

Ordinance No. 1255-16

Council Member Brancatelli

AN ORDINANCE

Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Denison Ave between Bradwell Ave and I-71 (Map Change No. 2546).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of W. 25th Street and the easterly prolongation of the northerly line of subplot 6 in the Poe Halle & Fish subdivision 3 shown on the recorded plat in Volume 5, Page 34 of the Cuyahoga County Map Records;

Thence westerly along said northerly line to its intersection with the centerline of W. 27th Place;

Thence southerly along said centerline to its intersection with Riverside Ave;

Thence westerly along said centerline to its intersection with the northerly prolongation of the easterly line of subplot 5 in the Fish HRS Subdivision shown on the recorded plat in Volume 12, Page 11 of the Cuyahoga County Map Records;

Thence southerly along said easterly line to its intersection with the northerly line of subplot 16 in said subdivision;

Thence westerly along said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line to its intersection with the centerline of Mapledale Ave;

Thence easterly along said centerline to its intersection with the centerline of W. 25th Street;

Thence northerly along said centerline to the place of origin;

And as identified on the attached map shall be changed to the 'Limited Retail' District, a 'G' Area District and a '2' Height District;

Section 2. That the Use District of lands bounded and described as follows:

Beginning at the intersection of W. 25th Street and Mapledale Ave;

Thence westerly along th centerline of Mapledale ave to its intersection with the easterly line of subplot 50 in the Fish Heirs subdivision shown on the recorded plat in Volume 12, Page 11 of the Cuyahoga County Map Records;

Thence southerly along said easterly line to its intersection with the northerly line of subplot 1 of the G. Kuchle Subdivision shown on the recorded plat in Volume 28, Page 1 of the Cuyahoga County Map Records;

Thence westerly along said northerly line to its intersection with the easterly line of subplot 5 G. Kuchle Subdivision shown on the recorded plat in Volume 25, Page 15 of the Cuyahoga County Map Records;

Thence northerly along along said easterly line to its intersection with the centerline of an unnamed alley;

Thence westerly along the centerline of said unnamed alley to its intersection with the centerline of Chestnutdale Ave;

Thence southerly along said centerline and its prolongation to its intersection with the centerline of Delmar Ave;

Thence easterly along the centerline of Delmar Ave to its intersection with the northerly prolongation of the easterly line of subplot 21 in the G. Kuchle Subdivision shown on the recorded plat in Volume 28, Page 1 of the Cuyahoga County Map Records;

Thence southerly along said easterly line and its prolongation to its intersection with the centerline of Archwood Ave;

Thence easterly along said centerline to its intersection with the northerly prolongation of the westerly line of subplot 2 in the Betts & Bibbins Subdivision shown on the recorded plat in Volume 1, Page 39 of the Cuyahoga County Map Records;

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Thence southerly along said westerly line to its intersection with the southerly line of subplot 3 in said subdivision;

Thence westerly along said southerly line to its intersection with the westerly line of the northerly prolongation of subplot 1 in the Fish & Davis Subdivision shown on the recorded plat in Volume 5, Page 29 of the Cuyahoga County Map Records;

Thence southerly along said westerly line to its intersection with the centerline of Garden Ave;

Thence westerly along said centerline to its intersection with the westerly line of subplot 2 in the Adam Kroehle Subdivision shown on the recorded plat in Volume 19, Page 25 of the Cuyahoga County Map Records;

Thence southerly along said westerly line to its intersection with the northerly line of subplot 1 in said subdivision;

Thence westerly along said northerly line and its prolongation for a distance of 80ft;

Thence southly to its intersection with the centerline of Denison Ave;

Thence easterly along said centerline to its intersection with the northerly prolongation of the easterly line of subplot 65 in the Moses Fish D.B.V. 257;

Thence southerly along said easterly line and its prolongation to its intersection with the centerline of Bradwell Ave;

Thence easterly along said centerline to its intersection with the centerline of W. 25th Street;

Thence northerly along said centerline to its intersection with the centerline of Selzer Ave;

Thence easterly along said centerline to its intersection with the southerly prolongation of the easterly line of subplot 4 in the Andrew Wirth Subdivision shown on the recorded plat in Volume 12, Page 45 of the Cuyahoga County Map Records;

Thence northerly along said easterly line to its intersection with the northerly line thereof;

Thence easterly along said northerly line and its prolongation to its intersection with W. 23rd Street;

Thence northerly along said centerline to its intersection with the centerline of Denison Ave;

Thence westerly along said centerline to its intersection with the southerly prolongation of the easterly line of a parcel of land conveyed to 2330 Denison Aveue, LLC by deed dated December 28, 2007;

Thence northerly along said easterly line to its intersection with the northerly line thereof;

Thence westerly along said northerly line and its prolongation to its intersection with the westerly line of a parcel of land conveyed to 2330 Denison Aveue, LLC by deed dated December 28, 2007;

Thence southerly along said westerly line to its intersection with the northerly line of subplot 4 in the E. M. Luce Subdivision shown on the recorded plat in Volume 17, Page 29 of the Cuyahoga County Map Records;

Thence westerly along said northerly line and its prolongation to its intersection with the westerly line of subplot 13 in the Kroehle, Luce & Jenmand Subdivision shown on the recorded plat in Volume 15, Page 6 of the Cuyahoga County Map Records;

Thence northerly along said westerly line to its intersection with the centerline of Garden Ave;

Thence easterly along said centerline to its intersection with centerline of subplot 10 in said subdivision;

Thence northerly along said centerline to its intersection with the easterly line of a parcel of land conveyed to Pearl FDBTS, LLC by deed dated August 19, 2016;

Thence northerly along said easterly line and its prolongation to its intersection with the southerly line of a parcel of land conveyed to Thomas M Stankiewicz by deed dated June 5, 2013;

Thence westerly along said southerly line to its intersection with the westerly line thereof;

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Thence northerly along said westerly line to and its prolongation to its intersection with the southerly line of subplot 1 in the W. R. Mallo Subdivision shown on the recorded plat in Volume 13, Page 49 of the Cuyahoga County Map Records;

Thence westerly along said southerly line to its intersection with the westerly line thereof and then an additional 35ft;

Thence northerly along a line parallel with the westerly line of subplot 1 in the W. R. Mallo Subdivision shown on the recorded plat in Volume 13, Page 49 of the Cuyahoga County Map Records to its intersection with the centerline of Willowdale Ave;

Thence westerly along said centerline to its intersection with the centerline of W. 25th Street;

Thence northerly along said centerline to the place of origin;

And as identified on the attached map shall be changed to the 'Local Retail' District, a 'G' Area District and a '2' Height District;

Section 3. That the Use District of lands bounded and described as follows:

Beginning at the intersection of Forestdale Ave and the northerly prolongation of the easterly line of a parcel of land convey to Comm Gospel Tabernacle by deed dated June 22, 2001 and recorded in AFN 200106220205;

Thence southerly along said easterly line to its intersection with the southerly line thereof;

Thence easterly along said southerly line to its intersection with the easterly line thereof;

Thence southerly along the easterly line of a parcel of land conveyed to Thomas M Stankiewicz by deed dated June 5, 2013 to its intersection with the southerly line thereof;

Thence westerly along said southerly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line to its intersection with the centerline of Forestdale Ave;

Thence easterly along said centerline to the place of origin;

And as identified on the attached map shall be changed to the 'Multi-Family' District, a 'D' Area District and a '1' Height District;

Section 4. That the Frontages described bellow:

Along W. 25th Street and Denison Ave between Bradwell Ave and I-71;

And as identified on the attached map shall be established as an Urban Form Overlay (UO) District;

Section 5. That the change of zoning of lands described in Sections 1-3 shall be identified as Map Change No. 2546, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

KR:kr

10-17-16

FOR: Councilman Brancatelli

Ordinance No. 1255-16



Changing the Use, Area and Height Districts and establishing an Urban Form Overlay District along W. 25th Street and Denison Ave between Bradwell Ave and I-71 (Map Change No. 2546).



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Council Member Brancatelli

AN ORDINANCE

Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Denison Ave between Bradwell Ave and I-71 (Map Change No. 2546).

READ FIRST TIME on OCTOBER 17, 2016
and referred to DIRECTORS of City Planning Commission, Law;
COMMITTEE on Development Planning and Sustainability

REPORTS

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REPORT
after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON DEVELOPMENT, PLANNING AND SUSTAINABILITY	
FILED WITH COMMITTEE	_____

Ordinance No. 1256-16

Council Member Zone

AN ORDINANCE

Changing the Use and Area districts of the northeast and southeast parcels of Franklin Ave and W. 52nd Street to Local Retail and Townhouse and establishing an Urban Form Overlay district on the northeast corner of Franklin and W. 52nd Street (Map Change No. 2549).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection W. 52nd Street and Franklin Ave;
Thence easterly along the centerline of Franklin Ave to its intersection with the southerly prolongation of the westerly line of subplot 10 in the C. W. Schmid Allotment shown on the recorded plat in Volume 2, Page 26 of the Cuyahoga County Map Records;
Thence northerly along said westerly line to its intersection with the northerly line of subplot 9 in said subdivision;
Thence westerly along said northerly line and its prolongation to its intersection with the centerline of W. 52nd Street;
Thence southerly along said centerline to the palce of origin;

And as identified on the attached map shall be changed to the 'Local Retail' District, and a 'G' Area District;

Section 2. That the Use District of lands bounded and described as follows:

Beginning at the intersection W. 52nd Street and Franklin Ave;
Thence easterly along the centerline of Franklin Ave to its intersection with the northerly prolongation of the a parcel of land conveed to Triban Investments, LLC by deed dated August 11, 2016;
Thence southerly along said easterly line to its intersection with the northerly line of a parcel of land conveyd to Triban Investments, LLC by deed dated July 22, 2016;
Thence easterly along said northerly line to its intersection with the easterly line thereof;
Thence southerly along said easterly line to its intersection with the southerly line thereof;
Thence these westerly along said southerly line and its prolongation to its intersection with the centerline of W. 52nd Street;
Thence northerly along said centerline to the place of origin;

And as identified on the attached map shall be changed to the 'RA-3' (Townhouse) District, and a 'G' Area District;

Section 3. That the Frontages described bellow:

Along W. 52th Street and Frankin Ave as described in Section 1 of this ordinance;

And as identified on the attached map shall be be establisd as an Urban Form Overlay (UO) District;

Section 4. That the change of zoning of lands described in Sections 1-2 shall be identified as Map Change No. 2549, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

KR:kr
10-17-16
FOR: Councilmember Zone

Ordinance No. 1256-16



Changing the Use and Area districts of the northeast and southeast parcels of Franklin Ave and W. 52nd Street to Local Retail and Townhouse and establishing an Urban Form Overlay district on the northeast corner of Franklin and W. 52nd Street (Map Change No. 2549).



Ordinance No. 1257-16

Council Member Brancatelli

AN ORDINANCE

Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Selzer Ave between Bradwell Ave and Selzer Ave. (Map Change No. 2547).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of Selzer Ave and W. 25th Street;
Thence easterly along the centerline of Selzer Ave to its intersection with the northerly prolongation of the westerly line of a parcel of land conveyed to Lloyd Glover by deed dated January 23, 2013;
Thence southerly along along said easterly line to its intersection with the southerly line thereof;
Thence westerly along said southerly line to its intersection with the easterly line of a parcel of land conveyed to the Cuyahoga County Land Reutilization bank by deed dated August 24th, 2015;
Thence southerly along said easterly line to its intersection with the southerly line thereof;
Thence westerly along said southerly line to its intersection with the centerline of W. 25th Street;
Thence northerly along said centerline to the place of origin;

And as identified on the attached map shall be changed to the 'Multi-Family' District, a 'G' Area District and a '2' Height District;

Section 2. That the Frontages described bellow:

Along the east side of W. 25th beginning Selzer Ave and continuing south for a distance of 190 feet;

And as identified on the attached map shall be be established as an Urban Form Overlay (UO) District;

Section 3. That the change of zoning of lands described in Sections 1-2 shall be identified as Map Change No. 2547, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

KR:kr
10-17-16

FOR: Councilmember Brancatelli

Ordinance No. 1257-16



Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Selzer Ave between Bradwell Ave and Selzer Ave (Map Change No. 2547).



Ord. No. 1257-16

Council Member Brancatelli

AN ORDINANCE

Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Selzer Ave between Bradwell Ave and Selzer Ave. (Map Change No. 2547).

READ FIRST TIME on OCTOBER 17, 2016
and referred to **DIRECTORS of City Planning Commission, Law;**
COMMITTEE on Development Planning and Sustainability

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REPORT
after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON DEVELOPMENT, PLANNING AND SUSTAINABILITY	
FILED WITH COMMITTEE	_____

Ordinance No. 1260-16

AN EMERGENCY ORDINANCE

To amend Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications.

**Council Member 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 Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 638-15, passed June 8, 2015, and Ordinance No. 1110-15, passed September 21, 2015, is amended to read as follows:

Section 39. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<u>Minimum</u>	<u>Maximum</u>
1 Administrative Manager	\$27,193.55	\$115,424.36
2 AMR Field Engineer	27,325.56	94,320.17
3 Assistant Commissioner of Water	27,325.56	134,991.09
4 Assistant Secretary of Sinking Fund Commission	27,325.56	108,011.58
5 Chief of Health Planning and Evaluation	27,325.56	85,577.88
6 Chief-Systems Analysis	27,325.56	108,011.58
7 Consulting Engineer	36,000.00	104,888.34
8 Disease Intervention Specialist Supervisor	47,396.28	73,079.27
9 <u>Emergency Management Planner</u>	<u>36,000.00</u>	<u>90,000.00</u>
10 Emergency Operations Center Manager	27,325.56	96,463.81
11 FMIS Functional Manager	27,325.56	99,702.63
12 Harbor Manager	27,325.56	108,011.58
13 Health Services Administrator	27,325.56	85,577.88
14 Labor Relations Officer	27,325.56	85,577.88
15 Manager of Compensation and Classifications	27,325.56	128,618.41
16 Manager of Education and Research	27,325.56	96,798.67
17 Manager of Employee Relations	27,325.56	99,702.63
18 Manager of Equal Employment Opportunity	27,325.56	99,702.63
19 Manager of Public Safety Office of Quality Control	27,325.56	96,463.81
20 Minority Business Development Administrator	27,325.56	85,577.88
21 Project Coordinator	27,325.56	99,702.63
22 Risk Manager	27,325.56	108,011.58
23 Senior Compensation Analyst/HRIS	27,325.56	104,856.16
24 Superintendent of Electric Trouble Operations	27,325.56	85,577.88
25 Testing, Training and Exercises Planner	27,325.56	91,104.71
26 Water Business Plan Manager	27,325.56	99,702.63

Section 2. That existing Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 638-15, passed June 8, 2015, and Ordinance No. 1110-15, passed September 21, 2015, is 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.

Ordinance No. 1261-16

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Safety to employ one or more professional consultants to develop a data collection and analysis system for the Division of Police, including but not limited to acquiring or developing software and performing other related services; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of materials, equipment, supplies, and services, needed to implement the project, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety.

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 Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop a data collection and analysis system for the Division of Police and other related services, including but not limited to, establishing best practices on data collection procedures, creating data mapping specifications and protocols, storing, installing, designing, training, implementing, testing, and providing maintenance and technical support, (the "Project"), for the Division of Police, Department of Public Safety, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety.

The selection of the consultants, computer software developers, or vendors for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the

Ordinance No. 1261-16

Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

Section 2. That the Director of Public Safety is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 3. That the Director Public Safety is authorized to make one or more written standard purchase and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the purchase, lease for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety, or lease with option to purchase for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety, of the necessary items of materials, equipment, supplies, and services not acquired under Section 1 of this ordinance including software and hardware, which are necessary to implement the Project, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. 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 4. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of

Ordinance No. 1261-16

the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 5. 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 Safety 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 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 01-6012-6380 and 11 SF 006, Request No. RQS 6001, RL 2016-102.

Section 7. 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
10-17-16

FOR: Director McGrath

Ord. No. 1261-16

**REPORT
after second Reading**

Council Members Zone and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Safety to employ one or more professional consultants to develop a data collection and analysis system for the Division of Police, including but not limited to acquiring or developing software and performing other related services; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of materials, equipment, supplies, and services, needed to implement the project, for a period of one year, with two one-year options to renew, exercisable by the Public Safety.

READ FIRST TIME on OCTOBER 17, 2016
and referred to DIRECTORS of Public Safety, Finance, Law;
COMMITTEES on Safety, Finance

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**PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE

Ordinance No. 1262-16

AN EMERGENCY ORDINANCE

To amend Section 10 of Ordinance No. 732-14, passed June 9, 2014, relating to paying the costs of public improvements for the Departments of Public Works and Capital Projects; and authorizing the Director to accept a gift of cash from The Holden Park Trust and to accept other gifts, including but not limited to cash, from other various entities to make lighting and site improvements at the Cultural Gardens.

**Council Members K. Johnson and Kelley
(by departmental request)**

WHEREAS, under Ordinance No. 732-14, passed June 9, 2014, this Council authorized the Director of Public Works or Capital Projects, as appropriate, to enter into one or more contracts for the making of the public improvement of constructing, reconstructing, replacing or otherwise improving recreation facilities, recreation buildings, parks, playgrounds, and similar structures, appurtenances, and site improvements on City-owned and City-leased park property; and

WHEREAS, as originally specified, part of the public improvement to be made to the Cleveland Cultural Gardens (the "Improvement") under the ordinance was historical and bridge lighting fixtures and other site improvements ("Lighting Components"); and

WHEREAS, because of the lack of sufficient funds for the Improvement as originally specified, the City's approval of a lowest responsible bidder did not include approval of Lighting Component items in the bid; and

WHEREAS, sufficient additional funding and gifts have become available from various sources to enable the City to pay for the Lighting Components items as part of the Improvement; and

WHEREAS, it is in the City's best interests, and the City desires, to implement the Lighting Components under the public improvement contract approved; 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 Capital Projects is authorized to accept on behalf of the City, a cash gift in the amount of \$79,000 from The Holden Park Trust,

Ordinance No. 1262-16

and to accept other gifts, including but not limited to cash, from other various entities to implement Lighting Components at the Cultural Gardens. That the Director is authorized to file all papers and execute all documents necessary to receive the gifts; including but not limited to cash gifts, and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That Section 10 of Ordinance No. 732-14, passed June 9, 2014 is amended to read as follows:

Section 10. That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 498-14, passed April 14, 2014, if the City sells such bonds and Fund Nos. 20 SF 516, 20 SF 523, 20 SF 535, 20 SF 538, 20 SF 544, 20 SF 552, 20 SF 558, 58 SF 001, and any other funds deemed appropriate by the Director of Finance, including those funds to which are deposited any cash gifts received from The Holden Park Trust and other entities. (RQS 0103, RL 2014-75)

Section 3. That existing Section 10 of Ordinance No. 732-14, passed June 9, 2014 is repealed.

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.

RC:JBM:nl
10-17-16

FOR: Director Spronz

Ord. No. 1262-16

**REPORT
after second Reading**

Council Members K. Johnson and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

To amend Section 10 of Ordinance No. 732-14, passed June 9, 2014, relating to paying the costs of public improvements for the Departments of Public Works and Capital Projects; and authorizing the Director to accept a gift of cash from The Holden Park Trust and to accept other gifts, including but not limited to cash, from other various entities to make lighting and site improvements at the Cultural Gardens.

READ FIRST TIME on OCTOBER 17, 2016

REPORTS

**and referred to DIRECTORS of Capital Projects, Finance, Law;
COMMITTEES on Municipal Services and Properties, Finance**

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PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

Ordinance No. 1263-16

AN EMERGENCY ORDINANCE

To amend Sections 627.01 and 627.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 931-14, passed April 20, 2015, relating to weapons.

**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 627.01 and 627.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 931-14, passed April 20, 2015, are amended to read as follows:

Section 627.01 Definitions

As used in this chapter:

(a) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(b) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(c) "Concealed handgun license" or "license to carry a concealed handgun" means:

(1) Subject to this section, a license or temporary emergency license to carry a concealed handgun issued under RC 2923.125 or RC 2923.1213 or a license to carry a concealed handgun issued by another state with which the attorney general has entered into a reciprocity agreement under RC 109.69.

(2) A reference in any provision of this Code to a concealed handgun license issued under RC 2923.125 or a license to carry a concealed handgun issued under RC 2923.125 means only a license of the type that is specified in that section. A reference in any provision of this Code to a concealed handgun license issued under RC 2923.1213, a license to carry a concealed handgun issued under RC 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in RC 2923.1213. A reference in any provision of this Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the attorney general has entered into a reciprocity agreement under RC 109.69.

(d) "Dangerous ordnance":

(1) Means any of the following, except as otherwise provided in this section:

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- A. Any automatic or sawed-off firearm, zip-gun, or ballistic knife;
 - B. Any explosive device or incendiary device:
 - C. Nitrolycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;
 - D. Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - E. Any firearm muffler or silencer;
 - F. Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordinance.
- (2) Does not include any of the following:
- A. Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 - B. Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
 - C. Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - D. Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon on a type defined in this division during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

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E. Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.

F. Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.

(e) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(f) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in RC 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in RC 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited, the provisions of RC 3743.80 and the rules of the fire marshal adopted pursuant to RC 3737.82.

(g) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(h) (1) "Firearm" means any deadly weapon capable of expelling or propelling one (1) or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one (1) or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(i) "Handgun" means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

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(2) Any combination of parts from which a firearm of a type described in this division can be assembled.

(j) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(k) "Sawed-off-firearm" means a shotgun with a barrel less than eighteen (18) inches long, or a rifle with a barrel less than sixteen (16) inches long, or a shotgun or rifle less than twenty-six (26) inches long overall.

(l) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(m) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of RC 2923.128, under RC 2923.1213, or under a suspension provision of the state, other than this state in which the license was issued, and that has not been revoked under division (B)(1) of RC 2923.128, under RC 2923.1213, or under a revocation provision of the state other than this state in which the license was issued.

(n) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signaling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.

Section 627.14 Defacing Identification Marks of Firearms; Possessing Defaced Firearm

(a) No person shall do either of the following:

(1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on a firearm.

(2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

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(b) (1) Whoever violates division (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this division, defacing identification marks of a firearm is a misdemeanor of the first degree if the offender has not previously been convicted of or pleaded to guilty to a violation of division (a)(1) of this section.

(2) Whoever violates division (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this division, possessing a defaced firearm is a misdemeanor of the first degree if the offender has not previously been convicted of or pleaded to guilty to a violation of division (a)(2) of this section.

(c) Division (a) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.

Section 2. That existing Sections 627.01 and 627.14 of the Codified

Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 931-14, passed April 20, 2015, 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
10-17-16

FOR: Director Langhenry

Ord. No. 1263-16

Council Members Zone and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 627.01 and 627.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 931-14, passed April 20, 2015, relating to weapons.

READ FIRST TIME on OCTOBER 17, 2016
and referred to **DIRECTORS of Finance, Law;**
COMMITTEES on Safety, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

REPORT after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

