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Lakewood City Council
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Ward Council
KYLE BAKER, WARD 1
JASON SHACHNER, WARD 2
CINDY STREBIG, WARD 3
CINDY MARX, WARD 4

Issued 04/24/24

PUBLIC NOTICE – PUBLIC SAFETY COMMITTEE

Public Safety Committee will meet Monday April 29, 2024 at 6:00 p.m. in the Auditorium of Lakewood City Hall at 12650 Detroit Avenue. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 michelle.nochta@lakewoodoh.net.

The meeting will be livestreamed on the City's website at the following link:

www.lakewoodoh.gov/councilvideos

PUBLIC COMMENT PROTOCOL (Updated 6/21)

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

The agenda is as follows:

Approval of the minutes of the April 15, 2024 meeting of the Public Safety Committee.

ORDINANCE 40-2023 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Sections 513.01 Definitions, 513.02 Gift of marijuana, and 513.03 Drug abuse; and controlled substance possession or use of the Codified Ordinances of the City of Lakewood and to repeal Section 513.045 Use or possession of marijuana paraphernalia, to make these sections consistent with Chapter 3780 Adult Use Cannabis Control of the Ohio Revised Code. (*1st read & referred to Public Safety 12/18/23; 2nd reading 1/2/24*)

RESOLUTION 2024-22 - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor to enter into an updated agreement for the establishment of the Westshore Council of Governments. *(Referred to PS 4/15/24)*

RESOLUTION 2024-20 - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to increase the impound fees for animals that are housed at the Lakewood Animal Shelter. *(Referred to PS & LASWAB 04/01/24)*

Kyle Baker, Chair

Jason Shachner, Cindy Strebis; Members

PUBLIC SAFETY COMMITTEE

ORDINANCE NO. 40-2023

BY: SHACHNER, KEPPLER, MARX, RADER,
BAKER

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Sections 513.01 Definitions, 513.02 Gift of marihuana, and 513.03 Drug abuse; and controlled substance possession or use of the Codified Ordinances of the City of Lakewood and to repeal Section 513.045 Use or possession of marihuana paraphernalia, to make these sections consistent with Chapter 3780 Adult Use Cannabis Control of the Ohio Revised Code.

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in enforcing ordinances related to the possession and use of marihuana should be adopted as soon as possible.

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 513.01 Definitions of the Codified Ordinances of the City of Lakewood, currently reading as follows:

513.01 DEFINITIONS

As used in this chapter, certain terms are defined as follows:

- (a) “Administer” means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) “Controlled substance” means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV or V.
- (c) “Dispense” means sell, leave with, give away, dispose of or deliver.
- (d) “Distribute” means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) “Hypodermic” means a hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication.
- (f) “Manufacturer” means a person who manufactures a controlled substance as “manufacture” is defined in Ohio R.C. 3715.01.
- (g) “Marihuana” means all parts of any plant of the genus cannabis whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not

include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(h) (Reserved)

(i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law.

(j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

(k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.

(l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.

(m) "Licensed health professional authorized to prescribe drugs", "prescribe" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

(n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that he himself has not manufactured, produced or prepared and includes "wholesale distributor of dangerous drugs" as the term is defined in Ohio R.C. 4729.02.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.

(s) “Bulk amount” of a controlled substance means any of the following:

(1) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance which is, or which contains any amount of, a Schedule I opiate or opium derivative, or cocaine;

(2) An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance which is, or contains any amount of, raw or gum opium;

(3) An amount equal to or exceeding 200 grams of marihuana, or an amount equal to or exceeding ten grams of the resin contained in marihuana, or of any extraction or preparation of the resin contained in marihuana, or equal to or exceeding two grams of the resin contained in marihuana in a liquid concentrate, liquid extract or liquid distillate form;

(4) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule I hallucinogen other than tetrahydrocannabinol, lysergic acid diethylamide, lysergic acid amide, or marihuana or a Schedule I depressant;

(5) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule II opiate or opium derivative;

(6) An amount equal to or exceeding one gram or ten unit doses of a compound, mixture, preparation or substance which is, or contains any amount of, lysergic acid diethylamide, lysergic acid amide tetrahydrocannabinol;

(7) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance which is, or contains any amount of, phencyclidine;

(8) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule II stimulant or depressant substance, or a Schedule III or IV substance;

(9) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule V substance.

(t) “Unit dose” means an amount or unit of a compound, mixture or preparation containing a controlled substance, such amount or unit being separately identifiable and in such form as to

indicate that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(u) "Cultivate" includes planting, watering, fertilizing or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State except a violation of Ohio R.C. 2925.11.

(x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:

(1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, and any other preparation containing a volatile organic solvent;

(2) Any aerosol propellant;

(3) Any fluorocarbon refrigerant;

(4) Any anesthetic gas.

(y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

(z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(aa) “Sample drug” means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a practitioner, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(bb) “Standard pharmaceutical reference manual” means the current edition, with cumulative changes if any, of any of the following reference works:

(1) “The National Formulary”;

(2) “The United States Pharmacopeia”, prepared by authority of the United States Pharmacopeial Convention, Inc.;

(3) Other standard references that are approved by the State Board of Pharmacy.

(cc) “Juvenile” means a person under eighteen years of age.

(ORC 2925.01)

(dd) (1) “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

A. Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

D. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

F. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body; and

L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

6. Miniature cocaine spoons and cocaine vials;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;

11. Chillums;

12. Bongs; and

13. Ice pipes or chillers.

(2) In determining whether an object is “drug paraphernalia”, a court or other authority should consider, in addition to all other logically relevant factors, the following:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any City, State or Federal law relating to any controlled substance;

C. The proximity of the object, in time and space, to a direct violation of this chapter;

D. The proximity of the object to controlled substances;

E. The existence of any residue of controlled substances on the object;

F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner or of anyone in control

of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as “drug paraphernalia”;

G. Instructions, oral or written, provided with the object concerning its use;

H. Descriptive materials accompanying the object which explain or depict its use;

I. National and local advertising concerning its use;

J. The manner in which the object is displayed for sale;

K. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

L. The existence and scope of legitimate uses for the object in the community; and

M. Expert testimony concerning its use.

(ee) “School premises” means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school, is being conducted on the premises at the time a criminal offense is committed; or

(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(ff) “School building” means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(gg) “Counterfeit controlled substance” means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) An offense is “committed in the vicinity of a school” if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

is hereby repealed.

Section 2. That new Section 513.01 Definitions of the Lakewood Codified Ordinances, is hereby enacted to read as follows:

As used in this chapter, certain terms are defined as follows:

(a) “Administer” means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.

(b) “Controlled substance” means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV or V.

(c) “Dispense” means sell, leave with, give away, dispose of or deliver.

(d) “Distribute” means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.

(e) “Hypodermic” means a hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication.

(f) “Manufacturer” means a person who manufactures a controlled substance as “manufacture” is defined in Ohio R.C. 3715.01.

(g) ~~“Marihuana” means all parts of any plant of the genus cannabis whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. “Adult use cannabis ” or “cannabis ” or “marijuana” or “marihuana” means marihuana as defined in section 3719.01 of the Revised Code.~~

(h) ~~(Reserved)~~ “Adult use extract” or “extract” means a substance obtained by separating or concentrating cannabinoids and other compounds from any part of the adult use cannabis plant by physical or chemical means, intended to be refined for use as an ingredient in an adult use cannabis product or as a standalone adult use cannabis product.

(i) “Official written order” means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law.

(j) “Pharmacist” means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

(k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.

(l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.

(m) "Licensed health professional authorized to prescribe drugs", "prescribe" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

(n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that he himself has not manufactured, produced or prepared and includes "wholesale distributor of dangerous drugs" as the term is defined in Ohio R.C. 4729.02.

(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.

(ORC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.

(s) "Bulk amount" of a controlled substance means any of the following:

(1) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance which is, or which contains any amount of, a Schedule I opiate or opium derivative, or cocaine;

(2) An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance which is, or contains any amount of, raw or gum opium;

(3) An amount equal to or exceeding 200 grams of marihuana, or an amount equal to or exceeding ten grams of the resin contained in marihuana, or of any extraction or preparation of the resin contained in marihuana, or equal to or exceeding two grams of the resin contained in marihuana in a liquid concentrate, liquid extract or liquid distillate form;

(4) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule I hallucinogen other than tetrahydracannabinol, lysergic acid diethylamide, lysergic acid amide, or marihuana or a Schedule I depressant;

(5) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule II opiate or opium derivative;

(6) An amount equal to or exceeding one gram or ten unit doses of a compound, mixture, preparation or substance which is, or contains any amount of, lysergic acid diethylamide, lysergic acid amide tetrahydracannabinol;

(7) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance which is, or contains any amount of, phencyclidine;

(8) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule II stimulant or depressant substance, or a Schedule III or IV substance;

(9) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance which is, or contains any amount of, a Schedule V substance.

(t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, such amount or unit being separately identifiable and in such form as to indicate that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(u) "Cultivate" includes planting, watering, fertilizing or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing,

shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) “Felony drug abuse offense” means any drug abuse offense that would constitute a felony under the laws of this State except a violation of Ohio R.C. 2925.11.

(x) “Harmful intoxicant” does not include beer or intoxicating liquor, but means any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:

(1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, and any other preparation containing a volatile organic solvent;

(2) Any aerosol propellant;

(3) Any fluorocarbon refrigerant;

(4) Any anesthetic gas.

(y) “Manufacture” means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.

(z) “Possess” or “possession” means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(aa) “Sample drug” means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a practitioner, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(bb) “Standard pharmaceutical reference manual” means the current edition, with cumulative changes if any, of any of the following reference works:

(1) “The National Formulary”;

(2) “The United States Pharmacopeia”, prepared by authority of the United States Pharmacopeial Convention, Inc.;

(3) Other standard references that are approved by the State Board of Pharmacy.

(cc) “Juvenile” means a person under eighteen years of age.

(ORC 2925.01)

(dd) (1) “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

A. Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

D. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

F. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body; and

L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

6. Miniature cocaine spoons and cocaine vials;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;

11. Chillums;

12. Bongs; and

13. Ice pipes or chillers.

(2) In determining whether an object is “drug paraphernalia”, a court or other authority should consider, in addition to all other logically relevant factors, the following:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any City, State or Federal law relating to any controlled substance;

C. The proximity of the object, in time and space, to a direct violation of this chapter;

D. The proximity of the object to controlled substances;

E. The existence of any residue of controlled substances on the object;

F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as “drug paraphernalia”;

G. Instructions, oral or written, provided with the object concerning its use;

H. Descriptive materials accompanying the object which explain or depict its use;

I. National and local advertising concerning its use;

J. The manner in which the object is displayed for sale;

K. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

L. The existence and scope of legitimate uses for the object in the community; and

M. Expert testimony concerning its use.

(ee) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school, is being conducted on the premises at the time a criminal offense is committed; or

(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(gg) "Counterfeit controlled substance" means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

Section 3. Section 513.02 Gift of Marihuana of the Codified Ordinances of the City of Lakewood, currently reading as follows:

513.02 GIFT OF MARIHUANA

(a) No person shall knowingly make a gift of, or possess for the purpose of making a gift of, or receive as a gift, twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree for any subsequent offense, provided the offense does not

involve a violation of Ohio R.C. 2925.03(A)(1), (5), (7) or (10) that was committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, or that was committed within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, if the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense. If the offense involves a violation of Ohio R.C. 2925.03(A)(1), (5), (7) or (10) that was committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, or that was committed within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, if the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense, whoever violates this section is guilty of a misdemeanor of the third degree.

In addition to any other penalty imposed for a violation of this section, the Court may proceed as provided in Ohio R.C. 2925.03(M) and the State Registrar of Motor Vehicles shall proceed as provided in Ohio R.C. 4507.169.

is hereby repealed.

Section 4. That new Section 513.02 Gift of Marihuana is hereby enacted to read as follows:

(a) No person shall knowingly make a gift of adult use cannabis that exceeds: ~~or possess for the purpose of making a gift of, or receive as a gift, twenty grams or less of marihuana~~

(1) Two and one-half ounces of adult use cannabis in any form except adult use extract;

(2) Fifteen grams of adult use cannabis in the form of adult use extract; or

(3) Any amount in any form to a person that is under the age of twenty-one.

(b) Whoever violates this section is guilty of a minor misdemeanor, ~~for a first offense and a misdemeanor of the third degree for any subsequent offense, provided the offense does not involve a violation of Ohio R.C. 2925.03(A)(1), (5), (7) or (10) that was committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, or that was committed within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, if the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense.~~ If the offense involves a violation of Ohio R.C. 2925.03(A)(1), (5), (7) or (10) that was committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, or that was committed within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, if the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense, whoever violates this section is guilty of a misdemeanor of the third degree.

In addition to any other penalty imposed for a violation of this section, the Court may proceed as provided in Ohio R.C. 2925.03(M) and the State Registrar of Motor Vehicles shall proceed as provided in Ohio R.C. 4507.169.

Section 5. Section 513.03 Drug Abuse; Controlled Substance Possession or Use of the Codified Ordinances of the City of Lakewood, currently reading as follows:

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE

(a) No person shall knowingly obtain, possess or use a controlled substance.

(b) Subsection (a) hereof does not apply to the following:

(1) Manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

(3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act; and

(4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(Ord. 18-02. Passed 9-3-02.)

(c) Whoever violates this section is guilty of drug abuse and shall be sentenced as follows:

(1) If the drug involved is a compound, mixture, preparation or substance included in Schedule III, IV or V, with the exception of an anabolic steroid, drug abuse is a misdemeanor of the third degree, and if the offender previously has been convicted of a drug abuse offense, drug abuse is a misdemeanor of the second degree.

(2) If the drug involved is marihuana, drug abuse is a misdemeanor of the fourth degree, unless the amount of marihuana involved is less than 100 grams, the amount of marihuana resin or extraction or preparation of such resin is less than five grams, and the amount of such resin in a liquid concentrate, liquid extract or liquid distillate form is less than one gram, in which case drug abuse is a minor misdemeanor.

(3) If the drug involved is an anabolic steroid included in Schedule III, drug abuse is a misdemeanor of the third degree and, in lieu of sentencing an offender to a definite or indefinite term of imprisonment in a detention facility, the court may place the offender on conditional probation pursuant to Ohio R.C. 2925.11(G) or 2951.02(H), unless the offender previously has been convicted of a drug abuse offense, in which case drug abuse is a misdemeanor of the second degree.

(d) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any

application for employment, license or other right or privilege, or made in connection with the person's appearance as a witness.

(e) (1) Notwithstanding the fines otherwise required to be imposed pursuant to Section 501.99, for violations of this section, and notwithstanding Ohio R.C. 2929.22, the court shall impose a mandatory fine of seven hundred fifty dollars (\$750.00) if the violation of this section was a misdemeanor of the second degree, a mandatory fine of five hundred dollars (\$500.00) if the violation of this section was a misdemeanor of the third degree, a mandatory fine of two hundred fifty dollars (\$250.00) if the violation of this section was a misdemeanor of the fourth degree, and a mandatory fine of one hundred dollars (\$100.00) if the violation of this section was a minor misdemeanor.

(2) The court may impose a fine in addition to a mandatory fine imposed pursuant to paragraph (e)(1) hereof if the total of the additional and mandatory fines does not exceed the maximum fine that could be imposed pursuant to Section 501.99.

(3) Notwithstanding any contrary provision of Ohio R.C. 2925.11 or 3719.21, fifty percent of any mandatory fine imposed pursuant to paragraph (e)(1) hereof shall be paid by the clerk of the court into the Law Enforcement Trust Fund of the Municipality required to be established by Ohio R.C. 2933.43(D)(1)(c) and fifty percent shall be paid into the General Fund of the Municipality. Any additional fine imposed pursuant to paragraph (e)(2) hereof shall be disbursed by the clerk of the court as otherwise provided by law.

(4) If a person is charged with any violation of this section and posts bail pursuant to Ohio R.C. 2937.22 to 2937.46 or Rule 46 of the Ohio Rules of Criminal Procedure, and if the person forfeits the bail, the forfeited bail shall be paid by the clerk of the court in accordance with and subject to the requirements of, and shall be used as specified in, paragraph (e)(3) hereof.

(5) No court shall impose a mandatory fine pursuant to paragraph (e)(1) hereof upon an offender who alleges, in an affidavit filed with the court prior to his or her sentencing, that he or she is indigent and is unable to pay any mandatory fine imposed pursuant to such paragraph, if the court determines the offender is an indigent person and is unable to pay the fine.

(f) In addition to the penalties provided in this section, the court may proceed as provided in Ohio R.C. 2925.11(F) through (H) and the State Registrar of Motor Vehicles shall proceed as provided in Ohio R.C. 4507.169.

is hereby repealed.

Section 5. That new Section 513.03 is hereby enacted to read as follows:

(a) No person shall knowingly obtain, possess or use a controlled substance.

(b) Subsection (a) hereof does not apply to the following:

(1) Manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

(3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the “Federal Food, Drug and Cosmetic Act”, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act; and

(4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(Ord. 18-02. Passed 9-3-02.)

(c) Whoever violates this section is guilty of drug abuse and shall be sentenced as follows:

(1) If the drug involved is a compound, mixture, preparation or substance included in Schedule III, IV or V, with the exception of an anabolic steroid, drug abuse is a misdemeanor of the third degree, and if the offender previously has been convicted of a drug abuse offense, drug abuse is a misdemeanor of the second degree.

(2) If the drug involved is marihuana, and the amount of marihuana in any form except adult use extract is greater than two and one-half ounces but is less than two hundred grams or the amount of marihuana in the form of adult use extract is greater than fifteen grams or any amount of marihuana in any form and the person is under the age of twenty-one drug abuse is a minor misdemeanor. of the fourth degree, unless the amount of marihuana involved is less than 100 grams, the amount of marihuana resin or extraction or preparation of such resin is less than five grams, and the amount of such resin in a liquid concentrate, liquid extract or liquid distillate form is less than one gram, in which case drug abuse is a minor misdemeanor. Persons convicted of violating this section that are the age of twenty-one or above shall not be fined and all court costs shall be suspended.

(3) If the drug involved is an anabolic steroid included in Schedule III, drug abuse is a misdemeanor of the third degree and, in lieu of sentencing an offender to a definite or indefinite term of imprisonment in a detention facility, the court may place the offender on conditional probation pursuant to Ohio R.C. 2925.11(G) or 2951.02(H), unless the offender previously has been convicted of a drug abuse offense, in which case drug abuse is a misdemeanor of the second degree.

(d) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license or other right or privilege, or made in connection with the person's appearance as a witness.

(e) (1) Notwithstanding the fines otherwise required to be imposed pursuant to Section 501.99, for violations of this section, and notwithstanding Ohio R.C. 2929.22, the court shall impose a mandatory fine of seven hundred fifty dollars (\$750.00) if the violation of this section was a misdemeanor of the second degree, a mandatory fine of five hundred dollars (\$500.00) if the violation of this section was a misdemeanor of the third degree, a mandatory fine of two hundred fifty dollars (\$250.00) if the violation of this section was a misdemeanor of the fourth

degree, and a mandatory fine of one hundred dollars (\$100.00) if the violation of this section was a minor misdemeanor.

(2) The court may impose a fine in addition to a mandatory fine imposed pursuant to paragraph (e)(1) hereof if the total of the additional and mandatory fines does not exceed the maximum fine that could be imposed pursuant to Section 501.99.

(3) Notwithstanding any contrary provision of Ohio R.C. 2925.11 or 3719.21, fifty percent of any mandatory fine imposed pursuant to paragraph (e)(1) hereof shall be paid by the clerk of the court into the Law Enforcement Trust Fund of the Municipality required to be established by Ohio R.C. 2933.43(D)(1)(c) and fifty percent shall be paid into the General Fund of the Municipality. Any additional fine imposed pursuant to paragraph (e)(2) hereof shall be disbursed by the clerk of the court as otherwise provided by law.

(4) If a person is charged with any violation of this section and posts bail pursuant to Ohio R.C. 2937.22 to 2937.46 or Rule 46 of the Ohio Rules of Criminal Procedure, and if the person forfeits the bail, the forfeited bail shall be paid by the clerk of the court in accordance with and subject to the requirements of, and shall be used as specified in, paragraph (e)(3) hereof.

(5) No court shall impose a mandatory fine pursuant to paragraph (e)(1) hereof upon an offender who alleges, in an affidavit filed with the court prior to his or her sentencing, that he or she is indigent and is unable to pay any mandatory fine imposed pursuant to such paragraph, if the court determines the offender is an indigent person and is unable to pay the fine.

(f) In addition to the penalties provided in this section, the court may proceed as provided in Ohio R.C. 2925.11(F) through (H) and the State Registrar of Motor Vehicles shall proceed as provided in Ohio R.C. 4507.169.

Section 5. Section 513.045 Use or Possession of Marihuana Paraphernalia of the Codified Ordinances of the City of Lakewood, currently reading as follows:

(a) As used in this section, “drug paraphernalia” has the same meaning as in subsection (a) of Section 513.04.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 513.04.

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 513.04, and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Ohio R.C. 3719.172.

(e) Subsection (e) of Section 513.04 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(f) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

is hereby repealed.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor to enter into an updated agreement for the establishment of the Westshore Council of Governments.

WHEREAS, Chapter 167 of the Ohio Revised Code provides that governing bodies of two or more municipal corporations or other political subdivisions may enter into an agreement with each other for the establishment of a regional council consisting of such subdivisions, which Council shall have the powers and duties as set forth in said Chapter; and

WHEREAS, the cities of Bay Village, Fairview Park, Lakewood, North Olmsted, Rocky River and Westlake entered into an agreement establishing the Westshore Council of Governments; and

WHEREAS, updates were made to the original agreement, including the Bylaws of the Westshore Enforcement Bureau and Westshore Technical Response Team and have been presented to the Cities for passage by the members of the Westshore Council of Governments;

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary to provide for the usual daily operation of the City; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That the Mayor is hereby authorized to enter into an updated Agreement for Establishment of Westshore Council of Governments, and Bylaws for the Westshore Police Divisions and Westshore Technical Response Team, copies of which are attached hereto and marked “Exhibit A”, “Exhibit B” and “Exhibit C.”

Section 2. That the Mayor is hereby approved to remain as delegate to the Westshore Council of Governments and is hereby directed to continue to report to this Council and keep it informed as to the programs, functions and activities of the Westshore Council of Governments as they may affect or be of interest to this City and its inhabitants.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to this Resolution 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 4. That this Resolution is hereby declared to be an emergency measure for the reasons set forth in the preamble to this Resolution, and provided it receives the affirmative vote of at least two thirds of its members, this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

Sarah Kepple, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor

Exhibit A

AGREEMENT FOR ESTABLISHMENT OF WESTSHORE COUNCIL OF GOVERNMENTS

This agreement is made and entered into by and between certain municipal corporations in Cuyahoga County, Ohio and the counties adjacent thereto. We have become parties to this agreement by causing this agreement or an identical copy of it to be signed by an officer duly authorized by the legislative authority of such municipal corporation.

WITNESSETH

The parties to this agreement wishing to establish a regional council of governments pursuant to Chapter 167 of the Ohio Revised Code, consisting of the municipal corporations of Bay Village, Fairview Park, Lakewood, North Olmsted, Rocky River and Westlake agree as follows:

- I. Name: There is hereby established a regional council of governments which shall be known as the Westshore Council of Governments, hereinafter referred to as "Council".
- II. Purpose: The purpose of the Council shall be to foster cooperation between municipalities in all areas of municipal service. This shall include but shall not be limited to the effective exchange of information, pooling of manpower and resources for the efficient solutions of specific problems dealing with reciprocal service, mutual aid, and parallel action, and the exchange of ideas relating to area wide interest.
- III. Representation: Each municipal member of the Council shall be represented by its mayor or by a designated alternate.
- IV. Officers: The Council shall have a president and secretary who shall serve for a term of one year without compensation and shall be from its membership. These offices shall rotate among the member cities in the following order:

Rocky River
Westlake
North Olmsted
Lakewood
Fairview Park
Bay Village

The City on which the rotation falls will be responsible for the offices of president and secretary and who shall serve without compensation.

In the event the president is absent, the remaining members in attendance shall elect an acting president to serve for the duration of the meeting.

V. Meetings: The Council shall meet at least once a year or at the call of its president or upon written notice from one of its members. A simple majority of the total membership shall constitute a quorum, and action may be taken by the affirmative vote of a simple majority of the total membership. Each member of the Council shall be entitled to one vote on each item under consideration. Voting shall be done by its members or alternates personally present and no proxy or absentia voting shall be permitted.

VI. Bylaws: The Council shall have the authority to adopt its own rules and bylaws to govern its proceedings.

VII. Additional Members: Other municipalities may be admitted to membership in the Council upon unanimous vote of approval by the existing members. Such new member municipality may be required to share in the costs of any cooperative program then in existence as a condition of membership.

VIII. Withdrawal from Membership: Any member municipality may withdraw from the Council sixty days after written notice of such withdrawal is mailed to all other members. Such withdrawal shall not affect the contractual rights set forth herein as to all other parties hereto. Where a member has made a financial commitment to provide matching funds for a federal grant or state grant over a specific period of time, or has made any other financial commitment to the Council, such financial liability shall extend for the full term of the commitment and shall not be affected by the member's withdrawal from the Council prior to the expiration thereof.

IX. Divisions Established: The Divisions of the Westshore COG Consist of:

A. Westshore Enforcement Bureau (WEB):

In order to provide a greater degree of cooperation in the field of law enforcement the Council hereby establishes the Westshore Enforcement Bureau (WEB). The membership on the Bureau shall consist of police chiefs of each member municipality or their alternates specifically designated by them. The Bureau shall have authority to adopt its own rules and bylaws to govern its proceedings, subject to the approval of the Council. No terms and conditions of any contract shall be binding on the participating municipality unless approved by the legislative body of that municipality.

In order to improve the ability of WEB to assist the member communities in improving law enforcement services and dealing with law enforcement issues of mutual concerns, the Council is specifically authorized to perform all functions and duties in the area of law enforcement capable of being performed by each member community, as set forth herein. The member communities have entered into various mutual aid agreements for the purpose of assisting each other in various safety areas and in order to further and supplement those mutual aid agreements, the Council desires to empower certain individuals employed by WEB with the ability and authority to assist in the area of law enforcement. For purpose of providing this mutual assistance in the area of law enforcement, the individual who holds the position of the special agent in charge and other special agents of WEB as are approved by the Council of Governments, otherwise qualified as a peace officer pursuant to the Ohio Revised Code, may be appointed as a peace officer by the Council and Westshore Enforcement Bureau with full police powers throughout the territory of the member communities of the Council. Such

authority granted to said special agent in charge and to the approved special agents of WEB shall be exercised in accordance with the Ohio Revised Code and in particular with the authority inherent in a R.C. 167.01, 737.041, and other relevant sections. Upon the qualifications of the special agent in charge and other agents of WEB and the designation by the Council of such individuals as peace officers for the Council with the authority to provide police protection and to act in all respects as a peace officer within the jurisdictions of the member municipal corporations of the Council, such individual shall be sworn to such office by the Mayor currently presiding as President of the Council.

The Westshore Young Leaders (WYL) mission is to expand student potential through training, education and drug free events and activities. They operate under the umbrella of the WEB.

- B. Hazardous Devices Unit (HDU) consists of one officer from each of the COG communities to serve as bomb technicians. They receive advanced training in investigating and maintaining suspicious packages or devices.
 - C. Westshore Technical Rescue Team (WTRT) provides cooperative efforts between each of the member communities municipalities' fire departments in the fields of technical rescues including land, water and hazardous materials rescues as well as providing a fire investigative unit as provided but not limited to ORC 3737.80.
 - D. Special Weapons and Tactics (SWAT) which includes Mobile Field Force and Negotiators. It consists of a team of trained police officers from each of the member communities to respond to critical incidents within the communities.
 - E. Citizens Emergency Response Team (CERT) is a volunteer based organization the supports the COG's safety forces and first responders to help prevent, prepare for, mitigate and respond to emergencies and disasters. It is led by a coordinator that is assigned and compensated through the COG. The coordinator may serve with or without compensation.
 - F. The Council supports the above noted activities. Each of these divisions are responsible for acting under the bylaws created by their respective divisions and as approved by the Council. They are also responsible for submitting annual budgets as approved by their divisions and presented by the Fiscal Officer to the Council to be submitted for final approval.
 - G. The chiefs of the Council's police and fire departments shall meet at least quarterly to discuss the business of the COG police and fire related units.
- X. Parliamentary Authority: Roberts Rules of Order, Revised, shall govern all parliamentary procedures of the Council and in all cases to which they may be applicable, and in which they are not inconsistent with the bylaws or the special rules of order in this organization.
- XI. Financial and Audit:
- A. The Council shall appoint a fiscal officer who need not necessarily be a member of the Council and who may serve with or without compensation. Oversight of all financial matters shall rest on the Fiscal Officer of the Council.
 - B. Fiscal year shall commence on January 1 and shall be a calendar year. A budget shall be presented on an annual basis and as needed thereafter for approval to the Council. Costs

for operation of the authorized activities of the established divisions shall be borne by the member municipalities on the basis of a formula which shall be based on population as recorded in the most recent decennial census. The formula shall be determined by allocation 10% of the proposed annual budget evenly to member municipalities, and the remaining 90% is allocated based on population. Council will also approve any salary and positions as part of the annual budget process.

- C. 5% of any forfeiture received by a member community in which the WEB participated in will be shared with the COG in order to provide a balance of funds that all communities may access as needed.
- D. The financial affairs of the Council are subject to a biennial audit or agreed upon procedures as determined by the Ohio Auditor of State.
- E. The invoices for the established divisions shall be processed by the office of the WEB special agent in charge.

XII. Cancellation of the Agreement: In the event a majority of the member municipalities agree that the Westshore Council of Governments should be dissolved, any assets of the Council shall be distributed to the members in accordance with the formula in Article XI Financial Responsibility.

XIII. Amendments: This agreement may be amended by majority vote of the total membership of all members of the Council at any regular or special meeting, provided copies of such proposed amendments are received by each member municipality not less than ten days prior to such meeting; subject to the approval of a majority of the Municipal Council. Such amendments shall not become effective until approved by the legislative bodies of all the municipalities' parties to the agreements.

XIV. Severability: In the event any part or portion of this agreement shall be found to be contrary to law and thereby held to be null and void, all other provisions of this agreement shall remain in full force and effect, and shall not be otherwise affected by any such rulings, findings or decisions.

In Witness Whereof, the parties hereto have caused this agreement to be duly executed on the date indicated by signing this agreement or identical copies of same.

City of Bay Village

Date By

City of Fairview Park

Date By

City of Lakewood

Date By

City of North Olmsted

Date By

City of Rocky River

Date By

City of Westlake

Date By

Exhibit B

**BYLAWS OF THE
WESTSHORE ENFORCEMENT BUREAU
HAZARDOUS DEVICES AND
SPECIAL WEAPONS AND TACTICS**

Updated: 2023-4-1

BYLAWS OF THE WESTSHORE ENFORCEMENT BUREAU, HAZARDOUS DEVICES AND SPECIAL WEAPONS AND TACTICS

In accordance with the Bylaws of The Westshore Council of Governments (WCOG), these bylaws are hereby adopted to govern the policing activities and procedures of the WCOG encompassed by the Westshore Enforcement Bureau (WEB), Hazardous Devices and Special Weapons (HDS) and Special Weapons and Tactics (SWAT) altogether referred below as WCOG Police Divisions.

Article I: Purpose

The purpose of the WCOG Police Divisions shall be to provide organizational and cooperative efforts between the police departments of the municipal government members of WCOG; to enable WCOG to qualify for appropriate grants to support the operations; to serve as a forum for discussion and exchange of information relating to law enforcement activities within the various municipal corporations comprising WCOG and to provide for the exchange of services, physical assistance and mutual aid between members of WCOG to the extent permitted by law and in such manner as deemed necessary and appropriate for effective law enforcement.

Article II: Participation

Each WCOG community should provide personnel with the recommended number of staffing for their department in accordance with Appendix A of this agreement. Each community should commit to a minimum of training hours per month depending on the requirements of the division they are a part of, as well as any training mandated by local, state, and federal requirements. Additionally, each community agrees to dispatch on-duty members of the Team, as if it were a request for mutual aid (i.e. an immediate response that is not dependent on replacing the on-duty position before the member is dispatched).

Article III: Representation

The Supervising Committee of the WCOG Police Divisions shall be comprised of the respective Police Chiefs from each of the municipal governments in the WCOG, as listed in Appendix A of this agreement. Alternate member representation is permitted, so long as the police chief specifically designates his or her replacement in advance of a meeting.

The Chair of the Supervising Committee shall be the Police Chief from the WCOG lead city for the year. The Special Agent in Charge (SAIC) shall be the liaison to the WCOG for the chiefs.

Article IV: Quorum & Voting

The vote required for adopting any measure proposed to the Supervising Committee shall require

an affirmative vote of four members. As noted within these Bylaws, certain measures must also be first approved by WCOG before taking effect. In the case of a tie vote, the issue may be put to another vote or tabled for future discussion and voting. No proxy vote shall be permitted.

Article V: Meetings

The Supervising Committee should hold meetings a minimum of (6) times each year. Additional special meetings may be requested by any of the representative Police Chiefs.

Article VI: Powers and Duties

The Supervising Committee shall appoint the members of the WEB consisting of one Special Agent in Charge (SAIC), Special Agents, an Administrative Assistant and Fiscal Officer. They shall also appoint division heads for the HDU and SWAT units as necessary. The appointments will then be approved by the WCOG. The SAIC shall answer directly to the Supervising Committee. The SAIC and Police Chiefs shall have the powers and duties listed below, and shall perform related and other responsibilities as may be necessary:

- A. Prepare a proposed budget subject to approval of the WCOG.
- B. Serve as financial control body to receive and expend funds of the WCOG.
- C. Propose salary of staff members, if any.
- D. To apply for and accept loans, grants and contributions on behalf of the WCOG and any other assistance in the form of money property, labor and supplies from public and private sources, including assistance agencies, State of Ohio and instrumentalities of the United States; to expend and disperse such grants, gifts, contributions, loans and other assistance for any approved purpose.
- E. Prepare a year-end annual report from January 1 to December 31 for each year. Submit this report to the Supervising Committee by March 15 for the preceding year. This report shall include all activities performed, including: trainings, supplies and resources utilized; activations of the team, etc.
- F. Continue to perform such functions and duties as directed by the Police Chiefs.
- G. Enter into agreements for the benefit of WCOG Police Divisions, as appropriate and lawful.
- H. Develop, maintain, and utilize Policies and Standard Operational Guidelines (SOGs), all of which shall require review and approval by the Supervising Committee.
- I. Recommend candidates to the Supervising Committee to fill the following Team Leader positions. These Team Leaders will help the SAIC develop, maintain, and utilize Standard Operational Guidelines (SOGs) in compliance with all applicable laws and appropriate standards. The members recommended by the Coordinator for Team Leader positions shall require approval from the Supervising Committee before assuming such roles:

- a. Hazardous Device Unit
 - b. SWAT (Special Weapons and Tactics)
 - c. Westshore Young Leaders
- J. Anticipate and prepare for logistical, operational, staffing, and safety needs of the Team
- K. The Team Coordinator and Team Leaders shall perform additional functions and duties as directed by the Supervising Committee.

POLICE CHIEFS – SUPERVISING COMMITTEE:

- A. Review and submit annual budget to WCOG for approval
- B. Review and submit annual report to WCOG
- C. Selection of the Team Coordinators and to establish the salary or additional compensation of the Coordinator if any, subject to approval by WCOG.
- D. Select, appoint, and supervise the Special Agent In Charge (SAIC), who shall serve at the pleasure of the Supervising Committee
 - a. In cooperation with the WCOG Fiscal Officer, establish compensation for the Coordinator, if any, subject to approval by WCOG

Article VII: Finance

Funding of the WCOG Police Divisions takes place through procedures established by the WCOG. The Supervising Committee and Team Coordinators will work closely with the WCOG Fiscal Officer on all issues related to budgeting and finance.

Article VIII: Reimbursement of Expenses

Lead by the legal representatives of the municipality in which a call occurred, members of the WCOG Police Divisions will provide advisory assistance in cost recovery for incidents incident, providing:

- 1. The WCOG Police Divisions has expended its own funds
- 2. The WCOG Police Divisions is assessed any charges
- 3. A responsible party is identified as causing the incident

Article IX: Parliamentary Authority

The rules contained within Robert's Rules of Order, Revised, shall govern WCOG Police Divisions in all cases to which they are applicable and in which they are not inconsistent with the bylaws or special rules of order of this organization.

Article X: Amendments

These bylaws may be amended at any Supervisory Committee meeting, provided written notice of such proposed amendments have been sent to each Police Chief at least five days before said meeting. Before taking effect, all such amendments must subsequently be approved by WCOG

Article XI: Effective Date

IN WITNESS THEREOF, the Westshore Council of Governments, on behalf of WCOG and the Westshore Police Chief Liaison, on behalf of the Westshore Police Chiefs, has caused these Bylaws to be duly executed on the date indicated by signing this agreement.

City of Bay Village

Mayor

Date

City of Fairview Park

Mayor

Date

City of Lakewood

Mayor

Date

City of North Olmsted

Mayor

Date

City of Rocky River

Mayor

Date

City of Westlake

Mayor

Date

City of Bay Village

Police Chief

Date

City of Fairview Park

Police Chief

Date

City of Lakewood

Police Chief

Date

City of North Olmsted

Police Chief

Date

City of Rocky River

Police Chief

Date

City of Westlake

Police Chief

Date

Appendix: A

Recommended Number Of Members Required Per City:

SWAT (Special Weapons and Tactics)

(2 Trainings/month)

Police Officers		Paramedics	
Bay Village	3	Bay Village	1
Fairview Park	4	Fairview Park	1
Lakewood	12	Lakewood	3
North Olmsted	6	North Olmsted	2
Rocky River	4	Rocky River	1
Westlake	7	Westlake	2
Total	36	Total	10

Mobile Field Force

(1-2 Trainings/Year)

Bay Village	9
Fairview Park	6
Lakewood	16
North Olmsted	12
Rocky River	8
Westlake	12
Total	67

Negotiators

(1 Trainings/month)

Bay Village	3
Fairview Park	1
Lakewood	3
North Olmsted	2
Rocky River	1
Westlake	5
Total	15

Hazardous Device Unit (Bomb Squad)

(1 Trainings/month)

On any call requires 3 members of which one needs to be certified

Bay Village	1
Fairview Park	1
Lakewood	1
North Olmsted	1
Rocky River	1
Westlake	2
Total	7

Exhibit C

**BYLAWS OF THE
WESTSHORE TECHNICAL RESPONSE TEAM**

Updated: 2021-10-29

BYLAWS OF THE WESTSHORE TECHNICAL RESPONSE TEAM

In accordance with the Bylaws of The Westshore Council of Governments (WCOG), these bylaws are hereby adopted to govern the activities and procedures of the Westshore Technical Response Team, herein referred to as "Westshore Technical Team."

Article I: Purpose

The purpose of the Westshore Technical Response Team shall be to provide organizational status to cooperative efforts between the fire departments of the municipal government members of WCOG; to enable WCOG to qualify for appropriate grants for the purposes of fire protection, fire investigation, technical rescue and hazardous materials response; to serve as a forum for discussion of area-wide emergency response and rescue; to facilitate the collection and exchange of information relating to fire protection activities within the various municipal corporations comprising WCOG and to provide for the exchange of services, physical assistance and mutual aid between members of WCOG to the extent permitted by law and in such manner as deemed necessary and appropriate by WCOG for effective fire protection, technical rescue and hazardous materials response as per but not limited to ORC3737.80.

Article II: Participation

Each WSGOG community shall provide personnel with a minimum number of staffing for their department in accordance with Appendix A of this agreement. Each community shall commit to a minimum of four (4) hours of training per month, as well as any training mandated by local, state, and federal requirements. Each community agrees to avail themselves of the training requirements and callouts set by Westshore Technical Team. Additionally, each community agrees to dispatch on-duty members of the Team, as if it were a request for mutual aid (i.e. an immediate response that is not dependent on replacing the on-duty position before the member is dispatched).

Article III: Representation

The Supervising Committee of the Westshore Technical Team shall be comprised of the respective Fire Chiefs from each of the municipal governments in the WCOG; as listed in Appendix A of this agreement; In accordance with ORC 3737.80, alternate member representation is permitted, so long as the fire chief specifically designates his/ her replacement in advance of a meeting.

The Chair of the Supervising Committee shall be the Fire Chief from the WCOG lead city for the year. This Fire Chief shall also serve as the Westshore Technical Team liaison to the WCOG.

Article IV: Quorum & Voting

The vote required for adopting any measure proposed to the Westshore Technical Team Supervising

Committee shall be a simple majority vote of the Supervising Committee members. As noted within these Bylaws, certain measures must also be first approved by WCOG before taking effect. In the case of a tie vote, the issue may be put to another vote or tabled for future discussion and voting.

A quorum shall exist when a simple majority of the members are present at a meeting and each representative shall be entitled to one vote. Action may be taken by the affirmative vote of a majority of those present. No proxy vote shall be permitted.

Article V: Meetings

The Westshore Technical Team Supervising Committee will hold regular meetings three times each year. Additional special meetings may be requested by any of the representative Fire Chiefs.

Article VI: Powers and Duties

The Westshore Technical Team Supervising Committee shall appoint a Team Coordinator, who shall answer directly to the Supervising Committee. The Team Coordinator and Fire Chiefs shall have the powers and duties listed below, and shall perform related and other responsibilities as may be necessary:

TEAM COORDINATOR:

- A. Prepare a proposed budget and training schedule for the following year and submit these proposals to the Supervising Committee on or before September 1st. The Supervising Committee will review and present the proposed budget to WCOG for approval.
- B. Prepare a year-end annual report from January 1 to December 31 for each year. Submit this report to the Supervising Committee by January 15 for the preceding year. This report shall include all activities performed by the Westshore Technical Rescue Team, including: trainings, supplies and resources utilized; activations of the team, etc.
- C. Continue to perform such functions and duties as directed by the Fire Chiefs.
- D. Enter into agreements for the benefit of Westshore Technical Response Team, as appropriate and lawful.
- E. Develop, maintain, and utilize Westshore Technical Team Administrative Policies and SOGs, all of which shall require review and approval by the Supervising Committee.
- F. Recommend candidates to the Supervising Committee to fill the following Team Leader positions. These Team Leaders will help the Coordinator develop, maintain, and utilize Standard Operational Guidelines (SOGs) in compliance with all applicable laws and appropriate standards. The members recommended by the Coordinator for Team Leader

positions shall require approval from the Supervising Committee before assuming such roles:

- a. Technical Rescue Leader
- b. Hazmat Leader
- c. Water Rescue Leader
- d. Fire Investigation Unit Leader

G. Anticipate and prepare for logistical, operational, staffing, and safety needs of the Team

H. The Team Coordinator and Team Leaders shall perform additional functions and duties as directed by the Supervising Committee.

FIRE CHIEFS – SUPERVISING COMMITTEE:

- A. Review and submit annual budget to WCOG for approval
- B. Review and submit annual report to WCOG
- C. Selection of the Westshore Technical Team Coordinator and to establish the salary or additional compensation of the Coordinator if any, subject to approval by WSGOG.
- D. Select, appoint, and supervise the Westshore Technical Team Coordinator, who shall serve at the pleasure of the Supervising Committee
 - a. In cooperation with the WCOG Fiscal Officer, establish compensation for the Coordinator, if any, subject to approval by WSGOG

Article VII: Finance

Funding of the Westshore Technical Team takes place through procedures established by the WCOG. The Supervising Committee and Team Coordinator will work closely with the WCOG Fiscal Officer on all issues related to budgeting and finance.

Article VIII: Reimbursement of Expenses

Lead by the legal representatives of the municipality in which a call occurred, members of the West Technical Team will provide advisory assistance in cost recovery for incidents incident, providing:

1. The Westshore Technical Team has expended its own funds
2. The Westshore Technical Team is assessed any charges
3. A responsible party is identified as causing the incident

Article IX: Parliamentary Authority

The rules contained within Robert's Rules of Order, Revised, shall govern Westshore Technical Team in all cases to which they are applicable and in which they are not inconsistent with the bylaws or special rules of order of this organization.

Article X: Amendments

These bylaws may be amended at any Supervisory Committee meeting, provided written notice of such proposed amendments have been sent to each Fire Chief at least five days before said meeting. Before taking effect, all such amendments must subsequently be approved by WCOG

Article XI: Effective Date

IN WITNESS THEREOF, the Westshore Council of Governments, on behalf of WCOG and the Westshore Fire Chief Liaison, on behalf of the Westshore Fire Chiefs, has caused these Bylaws to be duly executed on the date indicated by signing this agreement.

All City Mayors Signature page will be added at the discretion of WCOG.

Mayor,

Date

Chief

Date

Appendix: A

Minimum Number Of Members Required Per City:

Lakewood	9
Rocky River	3
Fairview Park	3
Westlake	6
North Olmsted	6
Bay Village	3
Total	30

RESOLUTION NO. 2024-20

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to increase the impound fees for animals that are housed at the Lakewood Animal Shelter.

WHEREAS, current initial impound fees for cats is \$10.00 and \$10.00 for each additional day thereafter; the current initial impound fee for dogs is \$20.00 and \$10.00 each additional day thereafter; and,

WHEREAS, the current fees charged do not cover the cost of housing the animals until they are either reunited with their family or become eligible for adoption; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments, now therefore;

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The maximum impound fees for cats and dogs are hereby established as follows:

Initial impound \$40.00
Each additional day \$20.00

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this Resolution, and provided it receives the affirmative vote of at least five members of Council, this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

Sarah Kepple, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor