



City of Willowick
CITY COUNCIL REGULAR MEETING

Tuesday, July 05, 2022 at 7:30 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

AGENDA (AMENDED)

CALL MEETING TO ORDER

PLEDGE ALLEGIANCE

INVOCATION

ROLL CALL OF COUNCIL

APPROVAL OF MINUTES

- [1.](#) Motion to approve the minutes of the Regular City Council Meeting of June 21, 2022.

APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS

ADMINISTRATIVE APPEALS

REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

COUNCIL DISCUSSION OF THE MAYOR'S REPORT

GENERAL COMMUNICATIONS & REPORTS – Directors & Officials

Service Director – Todd Shannon

Recreation Director – Julie Kless

City Engineer – Tim McLaughlin

Finance Director – Cheryl Benedict

Law Director – Stephanie Landgraf

Police Chief – Brian Turner

Fire Chief – Joe Tennyson

Chief Housing/Zoning Inspector – Sean Brennan

Economic Development Manager – Monica Drake

WARD MATTERS

PUBLIC PARTICIPATION

- a) Public statement (1 minute maximum)*
- b) Council response to the public*
- c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

REPORTS OF STANDING COMMITTEES

Finance – Vanni, Bisbee, Koudela

Safety – Phares, Malta, Bisbee

Service, Utilities & Public Lands – Malta, Phares, Bisbee

Streets, Sidewalks & Sewers – Vanni, Malta, Antosh

Tax Compliance – Koudela, Antosh, Patton

Moral Claims – Antosh, Phares, Patton

Budget – Vanni, Koudela, Patton

LIAISON REPORTS

Planning – Phares/Alternate Koudela

Board of Zoning Appeals – Koudela/Alternate Vanni

Volunteer Fire Fighters' Dependents Fund Board – Antosh, Phares

Recreation Board – Bisbee/Alternate Phares

Plan Review Board – Antosh

Hearts & Hammers – Malta

FUND TRANSFERS & BID AUTHORIZATIONS

CONTRACT APPROVALS

INTRODUCTION & CONSIDERATION OF LEGISLATION

2. Ordinance No. 2022-29 (Law Director)

An Ordinance amending Chapter 549.10 of the Codified Ordinances of the City of Willowick, Ohio, titled "Weapons and Explosives;" specifically Section 549.10 titled "Fireworks," and declaring an emergency.

1st Reading 6-21-22

3. Ordinance No. 2022-30 (Finance Director)

An Ordinance amending Ordinance 2022- 8 to provide for additional appropriations from the General Fund (101); Street Construction Maintenance and Repair Fund (202); Sewer Revenue Fund (205); Fire Emergency Rescue Fund (208); Senior Citizens Fund (220); E. 327th Street Sewer Improvement Phase 2 Fund (431); and the Donations and Bequest Fund (803) for current expenses and other expenditures of the City of Willowick, State of Ohio, during the calendar year ending December 31, 2022, and declaring an emergency.

4. Ordinance No. 2022-31 (Law Director)

An Ordinance establishing the E. 327th Street Sewer Improvement Phase 2 Fund, under Fund Number 431, and declaring an emergency.

5. Ordinance No. 2022-32 (Law Director)

An Ordinance approving the editing and inclusion of certain Ordinances as parts of the various component codes of the Codified Ordinances; approving, adopting and enacting new matter in the updated and revised Codified Ordinances; and repealing Ordinances and Resolutions in conflict therewith, and declaring an emergency.

6. Resolution No. 2022-18 (Finance Director)

A Resolution adopting the Tax Budget for the fiscal year beginning January 1, 2023 and declaring an emergency.

ADD -ON

7. Ordinance No. 2022-33 (Law Director)

An Ordinance opting-out of H.B. 172 and reaffirming the City's ban on the discharge, igniting or exploding of fireworks within the City of Willowick, as set forth in Chapter 549 of the Codified Ordinances of the City of Willowick, and declaring an emergency.

MISCELLANEOUS

8. Motion authorizing the expenditure to The Fire House in the amount of \$25,288.30 for turnout gear for the Fire Department.

PUBLIC PARTICIPATION

- a) Public statement (1 minute maximum)*
- b) Council response to the public*
- c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

ADJOURNMENT



City of Willowick
CITY COUNCIL REGULAR MEETING

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ADA NOTICE

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MINUTES

CALL MEETING TO ORDER

(Total meetings to date - 11)

The twelfth meeting of Council was called to order at 7:30 p.m. by Council President Patton.

PLEDGE ALLEGIANCE

INVOCATION

ROLL CALL OF COUNCIL

PRESENT

Council President Robert Patton

Ward 1 Councilman Michael Vanni

Ward 2 Councilwoman Theresa Bisbee

Ward 3 Councilman Charles Malta

Ward 3 Councilman David Phares

ABSENT

Ward 1 Councilwoman Monica Koudela

Ward 2 Councilwoman Natalie Antosh

ALSO PRESENT

Mayor Regovich, Finance Director Benedict, Law Director Landgraf, Police Chief Turner, City Engineer McLaughlin and Council Clerk Trend

Absent

Fire Chief Tennyson, Service Director Shannon, Chief Housing and Zoning Inspector Brennan, Recreation Director Kless and Economic Manager Drake

APPROVAL OF MINUTES

1. Motion made by Mr. Malta, seconded by Ms. Bisbee to approve the minutes of the Regular City Council meeting of June 7, 2022.

Discussion: None.

Vote: All ayes. Motion carried.

APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS

None.

ADMINISTRATIVE APPEALS

2. Administrative Appeal Order No. 2022-9 Parker #1 (Recommended by BZA)

An Order granting a variance and exception of 1' 7" from residence to dwelling to new garage house line with the condition that the gable is reversed in the application of Section 1163.07 of the Codified Ordinances in Board of Zoning Appeals.

Motion made by Mr. Malta, seconded by Mr. Phares granting Administrative Appeal Order No. 2022-9.

Discussion: None.

Vote: All ayes. Motion carried.

3. Administrative Appeal Order No. 2022-10 Parker #2 (Recommended by BZA)

An Order granting a variance and exception of 5' for a new garage to neighbor's dwelling with the condition that the gable is reversed in the application of Section 1163.07 of the Codified Ordinances in Board of Zoning Appeals.

Motion made by Mr. Phares, seconded by Ms. Bisbee granting Administrative Appeal Order No. 2022-10.

Discussion: None.

Vote: All ayes. Motion carried.

4. Administrative Appeal Order No. 2022-11 Bate (Recommended by BZA)

An Order granting a variance and exception of side yard fencing 41' from the rear house line in the application of Section 1165.07(b) of the Codified Ordinances in Board of Zoning Appeals.

Motion made by Mr. Malta, seconded by Mr. Phares granting Administrative Appeal Order No. 2022-11.

Discussion: None.

Vote: All ayes. Motion carried.

REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

Solicitor permit applications are on the rise. Residents can sign up for the "Do Not Knock" registry through NOPEC which is located on the city website. The police department should be contacted for any issues that may come about with solicitors. As of June 20th the E 305 St. lane to enter S.R. 2 is a **right turn only** lane. Final paving is being done for the Road Program. All of the leased city vehicles have been sold and the program worked well for the city.

COUNCIL DISCUSSION OF THE MAYOR'S REPORT

Mr. Vanni inquired where the surplus from the sale of the leased vehicles would go. Mr. Phares inquired if there has been any discussion with St. Mary Magdalene about the future of the festival. Mr. Malta stated he did let the church know that the Safety Committee would help for planning of the next festival. Mayor Regovich stated the surplus from the trucks would go into the General Fund and the church has not yet reached out for a discussion on the festival.

GENERAL COMMUNICATIONS & REPORTS – Directors & Officials

Service Director – Todd Shannon

No report - absent.

Recreation Director – Julie Kless

No report - absent.

City Engineer – Tim McLaughlin

Written report submitted electronically. Two items on the agenda are out of the Finance Committee for the E. 327 Street Sewer Rehab Phase 2. The third item is to readvertise and obtain bids for the Community Center HVAC Improvements as the city did not receive any bids the last time it advertised.

Finance Director – Cheryl Benedict

Requested a Tax Budget Hearing for 8:15 p.m. at the next Council meeting as it needs to be passed by July 15, 2022.

Law Director – Stephanie Landgraf

No written report.

Police Chief – Brian Turner

No written report.

Fire Chief – Joe Tennyson

Written report submitted electronically - absent.

Chief Housing/Zoning Inspector – Sean Brennan

No report - absent.

Economic Development Manager – Monica Drake

No report - absent.

WARD MATTERS

Councilman Malta thanked Mr. Shannon and Mr. McLaughlin for how quickly the road work on Gilchrist was completed. Mr. Phares stated that former Willowick Councilman from the late 1950's Ted Anderson passed away in January at the age of 92.

PUBLIC PARTICIPATION

a) Public statement (1 minute maximum)

b) Council response to the public

c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)

Shane Cook, 613 E. 300 St. inquired about the status of fireworks in the city. Mr. Patton stated the fireworks legislation is on the agenda this evening and there will be a discussion.

REPORTS OF STANDING COMMITTEES

Finance – Vanni, Bisbee, Koudela

Mr. Vanni stated at the recent Finance Committee meeting current and future projects were discussed for E. 327 St., Fairway Blvd., the Road Striping Program, a sanitary sewer pipe repair needed on E. 286 St. and the readvertise and rebid for the Willowick Community Center HVAC Improvements. This information will be included in the Finance Committee report.

Safety – Phares, Malta, Bisbee

No report.

Service, Utilities & Public Lands – Malta, Phares, Bisbee

No report.

Streets, Sidewalks & Sewers – Vanni, Malta, Antosh

A report will be available later in the week.

Tax Compliance – Koudela, Antosh, Patton

No report.

Moral Claims – Antosh, Phares, Patton

No report.

Budget – Vanni, Koudela, Patton

No report.

LIAISON REPORTS**Planning** – Phares/Alternate Koudela

No report.

Board of Zoning Appeals – Koudela/Alternate Vanni

No report.

Volunteer Fire Fighters' Dependents Fund Board – Antosh, Phares

No report.

Recreation Board – Bisbee/Alternate Phares

No report.

Plan Review Board – Antosh

No report.

Hearts & Hammers – Malta

Tuesday nights are project nights, Please contact Charlie Malta at 440-488-1757 if you are interested in volunteering.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

None.

INTRODUCTION & CONSIDERATION OF LEGISLATION**5. Ordinance No. 2022-28** (Law Director)

An Ordinance authorizing the approval of the Collective Bargaining Agreement between the City of Willowick and the Fraternal Order of Police Willowick Lodge No. 116 (sergeants and above), and declaring an emergency.

Motion made by Mr. Malta, seconded by Mr. Bisbee to waive the three readings on Ordinance No. 2022-28.

Discussion: None.

Vote: all ayes. Motion carried.

Motion made by Mr. Vanni, seconded by Mr. Phares to adopt Ordinance No. 2022-28.

Discussion: None.

Vote: All ayes. Motion carried.

6. Ordinance No. 2022-29 (Law Director)

An Ordinance amending Chapter 549.10 of the Codified Ordinances of the City of Willowick, Ohio, titled "Weapons and Explosives;" specifically Section 549.10 titled "Fireworks," and declaring an emergency.

Motion made by Mr. Vanni, seconded by Ms. Bisbee to waive the three readings on Ordinance No. 2022-29.

Discussion: Mr. Patton stated the current legislation for the city bans the discharge and sale of fireworks. As of July 1, 2022 the new state law will allow the discharge of fireworks on twenty-one (21) specific days and also will allow the sale of fireworks. Ms. Langraf stated that the state will require municipalities wishing to opt-out of the new state law to pass legislation that will reaffirm the city's prohibition on the discharge and sale of fireworks. Mr. Phares stated the revised legislation on the agenda will follow with the new state law for discharging fireworks but bans the sale of fireworks in the city. It was decided that the legislation should remain on for three readings.

Vote: All nays. Motion carried.

Ordinance No. 2022-29 placed on 1st reading.

7. Resolution No. 2022-16 (Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) to Motorola Solutions in the amount of \$9,375.00, for the City of Willowick, and declaring an emergency.

Motion made by Mr. Phares, seconded by Ms. Bisbee to waive the three readings on Resolution No. 2022-16.

Discussion: None.

Vote: All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Vanni to approve Resolution No. 2022-16.

Discussion: None.

Vote: All ayes. Motion carried.

8. Resolution No. 2022-17 (Law Director)

A Resolution authorizing the Mayor to apply for, accept, and enter into a Water Pollution Control Loan Fund (WPCLF) agreement on behalf of the City of Willowick for construction of E. 327th Street Sewer Rehabilitation Phase II Wastewater Facilities, designating a dedicated repayment source for the loan, and declaring an emergency.

Motion made by Mr. Vanni, seconded by Mr. Phares to waive the three readings on Resolution No. 2022-17.

Discussion: None.

Vote: All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Vanni to approve Resolution No. 2022-17.

Discussion: None.

Vote: All ayes. Motion carried.

MISCELLANEOUS

9. Motion made by Mr. Vanni, seconded by Ms. Bisbee to declare a 1992 Horton International Ambulance, VIN No. 1HTSLPHM6PH473559 Model No. 4700 LP 4X2, as surplus, obsolete, unneeded, unfit for public use, and authorizing its sale or subsequent disposal.

Discussion: None.

Vote: All ayes. Motion carried.

10. Motion made by Ms. Bisbee, seconded by Mr. Vanni authorizing CT Consultants to perform preliminary engineering, prepare final plans and bid documents, advertise and obtain bids, and provide construction engineering services for the E. 327th Street Sewer Rehabilitation – Phase II project for a fee not to exceed \$75,000 in accordance with the Agreement for engineering services.

Discussion: None.

Vote: All ayes. Motion carried.

11. Motion made by Mr. Vanni, seconded by Ms. Bisbee authorizing CT Consultants to readvertise and obtain bids for the Willowick Community Center HVAC Improvements.

Discussion: None.

Vote: All ayes. Motion carried.

12. Motion made by Mr. Vanni, seconded by Mr. Malta authorizing Rob Gross to sign purchase orders during the Service Director's absence from July 13 - July 25, 2022.

Discussion: None.

Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

a) Public statement (1 minute maximum)

b) Council response to the public

c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)

Shane Cook, 613 E. 300 St. inquired if fireworks are currently allowed in the city or not allowed. Ms. Landgraf stated that as of today they are still banned.

ADJOURNMENT

Motion made by Mr. Vanni, seconded by Mr. Phares to adjourn.

Discussion: None.

Vote: All ayes. Motion carried.

Meeting adjourned at 8:09 p.m.

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

ORDINANCE NO. 2022-29

AN ORDINANCE AMENDING CHAPTER 549.10 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “WEAPONS AND EXPLOSIVES;” SPECIFICALLY SECTION 549.10 TITLED “FIREWORKS,” AND DECLARING AN EMERGENCY.

WHEREAS, certain parcels within Retail District Boundary have been split and/or modified in such a way that the current text of Codified Ordinance 549.10 must necessarily be modified to accurately reflect the parcels contained within the district boundary.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Willowick, County of Lake County, and State of Ohio:

Section 1. That Chapter 549 of the Codified Ordinances of the City of Willowick titled “Fireworks” is hereby amended to read and provide as follows:

549.10 FIREWORKS.

(a) **Definitions.** As used in this section, unless otherwise provided:

(1) “1.3G fireworks.” Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.3” in Title 49 of the Code of Federal Regulations.

(2) “1.4G fireworks.” Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.4” in Title 49 of the Code of Federal Regulations.

(3) “Beer” and “intoxicating liquor.” Have the same meaning as in Ohio R.C. 4301.01.

(4) “Booby trap.” A small tube that has a string protruding from both ends that has a friction-sensitive composition and that is ignited by pulling the ends of the string.

(5) “Cigarette load.” A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

(6) “Controlled substance.” Has the same meaning as in Ohio R.C. 3719.01.

(7) “Discharge site.” An area immediately surrounding the mortars used to fire aerial shells.

(8) “Fireworks.” Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in Ohio R.C. 3743.80.

(9) “Fireworks incident.” Any action or omission that occurs at a fireworks exhibition that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:

A. The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;

B. The failure of any person to comply with any applicable requirement imposed by this section or Ohio R.C. Chapter 3743, or any applicable rule adopted under this section or Ohio R.C. Chapter 3743.

(10) “Fireworks incident site.” A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found

(11) “Fireworks plant.” All buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

(12) “Fountain Device” means a specific type of 1.4G firework that meets all of the following criteria:

(a) It is nonaerial and nonreport producing.

(b) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA

(c) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.

(d) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes

(13) “Highway.” Any public street, road, alley, way, lane or other public thoroughfare.

(14) “Licensed building.” A building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.

(15) “Licensed exhibitor of fireworks” or “licensed exhibitor.” A person licensed pursuant to Ohio R.C. 3743.50 through 3743.55.

(16) “Licensed fountain device retailer” or “licensed retailer” means a person license pursuant to section 3743.26 of the Revised Code.

(17) “Licensed manufacturer of fireworks” or “licensed manufacturer.” A person licensed pursuant to Ohio R.C. 3743.02 through 3743.08.

(18) “Licensed premises.” The real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

(19) “Licensed wholesaler of fireworks” or “licensed wholesaler.” A person licensed pursuant to Ohio R.C. 3743.15 through 3743.21.

(20) “List of licensed exhibitors.” The list required by R.C. § 3743.51(C).

(21) “List of licensed manufacturers.” The list required by R.C. § 3743.03(C).

(22) “List of licensed wholesalers.” The list required by R.C. § 3743.16(C).

(23) “Manufacturing of fireworks.” The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.

(24) “Navigable waters.” Any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.

(25) “Novelties” and “trick noisemakers.”

A. Devices that produce a small report intended to surprise the user, including but not limited to booby traps, cigarette loads, party poppers, and snappers;

B. Snakes or glow worms;

C. Smoke devices;

D. Trick matches.

(26) “Party popper.” A small plastic or paper item that contains not more than 16 milligrams of friction-sensitive explosive composition that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.

(26) “Processing of fireworks.” The making of fireworks from materials all or part of which in and of themselves constitute fireworks, but does not include the mere packaging or repackaging of fireworks.

(27) “Railroad.” Any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry or plant.

(28) “Retail sale” or “sell at retail.” A sale of fireworks to a purchaser who intends to use the fireworks and not to resell them.

(29) “Smoke device.” A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(30) “Snake” or “glow worm.” A device that consists of a pressed pellet of pyrotechnic composition that produces a large snake-like ash upon burning, which ash expands in length as the pellet burns.

(31) “Snapper.” A small paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand and that, when dropped, implodes.

(32) “Storage location.” A single parcel or contiguous parcels of real estate approved by the Ohio Fire Marshal pursuant to R.C. § 3743.04(I) or 3743.17(F) that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession and storage of fireworks in accordance with this chapter.

(33) “Trick match.” A kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(34) “Wholesale sale” or “sell at wholesale.” A sale of fireworks to a purchaser who intends to resell the fireworks so purchased.

(35) “Wire sparkler.” A sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than 100 grams of this mixture.

(b) Manufacturing.

(1) No licensed manufacturer of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.05 or the requirements of Ohio R.C. 3743.06.

(2) No licensed manufacturer of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.07, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.08.

(3) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(1) within the specified period of time.

(4) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72-hour period specified in those divisions has expired, whichever occurs first.

(5) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer pursuant to Ohio R.C. 3743.06(C).

(6) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a fireworks plant.

(c) Wholesaling.

(1) No licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.18 or the requirements of Ohio R.C. 3743.19.

(2) No licensed wholesaler of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.20, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.21.

(3) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(1) within the specified period of time.

(4) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour period specified in those divisions has expired, whichever occurs first.

(5) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a wholesaler pursuant to Ohio R.C. 3743.19(D).

(6) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a wholesaler of fireworks.

(d) Purchasing and Transporting.

(1) No person who resides in another state and purchases fireworks in this State shall obtain possession of the fireworks in this State unless the person complies with Ohio R.C. 3743.~~44~~.

(2) No person who resides in another state and who purchases fireworks in this State shall obtain possession of fireworks in this State other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this State within 72 hours after the time of their purchase. No such person shall give or sell to any other person in this State fireworks that the person has acquired in this State.

(3) No person who resides in this state and purchases fireworks in this State shall obtain possession of the fireworks in this State unless the person complies with Ohio R.C. 3743.~~45~~.

(4) No person who resides in this State and who purchases fireworks in this State under Ohio R.C. 3743.45 shall obtain possession of the fireworks in this State other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this State within 48 hours after the time of their purchase. No such person shall give or sell to any other person in this State fireworks that the person has acquired in this State.

(e) Prohibited Activities by Exhibitors.

(1) An exhibitor of fireworks licensed under Ohio R.C. 3743.50 through 3743.55 who wishes to conduct a public fireworks exhibition shall apply for approval to conduct the exhibition to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, having jurisdiction over the premises.

(2) The approval required by division (e)(1) of this section shall be evidenced by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the State Fire Marshal or, if available, from the Fire Chief, a fire prevention officer, the Police Chief or other similar chief law enforcement officer, or a designee of the Police Chief or other similar chief law enforcement officer.

(3) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show his or her license as an exhibitor of fireworks to the Fire Chief or fire prevention officer.

(4) The Fire Chief or fire prevention officer and the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer or with the designee of the Police Chief or other similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke a permit for noncompliance with the rules.

(5) If the Council has prescribed a fee for the issuance of a permit for a public fireworks exhibition, the Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor pays the requisite fee.

(6) Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars with surety satisfactory to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death, or loss to person or property emanating from the fireworks exhibitor, or proof of insurance coverage of at least one million dollars for liability arising from injury, death, or loss of persons or property emanating from the fireworks exhibition. The Council may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this division. The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this division or by the Council.

(7) Each permit for a fireworks exhibition issued by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall contain a distinct number, designate the municipality, and identify the certified fire safety inspector, Fire Chief, or fire prevention officer who will be present before, during and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer,

or designee of the Police Chief or other similar chief law enforcement officer, issuing it to the State Fire Marshal. A permit is not transferable or assignable.

(8) The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, fire prevention officer, Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall list the name of the exhibitor, his or her license number, the premises on which the exhibition will be conducted, the date and time of the exhibition, and the number and political subdivision designation of the permit issued to the exhibitor for the exhibition.

(9) The Council shall require that a certified fire safety inspector, Fire Chief or fire prevention officer be present before, during and after the exhibition, and shall require the certified fire safety inspector, Fire Chief or fire prevention officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this section and Ohio R.C. Chapter 3743.

(10) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Ohio R.C. 3743.53(C) and (D).

(11) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Ohio R.C. 3743.54 or a substantially equivalent municipal ordinance, or if a permit so secured is revoked by a Fire Chief or fire prevention officer, in consultation with a Police Chief or other similar chief law enforcement officer, or with a designee of a Police Chief or other similar chief law enforcement officer, pursuant to those sections.

(12) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55, or a substantially equivalent municipal ordinance.

(13) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises on which the exhibition is being conducted.

(14) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the State Fire Marshal under Ohio R.C. 3743.56.

(f) Possession, Sale, Discharge and Advertising; Falsification.

(1) No person ~~shall possess fireworks in this Municipality or~~ shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 through 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance.

(2) ~~Except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this Municipality. Any person authorized under this section to possess 1.4G fireworks in this state may discharge, ignite, or explode those fireworks on private property, with authorization from the property owner, on the following days each year:~~

- (1) The first day of January;
- (2) Chinese new year's day;
- (3) The fifth day of May;
- (4) The last Monday in May, and the Saturday and Sunday immediately preceding that day;
- (5) The nineteenth day of June;
- (6) The third, fourth, and fifth days of July;
- (7) The first Friday, Saturday, and Sunday before and after the fourth day of July;
- (8) The first Monday of September, and the Saturday and Sunday immediately preceding that day;
- (9) Diwali;
- (10) The thirty-first day of December;
- (11) Legal holidays, as defined in section 1.14 of the Revised Code.

(3) No person shall use in a theater or public hall what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(4) No person shall sell fireworks of any kind to a person under 18 years of age. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

~~—(5) Except as otherwise provided in R.C. §3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder shall possess 1.3G fireworks in this Municipality.~~

(5) This section does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.

(6) No person shall negligently discharge, ignite, or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(7) No person shall negligently discharge, ignite, or explode fireworks on the property of another person without that person's permission to use fireworks on that property.

(g) Transporting and Shipping.

(1) No person shall transport fireworks in this Municipality except in accordance with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.58.

(2) As used in this division, "fireworks" includes only 1.3G and 1.4G fireworks. No person shall ship fireworks into this Municipality by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under Ohio R.C. 3743.40, and the fireworks are shipped directly to the holder of a license issued under Ohio R.C. 3743.03, 3743.16 or 3743.51.

(3) No person shall ship fireworks within this Municipality by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under Ohio R.C. 3743.01, 3743.16 or 3743.51.

(h) Exceptions. This section does not prohibit or apply to the following:

(1) The manufacture, sale, possession, transportation, storage, or use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, or highway use;

(2) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes, or other signals necessary for the safe operation of railroads;

(3) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals for ceremonial purposes;

(4) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this State of pyrotechnic devices;

(5) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(6) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms, or model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(7) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(8) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges; provided, that the exhibition complies with all of the following:

A. No explosive aerial display is conducted in the exhibition;

B. The exhibition is separated from spectators by not less than 200 feet;

C. The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(i) Forfeiture and Disposal. Fireworks manufactured, sold, possessed, transported, or used in violation of this section shall be forfeited by the offender. The Fire Marshal's office or certified fire safety inspector's office shall dispose of seized fireworks pursuant to the procedures specified in Ohio R.C. 2981.11 to 2981.13 for the disposal of forfeited property by law enforcement agencies, and the Fire Marshal or that office is not liable for claims for the loss of or damages to the seized fireworks.

(ORC 3743.68(B))

(j) Penalty.

(1) Except as otherwise provided in division (j)(2) or (j)(3) of this section, whoever violates any provisions of this section is guilty of a misdemeanor of the first degree.

(2) If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 3743.60(I) or Ohio R.C. 3743.61(I), or a substantially equivalent municipal ordinance, a violation of division (b)(5) of this section or division (c)(5) of this section is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (e)(10) of this section is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this division and unless the third sentence of this division applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended. If the violation of division (e)(10) of this section results in serious physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked.

Section 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick, and that it will ensure the orderly and uninterrupted efficient operation of the City and its safety forces.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2022

Robert Patton, Council President

Submitted to the Mayor: _____, 2022

Richard J. Regovich, Mayor

Approved by the Mayor: _____, 2022

ATTEST: _____
Angela Trend, Clerk of Council

ORDINANCE NO. 2022 -30

AN ORDINANCE AMENDING ORDINANCE 2022- 8 TO PROVIDE FOR ADDITIONAL APPROPRIATIONS FROM THE GENERAL FUND (101); STREET CONSTRUCTION MAINTENANCE AND REPAIR FUND (202); SEWER REVENUE FUND (205); FIRE EMERGENCY RESCUE FUND (208); SENIOR CITIZENS FUND (220); E. 327TH STREET SEWER IMPROVEMENT PHASE 2 FUND (431); AND THE DONATIONS AND BEQUEST FUND (803) FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WILLOWICK, STATE OF OHIO, DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.

SECTION 1. Be it ordained by the Council of the City of Willowick, State of Ohio, that to provide for the current expenses and other expenditures of said City of Willowick during the calendar year ending December 31, 2022, that the following sums be and they are hereby set aside and appropriated as follows:

SECTION 2. That there be appropriated from the General Fund:

GENERAL FUND**Security of Persons & Property****Safety Communications Dept.****Personal Services**

Wages - Clerk Dispatchers	101.100.5136	22,850.00
Total Salaries & Wages		22,850.00

Other

P. E. R. S.	101.100.5220	3,200.00
Medicare	101.100.5260	340.00
Total Other Expense		3,540.00
Total Safety Communications Department		26,390.00

Police Law Enforcement**Personal Services**

Wages - Police Officers	101.101.5135	57,000.00
Total Wages and Salaries		57,000.00

Other

Medicare	101.101.5260	830.00
Total Other Expense		830.00
Total Police Department		57,830.00

Fire Prevention & Inspection**Personal Services**

Wages - Director/Chief	101.102.5120	1,320.00
Wages - Firefighters & Officers	101.102.5138	90,300.00
Wages - Secretary	101.102.5191	636.00
Total Wages & Salaries		92,256.00

Other

P. E. R. S.	101.102.5220	1,000.00
Police & Fire Pension	101.102.5230	325.00
Medicare	101.102.5260	1,350.00
Social Security	101.102.5265	5,500.00

Total Other Expense	8,175.00
Total Fire Department	100,431.00

Leisure Time Activities**Parks & Playgrounds****Personal Services**

Wages - Parks - Regular	101.301.5140	3,910.00
Total Wages & Salaries		3,910.00

Other

P. E. R. S.	101.301.5220	550.00
Medicare	101.301.5260	60.00
Total Other Expense		610.00
Total Parks Department		4,520.00

Swimming Pools**Other**

Swimming Pool Chemicals	101.302.5452	10,000.00
Total Other Expense		10,000.00
Total Swimming Pools		10,000.00

Recreation Programs (including Camp)**Personal Services**

Wages - Director/Chief	101.303.5120	2,110.00
Wages - Secretary	101.303.5191	1,155.00
Total Wages & Salaries		3,265.00

Other

P. E. R. S.	101.303.5220	460.00
Medicare	101.303.5260	50.00
Total Other Expense		510.00
Total Recreation		3,775.00

Housing & Building Inspection

Wages - Director/Chief	101.401.5120	2,035.00
Wages - Housing Inspectors	101.401.5125	2,145.00
Wages - Secretary	101.401.5191	1,120.00
Total Wages & Salaries		5,300.00

Other

P. E. R. S.	101.401.5220	750.00
Medicare	101.401.5260	80.00
Total Other Expense		830.00
Total Building Department		6,130.00

Transportation**Personal Services**

Wages - Regular	101.601.5140	3,100.00
Total Wages & Salaries		3,100.00

Other

P. E. R. S.	101.601.5220	440.00
Medicare	101.601.5260	50.00
Total Other Expense		490.00
Total Transportation		3,590.00

Technology Dept.**Personal Services**

Wages - Part Time	101.700.5198	58.00
Total Wages & Salaries		58.00

Other

P. E. R. S.	101.700.5220	10.00
Medicare	101.700.5260	1.00
Total Other Expense		11.00
Total Technology Dept.		69.00

Mayor's Office**Personal Services**

Wages - Safety Director	101.701.5106	430.00
Wages - Secretary	101.701.5191	1,155.00
Total Wages & Salaries		1,585.00

Other

P. E. R. S.	101.701.5220	225.00
Medicare	101.701.5260	25.00
Total Other Expenses		250.00
Total Mayor's Office		1,835.00

Finance Administration**Personal Services**

Wages - Director/Chief	101.702.5120	2,585.00
Wages - Finance Staff	101.702.5160	1,150.00
Total Wages & Salaries		3,735.00

Other

P. E. R. S.	101.702.5220	525.00
Medicare	101.702.5260	55.00
Bank Service Charges	101.702.5383	500.00
Total Other Expense		1,080.00
Total Finance Department		4,815.00

Legal Administration**Personal Services**

Legal Retainer	101.703.5114	1,930.00
Total Wages & Salaries		1,930.00

Other

P. E. R. S.	101.703.5220	270.00
Medicare	101.703.5260	30.00
Total Other Expense		300.00
Total Legal Department		2,230.00

Administrative Support Service Dept.**Personal Services**

Wages - Director/Chief	101.704.5120	2,071.00
Wages - Secretary	101.704.5191	1,155.00
Total Wages & Salaries		3,226.00

Other

P. E. R. S.	101.704.5220	455.00
Medicare	101.704.5260	50.00
Total Other Expense		505.00
Total Service Department		3,731.00

Lands & Buildings**Personal Services**

Wages - Regular	101.708.5140	1,100.00
Total Wages & Salaries		1,100.00

Other

P. E. R. S.	101.708.5220	155.00
Medicare	101.708.5260	20.00
Total Other Expense		175.00
Total Lands & Buildings		1,275.00

County Auditor Deductions**Other**

State Auditors Fees	101.710.5380	5,000.00
Total Other Expense		5,000.00
Total County Auditor Deductions		5,000.00

Administrative Support**Other**

Miscellaneous Expenses	101.711.5568	2,000.00
Total Other Expense		2,000.00
Total Administrative Support		2,000.00

TOTAL GENERAL FUND:**233,621.00****SECTION 3.** That there be appropriated from the Street Construction, Maintenance & Repair Fund:**SCM&R FUND****Personal Services**

Wages - Service - Regular	202.601.5185	6,725.00
Total Wages & Salaries		6,725.00
<u>Other</u>		
P. E. R. S.	202.601.5220	950.00
Medicare	202.601.5260	100.00
Engineering	202.601.5360	3,500.00
Street Lining	202.601.5368	90,000.00
Total Other Expense		94,550.00
TOTAL SCM&R FUND		101,275.00

SECTION 4. That there be appropriated from the Sewer Disposal Water Pollution Control Fund (Sewer Revenue):

SEWER REVENUE FUND

Personal Services

Wages - Regular	205.503.5140	7,115.00
Total Wages & Salaries		7,115.00

Other

P. E. R. S.	205.503.5220	1,000.00
Medicare	205.503.5260	105.00
Total Other Expense		1,105.00
TOTAL SEWER REVENUE FUND		8,220.00

SECTION 5. That there be appropriated from the Fire Emergency Rescue Fund:

FIRE EMERGENCY RESCUE FUND

Personal Services

Wages - Director/Chief	208.102.5120	1,080.00
Wages - Firefighters & Officers	208.102.5138	73,900.00
Wages - Secretary	208.102.5191	520.00
Total Wages & Salaries		75,500.00

Other

P. E. R. S.	208.102.5220	750.00
Police & Fire Pension	208.102.5230	265.00
Medicare	208.102.5260	1,100.00
Social Security	208.102.5265	4,500.00
Total Other Expense		6,615.00
TOTAL FIRE EMERGENCY RESCUE FUND		82,115.00

SECTION 6. That there be appropriated from the Senior Citizens Center Fund:

SENIOR CITIZENS CENTER FUND

Personal Services

Wages	220.304.5120	1,120.00
Wages - Part Time	220.304.5198	450.00
Total Wages & Salaries		1,570.00

Other

P. E. R. S.	220.304.5220	220.00
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Medicare	220.304.5260	25.00
Total Other Expense		245.00
TOTAL SENIOR CITIZENS CENTER FUND		1,815.00

SECTION 7. That there be appropriated from the E. 327th Sewer Improvement Phase 2 Fund:

E. 327TH SEWER IMPROVEMENT PHASE 2 FUND

Other

Engineering Fees	431.916.5360	75,000.00
Total Other Expense		75,000.00
TOTAL E. 327TH SEWER IMPROVEMENT PHASE 2 FUND		75,000.00

SECTION 8. That there be appropriated from the Donations & Bequests Fund:

Other

Donation Purchases	803.811.5800	16,200.00
Total Donations & Bequests Fund		16,200.00
TOTAL DONATIONS & BEQUESTS FUND:		16,200.00

TOTAL ALL FUNDS	443,510.00
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SECTION 9. That the Finance Director is hereby authorized to make expenditures or payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Board of Officers authorized by law to approve the same, or an Ordinance or Resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION 10. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 3.12 of the Charter of the City of Willowick and Section 121.22 of the Ohio Revised Code.

SECTION 11. That the Clerk of Council be and she is hereby requested to deliver a certified copy of this Ordinance to the Lake County Auditor.

SECTION 12. That this Ordinance is hereby declared and determined to be an emergency measure necessary for the preservation of the public peace, health and safety of said City for the reason that immediate provision must be made for the appropriation herein provided for and it shall, therefore, be in effect immediately upon its approval by the Mayor of the City.

PASSED: _____, 2022

Submitted to the Mayor for his approval
on _____, 2022

ATTEST:

Council President

Approved by the Mayor on
_____, 2022

Clerk of Council

Mayor

ORDINANCE NO. 2022-31**AN ORDINANCE ESTABLISHING THE E. 327TH STREET SEWER IMPROVEMENT PHASE 2 FUND, UNDER FUND NUMBER 431, AND DECLARING AN EMERGENCY.**

WHEREAS, in order to properly account for revenues and expenses relating to Phase 2 of the sewer infrastructure improvements on E. 327th Street within the City of Willowick, Ohio, including loans, grants, reimbursements, or other funding sources such as the American Recovery Protection Act, Ohio Public Works Commission, Lake County Stormwater Management Agency, the Water Pollution Control Loan Fund, and the Street Improvement Levy Funds, it is necessary to establish a fund for the deposit and transfer of said funds related to E. 327th Street Sewer Improvement Fund, Fund No. 431.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, STATE OF OHIO:

Section 1. That there is hereby established a special revenue fund to be known as the E. 327th Street Sewer Improvement Fund, Fund No. 431, to provide for project specific accounting records for the receipt of funds, revenues and expenditures associated with Phase 2 of the repair and/or replacement of the E. 327th Street sewer infrastructure and any related and necessary design, study, and improvements related thereto, and to maintain compliance with any and all state and federal regulatory agencies.

Section 2. That Council may transfer and deposit funds obtained from other public or private entities, and such other sources as specified by an affirmative vote of Council to be used to fund said project, including funds from the American Recovery Protection Act, Ohio Public Works Commission, Lake County Stormwater Management Agency, the Water Pollution Control Loan Fund, and the Street Improvement Levy Fund, together with all other necessary and related appurtenances thereto, and to maintain compliance with any and all state and federal regulatory agencies.

Section 3. That upon approval by Council, this Fund No. 431, shall be used solely for purposes of receipt and deposit of funds relating to the project, including but not limited to Phase 2 of the repair and/or replacement of the E. 327th Street sewer infrastructure, design, study, project implementation, and/or improvements, together with all other necessary and related appurtenances in the City, and to maintain compliance with any and all state and federal regulatory requirements.

Section 4. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick; and further that there is an immediate need to provide a Fund required for proper accounting of revenues and expenditures associated the E. 327th Street Sewer Improvement Project; and that it will ensure the orderly and uninterrupted efficient operation of the City and its Finance Department.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2022

Robert Patton, Council President

Submitted to the Mayor: _____, 2022

Richard J. Regovich, Mayor

Approved by the Mayor: _____, 2022

ATTEST: _____
Angela Trend, Clerk of Council

ORDINANCE NO. 2022-32

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances (January 31, 2021) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, STATE OF OHIO:

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2021-10	3-2-21	1182.01, 1182.02, 1182.03, 1182.031, 1182.04, 1182.041
2021-11	3-2-21	Repeals 133.41
2021-12	3-2-21	Repeals 133.42
2021-14	3-2-21	Repeals 133.43
2021-15	3-16-21	922.06
2021-17	- -	133.46
2021-18	4-6-21	1182.01, 1182.02, 1182.04
2021-25	6-15-21	133.45
2021-29	7-6-21	133.46
2021-37	10-5-21	505.121
2021-38	10-5-21	505.131
2021-39	10-5-21	1145.03
2021-49	12-7-21	921.08
2021-51	12-21-21	751.99
2021-52	12-21-21	1145.09

Adopting Ordinance

Section 2. That the following sections and subsections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

101.03, 301.187, 301.51, 331.21, 331.37, 333.03, 335.02, 335.04, 335.09, 351.03, 371.13, 371.14, 373.14, 373.16, 501.14, 501.99, 505.07, 505.20, 509.07, 513.01, 517.01, 517.06, 517.07, 517.09, 517.12, 517.13, 517.17, 525.13, 529.01, 529.07, 529.10, 533.08, 533.09, 533.095, 533.10, 541.04, 541.05, 541.055, 541.12, 545.03, 545.09, 549.02, 549.07, 549.10, 549.19

Section 3. That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 21, 2021.

Section 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick, and that it will ensure the orderly and uninterrupted efficient operation of the City and its Codified Ordinances.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2022

Robert Patton, Council President

Submitted to the Mayor: _____, 2022

Richard J. Regovich, Mayor

Approved by the Mayor: _____, 2022

ATTEST: _____
Angela Trend, Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER
CONTAINED IN THE 2022 REPLACEMENT PAGES
FOR THE CODIFIED ORDINANCES
OF WILLOWICK, OHIO

New matter in the Codified Ordinances of Willowick, Ohio, as contained in the 2022 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
101.03	Rules of construction.
301.187	Definition of “low-speed micromobility device.”
301.51	Definition of “vehicle.”
331.21	Right-of-way of public safety or coroner's vehicle.
331.37	Driving upon sidewalks, street lawns or curbs.
333.03	Maximum speed limits; assured clear distance ahead.
335.02	Possession of more than one license prohibited.
335.04	Certain acts prohibited.
335.09	Display of license plates; expired or unlawful plates.
351.03	Prohibited standing or parking places.
371.13	Operation of personal delivery device on sidewalks and crosswalks.
371.14	Low-speed micromobility devices.
373.14	Motorized bicycle operation, equipment and license.
373.16	Electric bicycles.
501.14	Self-defense; limitations on duty to retreat prior to using force.
501.99	Penalties for misdemeanor; suspension of driver's license.
505.07	Cruelty to animals; cruelty to companion animals.
505.20	Sexual conduct with an animal.
509.07	Making false alarms.
513.01	Definitions concerning drugs.
517.01	Definitions related to gambling.
517.06	Methods of conducting a bingo game; prohibitions.
517.07	Bingo records.
517.09	Bingo exceptions.
517.12	Raffle drawings.
517.13	Instant bingo other than at bingo sessions.
517.17	Electronic instant bingo; prohibited conduct.
525.13	Interfering with civil rights.
529.01	Definitions related to liquor control.
529.07	Open container prohibited.
529.10	Conveying intoxicating liquor or cash onto grounds of detention facilities or other specified governmental facilities.
533.08	Procuring; engagement in sexual activity for hire.
533.09	Soliciting.
533.095	Loitering to engage in solicitation.

<u>Section</u>	<u>New or amended matter regarding:</u>
533.10	Prostitution.
541.04	Criminal mischief.
541.05	Criminal trespass.
541.055	Aggravated trespass.
541.12	Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism.
545.03	Property exceptions as felony offense.
545.09	Passing bad checks.
549.02	Carrying concealed weapons.
549.07	Unlawful transactions in weapons.
549.10	Fireworks.
549.19	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.

RESOLUTION NO. 2022 - 18**A RESOLUTION ADOPTING THE TAX BUDGET FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2023 AND DECLARING AN EMERGENCY.****BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE
COUNTY, STATE OF OHIO:**

SECTION 1. That pursuant to Charter Authority, the 2023 Tax for the City of Willowick, Ohio which provides for the following levies:

1. General Fund	\$ 2,933,360.00	10.05
2. General Bond Retirement	43,793.00	.15
3. Police Pension Fund	87,345.00	.30
4. Street Lighting Fund	218,412.00	.75
5. Fire Emergency Rescue Fund	729,050.00	2.50
6. Safety Improvement Levy	262,720.00	1.50
7. Street Improvement Levy	874,350.00	3.00
8. Sanitary & Storm Sewer Lateral	238,110.00	1.00
9. Recreation Improvement Fund	<u>67,105.00</u>	<u>.50</u>
TOTAL	\$ 5,454,245.00	19.75

is hereby adopted and the Director of Finance is hereby directed to submit copies of said Budget to the Lake County Auditor as provided by law.

SECTION 2. That all formal actions of the Council concerning the passage of this Resolution were adopted in an open meeting, and all the deliberations of this Council, or any of its committees, that resulted in such formal actions were in meetings open to the public in compliance with all legal requirement including Chapter 123 of the Codified Ordinances of the City of Willowick.

SECTION 3. That this Resolution is hereby declared and determined to be an emergency measure necessary for the preservation of the public peace, health and safety of said City and its inhabitants, and for the further reason that it is necessary to submit the Tax Budget for the City to the County Auditor within the time prescribed by law.

WHEREFORE, this Resolution shall be in full force immediately upon its passage and approval by the Mayor.

PASSED: _____, 2022

Robert Patton, President of Council

SUBMITTED to the Mayor for his approval
on _____, 2022

APPROVED by the Mayor on
_____, 2022

ATTEST:

Angela Trend, Clerk of Council
Mayor

Richard J. Regovich,

ORDINANCE NO. 2022-33

AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING THE CITY'S BAN ON THE DISCHARGE, IGNITING OR EXPLODING OF FIREWORKS WITHIN THE CITY OF WILLOWICK, AS SET FORTH IN CHAPTER 549 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, AND DECLARING AN EMERGENCY.

WHEREAS, the Governor of the State of Ohio signed H.B. 172, amending Ohio Revised Code 3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property, or if permitted, on another person's property on certain designated days of the year; and

WHEREAS, H.B. 172 also provides that any municipal corporation may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the discharge, ignition or explosion of consumer grade fireworks; and

WHEREAS, the City Council finds that a prohibition on the discharge of consumer grade fireworks will best protect the public's right to the quiet enjoyment of their premises; and

WHEREAS, this Council finds that the unsafe and illegal discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in densely populated residential and business areas; and

WHEREAS, it is in the best interests of the public to ban the discharge, ignition and explosion of fireworks otherwise permitted by H.B. 172 within the City of Willowick, Lake County, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Willowick, State of Ohio:

Section 1. That Council of the City of Willowick expressly opts-out of the provisions set forth in H.B. 172, and reaffirms the City's complete ban on the discharge, igniting or exploding of fireworks within the City of Willowick, as set forth in Section 549.10 of the Codified Ordinances of the City of Willowick.

Section 2. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick; and further that there is an immediate need to protect the health, safety and welfare of the residents during the warm-weather season by passage of this Ordinance.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2022

Robert Patton, Council President

Submitted to the Mayor: _____, 2022

Richard J. Regovich, Mayor

Approved by the Mayor: _____, 2022

ATTEST: _____
Angela Trend, Clerk of Council

CITY OF WILLOWICK

REQUEST FOR PURCHASE ORDER

DEPARTMENT

Fire

PO #

ITEMS REQUESTED

VENDOR'S QUOTE (MIN. OF THREE)

Name

Amount

Turn Out Gear

\$25,287.95

6/21/2022

Vendor:	The Fire House 125 E. Church Street P. O. Box 666 Newark, OH 43055	Ship to:	Willowick Fire Department 30435 Lakeshore Boulevard Willowick, Ohio 44095
Phone#		Phone#	Bus: (440) 585-1202 Fax: (440) 585-4112
Ship Via:		Terms:	

Quantity	Unit	Description	Unit Price	Total
10	Each	REACTION COAT	\$ 1,426.15	\$ 14,261.50
10	Each	GPS PANT SYSTEM	\$ 1,102.68	\$ 11,026.80

Account Number	Amount	Shipping & Handling	Total
101.102.5272	\$ 13,908.57		
208.102.5272	\$ 11,379.74		
Total	\$ 25,288.30	Total	\$ 25,288.30

<input checked="" type="checkbox"/>	CHECK IF COUNCIL APPROVAL IS REQUIRED
-------------------------------------	---------------------------------------

Signature of Department Head

Date

Director of Finance

Date

*****Please send to Finance for a Purchase Order. It will be returned to you for receipt of goods/services.*****

Please complete this section and return to Finance when goods have been received.

Date Delivered

Quantity Received

Condition

Approval for payment:

Signature of authorized personnel

THE FIRE HOUSE

www.the-fire-house.com

Phone: 1-800-669-1986

PO Box #666 125 E. Church St.

Newark, Ohio 43055

Quote

DATE: 6/21/2022

Company

Willowick Fire Department

30435 Lakeshore Blvd.

Willowick, Ohio 44095

Contact

SALESPERSON

Laura Barry

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
Reaxtion Coat	Shell Material-Advance yellow Thermal Barrier-Caldura SL2i Moisture Barrier-Crosstech Black 3" Scotchlite letters (Willowick) Row A Closure: Hook & Dee In Velcro out 1x3 mic strap top right & left collar sunlance Flashlight holder Right Chest Radio Pocket 2.5x4x7 Left Chest 1x3 mic strap Left Chest 2"WD radio flapNomex Wristers/ cuff reinforcement suede Kevlar backed 2x9x8 semi expansion pocket 2x9x8 pocket w/fleece handwramer snaps on collar in place of velcro Lime/Yellow Triple Trim NYC	10	\$1,426.15	\$14,261.15
SUBTOTAL				\$14,261.15

Other Comments or Special Instructions

Coat lengths 29", 32", 35

Option: Add \$6.56 to cost of coat for Grey&white nomex wristers w/thumbhole.

S & H

OTHER

\$

-

TOTAL

\$

14,261.15

If you have any questions, about this quote please contact

Laura Barry at 216-509-0049 or laurafire@att.net

Thank You For Your Business!

THE FIRE HOUSE

www.the-fire-house.com

Phone: 1-800-669-1986

PO Box #666 125 E. Church St.

Newark, Ohio 43055

Quote

DATE: 6/21/2022

Company

Willowick Fire Department

30435 Lakeshore Blvd

Willowick, Ohio 44095

Contact

SALESPERSON

Laura Barry

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
GPS Pant system	Shell Material-Advance Yellow Thermal Barrier-Caldura SI2i Moisture Barrier-Crosstech Black L/Y 3" Scotchlite Triple Trim Pant cuff Belt loops wide/Black Nomex adjustable Belt 2x10x10 Expansion pocket.=/Kevlar back cuff reinforcementbt suede Knee reinforcement Suede/Cathedral knee Rip-cord black padded suspenders Padded Knee	10	\$1,102.68	\$11,026.80
SUBTOTAL				\$11,026.80

Other Comments or Special Instructions

Note: The pant comes in 3 fits sizes slim, regular, relaxed.

Shipping & Handling included in pricing.

Estimated time of delivery after sizing and ordered entered into system 8 to 10 months which is subject to change.

S & H

OTHER

\$

-

TOTAL

\$

11,026.80

If you have any questions, about this quote please contact

Laura Barry at 216-509-0049 or laurafire@att.net

Thank You For Your Business!