

Ordinance No. 363-16

**Council Members Pruitt and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to administer energy, water, and sewer conservation programs and other related services for low-income utility customers, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of one year, with one one-year option to renew, exercisable by the Director of Public Utilities.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Cleveland Housing Network for professional services necessary to administer energy, water, and sewer conservation programs and other related services for low-income utility customers, in the total sum of \$967,500, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of one year, with one one-year option to renew, exercisable by the Director of Public Utilities. The contract or contracts shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002, RL 2016-14.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

JM:nl
3-21-16

FOR: Director Davis

Ordinance No. 385-16

**Council Members Pruitt and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to exercise the first option to renew on contracts with Caver Platform LLC, PMI Group, Inc., and LCI Construction, Inc. to provide landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, restore, and refurbish landscaping and tree lawns located at City-owned or leased facilities and other City right-of-ways.

WHEREAS, under the authority of Ordinance No. 863-13, passed August 14, 2013, the Director of Public Utilities entered into Contract Nos. RC 2015-42, RC 2014-74, and RC 2014-80 with Caver Platform LLC, PMI Group, Inc., and LCI Construction, Inc. to provide landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, restore, and refurbish landscaping and tree lawns located at City-owned or leased Public Utility facilities and other City right-of-ways, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities; and

WHEREAS, Ordinance No. 863-13 requires further legislation before exercising the first option to renew on these contracts; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to exercise the first option to renew Contract No. RC 2015-42 with Caver Platform LLC, Contract No. RC 2014-74 with PMI Group, Inc., and Contract No. RC 2014-80 with LCI Construction, Inc. each for an additional year and in the approximate aggregate amount of \$650,000 for the requirements for an additional year to provide landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, restore, and refurbish landscaping and tree lawns located at City-owned or leased Public Utility facilities and other City right-of-ways, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

Section 2. That this ordinance constitutes the additional legislative authority required by Ordinance No. 863-13 to exercise these options. (RQN 2002, RL 2016-5)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ordinance No. 431-16

**Council Members Pruitt and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the purchase by one or more requirement contracts of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of up to two years, with a one-year option to renew, exercisable by additional legislative authority.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, with a one-year option to renew, exercisable by additional legislative authority, for the necessary items of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2016-7)

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Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

JM:nl
4-11-16

FOR: Director Davis

Ordinance No. 479-16

AN EMERGENCY ORDINANCE

To amend Sections 559.54, 559.541, and 559.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to prohibited hours in the Mall Area and Public Square.

**Council Members Zone and Kelley
(by departmental request)**

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Sections 559.54, 559.541, and 559.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by 815-86, passed June 2, 1986, Ordinance No. 140-07, passed August 8, 2007, and Ordinance No. 2275-92, passed November 29, 1993, are amended to read as follows:

Section 559.54 Prohibited Hours in the Mall Area

No unauthorized person shall be or remain on or in any portion of the area known as the Mall area between the hours of 10:00 p.m. to 5:00 a.m. Persons may be authorized to remain on the Mall by obtaining a permit from the Director of Public Works.

Such permits shall be issued when the Director finds:

- (a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- (b) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (c) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (d) That the facilities desired have not been reserved for other use at the day and hour required in the application.

For the purpose of this section, the Mall area includes these areas specifically designated as Memorial Plaza (Mall A), Mall B, including the Leonard C. Hanna, Jr. Plaza and Mall C. It excludes therefrom all dedicated streets.

Memorial Plaza is that portion of the Mall A bounded by Rockwell Avenue on the south, St. Clair Avenue on the north, The east curb line and its southeasterly prolongation, of the Memorial Plaza parking garage ramp extending southeasterly to Rockwell Avenue on the east, and by West Mall Drive on the west.

Mall B is that portion of the Mall bounded by the Convention Center on the east, St. Clair Avenue on the south, Lakeside Avenue on the north, and West Mall Drive on the west.

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Mall C is that portion of the Mall bounded by Lakeside Avenue on the south, City Hall on the east, and property lines on the north and west of parcel B2 in the Survey, Partition and Consolidation Plat as shown volume 365, page 0 of the Cuyahoga County Map Records, including all City Hall and City Garage property.



Section 559.541 Prohibited Hours in Public Square

No unauthorized person shall remain on or in any portion of the area known as the Public Square area between the hours of 10:00 p.m. to 5:00 a.m. Persons may be authorized to remain in Public Square by obtaining a permit from the Director of Public Works.

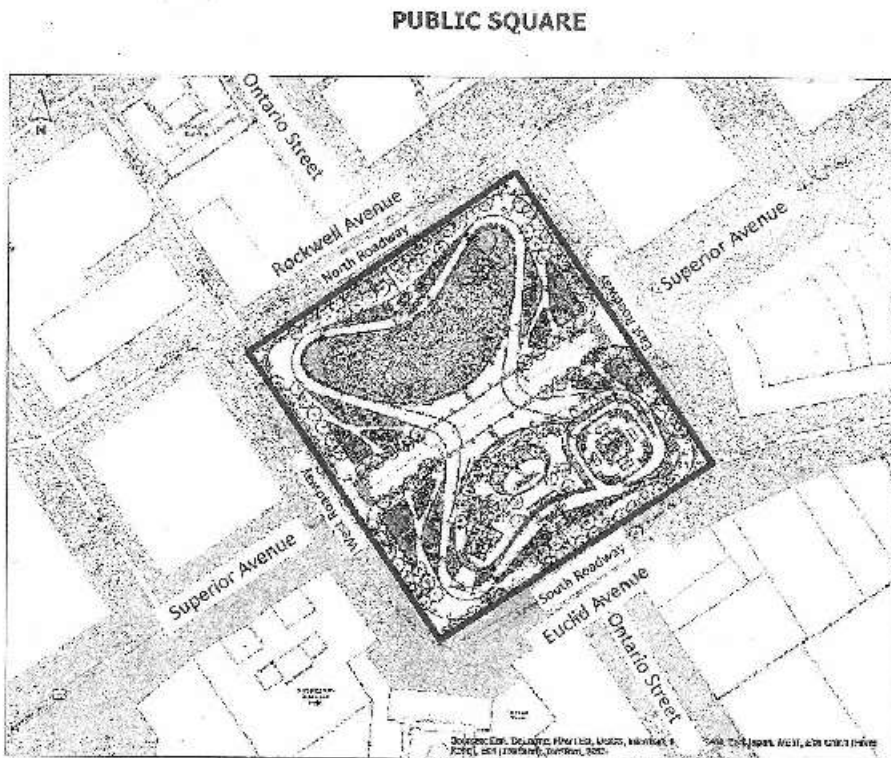
Such permits shall be issued when the Director finds:

- (a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- (b) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (c) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;

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(d) That the facilities desired have not been reserved for other use at the day and hour required in the application.

For purposes of this section, the "Public Square area" includes all structures (including but not limited to walls, fountains, and flower planters) located within Public Square and shown on the map below, but excludes all dedicated streets, public sidewalks adjacent to dedicated streets and RTA bus shelters within this area.



Section 559.99 Penalty

(a) Whoever violates any provision of this chapter or fails to comply with the requirements thereof for which no penalty is otherwise provided shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than sixty (60) days or both.

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(b) Whoever violates Section 559.28 shall be fined not more than fifty dollars (\$50.00) for a first offense, and not more than seventy-five dollars (\$75.00) for a second offense, and not more than one hundred dollars (\$100.00) for any third or subsequent offense. In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanor may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedures.

(c) Whoever violates division (b) of Section 559.33 shall be guilty of a minor misdemeanor.

(d) Whoever violates Section 559.53 shall be subject to the penalty set forth in that section.

(e) Whoever violates the provisions of Sections 559.54 and 559.541 is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the third degree on the third and any subsequent offense.

(f) Whoever violates the provisions of Section 559.38 shall be subject to the penalty set forth in Section 611.02, and whoever violates the provisions of Section 559.46 shall be subject to the penalty set forth in Section 617.12.

Section 2. That existing Sections 559.54, 559.541, and 559.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by 815-86, passed June 2, 1986, Ordinance No. 140-07, passed August 8, 2007, and Ordinance No. 2275-92, passed November 29, 1993, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RC:nl
4-18-16

FOR: Director McGrath

Ordinance No. 1158-14

Council Member Brancatelli

AN ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 535.291 relating to provisions for charges in case of ruptured or stolen pipes.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 535.291 to read as follows:

Section 535.291 Provisions for Charges in Case of Ruptured or Stolen Pipes

The Commissioner of Water shall make appropriate abatement in a case where water pipes have been stolen or have ruptured such that water flows unabated for 4 or more hours, and where it does not appear that the owner or user could be reasonably expected to know of the rupture or theft in order to turn off or have turned off the water before the end of such 4 hour period. The reduction shall not exceed the average monthly consumption for that property, unless otherwise determined by the Commissioner. The authority vested in the Commissioner under this section shall be without prejudice to and not in derogation of the power and authority of the Director of Law under Section 125.03.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

AB:rns
9-8-14 FOR: Councilmember Brancatelli

Ordinance No. 1443-15

AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 18670 Pearl Road in the City of Strongsville to Bear Investment Group, LLC.

**Council Members Pruitt and Kelley
(by departmental request)**

WHEREAS, the Director of Public Utilities has requested the sale of the City-owned property to Bear Investment Group, LLC no longer needed for public use and located at 18670 Pearl Road in the City of Strongsville; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

Legal Description

Situated in the City of Strongsville, County of Cuyahoga, and State of Ohio, and known as being part of Original Strongsville Township Lots 59 and 62, and bounded and described as follows:

Beginning at a point in the centerline of Pearl Road, 90 feet wide, at its intersection with the southerly line of said Original Lot 59, from which point an iron monument found in the centerline of Pearl Road at its intersection with the centerline of Drake Road, 60 feet wide, bears Due South, 2633.13 feet;

Thence South 88 degrees 50 minutes 00 seconds West along the southerly line of said Original Lot 59 being also the southerly line of a parcel of land conveyed to Gloria A. Wohl by deed recorded in Volume 91-6600, Page 44 of Cuyahoga County Records and the northerly line of Parcel "A" in the John E. Talan Subdivision as shown by the recorded plat in Volume 320, Page 14 of Cuyahoga County Map Records, 1180.58 feet to the northwesterly corner of said Parcel "A", and the principal place of beginning of the parcel herein described;

Thence South 88 degrees 50 minutes 00 seconds West along the southerly line of said Original Lots 59 and 62, 1105.00 feet its intersection with the easterly line of the Drake Estates Subdivision as shown by the recorded plat in Volume 264, Page 61 of Cuyahoga County Map Records;

Thence Due North along the easterly line of said Drake Estates Subdivision, 286.00 feet to its intersection with the southerly line of a parcel of land conveyed to Catanzarite South Pearl, LLC by deed recorded as A.F.N. 200806110521 of Cuyahoga County Records

Thence North 88 degrees 50 minutes 00 seconds East along the southerly line of said land conveyed to Catanzarite South Pearl, LLC, 1151.00 feet to a point;

Thence South 1 degree 10 minutes 00 seconds East, 100.00 feet to a point;

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Thence South 14 degrees 24 minutes 25 seconds West, 193.03 feet to the principal place of beginning as described by Donald G. Bohning as Associates, Inc. in November, 2015, but not according to a field survey.

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

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section

Exact size of the sale parcel will be determined by a lot split plat. The City will retain or accept one or more ingress and egress easements over the property described above for the purpose of accessing and using a water overflow system.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Bear Investment Group, LLC at a price not less than the appraised value of \$112,500, and other valuable consideration, which is determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

LW:nl
11-23-15
FOR: Director Davis

Ordinance No. 1528-15

AN EMERGENCY ORDINANCE

Council Members Conwell, Zone and Kelley
(by departmental request)

To amend Sections 392.01 to 392.08 and 392.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; to supplement the codified ordinances by enacting new Section 392.021, relating to smoke detectors, smoke alarms, and carbon monoxide alarms; and to change the name of Chapter 392 to Smoke Detectors, Smoke Alarms, and Carbon Monoxide Alarms.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 392.01 and 392.02, as amended by Ordinance No. 903-90, passed June 18, 1990,

Section 392.03, as amended by Ordinance No. 489-93, passed June 14, 1993,

Section 392.04, as amended by Ordinance No. 903-90, passed June 18, 1990,

Section 392.05, as amended by Ordinance No. 1594-89, passed October 16, 1989,

Section 392.06 and 392.07, as amended by Ordinance No. 489-93, passed June 14, 1993,

Section 392.08, as amended by Ordinance No. 496-93, passed March 8, 1993, and

Section 392.99, as amended by Ordinance No. 489-93, passed June 14, 1993, are amended to read as follows:

Section 392.01 Definitions

As used in this chapter:

(a) “Carbon monoxide alarm” means an approved device which detects the invisible gas known as carbon monoxide and which emits an audible signal indicating the presence of unhealthy or lethal levels of carbon monoxide, or both an audible and a visual signal indicating the presence of unhealthy or lethal levels of carbon monoxide.

(b) “Hearing impaired” means a hearing problem impairing the ability to be awakened by a standard smoke detector or carbon monoxide alarm whether or not wearing a hearing aid.

(c) “Multiple-station smoke alarm” means two or more single-station alarm devices that are capable of interconnection such that actuation of one causes the appropriate alarm signal to operate in all interconnected alarms.

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(d) "Occupant" means a person over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or room used for room occupancy.

(e) "Owner" means the owner or owners of the premises, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, or an agent as any other person, firm or corporation directly in control of the premises or having a legal or equitable interest in the property.

(f) "Single-station smoke alarm" means an assembly incorporating the detector, the control equipment and the alarm-sounding device in one unit, operated from a power supply either in the unit or obtained at the point of installation.

(g) "Sleeping area" means an area of a dwelling containing bedrooms which are separated from each other by no use area other than a bathroom.

(i) "Smoke alarm" means a single- or multiple-station alarm responsive to smoke.

(j) "Smoke detector" means a listed device that senses visible or invisible particles of combustion.

Section 392.02 Smoke Detection and Alarm Systems - Installation Required

(a) The Ohio Fire Code at OAC 1301:7-7-09 "Fire Protection Systems" effective, November 10, 2011, and as amended, is adopted and incorporated by the City of Cleveland as if fully set out in this section. Owners of each new and existing building or structure shall install smoke alarms and smoke detectors as required by OAC 1301:7-7-09.

(b) That any battery-operated smoke detector or smoke alarm that is replaced with a battery-operated smoke detector or smoke alarm shall be replaced with a smoke-detector or smoke alarm that is equipped with a sealed, tamper-proof battery with a service life of not less than ten (10) years.

(c) That existing battery operated smoke detectors or smoke alarms shall be removed from service and replaced when they have been in service for a period of ten (10) years.

Section 392.03 Testing, Inspection, and Notification

(a) Testing and inspection of smoke alarms, smoke detectors, and carbon monoxide alarms in each dwelling unit shall be performed by the occupant not less than once a week. The owner shall provide the occupant with printed information as to proper testing of smoke alarms, smoke detectors, and carbon monoxide alarms within the dwelling unit. If testing or inspection by an occupant reveals that a smoke alarm, smoke detector, or carbon monoxide alarm is not in proper working condition, the occupant shall notify the owner in writing that it is in need of maintenance by the owner to restore it to proper working condition or replacement as required under this chapter.

(b) At every change of occupancy of each dwelling unit occasioned by or incidental to a sale, lease or sublease of the dwelling, it shall also be the duty of the

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owner to inspect the smoke alarms, smoke detectors, and carbon monoxide alarms to ensure they are in proper working condition as required by this chapter. This section shall not be construed to vitiate or render void any contract, lease or sublease. In addition to other requirements of this chapter regarding testing and inspection of smoke alarms, smoke detectors, and carbon monoxide alarms each owner of a dwelling unit shall inspect and test each smoke alarm, smoke detector, and carbon monoxide alarm in the dwelling unit at least annually to ensure they are in proper working condition as required by this chapter.

(c) Nothing in this section regarding testing, inspection and notification shall be construed to relieve the owner of a dwelling unit of the requirements under Section 392.02 or 392.021 of this chapter regarding the proper installation and maintenance of smoke alarms, smoke detectors, and carbon monoxide alarms.

Section 392.04 Maintenance

(a) The owner shall repair or replace the smoke alarm, smoke detector, or carbon monoxide alarm as required under this chapter within seventy-two (72) hours of receipt of the occupant's written notice or other evidence that it is not in proper working condition.

(b) In addition to the other requirements of this chapter, the owner of each dwelling unit shall, at a minimum, provide new batteries for battery-operated smoke alarms, smoke detectors, and carbon monoxide alarms at least annually and at the beginning of any new lease. It shall be the responsibility of the occupant to ensure that the batteries installed are not removed.

Section 392.05 Tampering

Anyone tampering or interfering with the effectiveness of a smoke alarm, smoke detector, or carbon monoxide detector shall be in violation of this chapter and subject to the penalties set forth in Section 392.99.

Section 392.06 Enforcement

(a) The City of Cleveland's Chief of Fire and the Director of Building and Housing or their designees shall have concurrent jurisdiction to conduct inspections to determine compliance with this chapter and to enforce its provisions.

(b) Any notice of violation issued to enforce the requirements of this chapter shall, at a minimum, require compliance with its provisions within seventy-two (72) hours of the issuance of the notice. If a notice of violation is issued for a violation discovered subsequent to a fire or carbon monoxide gas leak and the dwelling unit was rendered uninhabitable by the fire or carbon monoxide gas leak, then the violation notice shall require compliance with the provisions of this chapter prior to the re-occupancy of the dwelling unit.

(c) No owner or occupant shall refuse to allow inspection at reasonable times of any dwelling unit by a duly authorized City inspector.

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(d) The means of enforcement authorized by this section shall be in addition to and not in lieu of any other means of enforcement that may be authorized by these Codified Ordinances or by statute.

Section 392.07 Smoke Alarm, Smoke Detector, and Carbon Monoxide Alarm and Battery Program

(a) This Council determines that a program to provide smoke alarms, smoke detectors, and carbon monoxide alarms, and batteries for those devices free of charge to residents of the City who report that they cannot afford them, and to install or arrange for the installation of smoke alarms, smoke detectors, and/or carbon monoxide alarms free of charge to those residents, constitutes a public purpose. The Fire Chief may conduct such a program.

(b) The Fire Chief may require any person who participates in the program authorized by this section to sign an agreement that may include the following provisions, and such other provisions as the Fire Chief deems necessary:

(1) That each smoke alarm, smoke detector, and carbon monoxide alarm provided will be installed in the person's residence within a reasonable period of time, to be specified by the Fire Chief; and

(2) That the person receiving one or more smoke alarms, smoke detectors, and carbon monoxide alarms will permit a representative of the Division of Fire to inspect the installation of the unit or units to confirm that installation has occurred and was done properly; and

(3) That the resident participating in the program will indemnify and hold harmless the City, its officers, employees, agents and assigns relative to providing one or more smoke alarms, smoke detectors, and carbon monoxide alarms and/or batteries, and relative to providing assistance in the installation of the smoke alarms, smoke detectors, and carbon monoxide alarms, if applicable.

(c) For residents requiring assistance in installing smoke alarms, smoke detectors, and carbon monoxide alarms the Fire Chief may arrange for the installation by personnel of the Division of Fire, other City personnel, or such other persons who are willing to provide this service at no cost to the City.

(d) Nothing in this chapter shall be deemed to waive or otherwise negate any statutory or common law immunity provided to the City, its officials or employees for activities under this chapter.

Section 392.08 Acceptance of Gifts and Grants of Smoke Alarms, Smoke Detectors, Carbon Monoxide Detectors, Batteries and Monies for Those Devices; Authority to Purchase Smoke Alarms, Smoke Detectors, Carbon Monoxide Detectors and Batteries for Those Devices

The Fire Chief may accept gifts and grants of smoke alarms, smoke detectors, and carbon monoxide alarms, and batteries for those devices, and monies to conduct a program to provide smoke alarms, smoke detectors, and carbon monoxide alarms and batteries for those devices free of charge to residents of the City that report that they cannot afford them, and to install or arrange for the installation of smoke alarms, smoke detectors, and carbon monoxide alarms free of charge to residents that require

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such assistance or to abate a nuisance under this chapter. The Director of Public Safety is authorized to enter into standard purchase or requirement contracts under these Codified Ordinances to purchase smoke alarms, smoke detectors, and carbon monoxide alarms, and batteries for those devices to conduct the program. The funding source for such contracts shall include any monies annually appropriated for this purpose, any monies accepted pursuant to this chapter, which are appropriated for this purpose, and block grant and other grant monies as available.

Section 392.99 Penalty

(a) Anyone who violates any of the provisions of Sections 392.02, 392.021, 392.03, 392.04, or 392.05 shall be guilty of a minor misdemeanor on the first offense. In addition to any other method of enforcement provided for in these Codified Ordinances, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. For a second offense such person is guilty of a misdemeanor of the fourth degree. On a third or subsequent offense, such person is guilty of a misdemeanor of the first degree. Each day of a continuing violation shall be deemed a separate offense.

(b) Notwithstanding any other provisions of this chapter pertaining to penalties, if a fire or carbon monoxide gas leak occurs at a dwelling unit where a violation of Section 392.02, 392.021, 392.03, 392.04, or 392.05 has occurred, then the offender is guilty of a misdemeanor of the first degree if the fire or carbon monoxide gas leak results in bodily injury or death of any person; or if the fire or carbon monoxide gas leak does not result in bodily injury or death of any person, then the offender is guilty of a misdemeanor of the second degree if the offense is the first offense by that person of any of the provisions of this chapter, or the offender is guilty of a misdemeanor of the first degree if the offense is the second or subsequent offense by that person of any of the provisions of this chapter.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 392.01 and 392.02, as amended by Ordinance No. 903-90, passed June 18, 1990,

Section 392.03, as amended by Ordinance No. 489-93, passed June 14, 1993,

Section 392.04, as amended by Ordinance No. 903-90, passed June 18, 1990,

Section 392.05, as amended by Ordinance No. 1594-89, passed October 16, 1989,

Section 392.06 and 392.07, as amended by Ordinance No. 489-93, passed June 14, 1993,

Section 392.08, as amended by Ordinance No. 496-93, passed March 8, 1993, and

Section 392.99, as amended by Ordinance No. 489-93, passed June 14, 1993, are repealed.

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Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 392.021 to read as follows:

Section 392.021 Carbon Monoxide Alarms; Installation Required in Rental Dwelling Units

(a) It shall be the responsibility of the owner of each new and existing dwelling unit intended for rental purposes, within which fuel-fired appliances exist, to install a carbon monoxide alarm in each residential dwelling unit.

(b) The carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in each residential dwelling unit. When sleeping areas are not fully enclosed or separated from other living areas within a dwelling unit, the carbon monoxide alarm shall be installed nearest the area designated for sleeping, as per the manufacturer's specifications. Alarms shall be clearly audible in all bedrooms within the sleeping area or dwelling unit when all intervening doors are closed.

(c) Every carbon monoxide alarm shall comply with all applicable federal and state regulations and with Underwriters Laboratories standard 2034, and shall be installed in accordance with the manufacturer's installation instructions.

(d) Where a dwelling is occupied by a person who is deaf or hearing impaired and a written request for the installation of a carbon monoxide alarm is received by the owner from an occupant in the dwelling, a carbon monoxide alarm shall be installed by the owner which provides a visual or vibratile signal sufficient to warn the deaf or hearing impaired individual when activated.

(e) Carbon Monoxide alarms in new construction shall be installed as required by the Building Code.

Section 4. That the name of the Chapter 392 of the Codified Ordinances of Cleveland, Ohio, 1976, is changed to "Smoke Detectors, Smoke Alarms, and Carbon Monoxide Alarms."

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ST:nl
12-7-15

FOR: Director McGrath

LEGISLATIVE SUMMARY
MAYOR'S OFFICE OF CAPITAL PROJECTS
Division of Engineering and Construction

Willow Lift Bridge Bearing Replacement

Purpose: This Department requests legislation to direct award material and labor services necessary to design and administer and manufacture and supply the emergency bridge bearing replacement; to award services to TranSystems Corporation of Ohio, 500 Public Square, Suite 1900, Cleveland, 44113 in the amount of \$191,896; to award manufacturing to The Timken Corporation, 4500 Mount Pleasant St. NW, North Canton Oh, 44720 in the amount of \$309,499.70; to authorize Commissioner of Purchasing and Supplies to execute all documents and to authorize the use of any and all funds as approved by Director of Finance necessary for the bearing replacement.

Background: The Willow Lift Bridge NW Trunion Lifting Bearing separated from its alignment in December and an emergency clamp was placed to allow the bridge to resume lifting and closing procedures. Willow Lift Bridge is on the National Highway System (NHS) and the only access for Cargill Salt Mines and Ontario Stone that supply materials to the Northeast Ohio Region and sand products to 13 Foundry's daily. Commercial vessels rely on the bridge lifting in order to gain access to provide materials to the many factories along the Cuyahoga River.

TranSystems, operating under our General Engineering Service Contract, partially disassembled and inspected the northwest bearing. Vibration testing and lubricant testing was also performed. The April 20 report indicated the bridge can remain operational but with only 4 lifts per day. The Coast Guard has notified the shipping carriers and the recreational boating community. The bearing was misaligned and the lubricants were contaminated. There is internal damage of the bearing and it must be replaced.

Timken is sole source manufacturer providing the bearings in the 1950's and the same replacement bearing in 2002. Timken has a 26 week lead time to deliver the bearing to the site. If we award promptly, we can install the improvement during the Coast Guard's allowable 6 to 8 weeks Channel Shutdown in the winter months.

TranSystems (TS) report indicates monthly inspections of the temporary northwest clamp. If the clamp's integrity is compromised then we will evaluate the 4 lifts per day restriction. During these monthly inspections TS team will also inspect the lubricants and monitor alignment of the other bearings. Specialty Contractors will be given 60% plans in order to establish bids for presentation for Step 2 direct award. Note if damage to the other bearings is uncovered we will advise as to the optimal approach to repair the problem and keep the bridge operational.

Funding Sources:		
Professional Services:	\$191,896.00	Road and Bridge Bonds
Manufacturing:	\$309,499.70	Road and Bridge Bonds

Ward: 3, Council Member McCormack