorderly conduct and peace disturbance | |
| Minors' curfew | 509.14 |

D

DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.

| | |
|--|----------------|
| Building code | |
| Local provisions | |
| Repairing or removal of fire damaged building and other structures | |
| Adoption of state statute | 1345.01 |
| Offenses code | 549.05 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | |
| Districts | |
| Flood reduction and control | |
| Substantial damage determinations | 1159.16 |
| Traffic code | |
| Streets and traffic-control devices | |
| Traffic-control devices | |
| Alteration, injury, removal of traffic-control devices | 313.08 |
| Vehicles | |
| Licensing, accidents | |
| Vehicle accident resulting in damage to realty | 335.14 |

DANGEROUS DOGS. See: ANIMALS

DEFACEMENT. See: DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| DEMOLITION | |
| Building code..... | 1339.01 et seq. |
| See: BUILDING CODE | |
| DENSITY | |
| Planning and zoning code | |
| Districts | |
| Residential districts | |
| Development area and density regulations in an R-A Dis- | |
| trict | 1151.31 |
| Regulations applying to all districts | |
| Standards and criteria for planned development areas | |
| Development area and density..... | 1179.04 |
| DEPARTMENT OF HUMAN SERVICES | |
| Amendment to fee schedules | 138.08 |
| Director | 138.02 |
| Establishment | 138.01 |
| Human Services Advisory Board | 138.05 |
| Powers and duties of department | 138.04 |
| Referral to Municipal Facility Registration and Use Review Board | 138.10 |
| Registration and program fees | 138.06 |
| Rules and regulations | 138.09 |
| Salary of director..... | 138.03 |
| Volunteers | 138.07 |
| DEPARTMENT OF RECREATION | |
| Budget and annual estimate | 136.04 |
| Coach and other personnel background checks; disqualification.. | 136.09 |
| Director; appointment and duties | 136.02 |
| Establishment | 136.01 |
| Inventory and storage of equipment | 136.06 |
| Procedures for purchases | 136.05 |
| Registration fee; use of funds; rules | 136.07 |
| Salary of Recreation Director..... | 136.03 |
| DESTRUCTION. See: DAMAGE, DEFACEMENT, DESTRUC- | |
| TION, INJURY, ETC. | |
| DEVELOPMENT. See: PLANNING AND DEVELOPMENT | |
| DISABLED OR HANDICAPPED PERSONS | |
| Offenses code | |
| Drug abuse control | |
| Unlawful furnishing of prescription to enable persons to be | |
| issued handicapped parking placards or license plates ... | 513.15 |

CODE INDEX

| | Section |
|--|-----------------|
| DISEASE CONTROL. See: HEALTH AND SANITATION | |
| DISTRIBUTION | |
| Building code | |
| Local provisions | |
| Water mains and connection charges | |
| Master Water Distribution Plan adopted..... | 1325.01 |
| Offenses code | |
| Drug abuse control | |
| Nitrous oxide—Improper dispensing or distribution; possession in a motor vehicle | 513.11 |
| Offenses against persons | |
| Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans..... | 537.16 |
| Planning and zoning code | |
| Districts | |
| Industrial districts | |
| Use regulations; Manufacturing-distribution District | 1157.04 |
| DISTRICTS | |
| Planning and zoning code..... | 1135.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| Streets and sidewalks..... | 907.01 et seq. |
| See: STREETS AND SIDEWALKS | |
| Traffic code | |
| Vehicles | |
| Intoxication, reckless operation, speed | |
| Assemblage for races in Residence Districts prohibited | 333.08 |
| DOGS. See: ANIMALS | |
| DOMESTIC VIOLENCE | |
| Offenses code | |
| Offenses against persons..... | 537.14 |
| DRAINAGE | |
| Building code | |
| Local provisions | |
| Outdoor swimming pool | |
| Drainage required | 1323.04 |
| Offenses code | |
| Health, safety and sanitation | |
| Throwing refuse, oil or filth into streams or drains | 521.13 |
| Planning and zoning code..... | 1119.04 et seq. |
| See: PLANNING AND ZONING CODE | |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| DRIVEWAYS | |
| Building code..... | 1321.01 et seq. |
| See: BUILDING CODE | |
| Planning and zoning code..... | 1119.09 et seq. |
| See: PLANNING AND ZONING CODE | |
| Streets and sidewalks | |
| Street openings | |
| Driveway aprons | 901.07 |
| Traffic code | |
| Vehicles | |
| Operation generally | |
| Turning into private driveway, alley or building | 331.11 |
| DRUGS AND MEDICINES. See: CONTROLLED SUBSTANCES | |

E

| | |
|---|-----------------|
| ECONOMIC DEVELOPMENT DIRECTOR | |
| Compensation..... | 128.03 |
| Duties of the economic development director | 128.02 |
| Economic development director, appointment..... | 128.01 |
| ELDERLY PERSONS | |
| Business regulation code | |
| Master cable television regulations | |
| Rate regulation; senior citizen discounts; promotions; broad- cast basic service; guaranteed service calls | 715.16 |
| ELECTIONS | |
| Planning and zoning code | |
| Administration and enforcement | |
| Board of zoning appeals | |
| Meetings and voting; action subject to Council approval .. | 1197.42 |
| Municipal planning | |
| Planning commission | |
| Meetings and voting | 1101.03 |
| ELECTRICITY | |
| Building code..... | 1307.01 et seq. |
| See: BUILDING CODE | |
| Offenses code | |
| Health, safety and sanitation | |
| Interfering or connecting to telephone or electrical lines..... | 521.07 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |

CODE INDEX

| | Section |
|---|-----------------|
| ELECTRICITY (Cont'd.) | |
| Required improvements | |
| Electric, telephone, and cable television service..... | 1119.07 |
| Traffic code | |
| Pedestrians, bicycles and motorcycles | |
| Bicycles and motorcycles | |
| Electric bicycles | 373.13 |
| Pedestrians | |
| Operation of electric personal assistive mobility devices ... | 371.12 |
| EMERGENCIES | |
| Administrative code | |
| Employees generally | |
| Emergency call-in pay for firemen..... | 145.18 |
| Business regulation code | 707.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code..... | 509.05 et seq. |
| See: OFFENSES CODE | |
| Streets and sidewalks | |
| Water regulations | |
| Water use emergencies..... | 905.02 |
| Traffic code..... | 331.20 et seq. |
| See: TRAFFIC CODE | |
| EMPLOYEES. See: OFFICERS AND EMPLOYEES | |
| ENCLOSURES. See: FENCES, WALLS, HEDGES AND ENCLOSURES | |
| ENGINEERING | |
| Building code..... | 1315.02 et seq. |
| See: BUILDING CODE | |
| Business regulation code | |
| Wireless communication antennas and towers | |
| Certification of registered engineer | 717.07 |
| City engineer | 142.01 et seq. |
| See: CITY ENGINEER | |
| Offenses code | |
| Railroads | |
| Duties of locomotive engineer | 553.03 |
| EXCAVATIONS | |
| Building code | |
| Local provisions | |
| Driveway installation | |
| Driveway and culvert required prior to excavation | 1321.01 |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| EXPLOSIVES | |
| Business regulation code | 750.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code..... | 549.01 et seq. |
| See: OFFENSES CODE | |
| Traffic code | |
| Vehicles | |
| Commercial and heavy vehicles | |
| Vehicles transporting explosives | 339.10 |
| F | |
| FALSE ALARMS | |
| Offenses code | |
| Disorderly conduct and peace disturbance | |
| Making false alarms..... | 509.07 |
| FALSE REPRESENTATION. See: MISREPRESENTATION | |
| FARMING, FARMS | |
| Traffic code | |
| Vehicles | |
| Safety and equipment | |
| Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal- drawn vehicles | 337.10 |
| FEES, CHARGES AND RATES | |
| Administrative code | |
| Employees generally | |
| Firemen; Officer-In-Charge premium..... | 145.19 |
| Building code..... | 1314.01 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 711.09 et seq. |
| See: BUSINESS REGULATION CODE | |
| Cemeteries | |
| Interments; rules and charges..... | 913.05 |
| City engineer | |
| Reimbursement rate for City Engineer | 142.04 |
| City property rentals | 911.08 et seq. |
| See: CITY PROPERTY RENTALS | |
| Department of human services | |
| Registration and program fees | 138.06 |
| Planning and zoning code | 1101.02 et seq. |
| See: PLANNING AND ZONING CODE | |

CODE INDEX

| | Section |
|--|-----------------|
| FEES, CHARGES AND RATES (Cont'd.) | |
| Police department | |
| Fees for indoor firing range use..... | 140.05 |
| Fees for prisoner incarceration and feeding | 140.06 |
| Streets and sidewalks..... | 907.02 et seq. |
| See: STREETS AND SIDEWALKS | |
| Taxation code | |
| Municipal income tax regulations | |
| Imposition of income tax | |
| Rate and income taxable..... | 1505.01 |
| FELONIES | |
| Offenses code | |
| Theft and fraud | |
| Property exceptions as felony offense | 545.03 |
| FENCES, WALLS, HEDGES AND ENCLOSURES | |
| Planning and zoning code..... | 1185.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| Trees, hedges and shrubs | 915.01 et seq. |
| See: TREES, HEDGES AND SHRUBS | |
| FINANCE | |
| Administrative code | |
| Pension pick-up | |
| Duties of finance director..... | 126.02 |
| Treasury investment | |
| Sufficiency of finance director's surety bond..... | 134.06 |
| Department of recreation | |
| Budget and annual estimate | 136.04 |
| FINES, FORFEITURES AND OTHER PENALTIES | |
| Administrative code | |
| Codified ordinances | |
| General penalty | 101.99 |
| Building code..... | 1311.99 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 701.99 et seq. |
| See: BUSINESS REGULATION CODE | |
| Cemeteries | |
| Penalty..... | 913.99 |
| Offenses code..... | 513.99 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code..... | 1159.99 et seq. |
| See: PLANNING AND ZONING CODE | |

BRECKSVILLE CODE

| | Section |
|---|-----------------|
| FINES, FORFEITURES AND OTHER PENALTIES (Cont'd.) | |
| Refuse and other waste material | |
| Collection and disposal | |
| Penalty | 917.99 |
| Streets and sidewalks | 901.99 et seq. |
| See: STREETS AND SIDEWALKS | |
| Taxation code | 1515.04 et seq. |
| See: TAXATION CODE | |
| Traffic code | 303.01 et seq. |
| See: TRAFFIC CODE | |
| Trees, hedges and shrubs | |
| Penalty | 915.99 |
| FIRE DEPARTMENT | |
| Personnel | 141.01 |
| Qualifications of personnel | 141.02 |
| Rules and regulations | 141.03 |
| FIRE PREVENTION AND PROTECTION | |
| Building code | 1314.17 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 711.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Fire department | 141.01 et seq. |
| See: FIRE DEPARTMENT | |
| Offenses code | 515.01 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Oil and gas wells | |
| Fire safety; posting | 1190.15 |
| Traffic code | |
| Parking | |
| Parking generally | |
| Fire lanes | 351.13 |
| Vehicles | |
| Operation generally | |
| Driving over fire hose | 331.28 |
| FIREARMS AND WEAPONS | |
| Offenses code | 549.04 et seq. |
| See: OFFENSES CODE | |
| Police department | |
| Disposal of firearms and dangerous ordnances | 140.07 |

CODE INDEX

| | Section |
|---|-----------------|
| FIREWORKS | |
| Offenses code..... | 516.01 et seq. |
| See: OFFENSES CODE | |
| FLOODS AND FLOODING | |
| Building code..... | 1316.01 et seq. |
| See: BUILDING CODE | |
| Planning and zoning code..... | 1113.27 et seq. |
| See: PLANNING AND ZONING CODE | |
| FOOD AND FOOD SERVICES | |
| Offenses code | |
| Offenses against persons | |
| Adulterating of or furnishing adulterated food or confection | 537.13 |
| FORFEITURES. See: FINES, FORFEITURES AND OTHER PENALTIES | |
| FOWL. See: ANIMALS | |
| FRANCHISES | |
| Business regulation code | 715.03 et seq. |
| See: BUSINESS REGULATION CODE | |
| FRAUD | |
| Business regulation code | |
| Taxicabs | |
| Fraud or misrepresentation | 709.09 |
| Offenses code..... | 545.01 et seq. |
| See: OFFENSES CODE | |
| Taxation code | |
| Municipal income tax regulations | |
| Amendment to above chapters and enactment of chapter 1531 | |
| effective for tax years beginning on or after January 1, | |
| 2016 | 1531.17 |
| Traffic code | |
| Vehicles | |
| Commercial and heavy vehicles | |
| Statement of gross vehicle weight; fraudulent bills of lading | 339.16 |

G

| | |
|---|--------|
| GAMES | |
| Offenses code | |
| Gambling | |
| Methods of conducting a bingo game; prohibitions | 517.06 |
| Prohibitions where instant bingo game is conducted..... | 517.11 |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| GAMES (Cont'd.) | |
| Traffic code | |
| Streets and traffic-control devices | |
| Street obstructions and special uses | |
| Games on streets..... | 311.05 |
| GARBAGE. See: REFUSE AND OTHER WASTE MATERIAL | |
| GASOLINE | |
| Business regulation code | 703.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Fire prevention | |
| Prohibited gasoline storage..... | 515.08 |
| GRADES, GRADING | |
| Building code..... | 1314.08 et seq. |
| See: BUILDING CODE | |
| Cemeteries | |
| Grades and planting | 913.04 |
| Offenses code | |
| Railroads | |
| Railroad vandalism; criminal trespass; interference with oper- | |
| ation of train; grade crossing device vandalism | 553.04 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |
| Required improvements | |
| Grading..... | 1119.03 |
| Title; purpose | |
| Grades | 1113.09 |
| Traffic code..... | 331.33 et seq. |
| See: TRAFFIC CODE | |
| GUARANTEES. See: BONDS, SURETY OR PERFORMANCE | |
| GUNS. See: FIREARMS AND WEAPONS | |
| GUTTERS. See: CURBS AND GUTTERS | |

H

| | |
|--|--------|
| HANDICAPPED PERSONS. See: DISABLED OR HANDI- | |
| CAPPED PERSONS | |
| HARASSMENT | |
| Offenses code | |
| Offenses against persons | |
| Telecommunications harassment..... | 537.10 |

CODE INDEX

| | Section |
|--|-----------------|
| HEALTH AND SANITATION | |
| Offenses code..... | 521.01 et seq. |
| See: OFFENSES CODE | |
| HEARINGS | |
| Administrative code..... | 129.01 et seq. |
| See: ADMINISTRATIVE CODE | |
| Building code | |
| Local provisions | |
| Design and construction review board | |
| Objections, public hearing, notice, review fee..... | 1327.11 |
| Business regulation code | |
| Taxicabs | |
| License revocation; council hearing..... | 709.13 |
| Offenses code | |
| Animals and fowl | |
| Hearing procedure..... | 505.20 |
| Planning and zoning code..... | 1101.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| HEDGES. See: FENCES, WALLS, HEDGES AND ENCLOSURES | |
| HOTELS AND MOTELS | |
| Business regulation code | |
| Adult entertainment businesses | |
| Additional regulations for adults motels..... | 721.18 |
| HOURS | |
| Building code | |
| Local provisions | |
| Outdoor swimming pool | |
| Lights; shading and hours..... | 1323.05 |
| Business regulation code | |
| Explosive devices and dangerous ordnances | |
| Hours of blasting..... | 750.08 |
| Taxicabs | |
| Required hours of operation..... | 709.08 |
| Offenses code | |
| Liquor control | |
| Hours of sale or consumption..... | 529.08 |
| HOUSING | |
| Building code..... | 1301.01 et seq. |
| See: BUILDING CODE | |
| Planning and zoning code..... | 1117.04 et seq. |
| See: PLANNING AND ZONING CODE | |

BRECKSVILLE CODE

| | Section |
|---|---------|
| HOUSING (Cont'd.) | |
| Traffic code | |
| Parking | |
| Parking generally | |
| Parking commercial vehicles in residential area | 351.21 |
| Vehicles | |
| Intoxication, reckless operation, speed | |
| Assemblage for races in Residence Districts prohibited | 333.08 |
| HUNTING | |
| Offenses code | |
| Animals and fowl | |
| Hunting regulated | 505.15 |

I

ICE. See: SNOW AND ICE

IDENTIFICATION

| | |
|--------------------------------|--------|
| Traffic code | |
| Vehicles | |
| Motor transportation companies | |
| Vehicle identification | 347.08 |

IMMORAL ACTS

| | |
|-------------------------------|--------|
| Business regulation code | |
| Taxicabs | |
| Use for immoral purposes..... | 709.04 |

IMPOUNDMENT

| | |
|--|----------------|
| Offenses code | |
| Animals and fowl | |
| Dogs at large; impounding strays | 505.02 |
| Traffic code..... | 303.01 et seq. |
| See: TRAFFIC CODE | |

IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS

INCORPORATION AND POWERS

| | |
|---|---------|
| Building code | |
| Local provisions | |
| Topographic survey | |
| Survey required; sample form incorporated | 1315.01 |
| Cemeteries | |
| Police powers of Director of Public Service | 913.09 |

CODE INDEX

| | Section |
|---|-----------------|
| INCORPORATION AND POWERS (Cont'd.) | |
| City property rentals | |
| Rental Agreement incorporated | 911.02 |
| Department of human services | |
| Powers and duties of department | 138.04 |
| Municipal facility registration and use review board | |
| Powers and duties of board | 137.02 |
| Recreation commission | |
| Powers and duties | 139.02 |
| INDECENCY AND OBSCENITY | |
| Offenses code | 533.05 et seq. |
| See: OFFENSES CODE | |
| INDUSTRIAL DISTRICTS | |
| Planning and zoning code | 1157.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| INDUSTRIES | |
| Building code | |
| Local provisions | |
| Schedule of permit fees, deposits and other charges | |
| Residential, commercial and industrial structures | 1314.02 |
| Planning and zoning code | 1115.08 et seq. |
| See: PLANNING AND ZONING CODE | |
| INSPECTIONS | |
| Building code | 1301.02 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 709.02 et seq. |
| See: BUSINESS REGULATION CODE | |
| Planning and zoning code | |
| Administration and enforcement | |
| Planned development areas | |
| Inspection and maintenance of common property | 1195.15 |
| Regulations applying to all districts | |
| Oil and gas wells | |
| Inspection and supervision | 1190.09 |
| Traffic code | |
| Vehicles | |
| Safety and equipment | |
| Safety inspection decals for buses | 337.30 |
| School buses | |
| Inspection decal required | 343.02 |

BRECKSVILLE CODE

| | Section |
|--|----------------|
| INSTITUTIONS | |
| Business regulation code | |
| Master cable television regulations | |
| Institutional network; interconnection with other government networks..... | 715.26 |
| INSURANCE | |
| Administrative code | |
| Employees generally | 145.10 |
| Building code | |
| Local provisions | |
| Registering contractors..... | 1311.06 |
| Business regulation code | 709.03 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Animals and fowl | |
| Insurance for dangerous and vicious dogs | 505.22 |
| Theft and fraud | |
| Insurance fraud | 545.07 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |
| Required improvements | 1119.17 |
| Traffic code | |
| Vehicles | |
| Motor transportation companies | |
| Liability insurance or bond | 347.04 |
| INTERFERENCE | |
| Building code | |
| Local provisions | |
| Television, satellite dish, radio transmitting and receiving antennas, and supporting structures | 1322.10 |
| Offenses code..... | 521.07 et seq. |
| See: OFFENSES CODE | |
| INTERMENT. See: CEMETERIES | |
| INTOXICATION BEVERAGES. See: ALCOHOLIC BEVERAGES | |
| INVENTORY | |
| Department of recreation | |
| Inventory and storage of equipment..... | 136.06 |
| INVESTIGATIONS | |
| Taxation code | |

CODE INDEX

| | Section |
|---|----------------|
| INVESTIGATIONS (Cont'd.) | |
| Municipal income tax regulations | |
| Duties and authority of the administrator | |
| Authority to make investigations | 1523.06 |
| J | |
| JAIL | |
| Police department | |
| Fees for prisoner incarceration and feeding | 140.06 |
| Police dispatchers and jailers, requirements | 140.04 |
| JUVENILES. See: MINORS | |
| L | |
| LANDSCAPING | |
| Building code | |
| Local provisions | |
| Schedule of permit fees, deposits and other charges | 1314.18 |
| LAW ENFORCEMENT | |
| Business regulation code | 711.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Cemeteries | |
| Police powers of Director of Public Service | 913.09 |
| Offenses code | 525.01 et seq. |
| See: OFFENSES CODE | |
| Police department | 140.01 et seq. |
| See: POLICE DEPARTMENT | |
| Traffic code | 303.01 et seq. |
| See: TRAFFIC CODE | |
| LEASES, LEASING | |
| City property rentals | |
| Lease term; prohibited days of use | 911.07 |
| Taxation code | |
| Municipal income tax regulations | |
| Amendment to above chapters and enactment of chapter 1531 | |
| effective for tax years beginning on or after January 1, | |
| 2016 | |
| Rental and leased property | 1531.23 |
| LIABILITY | |
| Business regulation code | |
| Police and fire emergency alarms | |
| Liability of city | 711.06 |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| LIABILITY (Cont'd.) | |
| Recovery of costs of emergency actions | 707.03 |
| Offenses code | |
| General provisions and penalty | |
| Organizational criminal liability | 501.11 |
| Requirements for criminal liability; voluntary intoxication ... | 501.07 |
| Planning and zoning code | |
| Districts | |
| Flood reduction and control | |
| Warning and disclaimer of liability | 1159.08 |
| Regulations applying to all districts | |
| Illicit discharge and illegal connection control | |
| Disclaimer of liability | 1177.04 |
| Traffic code | |
| Parking | |
| Parking generally | |
| Registered owner prima facie liable for unlawful parking .. | 351.02 |
| Vehicles | |
| Motor transportation companies | |
| Liability insurance or bond | 347.04 |
| LIBRARIES | |
| Offenses code | |
| Theft and fraud | |
| Detention of shoplifters and those committing motion picture piracy; rights of museums and libraries | 545.04 |
| LICENSES AND PERMITS | |
| Building code | 1341.07 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 709.02 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | 513.15 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | 1159.11 et seq. |
| See: PLANNING AND ZONING CODE | |
| Refuse and other waste material | |
| Collection and disposal | |
| Collection permit required; exception | 917.02 |
| Streets and sidewalks | 901.01 et seq. |
| See: STREETS AND SIDEWALKS | |
| Traffic code | 335.01 et seq. |
| See: TRAFFIC CODE | |

CODE INDEX

| | Section |
|--|-----------------|
| LICENSES AND PERMITS (Cont'd.) | |
| Trees, hedges and shrubs | |
| Permitted and prohibited trees..... | 915.09 |
| LIGHTING, LIGHTS | |
| Business regulation code | |
| Adult entertainment businesses | |
| Loitering and exterior lighting and monitoring requirements. | 721.21 |
| Traffic code | |
| Vehicles | |
| Safety and equipment | |
| Safety lighting on commercial vehicles | 337.06 |
| LIQUOR. See: ALCOHOLIC BEVERAGES | |
| LOADING AND UNLOADING | |
| Planning and zoning code | 1113.13 et seq. |
| See: PLANNING AND ZONING CODE | |
| Traffic code | 331.25 et seq. |
| See: TRAFFIC CODE | |
| LOITERING | |
| Business regulation code | |
| Adult entertainment businesses | |
| Loitering and exterior lighting and monitoring requirements. | 721.21 |
| Offenses code | |
| Disorderly conduct in or about business places..... | 511.04 |
| Obscenity and sex offenses | |
| Soliciting; loitering to engage in..... | 533.09 |
| LOTS | |
| Planning and zoning code | 1117.09 et seq. |
| See: PLANNING AND ZONING CODE | |
| Traffic code | |
| Parking | |
| Parking generally | |
| Parking near curb; parking locations on public and private | |
| lots and garages for persons with disabilities | 351.04 |

M

| | |
|-------------------------------|-----------------|
| MAINTENANCE | |
| Building code..... | 1303.01 et seq. |
| See: BUILDING CODE | |
| Planning and zoning code..... | 1119.16 et seq. |
| See: PLANNING AND ZONING CODE | |

BRECKSVILLE CODE

| | Section |
|--|----------------|
| MAINTENANCE (Cont'd.) | |
| Streets and sidewalks | |
| Sanitary sewers | |
| Maintenance and repair of sanitary sewer; notice | 903.02 |
| MANUFACTURED HOMES AND MANUFACTURED HOME PARKS | |
| Traffic code | |
| Vehicles | |
| Operation generally | |
| Occupying a moving trailer or manufactured home | 331.35 |
| MASSAGE | |
| Offenses code | |
| Obscenity and sex offenses | |
| Unlawful advertising of massage | 533.20 |
| MAYOR | |
| Administrative code | 161.01 et seq. |
| See: ADMINISTRATIVE CODE | |
| City property rentals | |
| Approval by Mayor or Recreation Director | 911.03 |
| Full-time position; compensation; pension pick-up | 125.01 |
| MEASURES. See: WEIGHTS AND MEASURES | |
| MEETINGS | |
| Building code | |
| Local provisions | |
| Design and construction review board | 1327.07 |
| Municipal facility registration and use review board | |
| Law Director to attend meetings | 137.04 |
| Offenses code | |
| Disorderly conduct and peace disturbance | |
| Disturbing a lawful meeting | 509.04 |
| Planning and zoning code | |
| Administration and enforcement | |
| Board of zoning appeals | |
| Meetings and voting; action subject to Council approval .. | 1197.42 |
| Municipal planning | |
| Planning commission | |
| Meetings and voting | 1101.03 |
| MINORS | |
| Offenses code | 537.07 et seq. |
| See: OFFENSES CODE | |

CODE INDEX

| | Section |
|---|----------------|
| MINORS (Cont'd.) | |
| Planning and zoning code | |
| Districts | |
| Community facilities district | |
| Regulations for child day care | 1153.16 |
| Traffic code | |
| Vehicles | |
| Operation generally | |
| Stopping for school bus; discharging children | 331.38 |
| Safety and equipment | |
| Child restraint system usage; exceptions, dismissal and penalty | 337.26 |
| MISDEMEANORS | |
| Offenses code | |
| General provisions and penalty | |
| Penalties for misdemeanors | 501.99 |
| MISREPRESENTATION | |
| Business regulation code | |
| Taxicabs | |
| Fraud or misrepresentation | 709.09 |
| Offenses code | 545.01 et seq. |
| See: OFFENSES CODE | |
| Taxation code | |
| Municipal income tax regulations | |
| Amendment to above chapters and enactment of chapter 1531 effective for tax years beginning on or after January 1, 2016 | |
| Fraud | 1531.17 |
| Traffic code | |
| Vehicles | |
| Commercial and heavy vehicles | |
| Statement of gross vehicle weight; fraudulent bills of lading | 339.16 |
| MONUMENTS | |
| Cemeteries | |
| Monuments and headstones | 913.07 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |
| Required improvements | 1119.10 |
| MOTELS. See: HOTELS AND MOTELS | |
| MOTOR VEHICLES. See: TRAFFIC CODE | |

BRECKSVILLE CODE

| | Section |
|--|---------|
| MUNICIPAL FACILITY REGISTRATION AND USE REVIEW BOARD | |
| Appeals..... | 137.03 |
| Department of human services | |
| Referral to Municipal Facility Registration and Use Review Board | 138.10 |
| Law Director to attend meetings | 137.04 |
| Municipal Facility Registration and Use Review Board | 137.01 |
| Powers and duties of board | 137.02 |

N

| | |
|--|-----------------|
| NOISE | |
| Building code..... | 1323.07 et seq. |
| See: BUILDING CODE | |
| Offenses code..... | 509.09 et seq. |
| See: OFFENSES CODE | |
| Traffic code | |
| Vehicles | |
| Operation generally | |
| Squealing tires, "peeling," cracking exhaust noises | 331.36 |
| Safety and equipment | |
| Muffler; muffler cutout; excessive smoke, gas or noise | 337.20 |
| NONCONFORMITIES | |
| Planning and zoning code..... | 1113.17 et seq. |
| See: PLANNING AND ZONING CODE | |
| NOTICES, NOTIFICATION | |
| Building code..... | 1318.02 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 705.02 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Obscenity and sex offenses | |
| Presumption of knowledge; actual notice and defense..... | 533.02 |
| Open burning | |
| Permission and notice to open burn..... | 514.04 |
| Planning and zoning code..... | 1160.02 et seq. |
| See: PLANNING AND ZONING CODE | |
| Streets and sidewalks | |
| Sanitary sewers | |
| Maintenance and repair of sanitary sewer; notice | 903.02 |
| Traffic code | |
| Administration | |

CODE INDEX

| | Section |
|--|----------------|
| NOTICES, NOTIFICATION (Cont'd.) | |
| Enforcement, impounding and penalty | |
| Leaving junk and other vehicles on private or public prop- erty without permission or notification..... | 303.09 |
| Vehicles | |
| Commercial and heavy vehicles | |
| Notice of arrest | 339.20 |
| NUISANCES | |
| Building code | |
| Local provisions | |
| Construction site soil erosion, sediment, stormwater runoff and stormwater quality controls and regulations | |
| Conflicts, severability, nuisances and responsibility | 1331.03 |
| Demolition of unsafe buildings | |
| Definitions; nuisance | 1339.01 |
| Offenses code..... | 505.08 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Illicit discharge and illegal connection control | |
| Conflicts, severability, nuisances and responsibility | 1177.05 |
| O | |
| OBSCENITY. See: INDECENCY AND OBSCENITY | |
| OBSTRUCTIONS | |
| Building code | |
| Local provisions | |
| Schedule of permit fees, deposits and other charges | |
| Obstruction deposit; final grade deposit..... | 1314.08 |
| Offenses code..... | 515.06 et seq. |
| See: OFFENSES CODE | |
| Traffic code..... | 311.01 et seq. |
| See: TRAFFIC CODE | |
| OFFENSES CODE | |
| Animals and fowl | |
| Abandoning animals..... | 505.04 |
| Animal bites; reports and quarantine..... | 505.10 |
| Animal excrement; curbing requirement..... | 505.14 |
| Animals at large | 505.01 |
| Appeal procedure | 505.19 |
| Barking or howling dogs..... | 505.09 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| OFFENSES CODE (Cont'd.) | |
| Bird sanctuary | 505.11 |
| Coloring rabbits or baby poultry; sale or display of poultry | 505.12 |
| Confinement or restraint of dangerous or vicious dogs | 505.23 |
| Cruelty to animals; cruelty to companion animals | 505.07 |
| Dangerous and vicious dogs; definitions | 505.17 |
| Determination of dangerous or vicious dogs | 505.18 |
| Dogs at large; impounding strays | 505.02 |
| Hearing procedure | 505.20 |
| Hunting regulated | 505.15 |
| Insurance for dangerous and vicious dogs | 505.22 |
| Killing or injuring animals | 505.05 |
| Local Dog Warden created; duties and authority | 505.03 |
| Nuisance conditions prohibited | 505.08 |
| Penalty | 505.99 |
| Poisoning animals | 505.06 |
| Rabies vaccination of dogs and cats required | 505.16 |
| Registration of dangerous or vicious dogs | 505.21 |
| Sexual conduct with an animal | 505.24 |
| Building code | |
| Local provisions | |
| Exterior property maintenance code | |
| Existing offenses and violations not discharged | 1341.13 |
| Disorderly conduct and peace disturbance | |
| Civil emergency | 509.13 |
| Disorderly conduct; intoxication | 509.03 |
| Disturbing a lawful meeting | 509.04 |
| Disturbing the peace; noise control | 509.09 |
| Failure to disperse | 509.02 |
| Inducing panic | 509.06 |
| Making false alarms | 509.07 |
| Minors' curfew | 509.14 |
| Misconduct at an emergency | 509.05 |
| Penalty | 509.99 |
| Playing of or permitting adverse noise from sound amplifying devices prohibited | 509.16 |
| Restriction on use of heavy duty equipment | 509.15 |
| Riot | 509.01 |
| Unlawful congregation on sidewalks, public grounds | 509.11 |
| Unlawful picketing | 509.10 |
| Disorderly conduct in or about business places | |
| Definitions | 511.01 |
| Loitering | 511.04 |

CODE INDEX

| | Section |
|--|---------|
| OFFENSES CODE (Cont'd.) | |
| Open container and consumption of alcoholic beverages | 511.03 |
| Penalty | 511.99 |
| Trespass by motor vehicle | 511.06 |
| Unnecessary motor vehicle noises | 511.02 |
| Drug abuse control | |
| Controlled substance or prescription labels | 513.09 |
| Counterfeit controlled substances | 513.13 |
| Definitions | 513.01 |
| Drug abuse; controlled substance possession or use | 513.03 |
| Drug paraphernalia | 513.12 |
| Frequenting places where drugs are possessed | 513.14 |
| Hypodermic possession, display and dispensing | 513.10 |
| Illegally dispensing drug samples | 513.08 |
| Nitrous oxide—Improper dispensing or distribution; possession in a motor vehicle | 513.11 |
| Penalty; mandatory fines | 513.99 |
| Permitting drug abuse | 513.05 |
| Possessing drug abuse instruments | 513.04 |
| Possessing or using harmful intoxicants | 513.07 |
| Pseudoephedrine sales | 513.16 |
| Sale of dextromethorphan | 513.18 |
| Sale of pure caffeine product | 513.17 |
| Trafficking in controlled substances; gift of marihuana | 513.02 |
| Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates | 513.15 |
| Fire prevention | |
| Amendments to adopted code | 515.02 |
| Appeals | 515.04 |
| Code adoption | 515.01 |
| Enforcement | 515.03 |
| Fire-extinguishing equipment for storage tanks | 515.11 |
| Flammable liquid storage | 515.10 |
| Kerosene storage | 515.09 |
| Negligently spreading fires | 515.05 |
| Obstructing fire escapes | 515.06 |
| Obstructing fire hydrants | 515.07 |
| Open burning | 515.051 |
| Outdoor grill regulations | 515.13 |
| Penalty | 515.99 |
| Prohibited gasoline storage | 515.08 |
| Regulation of smoking | 515.12 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| OFFENSES CODE (Cont'd.) | |
| Fireworks | |
| Application | 516.05 |
| Definitions | 516.01 |
| Penalty | 516.99 |
| Possession, sale or discharge prohibited; exceptions | 516.04 |
| Public exhibition permit required; fee; bond; records | 516.02 |
| Unlawful conduct by exhibitor | 516.03 |
| Gambling | |
| Bingo exceptions | 517.09 |
| Bingo operator prohibitions | 517.08 |
| Bingo records | 517.07 |
| Cheating | 517.05 |
| Definitions | 517.01 |
| Electronic instant bingo; prohibited conduct | 517.16 |
| Gambling | 517.02 |
| Instant bingo other than at bingo sessions | 517.13 |
| Methods of conducting a bingo game; prohibitions | 517.06 |
| Operating a gambling house | 517.03 |
| Operating an instant bingo parlor/disbursement by mechanical device | 517.10 |
| Penalty | 517.99 |
| Prohibitions where instant bingo game is conducted | 517.11 |
| Public gaming | 517.04 |
| Raffle drawings | 517.12 |
| Restrictions on owner or lessor of location at instant bingo | 517.14 |
| Skill-based amusement machines; prohibited conduct | 517.15 |
| General provisions and penalty | |
| Attempt | 501.09 |
| Classification of offenses | 501.02 |
| Common law offenses abrogated | 501.03 |
| Complicity | 501.10 |
| Criminal law jurisdiction | 501.05 |
| Culpable mental states | 501.08 |
| Definitions | 501.01 |
| Limitation of criminal prosecution | 501.06 |
| Organizational criminal liability | 501.11 |
| Penalties for misdemeanors | 501.99 |
| Personal accountability for organizational conduct | 501.12 |
| Requirements for criminal liability; voluntary intoxication | 501.07 |
| Rules of construction | 501.04 |
| Self defense: limitations on duty to retreat prior to using force . | 501.13 |

CODE INDEX

| | Section |
|--|---------|
| OFFENSES CODE (Cont'd.) | |
| Health, safety and sanitation | |
| Abandoned refrigerators and airtight containers | 521.01 |
| Dead animals and putrid substances | 521.14 |
| Defiling spring or well | 521.11 |
| Deposit of poisons | 521.03 |
| Disposal of garbage, refuse, junk along or on public ways | 521.15 |
| Interfering or connecting to telephone or electrical lines | 521.07 |
| Keeping sidewalks repaired and clean | 521.10 |
| Leaching cesspools | 521.17 |
| Obstructing sewers; unlawful connections | 521.05 |
| Obstructing sidewalks | 521.04 |
| Offensive odors; corrupting or diverting watercourses | 521.09 |
| Penalty | 521.99 |
| Placement of rubbish for collection | 521.20 |
| Pollution of stream | 521.12 |
| Scavenging and transporting waste material | 521.21 |
| Sewage effluent | 521.18 |
| Snow removal | 521.19 |
| Stringing wires | 521.06 |
| Throwing refuse, oil or filth into streams or drains | 521.13 |
| Transportation of junk, refuse or garbage upon public ways.... | 521.16 |
| Use of water hydrants; unlawful connections | 521.08 |
| Venting of heaters and burners | 521.02 |
| Law enforcement and public office | |
| Causing harm to police dogs or horses or assistance dogs | 525.15 |
| Compounding a crime | 525.04 |
| Definitions | 525.01 |
| Dereliction of duty | 525.12 |
| Failure to aid a law enforcement officer | 525.06 |
| Failure to report a crime, injury or knowledge of death | 525.05 |
| Falsification | 525.02 |
| Having an unlawful interest in a public contract | 525.10 |
| Impersonation of peace officer or private policeman | 525.03 |
| Interfering with civil rights | 525.13 |
| Obstructing justice | 525.08 |
| Obstructing official business | 525.07 |
| Penalty | 525.99 |
| Resisting arrest | 525.09 |
| Soliciting or receiving improper compensation | 525.11 |
| Unauthorized display of law enforcement emblems on motor vehicles | 525.14 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| OFFENSES CODE (Cont'd.) | |
| Liquor control | |
| Affirmative defenses | 529.10 |
| Alcohol vaporizing devices prohibited..... | 529.11 |
| Definitions | 529.01 |
| Hours of sale or consumption | 529.08 |
| Liquor possession and consumption in motor vehicles..... | 529.04 |
| Liquor transaction scans | 529.09 |
| Open container prohibited..... | 529.07 |
| Penalty | 529.99 |
| Permit required | 529.05 |
| Printed warnings to be posted | 529.06 |
| Purchase, consumption or possession by minor; misrepresenta- tion..... | 529.021 |
| Restrictions on sale of beer and liquor | 529.03 |
| Sales to and use by underage persons; securing public accommo- dations | 529.02 |
| Nuisances | |
| Definitions | 531.01 |
| Order for removal; violation | 531.03 |
| Penalty | 531.99 |
| Removal of garbage | 531.04 |
| Storage of certain materials declared a nuisance | 531.02 |
| Obscenity and sex offenses | |
| Deception to obtain matter harmful to juveniles | 533.13 |
| Definitions | 533.01 |
| Displaying matter harmful to juveniles | 533.15 |
| Disseminating material harmful to juveniles | 533.11 |
| Juveniles on the premises of adult entertainment establishments prohibited..... | 533.18 |
| Nonconsensual dissemination of private sexual images | 533.21 |
| Penalty | 533.99 |
| Polygraph examinations for victims: restrictions on use | 533.07 |
| Presumption of knowledge; actual notice and defense | 533.02 |
| Procuring; engagement in sexual activity for hire..... | 533.08 |
| Prostitution | 533.10 |
| Public indecency | 533.05 |
| Sentencing for sexually oriented offenses; sexual predators; reg- istration | 533.16 |
| Sexual imposition | 533.04 |
| Sexually oriented businesses; illegal operation and activity..... | 533.19 |
| Soliciting; loitering to engage in | 533.09 |
| Unlawful advertising of massage | 533.20 |

CODE INDEX

| | Section |
|--|---------|
| OFFENSES CODE (Cont'd.) | |
| Unlawful operation of viewing booths depicting sexual conduct | 533.17 |
| Unlawful sexual conduct with a minor | 533.03 |
| Voyeurism..... | 533.06 |
| Offenses against persons | |
| Adulterating of or furnishing adulterated food or confection... | 537.13 |
| Aggravated menacing | 537.05 |
| Assault | 537.03 |
| Coercion | 537.09 |
| Contributing to unruliness or delinquency of a child | 537.18 |
| Domestic violence | 537.14 |
| Endangering children | 537.07 |
| Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans | 537.16 |
| Menacing | 537.06 |
| Negligent assault..... | 537.04 |
| Negligent homicide | 537.01 |
| Party lines to be yielded in emergencies..... | 537.12 |
| Penalty | 537.99 |
| Telecommunications harassment | 537.10 |
| Temporary protection order | 537.15 |
| Unlawful collection of bodily substances..... | 537.19 |
| Unlawful restraint | 537.08 |
| Vehicular homicide; vehicular manslaughter; vehicular assault . | 537.02 |
| Open burning | |
| Bonfires and outdoor rubbish fires | 514.05 |
| Definitions..... | 514.01 |
| Open burning in restricted areas..... | 514.03 |
| Outdoor wood burning boiler; regulations | 514.06 |
| Penalty | 514.99 |
| Permission and notice to open burn | 514.04 |
| Relations to other prohibitions | 514.02 |
| Property offenses | |
| Arson | 541.02 |
| Criminal damaging or endangering; vehicular vandalism | 541.03 |
| Criminal mischief | 541.04 |
| Criminal trespass; aggravated trespass..... | 541.05 |
| Desecration | 541.09 |
| Destruction of shrubs, trees or crops | 541.06 |
| Determining property value in arson | 541.01 |
| Ethnic intimidation | 541.08 |
| Penalty | 541.99 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| OFFENSES CODE (Cont'd.) | |
| Railroads | |
| Climbing upon railroad cars..... | 553.02 |
| Duties of locomotive engineer..... | 553.03 |
| Obstructing streets by railroad companies..... | 553.01 |
| Penalty..... | 553.99 |
| Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism..... | 553.04 |
| Theft and fraud | |
| Definitions..... | 545.01 |
| Defrauding creditors..... | 545.17 |
| Detention of shoplifters and those committing motion picture piracy; rights of museums and libraries..... | 545.04 |
| Determining property value in theft offense..... | 545.02 |
| Diminishing or interfering with forfeitable property..... | 545.23 |
| Fraudulent use of telephone credit cards..... | 545.19 |
| Identity fraud..... | 545.21 |
| Insurance fraud..... | 545.07 |
| Making or using slugs..... | 545.11 |
| Misuse of credit cards..... | 545.10 |
| Motion picture piracy..... | 545.22 |
| Passing bad checks..... | 545.09 |
| Penalty..... | 545.99 |
| Personating an officer..... | 545.16 |
| Petty theft..... | 545.05 |
| Prima facie evidence of purpose to defraud..... | 545.13 |
| Property exceptions as felony offense..... | 545.03 |
| Receiving stolen property..... | 545.18 |
| Securing writings by deception..... | 545.15 |
| Tampering with and theft of utilities..... | 545.20 |
| Tampering with coin machines..... | 545.12 |
| Tampering with records..... | 545.14 |
| Unauthorized use of a vehicle; vehicle trespass..... | 545.06 |
| Unauthorized use of property or access to computer systems... | 545.08 |
| Weapons and explosives | |
| Carrying concealed weapons..... | 549.02 |
| Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession..... | 549.15 |
| Defaced firearms..... | 549.05 |
| Definitions..... | 549.01 |
| Discharging firearms..... | 549.12 |
| Failure to secure dangerous ordnance..... | 549.06 |

CODE INDEX

| | Section |
|---|----------------|
| OFFENSES CODE (Cont'd.) | |
| Improperly handling firearms in a motor vehicle..... | 549.04 |
| Penalty..... | 549.99 |
| Slingshot, bow and arrow or air gun..... | 549.13 |
| Unlawful brandishing and sale of toy, replica or facsimile fire- arms..... | 549.14 |
| Unlawful transactions in weapons..... | 549.07 |
| Using weapons while intoxicated..... | 549.03 |
| OFFICERS AND EMPLOYEES | |
| Administrative code..... | 145.19 et seq. |
| See: ADMINISTRATIVE CODE | |
| Building code | |
| Local provisions | |
| Exterior property maintenance code | |
| Administrative provisions; Building Commissioner to be Property Maintenance Officer..... | 1341.11 |
| Business regulation code..... | 721.06 et seq. |
| See: BUSINESS REGULATION CODE | |
| City engineer..... | 142.01 et seq. |
| See: CITY ENGINEER | |
| City records commission..... | 147.01 et seq. |
| See: CITY RECORDS COMMISSION | |
| Department of human services..... | 138.01 et seq. |
| See: DEPARTMENT OF HUMAN SERVICES | |
| Department of recreation..... | 136.01 et seq. |
| See: DEPARTMENT OF RECREATION | |
| Economic development director..... | 128.01 et seq. |
| See: ECONOMIC DEVELOPMENT DIRECTOR | |
| Fire department..... | 141.01 et seq. |
| See: FIRE DEPARTMENT | |
| Mayor..... | 125.01 et seq. |
| See: MAYOR | |
| Municipal facility registration and use review board..... | 137.01 et seq. |
| See: MUNICIPAL FACILITY REGISTRATION AND USE REVIEW BOARD | |
| Offenses code..... | 525.03 et seq. |
| See: OFFENSES CODE | |
| Police department..... | 140.01 et seq. |
| See: POLICE DEPARTMENT | |
| Recreation commission..... | 139.01 et seq. |
| See: RECREATION COMMISSION | |

BRECKSVILLE CODE

| | Section |
|--|----------------|
| OFFICERS AND EMPLOYEES (Cont'd.) | |
| Taxation code | |
| Municipal income tax regulations | |
| Purpose | |
| Employee | 1503.07 |
| Traffic code | |
| Administration | |
| Enforcement, impounding and penalty | |
| Compliance with lawful order of police officer; fleeing..... | 303.01 |
| Officer may remove ignition key | 303.03 |
| Volunteer firemen's dependents fund..... | 143.01 et seq. |
| See: VOLUNTEER FIREMEN'S DEPENDENTS FUND | |
| OPEN BURNING. See: FIRE PREVENTION AND PROTECTION | |
| OPEN SPACES. See: YARDS AND OPEN SPACES | |
| ORDINANCES, RESOLUTIONS, ETC. | |
| Administrative code | 101.01 et seq. |
| See: ADMINISTRATIVE CODE | |
| Building code | |
| Local provisions | |
| Exterior property maintenance code | |
| Enforcement of and compliance with other ordinances | 1341.08 |
| Business regulation code | |
| Taxicabs | |
| Notice of city ordinances | 709.06 |
| P | |
| PARADES AND PROCESSIONS | |
| Traffic code | |
| Streets and traffic-control devices | |
| Street obstructions and special uses | |
| Parades and assemblages | 311.02 |
| Vehicles | |
| Operation generally | |
| Right-of-way of funeral procession..... | 331.24 |
| PARKING | |
| Business regulation code | |
| Taxicabs | |
| Street parking | 709.12 |

CODE INDEX

| | Section |
|---|-----------------|
| PARKING (Cont'd.) | |
| Offenses code | |
| Drug abuse control | |
| Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates . . . | 513.15 |
| Planning and zoning code | 1119.09 et seq. |
| See: PLANNING AND ZONING CODE | |
| Traffic code | 331.27 et seq. |
| See: TRAFFIC CODE | |
| PARKS AND RECREATION | |
| City property rentals | |
| Approval by Mayor or Recreation Director | 911.03 |
| Department of recreation | 136.01 et seq. |
| See: DEPARTMENT OF RECREATION | |
| Recreation commission | 139.01 et seq. |
| See: RECREATION COMMISSION | |
| Recreation concessions | 912.01 et seq. |
| See: RECREATION CONCESSIONS | |
| PEDDLERS, CANVASSERS AND SOLICITORS | |
| Business regulation code | 705.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Law enforcement and public office | |
| Soliciting or receiving improper compensation | 525.11 |
| Obscenity and sex offenses | |
| Soliciting; loitering to engage in | 533.09 |
| Traffic code | |
| Pedestrians, bicycles and motorcycles | |
| Pedestrians | |
| Use of highway for soliciting; riding on outside of vehicles | 371.06 |
| PENALTIES. See: FINES, FORFEITURES AND OTHER PENALTIES | |
| PENSIONS AND RETIREMENT | |
| Administrative code | 121.02 et seq. |
| See: ADMINISTRATIVE CODE | |
| Mayor | |
| Full-time position; compensation; pension pick-up | 125.01 |
| Taxation code | |
| Municipal income tax regulations | |
| Purpose | |
| Pension | 1503.131 |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| PERFORMANCE BONDS. See: BONDS, SURETY OR PERFORMANCE | |
| PERMITS. See: LICENSES AND PERMITS | |
| PERMITTED USES | |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Standards and criteria for planned development areas..... | 1179.03 |
| PETITIONS | |
| Planning and zoning code | |
| Administration and enforcement | |
| Board of zoning appeals | |
| Petitioner to supply requested data | 1197.26 |
| PLANNING AND DEVELOPMENT | |
| Building code | |
| Local provisions | |
| Condominiums | |
| Inspections of the condominium development by the city . | 1343.04 |
| Construction site soil erosion, sediment, stormwater runoff and stormwater quality controls and regulations | |
| Site development plan | 1331.06 |
| Economic development director | 128.01 et seq. |
| See: ECONOMIC DEVELOPMENT DIRECTOR | |
| Planning and zoning code | 1101.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| PLANNING AND ZONING CODE | |
| Administration and enforcement | |
| Administrative procedures | |
| Application for permits | 1191.06 |
| Building permit and zoning certificate | 1191.03 |
| Certificate of occupancy | 1191.12 |
| Conditional use permits..... | 1191.10 |
| Determination of similar uses..... | 1191.11 |
| Enforcement; penalty..... | 1191.13 |
| General procedures..... | 1191.02 |
| Intent..... | 1191.01 |
| Amending procedures | |
| Action by Council..... | 1199.06 |
| Effective date | 1199.09 |
| Initiation of amendment; referral to commission..... | 1199.02 |
| Intent..... | 1199.01 |
| Notice of public hearing by commission..... | 1199.03 |

CODE INDEX

| | Section |
|---|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Procedure at public hearing | 1199.05 |
| Quorum; time limit on commission action | 1199.04 |
| Resubmittal of denied amendment..... | 1199.07 |
| Text and map record by commission | 1199.08 |
| Board of zoning appeals | |
| Appeal form information..... | 1197.25 |
| Appeal procedure; notice and hearing | 1197.02 |
| Basis of granting use variances or exceptions | 1197.10 |
| Building permit application time limitation..... | 1197.31 |
| Compulsory testimony or evidence | 1197.41 |
| Conditions for hearing appeal..... | 1197.24 |
| Journal and rules of procedure..... | 1197.23 |
| Jurisdiction | 1197.01 |
| Meetings and voting; action subject to Council approval | 1197.42 |
| Notice of proposed hearings | 1197.22 |
| Petitioner to supply requested data | 1197.26 |
| Public hearings on appeal | 1197.21 |
| Variance survey fee | 1197.51 |
| Variances and exceptions relating to dimensions and setback | 1197.11 |
| Design review guidelines | |
| Applicability..... | 1196.03 |
| Design review guidelines | 1196.04 |
| Explanation of terms..... | 1196.02 |
| Intent..... | 1196.01 |
| Interpretive illustrations for design standards..... | 1196.05 |
| Development plans | |
| Amendments to plans | 1193.09 |
| Authority to proceed | 1193.05 |
| Final development plans | 1193.06 |
| Intent..... | 1193.01 |
| Issuance of soil removal and building permits | 1193.08 |
| Performance guarantee..... | 1193.07 |
| Planning Commission action..... | 1193.04 |
| Preliminary development plans | 1193.03 |
| Submittal of plans..... | 1193.02 |
| Time limit on approval of development plans | 1193.10 |
| Form for resolution accepting the dedication of streets and approving the development of the subdivision. See Title 11, Appendix IV | |
| Forms for final plat certifications. See Title 11, Appendix II | |
| Forms for performance bonds. See Title 11, Appendix III | |
| Outline of procedures. See Title 11, Appendix I | |

BRECKSVILLE CODE

| | Section |
|---|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Planned development areas | |
| Amendments to plans | 1195.09 |
| Council action; authority to proceed..... | 1195.05 |
| Final development plans | 1195.06 |
| Inspection and maintenance of common property..... | 1195.15 |
| Intent..... | 1195.01 |
| Issuance of soil removal and building permits | 1195.08 |
| Performance guarantee..... | 1195.07 |
| Planning commission action | 1195.04 |
| Preliminary development plans | 1195.03 |
| Submittal of plans..... | 1195.02 |
| Time limit on planned development area permit..... | 1195.10 |
| Districts | |
| Automotive parking districts | |
| Approval of plans | 1158.04 |
| Intent..... | 1158.01 |
| Performance regulations | 1158.03 |
| Use regulations..... | 1158.02 |
| Business districts | |
| Approval of plans | 1155.51 |
| Business planned development area..... | 1155.33 |
| Height regulations..... | 1155.41 |
| Intent..... | 1155.01 |
| Lot regulations | 1155.21 |
| Planning criteria..... | 1155.31 |
| Schedule of planning criteria..... | 1155.32 |
| Use regulations; Commercial Service Districts..... | 1155.06 |
| Use regulations; Local Business Districts | 1155.04 |
| Use regulations; Motor Service Districts..... | 1155.07 |
| Use regulations; Office Building Districts..... | 1155.03 |
| Use regulations; Shopping Center Districts..... | 1155.05 |
| Use regulations..... | 1155.02 |
| Community facilities district | |
| Approval of plans and design standards | 1153.51 |
| Conditional uses | 1153.11 |
| Height regulations..... | 1153.41 |
| Intent..... | 1153.01 |
| Lot regulations | 1153.21 |
| Planning criteria..... | 1153.31 |
| Regulations for child day care..... | 1153.16 |
| Schedule of planning criteria..... | 1153.32 |
| Use regulations..... | 1153.02 |

CODE INDEX

| | Section |
|--|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Flood reduction and control | |
| Abrogation and greater restrictions | 1159.06 |
| Administration | 1159.10 |
| Appeals | 1159.18 |
| Application required; fees | 1159.12 |
| Basis for establishing the areas of special flood hazard | 1159.05 |
| Data use and flood map interpretation | 1159.15 |
| Definitions | 1159.02 |
| Enforcement | 1159.19 |
| Floodplain development permits | 1159.11 |
| Interpretation | 1159.07 |
| Lands to which this chapter apply | 1159.04 |
| Map maintenance; activities | 1159.14 |
| Methods of reducing flood loss | 1159.03 |
| Penalty | 1159.99 |
| Review and approval of a floodplain development permit | 1159.13 |
| Severability | 1159.09 |
| Statement of purpose | 1159.01 |
| Substantial damage determinations | 1159.16 |
| Use and development standards for flood hazard reduction .. | 1159.17 |
| Warning and disclaimer of liability | 1159.08 |
| Industrial districts | |
| Approval of plans | 1157.51 |
| Height regulations | 1157.41 |
| Industrial park planned development area | 1157.32 |
| Intent | 1157.01 |
| Performance regulations | 1157.11 |
| Planning criteria for all districts | 1157.29 |
| Planning criteria for Office-laboratory District | 1157.30 |
| Use regulations; Manufacturing-distribution District | 1157.04 |
| Use regulations; Office-laboratory District | 1157.03 |
| Use regulations | 1157.02 |
| Oil and gas wells conditional use permits | |
| Compliance with additional regulations | 1160.03 |
| Permitted use in nonresidential areas | 1160.01 |
| Public hearing, notice | 1160.02 |
| Planned development overlay district | |
| Approvals | 1156.35 |
| General Development Plan | 1156.31 |
| Intent and purpose | 1156.01 |
| Planning and organization | 1156.33 |
| Planning criteria | 1156.21 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Termination of Zoning and Development Plan approvals | 1156.61 |
| Use regulations | 1156.02 |
| Residential districts | |
| Access to and parking areas for nonresidential uses | 1151.11 |
| Accessory uses | 1151.06 |
| Approval of plans | 1151.51 |
| Conditional uses | 1151.05 |
| Development area and density regulations in an R-A District | 1151.31 |
| Dimensions for one-family lots | 1151.21 |
| Dwelling unit area requirements | 1151.14 |
| Dwellings prohibited in areas subject to flooding | 1151.12 |
| Height regulations | 1151.41 |
| Intent | 1151.01 |
| Projections into yards | 1151.39 |
| Regulation for one-family detached units on zoning lots | 1151.20 |
| Regulation of accessory uses on one-family lots | 1151.25 |
| Regulation of apartments in an R-A District | 1151.30 |
| Schedule of buildings and uses | 1151.04 |
| Schedule of minimum distances for accessory uses in R-A Districts | 1151.34 |
| Schedule of one-family lot regulations | 1151.22 |
| Schedule of yard regulations for one-family lots | 1151.24 |
| Schedule of yard requirements for accessory uses on one- family lots | 1151.26 |
| Site regulations for apartment developments in an R-A Dis- trict | 1151.32 |
| Supplemental development standards for R-8A District | 1151.29 |
| Supplemental regulations for corner lots on arterial or collec- tor streets | 1151.27 |
| Supplemental regulations for through lots abutting an arterial or collector street | 1151.28 |
| Temporary living space | 1151.07 |
| Use regulations | 1151.03 |
| Water and sewer connections required | 1151.13 |
| Yard regulations for one-family lots | 1151.23 |
| Yards for accessory building and uses in an R-A District | 1151.33 |
| Land planning and subdivision regulations | |
| Adoption, appeals, enforcement | |
| Adoption | 1123.05 |
| Effective date | 1123.06 |
| Enforcement | 1123.04 |
| Intent | 1123.01 |

CODE INDEX

| | Section |
|---|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Plans for unplatted areas | 1123.02 |
| Schedule of fees | 1123.03 |
| Land subdividing procedures | |
| City map | 1115.09 |
| Intent | 1115.01 |
| Land for public and common use | 1115.07 |
| Major subdivision—Final plat | 1115.06 |
| Major subdivision—Preliminary plan | 1115.05 |
| Minor subdivision—Application | 1115.03 |
| Minor subdivision—Recording | 1115.04 |
| Multi-family, business and industrial subdivisions | 1115.08 |
| Pre-application; development information available | 1115.02 |
| Recording and filing of all development documents; fees | 1115.11 |
| Resubdivision and vacation | 1115.10 |
| Planning criteria | |
| Arterial and collector streets | 1117.03 |
| Design of blocks | 1117.08 |
| Design of lots | 1117.09 |
| Intent | 1117.01 |
| Local street pattern in residential areas | 1117.04 |
| Public land uses | 1117.10 |
| Streets for apartment developments | 1117.05 |
| Streets for business developments | 1117.06 |
| Streets for industrial subdivisions | 1117.07 |
| Topography and natural features | 1117.02 |
| Plans and plats | |
| Development on irregular or severe topography | 1121.05 |
| Final plan—Major subdivision | 1121.04 |
| Intent | 1121.01 |
| Preliminary plan—Major subdivision | 1121.03 |
| Sketch plan—Minor subdivision | 1121.02 |
| Required improvements | |
| Building construction and occupancy | 1119.19 |
| Design standards | 1119.14 |
| Drainage facilities | 1119.04 |
| Electric, telephone, and cable television service | 1119.07 |
| Extra-size and off-site improvements | 1119.13 |
| Failure to complete improvements | 1119.18 |
| Gas fuel service | 1119.08 |
| Grading | 1119.03 |
| Improvements required | 1119.02 |
| Insurance | 1119.17 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Intent | 1119.01 |
| Monuments | 1119.10 |
| Pavement, curbs, driveways, foundation walls, use of masonry, parking area and sidewalk specifications | 1119.09 |
| Performance guarantee in lieu of installation | 1119.15 |
| Public Improvement Maintenance Fund | 1119.16 |
| Sanitary facilities | 1119.05 |
| Street name signs | 1119.12 |
| Street trees | 1119.11 |
| Water supply | 1119.06 |
| Title; purpose | |
| Areas, buildings and land | 1113.03 |
| Automotive uses | 1113.04 |
| Block | 1113.05 |
| Buildings and structures | 1113.06 |
| Dwellings and other living accommodations | 1113.08 |
| Family | 1113.07 |
| Flood fringe | 1113.27 |
| Flood plain | 1113.28 |
| Flood, intermediate, regional | 1113.29 |
| General terms | 1113.02 |
| Grades | 1113.09 |
| Height of building | 1113.10 |
| Home offices | 1113.11 |
| Interpretation | 1111.04 |
| Junk or wrecking yard | 1113.12 |
| Loading space | 1113.13 |
| Lot, parcel, land | 1113.14 |
| Maps, plans, plats | 1113.15 |
| Motor freight station | 1113.16 |
| Nonconforming building, land and use | 1113.17 |
| Occupancy certificate | 1113.18 |
| Performance standard | 1113.19 |
| Purpose and intent | 1111.02 |
| Relation to other laws | 1111.03 |
| Rules for interpretation | 1113.01 |
| Severability | 1111.05 |
| Signs | 1113.20 |
| Streets | 1113.21 |
| Subdivision | 1113.22 |
| Title | 1111.01 |
| Trailers | 1113.23 |

CODE INDEX

| | Section |
|--|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Use | 1113.24 |
| Variance | 1113.25 |
| Yards and courts | 1113.26 |
| Municipal planning | |
| Planning commission | |
| Fee for public hearings; exceptions | 1101.01 |
| Fees for subdivision and development plan approvals | 1101.02 |
| Meetings and voting | 1101.03 |
| Professional review fee deposit required | 1101.04 |
| Regulations applying to all districts | |
| Fences | |
| Definitions | 1185.01 |
| Examples of Fences. See Title 9, Appendix A | |
| General construction standards | 1185.04 |
| Location and height of fences; residential and commercial areas | 1185.03 |
| Maintenance | 1185.07 |
| Miscellaneous provisions | 1185.09 |
| Penalty | 1185.99 |
| Permit required; fee and exceptions | 1185.08 |
| Permitted fences; residential and commercial areas | 1185.02 |
| Specifications for chain link fences | 1185.06 |
| Specifications for wood, wood product, simulated wood and vinyl fences | 1185.05 |
| Height district regulations | |
| Class One Height Districts | 1181.11 |
| Class Three Height Districts | 1181.15 |
| Class Two Height Districts | 1181.13 |
| Establishment of Height Districts | 1181.01 |
| Illicit discharge and illegal connection control | |
| Applicability | 1177.02 |
| Conflicts, severability, nuisances and responsibility | 1177.05 |
| Definitions | 1177.03 |
| Discharge and connection prohibitions | 1177.07 |
| Disclaimer of liability | 1177.04 |
| Enforcement | 1177.09 |
| Monitoring of illicit discharges and illegal connections | 1177.08 |
| Penalty | 1177.99 |
| Purpose and scope | 1177.01 |
| Remedies not exclusive | 1177.10 |
| Responsibility for administration | 1177.06 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Nonconforming uses and lots | |
| Intent | 1173.01 |
| Nonconforming buildings | 1173.03 |
| Nonconforming due to amendments | 1173.07 |
| Nonconforming lots | 1173.02 |
| Nonconforming use of buildings | 1173.04 |
| Nonconforming use of land | 1173.05 |
| Nonconforming utilities | 1173.06 |
| Oil and gas wells | |
| Abandoned wells | 1190.14 |
| Application review | 1190.08 |
| Applications | 1190.04 |
| Brine and waste disposal plan | 1190.05 |
| Definitions | 1190.01 |
| Drilling and production regulations | 1190.12 |
| Effective period of permit; renewal | 1190.16 |
| Fees and deposits | 1190.06 |
| Fire safety; posting | 1190.15 |
| Ingress and egress roads | 1190.10 |
| Inspection and supervision | 1190.09 |
| Modification of existing wells | 1190.13 |
| Penalty | 1190.99 |
| Permit fee | 1190.03 |
| Permit required | 1190.02 |
| Referral to the Planning Commission; permit issuance | 1190.07 |
| Rejection of permit application | 1190.18 |
| Termination of permit; revocation | 1190.17 |
| Testing of water supply | 1190.11 |
| Parking and loading facilities | |
| Application and design | 1183.04 |
| Approval of facilities | 1183.25 |
| Continuation of facilities | 1183.07 |
| Driveways to parking, loading areas and drive-in facilities ... | 1183.17 |
| Illumination of parking, loading and outdoor sales and stor- age areas | 1183.16 |
| Improvements of parking areas and driveways | 1183.15 |
| Intent | 1183.01 |
| Loading facilities | 1183.20 |
| Location of facilities | 1183.08 |
| Measurement units | 1183.03 |
| Modifications of requirements | 1183.06 |
| Schedule of parking requirements | 1183.05 |

CODE INDEX

| | Section |
|--|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Scope of regulations..... | 1183.02 |
| Stacking spaces for drive-thru facilities | 1183.09 |
| Prohibited uses | |
| Prohibitions for all Use Districts..... | 1189.01 |
| Prohibitions for Residential Zoning Districts | 1189.02 |
| Required yards and areas to be maintained | |
| Required lot area to be maintained; exceptions | 1171.11 |
| Required yards to be maintained..... | 1171.12 |
| Side yards of insufficient width | 1171.13 |
| Sign regulation | |
| Abandoned signs..... | 1187.17 |
| Application for permits | 1187.14 |
| Definitions and classifications of signs..... | 1187.03 |
| Deviations from specific sign requirements | 1187.18 |
| Establishing regulations | 1187.02 |
| Exemptions to regulations | 1187.19 |
| Expiration of approvals and permits..... | 1187.21 |
| Intent..... | 1187.01 |
| Location and dimension limitation standards..... | 1187.06 |
| Maintenance and removal of signs..... | 1187.15 |
| Nonconforming signs | 1187.16 |
| Penalty | 1187.99 |
| Permanent sign design standards..... | 1187.05 |
| Permanent sign measurement standards | 1187.04 |
| Prohibited signs | 1187.07 |
| Severability | 1187.20 |
| Signs in Automotive Parking Districts | 1187.12 |
| Signs in Business Districts..... | 1187.09 |
| Signs in Community Facilities Districts..... | 1187.11 |
| Signs in Industrial Districts | 1187.10 |
| Signs in Residential Districts..... | 1187.08 |
| Small wind energy systems and solar energy systems | |
| Climb prevention/locks..... | 1186.08 |
| Definitions | 1186.02 |
| Deviations from specific requirements | 1186.06 |
| Dismantling and removal of solar energy and small wind energy systems..... | 1186.09 |
| Exemptions for solar energy systems and small wind energy systems located on city-owned property..... | 1186.10 |
| Fees..... | 1186.07 |
| General requirements | 1186.04 |
| Intent..... | 1186.01 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Location and use regulations..... | 1186.03 |
| Penalty | 1186.99 |
| Review and recommendation by Planning Commission; ap- proval by City Council | 1186.05 |
| Soil removal, drainage courses, temporary buildings and utilities | |
| Drainage course protection | 1175.03 |
| Erosion, sediment and vegetation control measures | 1175.05 |
| Location of utilities | 1175.09 |
| Soil removal | 1175.01 |
| Temporary buildings and enclosures | 1175.07 |
| Standards and criteria for planned development areas | |
| Application..... | 1179.01 |
| Approval of plans | 1179.10 |
| Development area and density | 1179.04 |
| General site development criteria | 1179.09 |
| Open space requirements..... | 1179.07 |
| Parking, street and circulation requirements | 1179.08 |
| Permitted uses..... | 1179.03 |
| Purpose..... | 1179.02 |
| Regulations for one-family detached dwellings on separately owned parcels | 1179.06 |
| Site development regulations..... | 1179.05 |
| Tree cutting | |
| Bond..... | 1176.05 |
| Definitions | 1176.01 |
| Penalty | 1176.99 |
| Permit application..... | 1176.03 |
| Permit conditions | 1176.04 |
| Permit required..... | 1176.02 |
| Scope and application | |
| Administration of code | |
| Officials and compliance | 1137.01 |
| Establishment of code and map | |
| Annexed territory | 1135.05 |
| District boundary lines..... | 1135.04 |
| Establishment of districts | 1135.01 |
| Establishment of use regulations..... | 1135.02 |
| Establishment of zone map | 1135.03 |
| Intent and application | |
| Interpretation | 1131.04 |
| Purpose and intent | 1131.02 |
| Relation to other laws and covenants | 1131.03 |

CODE INDEX

| | Section |
|--|----------------|
| PLANNING AND ZONING CODE (Cont'd.) | |
| Rules for interpretation..... | 1133.01 |
| Severability | 1131.05 |
| Title | 1131.01 |
| PLUMBING | |
| Building code | |
| Local provisions | |
| Schedule of permit fees, deposits and other charges | 1314.10 |
| POLES AND WIRES | |
| Business regulation code | 713.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Health, safety and sanitation | |
| Stringing wires | 521.06 |
| Traffic code | |
| Vehicles | |
| Operation generally | |
| Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited | 331.46 |
| POLICE DEPARTMENT | |
| Age and residency of original appointees, and other requirements | 140.01 |
| Business regulation code | 711.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Cemeteries | |
| Police powers of Director of Public Service | 913.09 |
| Compliment of Police Department | 140.02 |
| Detective Bureau | 140.03 |
| Disposal of firearms and dangerous ordnances..... | 140.07 |
| Fees for indoor firing range use | 140.05 |
| Fees for prisoner incarceration and feeding | 140.06 |
| Offenses code | |
| Law enforcement and public office | |
| Causing harm to police dogs or horses or assistance dogs | 525.15 |
| Impersonation of peace officer or private policeman | 525.03 |
| Police dispatchers and jailers, requirements | 140.04 |
| Traffic code..... | 303.01 et seq. |
| See: TRAFFIC CODE | |
| POLLUTION | |
| Offenses code | |
| Health, safety and sanitation | |
| Pollution of stream..... | 521.12 |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| POWERS | |
| Cemeteries | |
| Police powers of Director of Public Service | 913.09 |
| Department of human services | |
| Powers and duties of department | 138.04 |
| Municipal facility registration and use review board | |
| Powers and duties of board | 137.02 |
| Recreation commission | |
| Powers and duties | 139.02 |
| PRISONS AND PRISONERS | |
| Police department | |
| Fees for prisoner incarceration and feeding | 140.06 |
| PROCESSIONS. See: PARADES AND PROCESSIONS | |
| PROHIBITED USES | |
| Building code | |
| Local provisions | |
| Television, satellite dish, radio transmitting and receiving antennas, and supporting structures | 1322.11 |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Prohibited uses | |
| Prohibitions for all Use Districts | 1189.01 |
| Prohibitions for Residential Zoning Districts | 1189.02 |
| PROPERTY | |
| Building code | 1303.01 et seq. |
| See: BUILDING CODE | |
| Business regulation code | |
| Master cable television regulations | |
| Abandonment or removal of franchise property | 715.30 |
| Wireless communication antennas and towers | |
| Exemption for city-owned property | 717.11 |
| City property rentals | 911.01 et seq. |
| See: CITY PROPERTY RENTALS | |
| Offenses code | 541.01 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | |
| Administration and enforcement | |
| Planned development areas | |
| Inspection and maintenance of common property | 1195.15 |

CODE INDEX

| | Section |
|---|----------------|
| PROPERTY (Cont'd.) | |
| Regulations applying to all districts | |
| Small wind energy systems and solar energy systems | |
| Exemptions for solar energy systems and small wind energy systems located on city-owned property | 1186.10 |
| Taxation code | |
| Municipal income tax regulations | |
| Amendment to above chapters and enactment of chapter 1531 effective for tax years beginning on or after January 1, 2016 | |
| Rental and leased property | 1531.23 |
| Traffic code | 303.09 et seq. |
| See: TRAFFIC CODE | |
| Trees, hedges and shrubs | |
| Private care of trees on public property | 915.07 |
| Trees, hedges and bushes on private property | 915.10 |
| PROSTITUTION | |
| Offenses code | |
| Obscenity and sex offenses | 533.10 |
| PUBLIC WORKS AND IMPROVEMENTS | |
| Business regulation code | |
| Master cable television regulations | |
| Design and construction requirements; street and other public improvements | 715.18 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |
| Required improvements | |
| Public Improvement Maintenance Fund | 1119.16 |
| PURCHASES AND PURCHASING | |
| Administrative code | 131.01 et seq. |
| See: ADMINISTRATIVE CODE | |
| Building code | |
| Local provisions | |
| Condominiums | |
| Protection of tenants and purchasers | 1343.06 |
| Business regulation code | |
| Master cable television regulations | |
| Purchase by city | 715.09 |
| Department of recreation | |
| Procedures for purchases | 136.05 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| PURCHASES AND PURCHASING (Cont'd.) | |
| Offenses code | |
| Liquor control | |
| Purchase, consumption or possession by minor; misrepresentation | 529.021 |
| Traffic code | |
| Streets and traffic-control devices | |
| Traffic-control devices | |
| Unlawful purchase, possession or sale | 313.10 |

Q

| | |
|---|----------|
| QUALIFICATIONS | |
| Administrative code | |
| Employees generally | 145.02 |
| Judicial | |
| Mayor's court | |
| Qualifications and duties | 161.02 |
| Building code | |
| Local provisions | |
| Design and construction review board | 1327.05 |
| Business regulation code | |
| Helistops | |
| Criteria for qualification of operators | 729.09 |
| Taxicabs | |
| Driver qualifications | 709.05 |
| Fire department | |
| Qualifications of personnel | 141.02 |
| Taxation code | |
| Municipal income tax regulations | |
| Purpose | |
| Qualifying wage | 1503.151 |

R

| | |
|--|----------------|
| RABIES CONTROL | |
| Offenses code | |
| Animals and fowl | |
| Rabies vaccination of dogs and cats required | 505.16 |
| RAILROADS AND TRAINS | |
| Offenses code | 553.01 et seq. |
| See: OFFENSES CODE | |
| Traffic code | |
| Pedestrians, bicycles and motorcycles | |

CODE INDEX

| | Section |
|---|-----------------|
| RAILROADS AND TRAINS (Cont'd.) | |
| Pedestrians | |
| On bridges or railroad crossings | 371.10 |
| RATES. See: FEES, CHARGES AND RATES | |
| RECORDS AND REPORTS | |
| Business regulation code | 702.04 et seq. |
| See: BUSINESS REGULATION CODE | |
| City records commission | 147.01 et seq. |
| See: CITY RECORDS COMMISSION | |
| Offenses code | 516.02 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | 1115.04 et seq. |
| See: PLANNING AND ZONING CODE | |
| Recreation commission | |
| Annual report | 139.04 |
| Taxation code | 1523.07 et seq. |
| See: TAXATION CODE | |
| Traffic code | |
| Pedestrians, bicycles and motorcycles | |
| Snowmobiles and all purpose vehicles | |
| Accident reports | 375.07 |
| RECREATION COMMISSION | |
| Adoption of rules | 139.03 |
| Annual report | 139.04 |
| Members | 139.01 |
| Powers and duties | 139.02 |
| RECREATION CONCESSIONS | |
| Concession stands; procedures and standards | 912.01 |
| RECREATION. See: PARKS AND RECREATION | |
| REFUSE AND OTHER WASTE MATERIAL | |
| Collection and disposal | |
| Collection permit required; exception | 917.02 |
| Disposal of certain materials prohibited | 917.03 |
| Dumping or burial | 917.04 |
| Penalty | 917.99 |
| Refuse defined | 917.01 |
| Refuse originating outside the city | 917.05 |
| Offenses code | 521.15 et seq. |
| See: OFFENSES CODE | |

BRECKSVILLE CODE

| | Section |
|---|-----------------|
| REFUSE AND OTHER WASTE MATERIAL (Cont'd.) | |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Oil and gas wells | |
| Brine and waste disposal plan | 1190.05 |
| REGISTRATION | |
| Building code | 1311.02 et seq. |
| See: BUILDING CODE | |
| Business regulation code | |
| Admissions tax | |
| Certificate of registration; fee and posting | 701.05 |
| Peddlers | |
| "Do Not Knock Registry" | 705.07 |
| Department of human services | |
| Referral to Municipal Facility Registration and Use Review | |
| Board | 138.10 |
| Registration and program fees | 138.06 |
| Department of recreation | |
| Registration fee; use of funds; rules | 136.07 |
| Municipal facility registration and use review board | 137.01 et seq. |
| See: MUNICIPAL FACILITY REGISTRATION AND USE | |
| REVIEW BOARD | |
| Offenses code | |
| Animals and fowl | |
| Registration of dangerous or vicious dogs | 505.21 |
| Obscenity and sex offenses | |
| Sentencing for sexually oriented offenses; sexual predators; | |
| registration | 533.16 |
| Traffic code | |
| Pedestrians, bicycles and motorcycles | |
| Snowmobiles and all purpose vehicles | |
| Registration of vehicles | 375.06 |
| Vehicles | |
| Licensing, accidents | |
| Use of illegal license plates; transfer of registration | 335.11 |
| REMOVAL. See: ABATEMENT | |
| RENTALS | |
| Building code | 1347.01 et seq. |
| See: BUILDING CODE | |
| City property rentals | 911.01 et seq. |
| See: CITY PROPERTY RENTALS | |

CODE INDEX

| | Section |
|---|-----------------|
| RENTALS (Cont'd.) | |
| Taxation code | |
| Municipal income tax regulations | |
| Amendment to above chapters and enactment of chapter 1531 effective for tax years beginning on or after January 1, 2016 | |
| Rental and leased property | 1531.23 |
| Determination of allocation of tax | 1507.04 |
| REPORTS. See: RECORDS AND REPORTS | |
| RESIDENCES, RESIDENTIAL. See: HOUSING | |
| RESIDENTIAL DISTRICTS | |
| Planning and zoning code | 1151.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC. | |
| RETAIL. See: SALES | |
| RETIREMENT. See: PENSIONS AND RETIREMENT | |
| RIGHT-OF-WAYS | |
| Building code | |
| Local provisions | |
| Schedule of permit fees, deposits and other charges | |
| Roadway or right-of-way opening | 1314.06 |
| Business regulation code | 712.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Traffic code | 313.02 et seq. |
| See: TRAFFIC CODE | |
| RUBBISH. See: REFUSE AND OTHER WASTE MATERIAL | |

S

| | |
|--|----------------|
| SAFETY | |
| Building code | |
| Local provisions | |
| Building permit expiration | |
| Expiration for work cessation; safety precautions | 1313.04 |
| Business regulation code | |
| Customer service standards for cable television systems | 716.05 |
| Taxicabs | |
| License required, fee and term; safety inspection; marking cab | 709.02 |
| Offenses code | 521.01 et seq. |
| See: OFFENSES CODE | |

CODE INDEX

| | Section |
|--|-----------------|
| SEPTIC SYSTEMS (Cont'd.) | |
| Local provisions | |
| Point of sale septic system inspection | |
| Point of transfer inspections of septic systems | 1349.01 |
| SETBACKS | |
| Planning and zoning code | |
| Administration and enforcement | |
| Board of zoning appeals | |
| Variances and exceptions relating to dimensions and set-back | 1197.11 |
| SEWERS. See: WATER AND SEWERS | |
| SHRUBBERY. See: TREES, HEDGES AND SHRUBS | |
| SIDEWALKS. See: STREETS AND SIDEWALKS | |
| SIGNS AND BILLBOARDS | |
| Offenses code | |
| Weapons and explosives | |
| Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession | 549.15 |
| Planning and zoning code | 1187.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| Traffic code | |
| Streets and traffic-control devices | |
| Traffic-control devices | |
| Unauthorized signs and signals, hiding from view, advertising | 313.07 |
| Vehicles | |
| Safety and equipment | |
| Sign or poster upon windshield; windshield wiper | 337.22 |
| SMOKING | |
| Offenses code | 515.12 et seq. |
| See: OFFENSES CODE | |
| SNOW AND ICE | |
| Offenses code | |
| Health, safety and sanitation | |
| Snow removal | 521.19 |
| Streets and sidewalks | 910.01 et seq. |
| See: STREETS AND SIDEWALKS | |
| Traffic code | 351.18 et seq. |
| See: TRAFFIC CODE | |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| SNOWMOBILES | |
| Traffic code..... | 375.01 et seq. |
| See: TRAFFIC CODE | |
| SOIL EROSION AND SEDIMENTATION CONTROL | |
| Building code..... | 1331.01 et seq. |
| See: BUILDING CODE | |
| Planning and zoning code..... | 1175.01 et seq. |
| See: PLANNING AND ZONING CODE | |
| SOLICITORS. See: PEDDLERS, CANVASSERS AND SOLICITORS | |
| SOLID WASTE. See: REFUSE AND OTHER WASTE MATERIAL | |
| SOUND. See: NOISE | |
| STEALING, STOLEN PROPERTY | |
| Offenses code | |
| Theft and fraud | |
| Receiving stolen property | 545.18 |
| STORAGE | |
| Building code..... | 1320.01 et seq. |
| See: BUILDING CODE | |
| Department of recreation | |
| Inventory and storage of equipment..... | 136.06 |
| Offenses code..... | 515.08 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | |
| Regulations applying to all districts | |
| Parking and loading facilities | |
| Illumination of parking, loading and outdoor sales and storage areas | 1183.16 |
| STREETS AND SIDEWALKS | |
| Building code | |
| Local provisions | |
| Schedule of permit fees, deposits and other charges | |
| Sidewalk permit fee and deposit | 1314.16 |
| Business regulation code | |
| Master cable television regulations | |
| Design and construction requirements; street and other public improvements | 715.18 |
| Taxicabs | |
| Street parking | 709.12 |

CODE INDEX

| | Section |
|--|-----------------|
| STREETS AND SIDEWALKS (Cont'd.) | |
| Echo-Snowville sanitary sewer district | |
| Additional assessments and charges | 910.06 |
| Completion date | 910.03 |
| District established; map | 910.01 |
| Echo-Snowville Sanitary Sewer District Fund | 910.05 |
| Necessity of connection charges | 910.02 |
| Sanitary sewer connection permit; charges | 910.04 |
| Unlawful connection | 910.07 |
| Highland-Boston water and sewer district | |
| Additional assessments and charges | 907.07 |
| Completion date | 907.03 |
| District established; map | 907.01 |
| Highland-Boston Water and Sewer District fund | 907.06 |
| Necessity of connection charges | 907.02 |
| Sanitary sewer connection permit; charges | 907.05 |
| Unlawful connection | 907.08 |
| Water line connection permit; charges | 907.04 |
| Offenses code | 553.01 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code | 1113.21 et seq. |
| See: PLANNING AND ZONING CODE | |
| Sanitary sewers | |
| Maintenance and repair of sanitary sewer; notice | 903.02 |
| Penalty | 903.99 |
| Sanitary sewer connections required; abandoned sewage disposal equipment | 903.01 |
| Sewer design and construction standards | 903.03 |
| Street openings | |
| Application; fee and cash deposit | 901.02 |
| Barricades and warning lights | 901.06 |
| Driveway aprons | 901.07 |
| Method of fill | 901.05 |
| Penalty | 901.99 |
| Permit required; exception | 901.01 |
| Tunneling consent | 901.04 |
| Work done by city; refund or payment due | 901.03 |
| Traffic code | 311.01 et seq. |
| See: TRAFFIC CODE | |
| Trees, hedges and shrubs | |
| Master Street Tree Plan | 915.08 |
| Water regulations | |
| Parkview Drive water main tap fee | 905.01 |

BRECKSVILLE CODE

| | Section |
|---|---------|
| STREETS AND SIDEWALKS (Cont'd.) | |
| Penalty | 905.99 |
| Water use emergencies | 905.02 |
| Whitewood-Hilton sanitary sewer district | |
| Additional assessments and charges | 909.06 |
| Completion date | 909.03 |
| District established; map | 909.01 |
| Necessity of connection charges | 909.02 |
| Sanitary sewer connection permit; charges | 909.04 |
| Unlawful connection | 909.07 |
| Whitewood-Hilton Sanitary Sewer District Fund | 909.05 |

STRUCTURES. See: BUILDING CODE

SUBDIVISIONS

| | |
|---------------------------------------|-----------------|
| Building code | |
| Local provisions | |
| Flood hazards | |
| Review of subdivision proposals | 1316.03 |
| Planning and zoning code | 1101.02 et seq. |
| See: PLANNING AND ZONING CODE | |

SURETY BONDS. See: BONDS, SURETY OR PERFORMANCE

SWIMMING POOLS

| | |
|---------------------|-----------------|
| Building code | 1314.04 et seq. |
| See: BUILDING CODE | |

T

TAXATION CODE

| | |
|---|----------------|
| Building code | |
| Local provisions | |
| Registering contractors | |
| Registration with income tax administrator | 1311.07 |
| Business regulation code | 701.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Municipal income tax regulations | |
| Amendment to above chapters and enactment of chapter 1531 effective for tax years beginning on or after January 1, 2016 | |
| Administration of claims | 1531.15 |
| Adoption of RITA Rules and Regulations | 1531.26 |
| Amended returns | 1531.11 |
| Annual return; filing | 1531.05 |
| Audits | 1531.13 |
| Authority of Tax Administrator; verification of information | 1531.19 |

CODE INDEX

| | Section |
|---|---------|
| TAXATION CODE (Cont'd.) | |
| Authority to create Rules and Regulations | 1531.22 |
| Authority to levy tax; purpose of tax | 1531.01 |
| Board of Tax Review | 1531.21 |
| Collection at source | 1531.04 |
| Collection of tax after termination of chapter | 1531.25 |
| Credit for tax paid to other municipalities | 1531.06 |
| Definitions | 1531.02 |
| Election to be subject to ORC 718.80 to 718.95..... | 1531.27 |
| Estimated taxes | 1531.07 |
| Fraud | 1531.17 |
| Imposition of tax..... | 1531.03 |
| Interest and penalties..... | 1531.18 |
| Limitations | 1531.12 |
| Rental and leased property..... | 1531.23 |
| Request for opinion of the Tax Administrator..... | 1531.20 |
| Requests for refunds..... | 1531.09 |
| Rounding of amounts..... | 1531.08 |
| Savings clause | 1531.24 |
| Second municipality imposing tax after time period allowed for refund..... | 1531.10 |
| Service of assessment..... | 1531.14 |
| Tax information confidential..... | 1531.16 |
| Violations; penalties..... | 1531.99 |
| Board of review | |
| Board of Review established | 1525.01 |
| Duty to approve regulations and to hear appeals | 1525.02 |
| Right of appeal..... | 1525.03 |
| Collection of unpaid taxes and refunds of overpayments | |
| Amounts of less than one dollar | 1517.03 |
| Refunds of taxes erroneously paid | 1517.02 |
| Unpaid taxes recoverable as other debts | 1517.01 |
| Determination of allocation of tax | |
| Method of determination | 1507.01 |
| Operating loss—Carry forward | 1507.05 |
| Rentals | 1507.04 |
| Sales made in the city | 1507.02 |
| Total allocation..... | 1507.03 |
| Disbursement of receipts of tax collection | |
| Disbursement of funds collected | 1521.01 |
| Duties and authority of the administrator | |
| Authority to arrange installment payments | 1523.04 |
| Authority to compel productions of records..... | 1523.07 |

BRECKSVILLE CODE

| | Section |
|--|----------|
| TAXATION CODE (Cont'd.) | |
| Authority to contract for central collection facilities..... | 1523.11 |
| Authority to determine amount of tax due | 1523.05 |
| Authority to enter agreement with other municipal corpora- tion | 1523.12 |
| Authority to make and enforce regulations; adoption of rules and regulations of the Regional Income Tax Agency | 1523.03 |
| Authority to make investigations..... | 1523.06 |
| Confidential nature of information obtained | 1523.09 |
| Duty to enforce collection..... | 1523.02 |
| Duty to receive tax imposed..... | 1523.01 |
| Refusal to produce records..... | 1523.08 |
| Taxpayer required to retain records | 1523.10 |
| Exemptions | |
| Sources of income not taxed | 1509.01 |
| Imposition of income tax | |
| Effective period..... | 1505.02 |
| Rate and income taxable | 1505.01 |
| Interest and penalties | |
| Abatement of interest and penalty | 1515.04 |
| Exceptions..... | 1515.03 |
| Failure to procure forms not excuse..... | 1515.07 |
| Interest on unpaid tax..... | 1515.01 |
| Limitation on prosecution..... | 1515.06 |
| Penalties on unpaid tax | 1515.02 |
| Violations | 1515.05 |
| Other provisions | |
| Collection of tax after termination of title..... | 1527.02 |
| Declaration of legislative intent | 1527.01 |
| Payment of tax | |
| Annual return | 1513.07 |
| Collection at source | 1513.02 |
| Declaration of income | 1513.03 |
| Extensions..... | 1513.08 |
| Filing of declaration | 1513.04 |
| Form of declaration..... | 1513.05 |
| Payment of tax on filing of returns | 1513.01 |
| Payment to accompany declaration | 1513.06 |
| Purpose | |
| Adjusted federal taxable income | 1503.02 |
| Administrator | 1503.021 |
| Association..... | 1503.03 |
| Board of Review | 1503.04 |

CODE INDEX

| | Section |
|--|----------------|
| TAXATION CODE (Cont'd.) | |
| Business | 1503.05 |
| Corporation | 1503.06 |
| Definitions | 1503.01 |
| Employee | 1503.07 |
| Employer; manager | 1503.08 |
| Fiscal year | 1503.09 |
| Fundamental change | 1503.091 |
| Generic form | 1503.10 |
| Gross receipts | 1503.101 |
| Net profits | 1503.11 |
| Nonresident unincorporated business entity | 1503.13 |
| Nonresident | 1503.12 |
| Pension | 1503.131 |
| Person | 1503.14 |
| Place of business | 1503.15 |
| Purpose of levy of income tax | 1501.01 |
| Qualifying wage | 1503.151 |
| Resident unincorporated business entity | 1503.17 |
| Resident | 1503.16 |
| Taxable income | 1503.18 |
| Taxable year | 1503.19 |
| Taxpayer | 1503.20 |
| Returns | |
| Amended returns | 1511.05 |
| Consolidated returns | 1511.04 |
| Extension of times for filing returns | 1511.03 |
| Form and content of return | 1511.02 |
| When return required to be made | 1511.01 |
| Tax administrator | |
| Duties | 1529.02 |
| Establishment, appointment and term | 1529.01 |
| Tax credit | |
| Reserved | 1519.01 |
| Tax credit | 1519.02 |
| Traffic code | |
| Vehicles | |
| Motor transportation companies | |
| Display of tax card or equivalent | 347.02 |
| TAXICABS | |
| Business regulation code | 709.01 et seq. |
| See: BUSINESS REGULATION CODE | |

BRECKSVILLE CODE

| | Section |
|--|-----------------|
| TAXICABS (Cont'd.) | |
| Traffic code | |
| Parking | |
| Parking generally | |
| Bus stops and taxicab stands | 351.10 |
| TELECOMMUNICATIONS | |
| Business regulation code | 712.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| Offenses code | |
| Offenses against persons | |
| Telecommunications harassment | 537.10 |
| TOBACCO AND TOBACCO PRODUCTS | |
| Offenses code | |
| Offenses against persons | |
| Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans | 537.16 |
| TOWERS AND ANTENNAS | |
| Building code | 1314.05 et seq. |
| See: BUILDING CODE | |
| Business regulation code | 717.01 et seq. |
| See: BUSINESS REGULATION CODE | |
| TRAFFIC CODE | |
| Administration | |
| Definitions | 301.01—301.52 |
| Enforcement, impounding and penalty | |
| Application to drivers of government vehicles | 303.07 |
| Application to persons riding, driving animals upon roadway | 303.05 |
| Compliance with lawful order of police officer; fleeing | 303.01 |
| Freeway use prohibited by pedestrians, bicycles and animals | 303.06 |
| General Traffic Code penalties | 303.99 |
| Impounding of vehicles; redemption | 303.08 |
| Leaving junk and other vehicles on private or public property without permission or notification | 303.09 |
| Leaving junk vehicles on private property with permission of owner | 303.10 |
| Officer may remove ignition key | 303.03 |
| Road workers, motor vehicles and equipment excepted | 303.04 |
| Traffic direction in emergencies; obedience to school guard .. | 303.02 |
| Traffic control | |
| Placement of traffic-control devices | 305.01 |

CODE INDEX

| | Section |
|--|-----------------|
| TRAFFIC CODE (Cont'd.) | |
| Building code..... | 1321.01 et seq. |
| See: BUILDING CODE | |
| Business regulation code | |
| Taxicabs | |
| Driver qualifications | 709.05 |
| Offenses code..... | 513.02 et seq. |
| See: OFFENSES CODE | |
| Parking | |
| Municipal lot regulations | |
| Penalty and impounding | 353.99 |
| Permit issuance and term..... | 353.02 |
| Posting signs..... | 353.03 |
| Use restrictions..... | 353.01 |
| Parking generally | |
| Bus stops and taxicab stands | 351.10 |
| City Hall parking restrictions | 351.17 |
| Extended parking prohibited..... | 351.20 |
| Fire lanes | 351.13 |
| Manner of angle parking..... | 351.05 |
| Opening vehicle door on traffic side..... | 351.08 |
| Parking commercial vehicles in residential area..... | 351.21 |
| Parking in alleys and narrow streets; exceptions | 351.11 |
| Parking near curb; parking locations on public and private lots and garages for persons with disabilities | 351.04 |
| Parking on center strip; off-paved portion where practicable . | 351.15 |
| Parking on posted private property | 351.19 |
| Penalty and waiver | 351.99 |
| Police may remove unattended vehicle which obstructs traffic | 351.01 |
| Prohibited standing or parking places | 351.03 |
| Prohibition against parking on streets or highways | 351.12 |
| Registered owner prima facie liable for unlawful parking..... | 351.02 |
| Selling, washing or repairing vehicle upon roadway | 351.06 |
| Snow emergency parking ban | 351.18 |
| Specific prohibited parking areas | 351.14 |
| Truck loading zones | 351.09 |
| Two-hour parking limit in business area | 351.16 |
| Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels..... | 351.07 |
| Pedestrians, bicycles and motorcycles | |
| Bicycles and motorcycles | |
| Attaching bicycle or sled to vehicle | 373.03 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| TRAFFIC CODE (Cont'd.) | |
| Bicycle, roller skate, roller blade & skateboard safety equipment | 373.12 |
| Code application to bicycles | 373.01 |
| Electric bicycles | 373.13 |
| Impounding | 373.10 |
| Lights and reflector on bicycle; brakes | 373.06 |
| Motorized bicycle operation, equipment and license | 373.11 |
| Parking of bicycle | 373.09 |
| Penalty | 373.99 |
| Reckless operation; control, course and speed | 373.08 |
| Riding bicycle on right side of roadway; obedience to traffic rules; passing | 373.07 |
| Riding bicycles and motorcycles abreast | 373.04 |
| Riding upon seats; handle bars; helmets and glasses | 373.02 |
| Signal device on bicycle | 373.05 |
| Pedestrians | |
| Crossing roadway outside crosswalk; diagonal crossings at intersections | 371.03 |
| Jogging, running and walking along highways | 371.05 |
| Low-speed micromobility devices | 371.14 |
| Moving upon right half of crosswalk | 371.04 |
| On bridges or railroad crossings | 371.10 |
| Operation of electric personal assistive mobility devices | 371.12 |
| Operation of personal delivery device on sidewalks and crosswalks | 371.13 |
| Penalty | 371.99 |
| Persons operating motorized wheelchairs | 371.11 |
| Right-of-way in crosswalk | 371.01 |
| Right-of-way of blind person | 371.02 |
| Right-of-way on sidewalk | 371.07 |
| Use of highway for soliciting; riding on outside of vehicles | 371.06 |
| Walking on highway while under the influence | 371.09 |
| Yielding to public safety vehicle | 371.08 |
| Snowmobiles and all purpose vehicles | |
| Accident reports | 375.07 |
| Code application; prohibited operation | 375.03 |
| Definitions | 375.01 |
| Equipment | 375.02 |
| Licensing requirements of operator | 375.05 |
| Penalty | 375.99 |
| Permitted operation | 375.04 |
| Registration of vehicles | 375.06 |

CODE INDEX

| | Section |
|---|-----------------|
| TRAFFIC CODE (Cont'd.) | |
| Planning and zoning code | 1119.09 et seq. |
| See: PLANNING AND ZONING CODE | |
| Streets and sidewalks | |
| Street openings | |
| Driveway aprons | 901.07 |
| Water regulations | |
| Parkview Drive water main tap fee | 905.01 |
| Streets and traffic-control devices | |
| Street obstructions and special uses | |
| Games on streets | 311.05 |
| Impeding or obstructing traffic | 311.06 |
| Parades and assemblages | 311.02 |
| Penalty | 311.99 |
| Placing injurious material or obstruction in street | 311.01 |
| Toy vehicles on streets; parental responsibility | 311.03 |
| Zones of quiet | 311.04 |
| Traffic-control devices | |
| Alteration, injury, removal of traffic-control devices | 313.08 |
| Driver's duties upon approaching ambiguous or nonworking traffic signal | 313.09 |
| Lane-use control signals over individual lanes | 313.04 |
| Obedience to traffic-control devices | 313.01 |
| Pedestrian control signals | 313.05 |
| Penalty | 313.99 |
| Police governing erection of permanent traffic signals | 313.11 |
| Signal preemption devices; prohibitions | 313.12 |
| Through streets; stop and yield right-of-way signs | 313.02 |
| Traffic-control signal terms and lights | 313.03 |
| Unauthorized signs and signals, hiding from view, advertising | 313.07 |
| Unlawful purchase, possession or sale | 313.10 |
| Vehicles | |
| Commercial and heavy vehicles | |
| Definitions | 339.03 |
| Loads dropping or leaking; removal required; tracking mud . | 339.14 |
| Maximum axle load, wheel load, gross weights and towing connection length for pneumatic tired vehicles | 339.06 |
| Maximum axle load, wheel load, gross weights and towing connection length for solid rubber tires | 339.061 |
| Maximum width, height and length | 339.07 |
| Notice of arrest | 339.20 |
| Operation of vehicles, apparatus in excess of prescribed weights | 339.04 |
| Penalty | 339.99 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| TRAFFIC CODE (Cont'd.) | |
| Route and load information..... | 339.12 |
| Shifting load; loose loads..... | 339.15 |
| Special permits for vehicles..... | 339.01 |
| Statement of gross vehicle weight; fraudulent bills of lading . | 339.16 |
| Through truck traffic prohibited on certain streets | 339.08 |
| Towing requirements; exception to size and weight restrictions | 339.11 |
| Truck no passing zone..... | 339.19 |
| Use of studded tires and chains | 339.171 |
| Vehicles transporting explosives..... | 339.10 |
| Vehicles with spikes, lugs and chains | 339.17 |
| Warning devices required; display when disabled | 339.18 |
| Weighing vehicle; removal of excess load | 339.13 |
| Weight exceptions for certain vehicles..... | 339.21 |
| Weight of load; width of tire..... | 339.05 |
| Weight reduction during thaws..... | 339.02 |
| Wheel protectors | 339.09 |
| Drivers of commercial cars or tractors | |
| Definitions | 341.01 |
| Penalty | 341.99 |
| Permitting or driving while fatigued or ill prohibited | 341.02 |
| Intoxication, reckless operation, speed | |
| Assemblage for races in Residence Districts prohibited..... | 333.08 |
| Driving or physical control while under the influence; evidence | 333.01 |
| Immobilizing or disabling device violation..... | 333.023 |
| Maximum speed limits; assured clear distance ahead | 333.03 |
| Operation in willful or wanton disregard of safety..... | 333.021 |
| Operation restricted for mini-trucks and low-speed, under- speed, or utility vehicles | 333.10 |
| Operation without reasonable control | 333.09 |
| Penalty | 333.99 |
| Physical control of vehicle while under the influence | 333.022 |
| Slow speed; posted minimum speeds | 333.04 |
| Speed exceptions for emergency or safety vehicles | 333.06 |
| Speed limitations over bridges..... | 333.05 |
| Street racing prohibited | 333.07 |
| Licensing, accidents | |
| Certain acts prohibited..... | 335.04 |
| Display of license plates; expired or unlawful plates | 335.09 |
| Display of license | 335.06 |
| Driver's license or commercial driver's license required | 335.01 |

CODE INDEX

| | Section |
|--|---------|
| TRAFFIC CODE (Cont'd.) | |
| Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension | 335.074 |
| Driving under OVI suspension | 335.073 |
| Driving under suspension or in violation of license restriction | 335.071 |
| Driving with temporary instruction permit without licensed driver | 335.03 |
| Failure to reinstate license | 335.075 |
| Failure to stop after accident | 335.12 |
| License plates to be unobstructed | 335.10 |
| Operating motor vehicle or motorcycle without valid license | 335.072 |
| Operation or sale without certificate of title | 335.08 |
| Owner or operator allowing another to drive | 335.05 |
| Penalty | 335.99 |
| Possession of more than one license prohibited | 335.02 |
| Removal of vehicles after accidents | 335.15 |
| Stopping after accident on other than public roads or highways | 335.13 |
| Use of illegal license plates; transfer of registration | 335.11 |
| Vehicle accident resulting in damage to realty | 335.14 |
| Motor transportation companies | |
| Certificate of necessity required | 347.05 |
| Compliance with state Public Utilities Commission rules | 347.01 |
| Display of tax card or equivalent | 347.02 |
| Liability insurance or bond | 347.04 |
| Log book; safety equipment | 347.07 |
| Penalty | 347.99 |
| Route | 347.03 |
| Vehicle identification | 347.08 |
| Vehicle markings required | 347.06 |
| Operation generally | |
| "U" turns restricted | 331.12 |
| Additional restrictions on driving upon left side of roadway | 331.06 |
| Driver's view and control to be unobstructed by load or persons | 331.25 |
| Driving across grade crossing | 331.39 |
| Driving in marked lanes or continuous lines of traffic | 331.08 |
| Driving onto roadway from place other than roadway: duty to yield | 331.22 |
| Driving onto roadway from place other than roadway: stopping at sidewalk | 331.23 |
| Driving over fire hose | 331.28 |

BRECKSVILLE CODE

| | Section |
|--|---------|
| TRAFFIC CODE (Cont'd.) | |
| Driving through safety zone..... | 331.29 |
| Driving upon divided roadways..... | 331.31 |
| Driving upon right side of roadway; exceptions..... | 331.01 |
| Driving upon sidewalks, street lawns or curbs..... | 331.37 |
| Driving upon street posted as closed for repair..... | 331.26 |
| Emergency or public safety vehicles at stop signals or signs .. | 331.20 |
| Entering and exiting controlled-access highway..... | 331.32 |
| Evasion of traffic-control signal or device..... | 331.42 |
| Failure to control; weaving course..... | 331.34 |
| Following and parking near emergency or safety vehicles; approaching stationary public safety vehicle and certain other vehicles with caution..... | 331.27 |
| Following too closely..... | 331.09 |
| Hand and arm signals..... | 331.15 |
| Hazardous or no passing zones..... | 331.07 |
| Littering from motor vehicle..... | 331.43 |
| Obstructing intersection, crosswalk or grade crossing..... | 331.33 |
| Occupying a moving trailer or manufactured home..... | 331.35 |
| One-way streets and rotary traffic islands..... | 331.30 |
| Operation of vehicle at stop signs..... | 331.19 |
| Operation of vehicle at yield signs..... | 331.18 |
| Overtaking and passing upon right..... | 331.04 |
| Overtaking, passing to left of center..... | 331.05 |
| Overtaking, passing to left; driver's duties..... | 331.03 |
| Passing to right when proceeding in opposite directions..... | 331.02 |
| Penalty..... | 331.99 |
| Right-of-way at intersections..... | 331.16 |
| Right-of-way of funeral procession..... | 331.24 |
| Right-of-way of public safety vehicle..... | 331.21 |
| Right-of-way when turning left..... | 331.17 |
| Signals before changing course, turning or stopping..... | 331.14 |
| Slow-moving vehicles on freeways..... | 331.41 |
| Squealing tires, "peeling," cracking exhaust noises..... | 331.36 |
| Starting and backing vehicles..... | 331.13 |
| Stopping at grade crossing..... | 331.40 |
| Stopping for school bus; discharging children..... | 331.38 |
| Texting while driving prohibited..... | 331.45 |
| Turning at intersections..... | 331.10 |
| Turning into private driveway, alley or building..... | 331.11 |
| Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited..... | 331.46 |
| Wearing earplugs or earphones prohibited..... | 331.44 |

CODE INDEX

| | Section |
|---|---------|
| TRAFFIC CODE (Cont'd.) | |
| Safety and equipment | |
| Air bags | 337.31 |
| Air cleaner required | 337.25 |
| Bumper heights | 337.29 |
| Child restraint system usage; exceptions, dismissal and penalty | 337.26 |
| Cowl, fender and back-up lights | 337.12 |
| Display of lighted lights | 337.13 |
| Drivers and passengers required to wear occupant restraining devices; penalty | 337.27 |
| Driving unsafe vehicles | 337.01 |
| Focus and aim of headlights | 337.17 |
| Headlights on motor vehicles and motorcycles | 337.03 |
| Horn, siren and theft alarm signal | 337.19 |
| Lighted lights; measurement of distances and heights | 337.02 |
| Lights of less intensity on slow-moving vehicles | 337.15 |
| Lights on parked or stopped vehicles | 337.09 |
| Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles | 337.10 |
| Limited load extension on left side of passenger vehicle | 337.23 |
| Motor vehicle and motorcycle brakes | 337.18 |
| Motor vehicle stop lights | 337.24 |
| Muffler; muffler cutout; excessive smoke, gas or noise | 337.20 |
| Number of lights; limitations on flashing, oscillating or rotating lights | 337.16 |
| Obscured lights on vehicles in combination | 337.07 |
| Penalty | 337.99 |
| Rear red reflectors | 337.05 |
| Rear-view mirror; clear view to front, both sides and rear | 337.21 |
| Red light or red flag on extended loads | 337.08 |
| Safety inspection decals for buses | 337.30 |
| Safety lighting on commercial vehicles | 337.06 |
| Sign or poster upon windshield; windshield wiper | 337.22 |
| Spotlight and auxiliary lights | 337.11 |
| Tail light; illumination of rear license plate | 337.04 |
| Use of headlight beams | 337.14 |
| Use of sunscreening, nontransparent and reflectorized materials | 337.28 |
| School buses | |
| Bus not used for school purposes | 343.03 |
| Inspection decal required | 343.02 |

BRECKSVILLE CODE

| | Section |
|--|----------------|
| TRAFFIC CODE (Cont'd.) | |
| Location of school bus stops..... | 343.05 |
| Penalty | 343.99 |
| Required coloring and marking..... | 343.04 |
| Violation of state regulations | 343.01 |
| TRAINS. See: RAILROADS AND TRAINS | |
| TRANSPORTATION. See: TRAFFIC CODE | |
| TRASH. See: REFUSE AND OTHER WASTE MATERIAL | |
| TREES, HEDGES AND SHRUBS | |
| Applicability..... | 915.03 |
| Business regulation code | |
| Master cable television regulations | |
| Trimming of trees | 715.20 |
| Definitions | 915.02 |
| Exemptions..... | 915.04 |
| Master Street Tree Plan | 915.08 |
| Offenses code | |
| Property offenses | |
| Destruction of shrubs, trees or crops..... | 541.06 |
| Penalty | 915.99 |
| Permitted and prohibited trees | 915.09 |
| Planning and zoning code | |
| Land planning and subdivision regulations | |
| Required improvements | |
| Street trees | 1119.11 |
| Private care of trees on public property | 915.07 |
| Prohibited practices | 915.11 |
| Purpose..... | 915.01 |
| Tree Savings Plan..... | 915.05 |
| Tree Warden..... | 915.06 |
| Trees, hedges and bushes on private property | 915.10 |
| TRESPASSING | |
| Offenses code..... | 511.06 et seq. |
| See: OFFENSES CODE | |
| TRUCKS AND TRAILERS | |
| Planning and zoning code | |
| Land planning and subdivision regulations | |
| Title; purpose | |
| Trailers..... | 1113.23 |

CODE INDEX

Section

TRUCKS AND TRAILERS (Cont'd.)

Traffic code..... 333.10 et seq.
 See: TRAFFIC CODE

U

UTILITIES

Offenses code
 Theft and fraud
 Tampering with and theft of utilities..... 545.20
 Planning and zoning code..... 1173.06 et seq.
 See: PLANNING AND ZONING CODE
 Traffic code
 Vehicles
 Motor transportation companies
 Compliance with state Public Utilities Commission rules .. 347.01

V

VARIANCES

Planning and zoning code..... 1113.25 et seq.
 See: PLANNING AND ZONING CODE

VEGETATION

Offenses code
 Property offenses
 Destruction of shrubs, trees or crops..... 541.06
 Planning and zoning code
 Regulations applying to all districts
 Soil removal, drainage courses, temporary buildings and util-
 ities
 Erosion, sediment and vegetation control measures..... 1175.05
 Trees, hedges and shrubs 915.01 et seq.
 See: TREES, HEDGES AND SHRUBS

VEHICLES. See: TRAFFIC CODE

VOLUNTEER FIREMEN'S DEPENDENTS FUND

Annual payments to State Treasurer 143.03
 Composition of board 143.02
 Creation and administration 143.01

VOTING. See: ELECTIONS

W

WALLS. See: FENCES, WALLS, HEDGES AND ENCLOSURES

BRECKSVILLE CODE

| | Section |
|-------------------------------|-----------------|
| WATER AND SEWERS | |
| Building code..... | 1316.04 et seq. |
| See: BUILDING CODE | |
| Offenses code..... | 521.08 et seq. |
| See: OFFENSES CODE | |
| Planning and zoning code..... | 1119.06 et seq. |
| See: PLANNING AND ZONING CODE | |
| Streets and sidewalks..... | 905.01 et seq. |
| See: STREETS AND SIDEWALKS | |

WEAPONS. See: FIREARMS AND WEAPONS

WEIGHTS AND MEASURES

| | |
|---|----------------|
| Planning and zoning code | |
| Regulations applying to all districts | |
| Parking and loading facilities | |
| Measurement units | 1183.03 |
| Sign regulation | |
| Permanent sign measurement standards..... | 1187.04 |
| Traffic code..... | 339.02 et seq. |
| See: TRAFFIC CODE | |

WIRES. See: POLES AND WIRES

Y

YARDS AND OPEN SPACES

| | |
|-------------------------------|-----------------|
| Planning and zoning code..... | 1113.12 et seq. |
| See: PLANNING AND ZONING CODE | |

Z

ZONING. See: PLANNING AND ZONING CODE

ORDINANCE RECORD

COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5711

AN ORDINANCE AMENDING ORDINANCE NO. 5668 AS IT RELATES TO EMPLOYEE COMPENSATION; AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Ordinance No. 5668 be amended to read as follows:

A. FULL TIME JOBS

**EFFECTIVE
06/04/2024
SALARY RANGE**

| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|--|-----------------------|------------------------|
| <u>Executive, Administrative and Management</u> | | |
| Building Commissioner or Building Official | \$85,000.00/year | 130,000.00/year |
| Director of Finance | 85,000.00/year | 130,000.00/year |
| Director of Human Services | 85,000.00/year | 130,000.00/year |
| Director of Planning & Community Development | 85,000.00/year | 130,000.00/year |
| Director of Public Service | 85,000.00/year | 130,000.00/year |
| Director of Purchasing | 85,000.00/year | 130,000.00/year |
| Director of Recreation | 85,000.00/year | 130,000.00/year |
| Fire Chief | 85,000.00/year | 130,000.00/year |
| <u>Fire Chief Trainee</u> | 85,000.00/year | 130,000.00/year |
| Police Chief | 85,000.00/year | 130,000.00/year |
| Prosecutor | 85,000.00/year | 130,000.00/year |
| | | |
| Administrative Assistant | 55,000.00/year | 97,000.00/year |
| Assistant Building Commissioner | 55,000.00/year | 97,000.00/year |
| Assistant Director of Finance | 55,000.00/year | 97,000.00/year |
| Assistant Purchasing Director | 55,000.00/year | 97,000.00/year |
| Athletics/Facility Coordinator | 55,000.00/year | 97,000.00/year |
| AV/Technology and Communications Technician | 55,000.00/year | 97,000.00/year |
| Building Inspectors | 55,000.00/year | 97,000.00/year |
| Clerk of Council | 55,000.00/year | 97,000.00/year |
| Clerk of Courts | 55,000.00/year | 97,000.00/year |
| Supervisor of Payroll – Personnel | 55,000.00/year | 97,000.00/year |
| Payroll Supervisor | 55,000.00/year | 97,000.00/year |
| Visual Communications Coordinator | 55,000.00/year | 97,000.00/year |
| | | |
| Animal Warden | 40,000.00/year | 73,000.00/year |
| Aquatics Administrative Coordinator | 40,000.00/year | 73,000.00/year |
| Aquatics Facilities Coordinator | 40,000.00/year | 73,000.00/year |
| Building Maintenance and Housekeeping/Supervisor | 40,000.00/year | 73,000.00/year |
| Field House Coordinator | 40,000.00/year | 73,000.00/year |
| Financial/Customer Service Clerk Recreation | 40,000.00/year | 73,000.00/year |
| Fitness Center Coordinator/Recreation | 40,000.00/year | 73,000.00/year |
| Planning and Zoning Coordinator/Inspector | 40,000.00/year | 73,000.00/year |
| Records Clerk-Police | 40,000.00/year | 73,000.00/year |
| Recreation Clerk | 40,000.00/year | 73,000.00/year |
| Food Service Operations Manager | 40,000.00/year | 73,000.00/year |
| | | |
| Administrative Assistant to Fire Chief | 30,000.00/year | 63,000.00/year |
| Building Supervisor – Recreation | 30,000.00/year | 63,000.00/year |
| Fitness Assistant | 30,000.00/year | 63,000.00/year |
| Receptionist | 30,000.00/year | 63,000.00/year |
| Secretary-Clerks | 30,000.00/year | 63,000.00/year |
| Senior Life Guard Instructor | 30,000.00/year | 63,000.00/year |

ORDINANCE RECORD

COUNCIL OF THE CITY OF BRECKSVILLE

5711

Ordinance No. _____

B. PART TIME JOBS

**EFFECTIVE
12/17/2023
SALARY RANGE**

| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|---|---------------------------------|------------------|
| Economic Development Director | \$40,000.00/year | \$45,000.00/year |
| Planning and Zoning Coordinator | \$20.00/hour | \$40.00/hour |
| Electric, Plumbing and Building Inspectors (Effective 12/04/22) | 20.00/hour | 40.00/hour |
| Kitchen Supervisor | 15.00/hour | 25.00/hour |
| Assistant Animal Warden | State/Federal Minimum Wage/hour | 19.00/hour |
| Telephone Receptionists | State/Federal Minimum Wage/hour | 18.00/hour |
| Kitchen Aides | State/Federal Minimum Wage/hour | 16.75/hour |
| Deputy Clerk of Courts | 10.00/hour | 25.00/hour |
| Property Maintenance Inspector | 15.00/hour | 30.00/hour |
| Program Coordinator | 20.00/hour | 35.00/hour |

C. SPECIAL JOBS

| | | |
|----------------------------------|---------------------------------|---------------|
| Recording Secretary-Boards | | |
| Commissions | State/Federal Minimum Wage/hour | \$24.00/hour |
| Desk Clerks – Recreation | State/Federal Minimum Wage/hour | 18.00/hour |
| Life Guards – Recreation | State/Federal Minimum Wage/hour | 18.00/hour |
| Program-Supervisors/Recreation | State/Federal Minimum Wage/hour | 18.00/hour |
| Recreational Employees | State/Federal Minimum Wage/hour | 18.00/hour |
| Mayor’s Court Magistrates | \$350.00/diem | \$350.00/diem |
| Safety Town Teacher | \$150.00/diem | \$150.00/diem |
| Clerk | State/Federal Minimum Wage/hour | 18.00/hour |
| Information Technology Assistant | State/Federal Minimum Wage/hour | 24.00/hour |

D. CONTRACTUAL JOBS

| | |
|--------------------------|---------------------------------------|
| Law Director | Shall be paid as provided by Council. |
| Consulting Engineer | Shall be paid as provided by Council. |
| City Architect | Shall be paid as provided by Council. |
| Income Tax Administrator | Shall be paid as provided by Council. |

E. SPECIAL AND SEASONAL EMPLOYEES OF THE RECREATION COMMISSION:

Shall be paid in accordance with a schedule determined by Council on an annual basis.

POLICE DEPARTMENT

A. Full Time Personnel

**EFFECTIVE
12/17/2023**

| | |
|------------|-------------------|
| Lieutenant | \$109,495.36/year |
|------------|-------------------|

B. Part Time Personnel

**EFFECTIVE
12/17/2023**

| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|----------------|----------------|----------------|
| Special Police | 20.00/hour | 30.00/hour |
| Police Clerks | 12.00/hour | 26.00/hour |

FIRE DEPARTMENT

A. Full Time Jobs

EFFECTIVE

ORDINANCE RECORD

COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5711

12/17/2023

| | |
|---------------------------------|-------------------|
| Lieutenant/Paramedic | \$101,691.87/year |
| Fireman/EMT-Paramedic Grade IV | 71,199.02/year |
| Fireman/EMT-Paramedic Grade III | 76,085.20/year |
| Fireman/EMT-Paramedic Grade II | 81,008.15/year |
| Fireman/EMT-Paramedic Grade I | 90,854.08/year |

All full time Fire personnel who work beyond the normal average of two (2) week work schedule of one hundred and six (106) hours shall be eligible for overtime compensation consistent with the provisions contained in the *Fair Labor Standards Act*.

Professional Pay. In addition to the base rate of pay, employees who hold a State of Ohio Paramedic Certification shall receive annual compensation in the amount of one thousand six hundred dollars (\$1,600.00).

B. Part Time Jobs

| | |
|--|-------------------|
| <u>Firemen and Officers</u> (Volunteer) | EFFECTIVE |
| | 12/17/2023 |
| Emergency Duty | \$27.32/hour |
| Non-Emergency Duty/Non-Paramedic | 21.35/hour |
| Non-Emergency Duty/Paramedic | 25.49/hour |

SERVICE DEPARTMENT

A. Full Time Jobs

EFFECTIVE
12/17/2023

| | |
|------------------------------|--------------|
| Service Grade VI* | \$25.80/hour |
| Service Grade V** | 28.98/hour |
| Service Grade IV*** | 32.13/hour |
| Service Grade III*** | 35.34/hour |
| Service Grade II*** | 36.23/hour |
| Service Grade I*** | 37.22/hour |
| Assistant Foreman | 42.85/hour |
| Foreman | 48.97/hour |
| Building Engineer II*** | 33.99/hour |
| Building Engineer I*** | 36.24/hour |
| Building Engineer Supervisor | 46.91/hour |
| Tree Warden/Horticulturist | 40.31/hour |

| | | |
|------------------------------|-----------------------|-----------------------|
| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
| Building Maintenance Workers | \$15.00/hour | \$27.00/hour |

*Grade VI employees move to Grade V after twelve months of satisfactory service.
 ** Grade V employees move to Grade IV after thirty-six months of continuous, satisfactory service as a Grade V employee.
 ***May only change Grades by promotion as authorized by the Mayor.

FULL TIME JOBS

EFFECTIVE
12/17/2023

| | STEPS | | EFFECTIVE |
|-----------------------------------|--------------|--|------------------|
| Housekeeping Supervisor Grade III | 24 months | | \$20.16/hour |
| Housekeeping Supervisor Grade II | 12 months | | 19.10/hour |
| Housekeeping Supervisor Grade I | Entry | | 18.04/hour |
| Housekeeping Staff Grade III | 24 months | | 16.97/hour |
| Housekeeping Staff Grade II | 12 months | | 15.91/hour |
| Housekeeping Staff Grade I | Entry | | 14.85/hour |

Housekeeping Staff and Housekeeping Supervisors may only change Grades by promotion As authorized by the Mayor.

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

5711

Ordinance No. _____

SERVICE DEPARTMENT

B. Part Time Jobs

EFFECTIVE
12/17/2023

| <u>Part Time</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|---|-----------------------|-----------------------|
| Housekeeping Staff | \$12.00/hour | \$16.00/hour |
| Building Maintenance Worker | 15.00/hour | 25.00/hour |
| Part Time Service (Effective 4/19/2022) | 14.00/hour | 18.00/hour |

Seasonal Employees

| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|------------------------------|-----------------------|-----------------------|
| Sewer Repair and Maintenance | \$15.00/hour | \$20.00/hour |
| Construction Observer | 19.00/hour | 30.00/hour |
| Snow Plow Drivers | 15.00/hour | 20.00/hour |
| Road Side Mower | 15.00/hour | 20.00/hour |
| Seasonal Service | 14.00/hour | 18.00/hour |

SECTION 2. All payments to be made by direct deposit, unless otherwise determined by the Finance Department to pay via paper check.

SECTION 3. All employees shall provide the Finance Department with an active email address. The employee will receive their direct deposit voucher via email to the address provided, unless otherwise determined by the Finance Department to distribute in paper form. The Finance Department is not responsible for verifying the email address are active, it shall be the responsibility of the employee.

SECTION 4. Ordinance No. 5668 and the same hereby is, superseded and restated by this Ordinance.

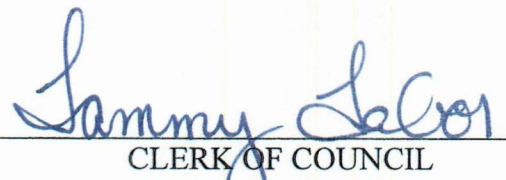
SECTION 5. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency relates to the daily operation of municipal departments, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: June 4, 2024

APPROVED: June 4, 2024

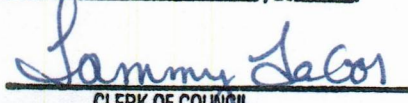


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5711 duly passed by the Council of the City of Brecksville, Ohio, on 6-4, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6-7, 2024



CLERK OF COUNCIL

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

5712

Ordinance No. _____

**AN ORDINANCE AMENDING SECTION
145.13 OF THE ADMINISTRATIVE CODE
AND THE EXEMPTED EMPLOYEES
OF THE CITY OF BRECKSVILLE;
AND DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville,
County of Cuyahoga, and State of Ohio, that:

SECTION 1. Section 145.13 of the Administrative Code be amended to read
as follows:

“145.13 EXEMPTED EMPLOYEES.

The following job titles are hereby declared to be executive,
administrative or professional positions and the persons employed
therein shall not be entitled to overtime pay provided in Section
145.08 or compensatory time off, although they shall be entitled to all
other benefits accorded full-time employees of the municipality by
this Chapter. In fixing the annual compensation for the positions
listed herein, Council shall give due consideration to the
responsibilities of each job and the duties and obligations such job
imposes upon the employee.

Administrative Assistant
Animal Warden
Aquatics Administrative Coordinator
Aquatics Facilities Coordinator
Athletics/Facility Coordinator
Assistant Building Commissioner
Assistant Director of Finance
Assistant Purchasing Director
Athletics Program Coordinator
AV/Technology and Communications Technician
Building Maintenance & Housekeeping Supervisor
Building Supervisor – Recreation
Building Commissioner or Building Official
Building Inspectors
Clerk of Council
Clerk of Courts
Director of Finance
Director of Human Services
Director of Planning and Community Development
Director of Public Service
Director of Public Service Trainee
Director of Purchasing
Director of Recreation
Executive Administrator – Mayor
Field House Coordinator
Financial/Customer Service Clerk Recreation
Fire Chief
Fire Chief Trainee
Fitness Center Coordinator/Recreation
Payroll Supervisor

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5712

Food Service Operations Manager


Planning and Zoning Coordinator/Inspector
Police Chief
Prosecutor
Records Clerk-Police
Recreation Clerk
Supervisor of Administrative Services/Recreation
Supervisor of Payroll – Personnel
Visual Communications Coordinator”

SECTION 2. Section 145.13 of the Administrative Code as it existed prior to the effective date of this Ordinance and all other ordinances or resolutions inconsistent herewith be, and the same hereby are, repealed.

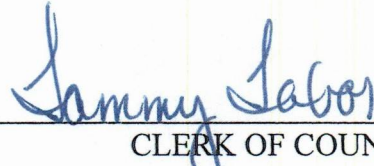
SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to add/remove certain positions from the list of exempted employees, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: June 4, 2024

APPROVED: June 4, 2024

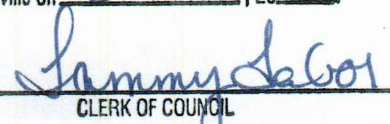


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5712 duly passed by the Council of the City of Brecksville, Ohio, on 6.4, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6.7, 20 24.



CLERK OF COUNCIL

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

5713

Ordinance No. _____

**AN ORDINANCE AUTHORIZING THE PURCHASE OF
A REPLACEMENT SOUND SYSTEM AND RELATED
ITEMS FOR THE GATHERING ROOM AND COMMUNITY
CENTER THROUGH OMNIA PARTNERS PURCHASING
ORGANIZATION; AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to the provisions contained in Section 9.48 of the Ohio Revised Code, the City of Brecksville deems it cost effective to purchase certain services and equipment through OMNIA Partners Purchasing Organization.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be and is hereby authorized to enter into a contract on behalf of the City of Brecksville with OMNIA Partners Purchasing Organization, through its authorized vendor, B&H Photo, Video, Audio, said contract to be in such form as is approved by the Director of Law, for the purchase of the following items for the Gathering Room and Community Center:

(Omnia Contract #R201202)

| <u>Quantity</u> | <u>Item</u> | <u>Amount</u> |
|-----------------|---------------------------------|---------------------------|
| 2 | Shure Dante Audio Ntwrk Intrfc | \$1,082.00 |
| 4 | Shure HH Transmitter with Mic | 1,808.00 |
| 4 | Shure Bodypack Xmitter with Mic | 1,852.00 |
| 2 | Shure Charging Stations | 2,286.00 |
| 2 | Shure Transceivers | <u>4,370.00</u> |
| TOTAL: | | <u>\$11,398.00</u> |

SECTION 2. Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes

SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to take advantage of the competitive costs obtained by OMNIA Partners, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

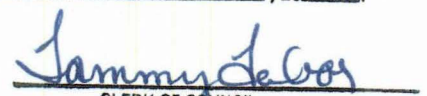
I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5713 duly passed by the Council of the City of Brecksville, Ohio, on 6-4, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6-7, 2024.

PASSED: June 4, 2024

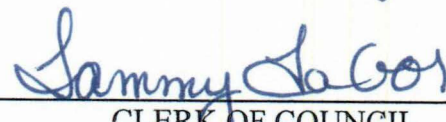
APPROVED: June 4, 2024



MAYOR



CLERK OF COUNCIL



CLERK OF COUNCIL

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

5714

Ordinance No. _____

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ACCEPT AN LPA FEDERAL ODOT-LET PROJECT
AGREEMENT NO. 38749 AMENDMENT FOR THE
CUY-SR 021-00.00 ROAD REPAVING PROJECT;
AND DECLARING AN EMERGENCY**

WHEREAS, at its meeting on June 6, 2023, council adopted Ordinance No. 5626 authorizing the Mayor to enter into an LPA Federal ODOT-LET Project Agreement for the CUY-SR 021-00.00 road repaving project; and

WHEREAS, Section 3.1 of such LPA Federal ODOT-LET Project Agreement has been revised.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be, and he hereby is, authorized to accept an LPA Federal ODOT-LET Project Agreement No. 38749 Amendment for the CUY-SR 021-00.00 road repaving project, a copy of which Federal ODOT-LET Project Agreement No. 38749 Amendment is attached hereto as Exhibit "A" and incorporated herein as if by reference.

SECTION 2. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

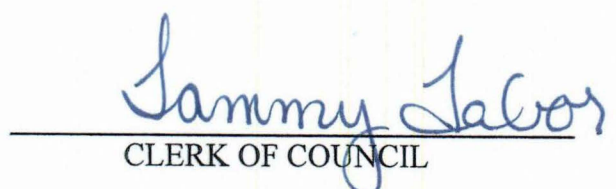
SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to continue the project, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: June 4, 2024

APPROVED: June 4, 2024



MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5714 duly passed by the Council of the City of Brecksville, Ohio, on 6-4, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6-7, 20 24.

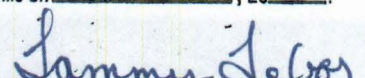


EXHIBIT "A"

CFDA 20.205

**LPA Federal AGREEMENT # 38749 Amendment
PID 107980
CUY-SR 021-00.00**

Section 3.1 of Agreement No. 38749 is being amended as stated below:

3.0 FUNDING –

Section 3.0 Funding of Agreement No. 38749 is hereby revised, as detailed below modifying Section 3.1 to revise the eligible phase for funding of this project to only the Construction activities as shown below in the second paragraph.

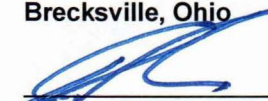
3.1 The total cost for the PROJECT is estimated to be **\$2,567,138.00** as set forth in Attachment 1. ODOT shall provide to the LPA **90** percent of the eligible costs, up to a maximum of **\$1,080,000.00** in Federal and State District Preservation funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager.

Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the transportation project improvements.

3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all 100 percent Locally-funded work, cost overruns and contractor claims.

By signing this revision, both parties agree that all provisions in the original agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: **Brecksville, Ohio**
By: 
Title: Daryl Kingston
Mayor
Date: 6/4/24

STATE OF OHIO
OHIO DEPARTMENT OF TRANSPORTATION
By: _____
Jack Marchbanks
Director
Date: _____

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5563

**A RESOLUTION CONFIRMING THE
APPOINTMENT BY THE MAYOR OF
BRYAN STOWE AS TREE WARDEN FOR
THE CITY OF BRECKSVILLE;
AND DECLARING AN EMERGENCY**


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The appointment by the Mayor of Bryan Stowe as Tree Warden for the City of Brecksville, commencing May 13, 2024, be and the same is hereby confirmed. The Tree Warden shall be compensated as previously provided for by City Council.

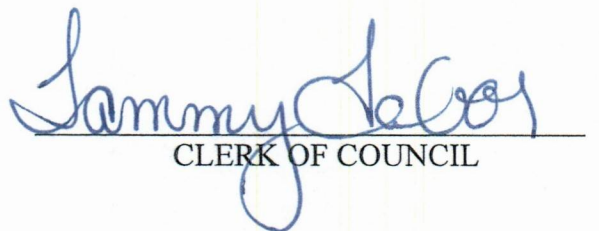
SECTION 2. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that the same relates to the daily operation of a municipal department, therefore said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: June 4, 2024

APPROVED: June 4, 2024

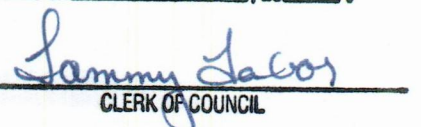


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5563 duly passed by the Council of the City of Brecksville, Ohio, on 6-4, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6-7, 20 24.



CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5564

**A RESOLUTION APPOINTING MARK BENDER AS
FIRE CHIEF TRAINEE FROM JUNE 4, 2024 THRU
JULY 4, 2024 AND AS FIRE CHIEF BEGINNING
JULY 5, 2024 FOR THE CITY OF BRECKSVILLE
FIRE DEPARTMENT; AND DECLARING
AN EMERGENCY**

WHEREAS, as of July 4, 2024 there shall exist a vacancy in the Fire Department of the City of Brecksville in the office of Fire Chief, and the Brecksville Civil Service Commission has duly held a competitive Civil Service Examination of candidates for the position of Fire Chief; and

WHEREAS, the Civil Service Commission has duly certified an eligible list for consideration by the Director of Public Safety and City Council; and

WHEREAS, current Fire Chief, Nikola Zamiska, has offered to assist in the transition of the next Fire Chief until his resignation effective July 4, 2024; and

WHEREAS, the Director of Public Safety has recommended that Mark Bender be appointed as Fire Chief Trainee from June 4, 2024 thru July 4, 2024 and as Fire Chief beginning July 5, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Upon the recommendation of the Director of Public Safety, Mark Bender be and he is hereby appointed to the position of Fire Chief Trainee for the Fire Department of the City of Brecksville, effective June 4, 2024 thru July 4, 2024.

SECTION 2. Upon the recommendation of the Director of Public Safety, Mark Bender be and he is hereby appointed to the position of Fire Chief for the Fire Department of the City of Brecksville, effective July 5, 2024.


SECTION 3. As Fire Chief Trainee and as Fire Chief, Mark Bender shall be paid an annual salary of one hundred eighteen thousand dollars (\$118,000.00) until otherwise determined by Council.

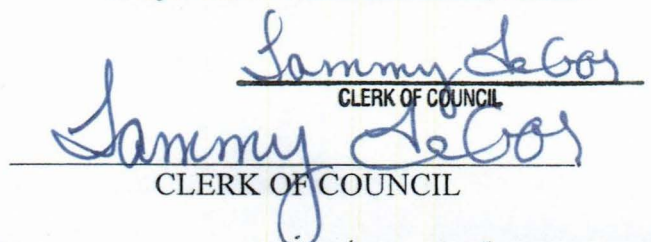
SECTION 4. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency being that it relates to the daily operation of a municipal department, therefore, this Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5564 duly passed by the Council of the City of Brecksville, Ohio, on 6.4, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6.7, 2024.

PASSED: June 4, 2024

APPROVED: June 4, 2024


MAYOR


CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE
5565

Resolution No. _____

**A RESOLUTION AUTHORIZING THE PAYMENT OF
UNUSED SICK LEAVE IN THE EMPLOYEE PAYOUT
FOR NIKOLA ZAMISKA INTO AN ESTABLISHED
HRA THROUGH BUCKEYE DEFERRED COMPENSATION
AND DECLARING AN EMERGENCY**

WHEREAS, Nikola Zamiska, Fire Chief, has 460.94 hours totaling twenty-six thousand, two hundred seventy-six dollars and sixteen cents (\$26,276.16) as his accrued one-third unused sick leave; and

WHEREAS, Nikola Zamiska has resigned effective July 4, 2024; and

WHEREAS, Nikola Zamiska has requested the inclusion of less than one-third of his unused sick leave, that being 350.84 hours, totaling nineteen thousand, nine hundred ninety-nine dollars and eighty-four cents (\$19,999.84), to be included in his employee payout and has requested the transfer of said funds into an established HRA through Buckeye Deferred Compensation; and

WHEREAS, Nikola Zamiska has consecutive full-time employment for nearly twenty (20) consecutive years with the City of Brecksville; and

WHEREAS, the Mayor and Council have determined that Nikola Zamiska is in good standing; and

WHEREAS, Nikola Zamiska is not retiring in OPERS or Police and Fire pensions; and

WHEREAS, the Mayor and Council have determined that any future requests for a similar inclusion of sick leave amount in an employee's payout is to be agreed upon by the Mayor and Council and is to be considered at the discretion of the Mayor and Council to be no more than twenty thousand dollars (\$20,000.00).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, Ohio, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor and Council are hereby authorized to include less than one-third of the unused sick leave, that being 350.84 hours, totaling nineteen thousand, nine hundred ninety-nine dollars and eighty-four cents (\$19,999.84), in Nikola Zamiska's employee payout and to transfer said amount into an established HRA through Buckeye Deferred Compensation subject to the conditions set forth above.

SECTION 2. The Finance Director and the Law Director are hereby directed to prepare and present to Council an Ordinance to codify a sick leave payout policy upon an employee's resignation following the conditions set forth herein and in the prior legislation for Rebecca Riser's sick leave payout.

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

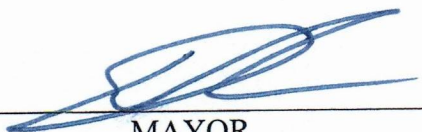
5565

Resolution No. _____

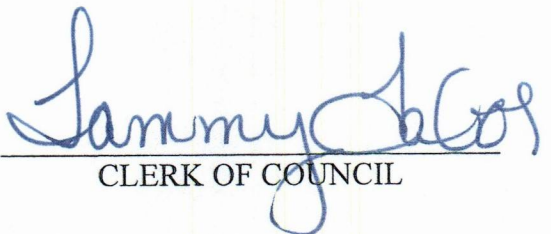
SECTION 3. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is to take this action before the July 4, 2024 effective date of Nikola Zamiska's resignation, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: June 4, 2024

APPROVED: June 4, 2024

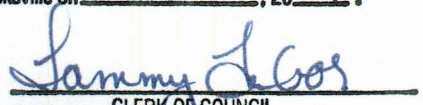


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5565 duly passed by the Council of the City of Brecksville, Ohio, on 6.4, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6.7, 2024.



CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5566

A RESOLUTION GRANTING A UTILITY EASEMENT AND RIGHT OF WAY TO THE CLEVELAND ELECTRIC ILLUMINATING COMPANY FOR THE DISTRIBUTION OF ELECTRIC CURRENT, INCLUDING COMMUNICATION FACILITIES, UPON, OVER AND ACROSS CERTAIN LANDS OWNED BY THE CITY OF BRECKSVILLE; AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The city hereby declares and grants and the Mayor be, and he hereby is, authorized to execute a Utility Easement to The Cleveland Electric Illuminating Company for the distribution of electric current, including communication facilities, upon, over and across certain lands owned by the City of Brecksville and known as PPN 606-31-001, a copy of which Utility Easement and Right Of Way is attached hereto, expressly made a part hereof by reference and marked Exhibit "A."

SECTION 2. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.


SECTION 3 The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is required to grant the easement, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: June 4, 2024

APPROVED: June 4, 2024



MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5566 duly passed by the Council of the City of Brecksville, Ohio, on 6.4, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6.7, 2024.



CLERK OF COUNCIL

EXHIBIT "A"

W.R. #
W.O. #

KNOWN ALL MEN BY THESE PRESENTS:

That the City of Brecksville, a municipal corporation, the Grantor, claiming title by virtue of instrument recorded in Deed Volume 10316, Page 218 of Cuyahoga County Records, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations received to its full satisfaction of **THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**, an Ohio corporation, the Grantee, does hereby grant unto Grantee, its successors and assigns, an easement and right of way, together with the rights and privileges hereinafter set forth, for lines for the distribution of electric current, including communication facilities, upon, over, and across the following described premises:

P.P.N. 606-31-001

Situated in the City of Brecksville, County of Cuyahoga, and State of Ohio, and known as being part of Original Brecksville Township Lot No. 32, and bounded and described as follows:

Beginning at a point in the northerly line of a parcel of land conveyed to the City of Brecksville by deed recorded in Deed Volume 10316, Page 218 of Cuyahoga County Records at its intersection with the westerly line of a parcel of land conveyed to Brecksville Shopping Center LTD. by deed recorded in Volume 92-11004, Page 15 of the Official Records of Cuyahoga County;

Thence North 89 degrees 40 minutes 24 seconds East along the northerly line of said land conveyed to the City of Brecksville, 70.00 feet to an angle point, therein;

Thence North 30 degrees 04 minutes 03 seconds East along the northerly line of said land conveyed to the City of Brecksville, 62.51 feet to a point, and the principal place of beginning of the easement herein described;

Thence North 30 degrees 04 minutes 03 seconds East along the northerly line of said land conveyed to the City of Brecksville, 22.39 feet to a point;

Thence South 2 degrees 20 minutes 22 seconds East, 19.86 feet to a point;

Thence South 6 degrees 48 minutes 16 seconds West, 50.48 feet to a point;

Thence North 83 degrees 11 minutes 44 seconds West, 12.00 feet to a point;

Thence North 6 degrees 48 minutes 16 seconds East, 49.52 feet to the principal place of beginning and containing 719 square feet or 0.0165 acres of land, as described by Donald G. Bohning & Associates, Inc. in May, 2024.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

The easement and rights herein granted shall include the right to erect, inspect, operate, replace, relocate, remove, repair, patrol and permanently maintain upon, over, under and along the above described right of way across said premises all necessary structures, wires, cables, and other usual fixtures and appurtenances used for or in connection with the distribution of electric current, including communication facilities, and the right of reasonable ingress and egress upon, over and across said premises for access to and from said right of way, and the right to trim, cut, remove or control by any other means at any and all times such trees, limbs, and underbrush within or adjacent to said right of way as may interfere with or endanger said structures, wires or appurtenances, or their operation.

In addition to said easement and right of way, the following rights are hereby granted to The Cleveland Electric Illuminating Company:

- (1) To install, construct, inspect, operate, replace, repair, patrol, maintain and remove in, under and along said right of way across said premises such cables, wires, pipes, conduits, service pedestals, above-surface and sub-surface transformers, transformer pads, service hand-holes and other usual fixtures and appurtenances as may by Grantee be deemed necessary or become necessary for or in connection with the underground distribution of electric current, including communication facilities;
- (2) To enter and pass on, over and across any part of said lot(s) when reasonably necessary for access to and from said right of way, and to use the premises parallel to and adjoining the boundaries of said right of way for piling dirt and for the operation of apparatus, appliances and equipment in exercising any of its rights enumerated herein;
- (3) To trim, cut and remove at any and all times any trees, limbs, roots, underbrush or other obstructions within or near said right of way which may in the judgment of the Grantee interfere with, limit access to or endanger transformers, service pedestals, cables or their appurtenances, or their efficient operation;
- (4) To install, construct, inspect, operate, replace, repair, patrol, maintain and remove in, under and along said right of way and within the street limits cables, wires, pipes, conduits, street light standards and other usual fixtures and appurtenances as may by Grantee be deemed necessary or become necessary for or in connection with the operation of street lights.

Grantor reserves the right to use the right of way area, but only for the purpose of a hard surface service yard, planting grass, flowers and ornamental shrubbery and subject to Grantee's rights enumerated herein. In the event Grantee digs up the right of way or a portion thereof, or otherwise uses the right of way for any of the purposes herein enumerated, which requires the removal of said flowers or shrubbery, Grantee shall exercise ordinary care in removing and replanting them but will not assure the continued life of the flowers or shrubbery so removed and replanted.

TO HAVE AND TO HOLD the said easement, rights and right of way and its appurtenances unto said Grantee, its successors and assigns, forever, and the Grantor represents that it is the owner of the above-mentioned premises herein described.

Copy of [unclear] [unclear]

[Handwritten signature]

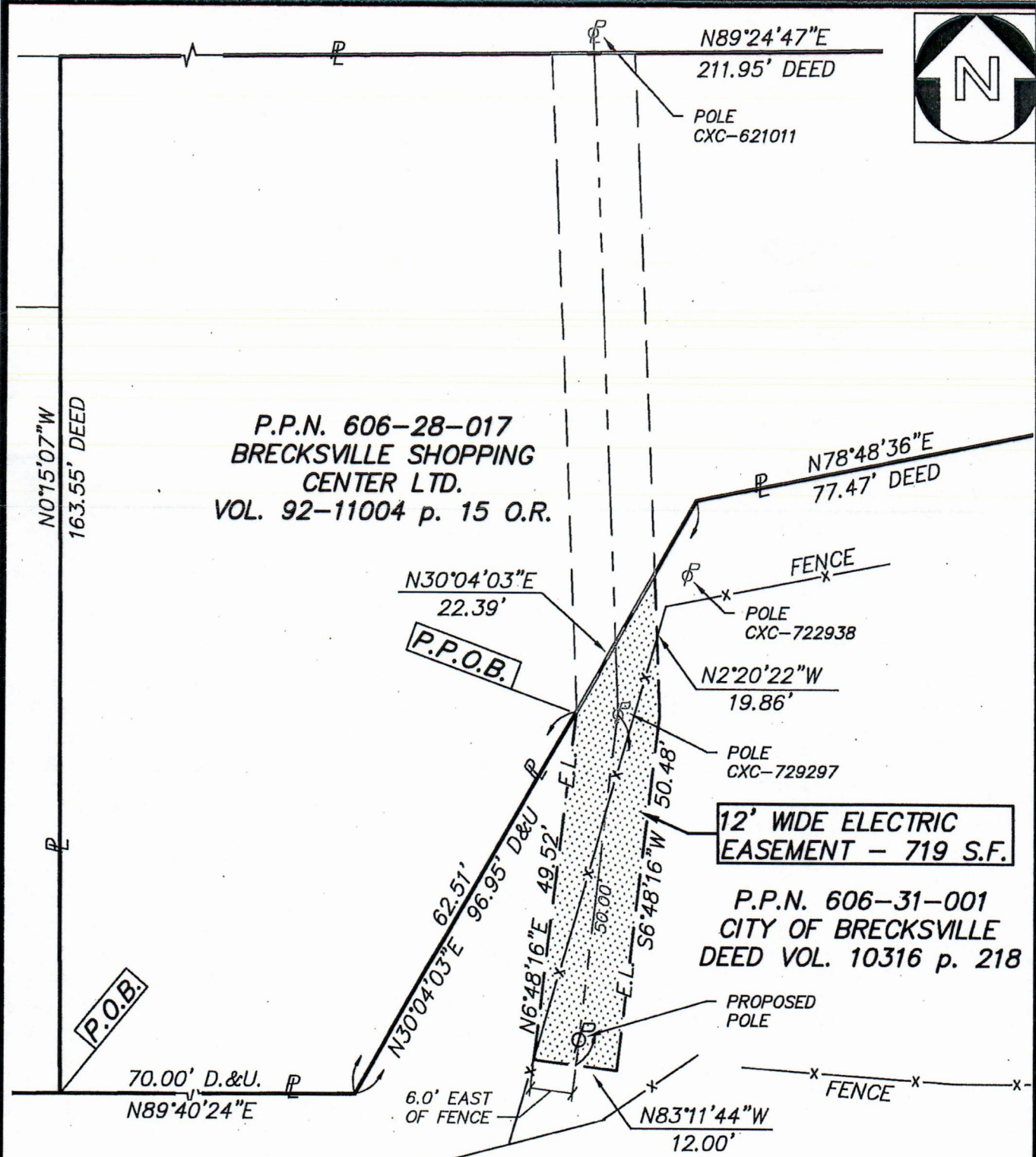
Notary Public for Ohio

Notary Public for Ohio
My Commission Expires [unclear]

[Handwritten signature]

TAMMY TABOR
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES
9-1-2023





P.P.N. 606-28-017
 BRECKSVILLE SHOPPING
 CENTER LTD.
 VOL. 92-11004 p. 15 O.R.

N89°24'47"E
 211.95' DEED

POLE
 CXC-621011

N0°15'07"W
 163.55' DEED

N78°48'36"E
 77.47' DEED

N30°04'03"E
 22.39'

P.P.O.B.

FENCE
 POLE
 CXC-722938

N2°20'22"W
 19.86'

POLE
 CXC-729297

**12' WIDE ELECTRIC
 EASEMENT - 719 S.F.**

P.P.N. 606-31-001
 CITY OF BRECKSVILLE
 DEED VOL. 10316 p. 218

P.O.B.

70.00' D.&U.
 N89°40'24"E

6.0' EAST
 OF FENCE

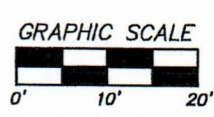
PROPOSED
 POLE

FENCE

N83°11'44"W
 12.00'

**EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
 OF 12' WIDE ELECTRIC EASEMENT**
 PART OF P.P.N. 606-31-001
 BRECKSVILLE, OHIO

PREPARED BY: ORDER No. 3810-83-11



DONALD G. BOHNING & ASSOCIATES, INC.
 CIVIL ENGINEERING & SURVEYING
 7979 HUB PARKWAY * VALLEY VIEW, OHIO 44125
 PHONE: (216) 642-1130 FAX: (216) 642-1132

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5567

**A RESOLUTION MAKING NECESSARY
TRANSFERS AND ADVANCES BETWEEN CERTAIN FUNDS
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024;
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Section 5705.14 of the Ohio Revised Code, the Council deems it necessary to make certain transfers between the various Funds of the City for the fiscal year ending December 31, 2024; and

WHEREAS, pursuant to Bulletin 97-03 issued by the Ohio Auditor of State, the Council deems it necessary to advance funds of the City for the fiscal year ending December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Director of Finance be authorized to make the following transfers between certain funds of the City:

| <u>From</u> | <u>Transfer</u> | <u>To</u> |
|---|-----------------|---|
| Special Assessment Chippewa Fund 3202810-49010 | \$25,000.00 | Ohio Public Works Commission Fund R4600820-09160 |

SECTION 2. The Director of Finance be authorized to make the following advance between certain funds of the City:


| <u>From</u> | <u>Advance</u> | <u>To</u> |
|-------------------------------|----------------|---|
| General Fund 1100830-49010 | \$25,000.00 | Special Assessment Chippewa Fund R3202820-09400 |

SECTION 3. The Director of Finance be, and is hereby authorized to make payments from any of the foregoing transferred and advanced funds upon receiving prior invoices and vouchers therefor, approved by the persons authorized by law to approve the same.

SECTION 4. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that the same is related to the daily operation of a municipal department, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

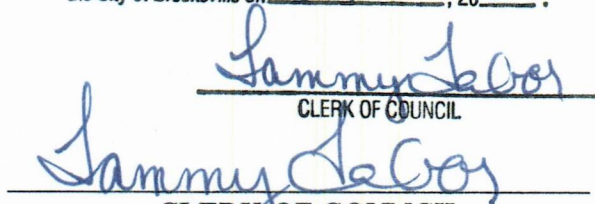
PASSED: June 4, 2024

APPROVED: June 4, 2024



MAYOR

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5567 duly passed by the Council of the City of Brecksville, Ohio, on 6.4, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6.7, 2024.



CLERK OF COUNCIL

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

5715

Ordinance No. _____

**AN ORDINANCE TO AMEND ORDINANCE NO. 5666,
MAKING APPROPRIATIONS FOR CURRENT
EXPENSES OF THE CITY OF BRECKSVILLE
DURING THE FISCAL YEAR ENDING
DECEMBER 31, 2024, MAKING NECESSARY
APPROPRIATION AND REVENUE ADJUSTMENTS;
AND DECLARING AN EMERGENCY**

WHEREAS, the appropriations heretofore set to certain accounts of the City of Brecksville are insufficient to pay expenses incurred during the fiscal year ending December 31, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. That the Director of Finance be authorized to increase appropriations in the General fund.

25,000.00 Advance to Other Fund 1100830-49010

SECTION 2. That the Director of Finance be authorized to increase estimated resources and appropriations in the Special Assessment Chippewa fund.

25,000.00 Advance from Other Fund R3202820-09400
25,000.00 Transfer to Other Fund 3202810-49010

SECTION 3. That the Director of Finance be authorized to increase estimated resources and appropriations in the OPWC fund.

25,000.00 Transfer from Other Fund R4600820-09160
25,000.00 Loan Pay Chippewa 4600811-45081

SECTION 4. That the Director of Finance be authorized to increase estimated resources and appropriations in the Urban Redevelopment Tax Equivalent - VA Phase II fund.

224,000.00 Service Payments R3400141-02521
40,000.00 School District Compensation 3400150-21131

SECTION 5. That the Director of Finance be authorized to increase estimated resources and appropriations in the Urban Redevelopment Tax Equivalent - VA Sherwin-Williams fund.

233,000.00 Service Payments R4102141-02521
40,000.00 School District Compensation 4102150-21131

SECTION 6. That the Director of Finance be authorized to increase estimated resources and appropriations in the Special Assessment Bond Retirement – 7000 Fitzwater fund.

11,847.98 County Collected Assessments R3201141-02510
11,847.98 Other Debt Expenses 3201812-45130

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5715

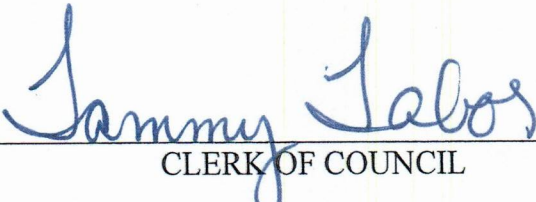
SECTION 7. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary to make adjustments to appropriations of the City, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: June 4, 2024

APPROVED: June 4, 2024

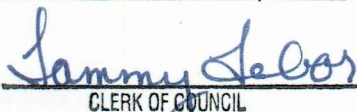


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5715 duly passed by the Council of the City of Brecksville, Ohio, on 6-4, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6-7, 2024.



CLERK OF COUNCIL