

The City Record

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Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

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Official Proceedings City Council

Cleveland, Ohio
Monday, March 24, 2025

The meeting of the Council was called to order at 7:03 p.m. with the President of Council, Blaine A. Griffin, in the Chair.

Council Members present: Kevin L. Bishop, Kevin Conwell, Deborah A. Gray, Blaine A. Griffin, Anthony T. Hairston, Kris Harsh, Stephanie D. Howse-Jones, Brian Kazy, Danny Kelly, Rebecca Maurer, Kerry McCormack, Michael D. Polensek, Jasmin Santana, Charles Slife, Richard A. Starr.

Also present were: Mayor Bibb; Chiefs Barrett, Davy, Griffin, Pomerantz, Pryor-Jones, Teeuwen, Thomas; Directors Cole, Crowe, DeRosa, Drummond, Fields, Hernandez, Keane, Margolius, Martin O'Toole, McNamara, Mitchell, Nichols, O'Keeffe, Shute-Woodson, Williams.

MOTION

Council Members, Administration, Staff, and those in the audience rose for a moment of silent reflection, and the Pledge of Allegiance.

MOTION

On the motion of Council Member Maurer, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member McCormack.

Communications

File No. 370-2025

Oath of Office for Anthony Bango, Member of Cleveland Housing Investment Fund (CHIF) Project (Loan) Review Committee. Received.

File No. 371-2025

Oath of Office for Cecilia Rodriguez, Member of Cleveland Housing Investment Fund (CHIF) Project (Loan) Review Committee. Received.

File No. 372-2025

Oath of Office for Anthony Scott, Member of Cleveland Housing Investment Fund (CHIF) Project (Loan) Review Committee. Received.

File No. 373-2025

Oath of Office for Anthony T. Hairston, Voting Member of Cleveland Housing Investment Fund (CHIF) Project (Loan) Review Committee. Received.

File No. 374-2025

Oath of Office for Jasmin Santana, Voting Member of Cleveland Housing Investment Fund (CHIF) Project (Loan) Review Committee. Received.

File No. 375-2025

From Division of Treasury, Department of Finance, City of Cleveland. City of Cleveland Cash Management and Investment Policy (March 27, 2015). Received, pursuant to Section 178.14 of the Codified Ordinances of Cleveland, Ohio, 1976.

From Ohio Division of Liquor Control

File No. 376-2025

#7314877. Transfer of Ownership Application, C1 C2. Reva Om LLC, 14939 Puritas Avenue (Ward 16). Received.

Ordinances and Resolutions

Ceremonial Resolutions

Ceremonial resolutions are used by Council to recognize dignitaries and community members, and their accomplishments.

Resolutions of Condolence

The Rules were suspended, and the following Resolutions were adopted by a rising vote:

Gray	Res. No. 390-2025	Avery Cowan Hill
Griffin	Res. No. 391-2025	Jeanine Conway
Griffin	Res. No. 392-2025	David Douglas McDonald
Jones	Res. No. 393-2025	Benson Fleming
Conwell	Res. No. 402-2025	Jimmy Williams

Resolutions of Congratulations

The rules were suspended, and the following Resolutions were adopted by a rising vote:

Howse-Jones	Res. No. 394-2025	University Hospitals Diabetes Metabolic Ribbon Cutting
Bishop	Res. No. 395-2025	Dorothy Mosely-Williams
Griffin	Res. No. 396-2025	The Meeting Place Learning Center
Kelly	Res. No. 397-2025	Bailey's Dream Child Care Center
Conwell	Res. No. 398-2025	Adrianne Grayson

Resolutions of Recognition

The Rules were suspended, and the following Resolutions were adopted by a rising vote:

Conwell	Res. No. 399-2025	Laura Cowan
Conwell	Res. No. 400-2025	Dr. Alex Adjei
Conwell	Res. No. 401-2025	Kim Bell

Ordinances and Resolutions

First Reading Emergency Ordinances Referred

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

If not passed under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

These ordinances were read for the first time on Monday, March 24, 2025, and referred to the appropriate City departments and Council Committees for review.

Click on an ordinance below to read it:

[Ord. No. 378-2025](#)

[Ord. No. 385-2025](#)

[Ord. No. 379-2025](#)

[Ord. No. 386-2025](#)

[Ord. No. 383-2025](#)

[Ord. No. 387-2025](#)

[Ord. No. 384-2025](#)

Ordinance No. 378-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Parks and Recreation to enter into a contract with the Northeast Ohio Muni Football League aka Cleveland Municipal Football Association dba Cleveland Muni Football League to conduct a city-wide youth football program.

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 Parks and Recreation is authorized to enter into a contract with the Northeast Ohio Muni Football League aka Cleveland Municipal Football Association dba Cleveland Muni Football League to conduct a city-wide youth football program and to pay various fees, in an amount not to exceed \$160,000, payable from Fund No. 01-4503-6380. (RQS 4503, RL 2025-05)

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.

Referred to the Directors of Parks and Recreation; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 379-2025

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the purchase and/or rental by one or more requirement contracts of machines, equipment, supplies and parts needed to repair, replace, refurbish, maintain, upfit, and enhance vehicles, equipment, and machines, including labor, materials, installation, training, inspections, and related services, for the various divisions of the Department of Port Control, for a period of one year, with three one-year options to renew, exercisable by the Director of Port Control.

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 Port Control 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 of one year, with three one-year options to renew, exercisable by the Director of Port Control, of the necessary items of the purchase and/or rental by one or more requirement contracts of machines, equipment, supplies and parts needed to repair, replace, refurbish, maintain, upfit, and enhance vehicles, equipment, and machines, including labor, materials, installation, training, inspections, and related services, for the various divisions of the Department of Port Control in the approximate amount as purchased and/or procured during the last term, to be purchased and/or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. 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 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 and/or procurement under the contract, each of which purchases and/or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 3001, RL 2025-29)

Section 3. That under division (b) of Section 108 of the Charter, the purchases or procurements authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases or procurements, 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.

Referred to the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 383-2025

By Council Members: Santana and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Finance, on behalf of the Office of Prevention, Intervention, and Opportunity, to enter into an amendment to Contract No. PS 2024-86 with Youth Opportunities Unlimited, to increase contract funds to recruit up to an additional 150 youth applicants and to hire four additional job coaches for 2025 and to exercise the renewal option.

WHEREAS, under the authority of Ordinance No. 82-2024, passed February 12, 2024, and Board of Control Resolution No. 102-24, adopted February 28, 2024, the Director of Finance, on behalf of the Office of Prevention, Intervention, and Opportunity, entered into Contract No. PS 2024-86 (the “Contract”) with Youth Opportunities Unlimited to provide professional services necessary to design and implement a Summer 2024 Youth and Young Adult Employment Program (the “Program”) for an initial eighteen month term with an optional eighteen month renewal period, exercisable by the Director of Finance; and

WHEREAS, additional services are necessary to enhance and improve access to the Program for 2025; and

WHEREAS, through the 2025 budget reconciliation process, this Council has allocated an additional \$500,000.00 to the Contract to recruit up to an additional 150 youth applicants and to hire four additional job coaches for the Program’s continuation into the summer of 2025; and

WHEREAS, the Director of Finance intends to exercise the Contract’s renewal period and extend the term from July 1, 2025, through December 31, 2026; and

WHEREAS, the additional \$500,000.00 would increase the Contract amount to \$1,499,337.00 for the optional renewal period, thereby increasing the total Contract amount to \$2,498,674.00; 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 Finance, on behalf of the Office of Prevention, Intervention, and Opportunity, is authorized to increase the Contract amount for the optional renewal period by \$500,000.00, and enter into an amendment to the Contract to recruit up to an additional 150 youth applicants and to hire up to four additional job coaches under the Program. All other terms and conditions contained in the Contract and not expressly amended above shall remain the same.

Section 2. That the amendment to the Contract shall be prepared by the Director of Law.

Section 3. That all costs associated with the amended Contract shall be payable from Fund No. 01-0114-6380.

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.

Referred to the Directors of Finance; and Law; Committees on Workforce, Education, Training and Youth Development; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 384-2025

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Craun-Liebing Company for the purchase of proprietary parts and services to install, maintain, repair and replace Gorman-Rupp pump equipment, for the Division of Water Pollution Control, Department of Public Utilities, for a period of two years.

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 this Council determines that the within commodities and services are non-competitive and cannot be secured from any source other than Craun-Liebing Company. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Craun-Liebing Company, on the basis of their proposal, dated January 16, 2025, for the requirements for a period of two years of the necessary items of proprietary parts and services to install, maintain, repair and replace Gorman-Rupp pump equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water Pollution Control, Department of Public Utilities.

Section 2. That the Director of Public Utilities is authorized to apply for and accept funding from the Northeast Ohio Regional Sewer District (“NEORS”) for Community Cost-Share Program funding to implement this ordinance; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purpose described in this ordinance.

Section 3. 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 the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2003, RL 2025-23)

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.

Referred to the Directors of Public Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 385-2025

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to enter into various written standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment, and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the Department of Port Control, for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control.

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 Port Control is authorized to make one or more written standard purchase and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control, for the necessary items required for the purchase, lease, or lease with option to purchase, of various types of on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment, and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, training, and inspections, as needed, as purchased or procured during the preceding term, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. 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 under division (b) of Section 108 of the Charter, the purchases or procurements authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control 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 3. That the costs of the contract or contracts shall be paid from Fund Nos. 60 SF 001 and 60 SF 141, and shall also be charged against the proper appropriation accounts. The Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of

Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 3001 RL 2025-30)

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.

Referred to the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 386-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance to amend the first whereas clause, the title, and Sections 1 and 5 of Ordinance No. 647-2024, passed June 3, 2024, relating to agreements with the Cleveland Cavaliers, or its designee, for improving Public Auditorium to allow the Cleveland Charge to conduct and host league basketball games; and to supplement the ordinance relating to parking.

WHEREAS, the Cleveland Charge is an American professional basketball team in the NBA G League based in Cleveland and is affiliated with the Cleveland Cavaliers (the “Cleveland Charge”); and

WHEREAS, under Ordinance No. 521-2024, passed July 10, 2024, this Council authorized the restructuring of the Department of Public Works and the creation of the Department of Parks and Recreation, which has resulted in the shift of duties between the directors; and

WHEREAS, under Ordinance No. 647-2024, passed June 3, 2024, this Council authorized the Director of Public Works to enter an agreement with the Cleveland Cavaliers, or its designee (the “Cleveland Cavaliers”) to, among other things, play its league basketball games in the Public Auditorium as its home court by way of a City lease; and

WHEREAS, Ordinance No. 647-2024, requires that any parking agreement with the Cleveland Cavaliers shall require additional legislation; and

WHEREAS, this legislation constitutes the additional legislative authority required under Ordinance No. 647-2024, to authorize a parking agreement with the Cleveland Charge; 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 first whereas clause, the title, and Sections 1 and 5 of Ordinance No. 647-2024, passed June 3, 2024, are amended to read as follows:

WHEREAS, the Cleveland Charge is an American professional basketball team in the NBA G League based in Cleveland and is affiliated with the Cleveland Cavaliers, and/or its designees (the “Cleveland Charge”); and

An Emergency Ordinance authorizing the ~~Director of Public Works~~ Directors of Public Works and/or Parks and Recreation, as appropriate, to enter into an

~~agreement~~ one or more agreements with the Cleveland Cavaliers, ~~or and/or its designee designees~~, to permit and accept improvements to Public Auditorium for the Cleveland Charge, an affiliate of the Cleveland Cavaliers, to conduct and host G league basketball games, and to lease areas in Public Auditorium, for a term of six years.

Section 1. That, notwithstanding any section of the Codified Ordinances of Cleveland, Ohio, 1976, the ~~Director of Public Works~~ Directors of Public Works and/or Parks and Recreation, as appropriate, is authorized to enter into ~~an agreement~~ one or more agreements with the Cleveland Cavaliers, ~~or and/or its designee designees~~ (the “Cleveland Cavaliers”), to permit, subject to the approval of City officials, the construction of an estimated \$3,000,000 of various improvements in Public Auditorium, including but not limited to, constructing one or more locker rooms and office and team areas, upgrading, modifying and improving HVAC and other building systems, and making other related improvements, which would allow the Cleveland Charge to conduct and host G league basketball games during the term of the agreement (the “Improvements”); to accept the Improvements; and to lease areas in Public Auditorium for the Cleveland Charge to conduct and host such basketball games (collectively, the “Agreement”). The authorization to allow parking may be incorporated into the Agreement after receiving additional legislative authority, or may be authorized by a separate agreement, if necessary, by the Director of Public Works. Any ~~parking~~ or concession agreement shall require additional legislative authority.

Section 5. That the ~~Director~~ Directors of Public Works, Parks and Recreation, the ~~Director of Law~~, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effectuate this ordinance.

Section 2. That the existing first whereas clause, the title, and Sections 1 and 5 of Ordinance No. 647-2024, passed June 3, 2024, are repealed.

Section 3. That Ordinance No. 647-2024, passed June 3, 2024, is supplemented by adding new Sections 1a. and 1b. to read as follows:

Section 1a. That the Agreement shall include, among other things, provisions for parking in the Willard Park Garage and on East Mall Drive for Cleveland Charge full-time and part-time personnel on days when the Cleveland Charge is conducting and hosting pre-season, regular-season, and post-season, G league basketball games, including any parking passes needed by the Cleveland Charge for their full-time and part-time personnel for parking at Willard Park Garage. The amount of parking passes may be adjusted annually during the Agreement according to the needs of the Cleveland Charge. The Cleveland Charge’s rent collected pursuant to the Agreement includes the costs of parking.

Any non-game special events conducted by, or associated with, the Cleveland Charge is not part of the Agreement.

Section 1b. That the Director of Public Works shall have the authority to close East Mall Drive to accommodate referee and Cleveland Charge senior staff parking during pre-season, regular-season, and post-season game days. The relevant times requested by the Cleveland Charge that the street should be closed on game days shall be approved by the Director of Public Works.

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.

Referred to the Directors of Parks and Recreation; Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 387-2025

By Council Members: Conwell and Griffin (by departmental request)

An emergency ordinance that various sections throughout Chapters 251 to 291 of the Air Pollution Control Code are amended and repealed as enacted or amended by various ordinances; supplementing new sections throughout those Chapters; and enacting new Chapters 266, 268 and 299 of the Air Pollution Control Code relating to fugitive emissions, indoor air quality and penalties.

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 251.01 to 251.76 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are amended to read as follows:

Section 251.01 Title and Distribution

This part of the Codified Ordinances shall be known as the “Air Pollution Control Code” and may be separately printed and distributed, and made available in electronic format for electronic download via computer network connection, separately from other parts of the Codified Ordinances of the City of Cleveland. The term “this Code” wherever used in this Title Five means the Air Pollution Control Code of the City of Cleveland.

Section ~~251.02~~ 251.05 Air Cleaning Equipment

“Air cleaning equipment” means any control equipment which removes, reduces or renders less noxious air contaminants discharged into the atmosphere.

Section ~~251.03~~ 251.06 Air Contaminant

“Air contaminant” means any particulate matter, dust, soot, grime, fumes, gas, mist (except uncombined water), radionuclides, smoke, vapor (except water vapor), charred paper, odorous material, radioactive materials, noxious chemicals, any other material, or any combination thereof which is discharged directly or indirectly into the atmosphere. ~~smoke, vapors (except water vapor), charred paper, dust, soot, grime, carbon fumes, gases, mist (except uncombined water), odors, particulate matter, radioactive materials, noxious chemicals or any other material which is discharged directly or indirectly into the atmosphere.~~

Section ~~251.04~~ 251.08 Air Pollution

“Air pollution” means the presence in the atmosphere of one (1) or more air contaminants, ~~such as dust, fumes, gas, mist, odor, smoke or vapor in or combination thereof, in sufficient quantities, of and of such~~ characteristics and ~~of duration such as duration as is or threatens~~ to be injurious to human health or welfare, plant or animal life or ~~to~~ property, or which unreasonably interferes with the comfortable enjoyment of life and property or the conduct of business.

Section ~~251.05~~ 251.10 Ambient Air

“Ambient air” means that portion of the atmosphere outside of buildings and other enclosures, stacks or ducts which surrounds human, plant or animal life or property.

Section ~~251.06~~ 251.11 Ambient Air Quality Standards

“Ambient air quality standards” mean ambient air quality goals expressed numerically and intended to be attained and maintained in a stated time through the application of appropriate preventive or control measures. Primary ambient air quality standards define levels of air quality which are necessary, with an adequate margin of safety, to protect the public health, particularly of sensitive populations like the elderly, children, and asthmatics. Secondary ambient air quality standards define the minimum levels of air quality which are necessary to protect the public welfare and prevent damage to structures, vegetation, crops, animals, property, and visibility from any known or anticipated adverse effects of a pollutant.

Section ~~251.10~~ 251.12 Appeals Board

“Appeals board” means the Board of Building Standards and Building Appeals or such other successor appeals board as shall be established by law and vested with jurisdiction in matters relating to the ~~air pollution board~~ Air Pollution Control Code.

Section ~~251.12~~ 251.13 Asbestos

“Asbestos” means the asbestiform varieties of serpentinite (chrysotile) riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite; includes forms within the varieties specified (e.g. amosite) or any mixture containing any of these minerals. any of six (6) naturally occurring, hydrated mineral silicates: actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite; or any mixture containing any of these silicates.

Section 251.13 251.14 Atmosphere

“Atmosphere” means the air that envelops or surrounds the earth. The atmosphere includes air inside of buildings, but not inside operating process equipment, tanks, or other spaces where access is typically restricted due to the nature of the structure or physical conditions therein.

Section 251.15 Blast Furnace

“Blast furnace” means the furnace and equipment used in the smelting process in which primarily oxygen is removed from metal oxides and molten metal produced. The furnace and equipment consist of, but are not limited to, the furnace proper, charging equipment, stoves, bleeders, gas dust catcher, gas-cleaning devices and other auxiliaries pertinent to the process. Blast furnace emissions are regulated under the Ohio Administrative Code 3745-18 (for sulfur compounds), and 3745-21 (for Carbon Monoxide, Photochemically Reactive Materials, and Hydrocarbons). the ore and molten metal produced with gas as a byproduct. The furnace and equipment consist of, but are not limited to, the furnace proper, charging equipment, stoves, bleeders, gas dust catcher, gas-cleaning devices and other auxiliaries pertinent to the process.

Section 251.16 Boiler and Electric Boiler

(a) “Boiler” means combustion equipment fired with fossil fuels used to transfer heat from combustion gases to water or other fluids, consisting essentially of a burner, firebox, heat exchanger and a means of creating and directing a flow of gases through the unit.

(b) “Electric Boiler” means a boiler that heats water or other fluids with heat generated electrically instead of by fossil fuel combustion.

Section 251.17 BTU or British Thermal Unit

“BTU or British Thermal Unit” means the amount of heat required to raise one (1) pound of water by one (1) degree Fahrenheit from fifty-nine degrees Fahrenheit (59°F) to sixty degrees Fahrenheit (60°F).

Section 251.18 Clean Air Act

“Clean Air Act” or “CAA,” means the federal Clean Air Act at 42 USC 7401 et seq., as amended November 15, 1990, and any subsequent amendments. means 42 U.S.C. 1857 et seq. as amended by the Air Quality Act of 1967, P.L. 90-148 and by the Clean Air Act

~~Amendments of 1970, P.L. 91-604 or by any subsequent amendments and the rules and regulations promulgated hereunder.~~

Section 251.19 Commenced

“Commenced” means an owner or operator has undertaken a continuous program of construction, installation or modification, or has entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, installation or modification.

Section 251.20 Commissioner

“Commissioner” means (1) the Commissioner of the Division of Air Quality of the City of Cleveland, or his or her appointee; or (2) anyone appointed by the Mayor or the Director of the Department of Public Health in an acting or interim capacity, as the Commissioner of the Division of Air Quality. ~~the Commissioner of Air Pollution Control of the City of Cleveland.~~

Section 251.21 Compliance Schedule

“Compliance schedule” means a plan of corrective action to achieve full compliance with the provisions of this Code, including an enforceable timetable or sequence of actions or operations, including but not limited to, such a schedule that is submitted as part of a variance application. This schedule may include the following milestones and timetable, but each must be described in the schedule and must be, ~~each to be~~ achieved at the earliest possible date:

- (a) Submission of final control plans for source;
- (b) Awarding of contracts for emission control systems or issuing of purchase orders for component parts to accomplish emission control or process modification;
- (c) Initiation of on-site construction or installation of emission control equipment or process modification;
- (d) Completion of on-site construction or installation of emission control equipment or process modification;
- (e) Achievement of final compliance with all provisions of the Air Pollution Control Code of the City of Cleveland.

Section 251.22 Control Equipment

“Control equipment” means any device ~~or contrivance~~, contrivance, or action which prevents, removes, reduces or renders less noxious air contaminants discharged into the atmosphere. Control equipment associated with an air contaminant source is considered to be part of such source and does not require a separate permit to operate.

Section ~~251.25~~ 251.24 Emission or Emit

“Emission” or “Emit” means the act of releasing or discharging any air contaminant directly or indirectly into the atmosphere from any source. “Emission” also means the air contaminant or contaminants directly or indirectly released or discharged into the atmosphere from any source.

Section ~~251.26~~ 251.27 Existing Source

“Existing source” means any source other than a new source, ~~which has been constructed or installed or of which construction, installation or modification was commenced prior to the effective date of this Code.~~

Section ~~251.27~~ 251.30 Fuel

“Fuel” means any form of combustible matter, whether solid, liquid, or gas, but does not include refuse other than refuse-derived fuel.

Section ~~251.28~~ 251.31 Fuel Burning Equipment

“Fuel-burning equipment” means any furnace, boiler, apparatus, stack and all appurtenances thereto used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Section ~~251.30~~ 251.32 Fugitive Emissions

“Fugitive emissions” means air contaminants that are not captured or conveyed at the point of origin and emitted into the atmosphere from any source by means other than a stack, chimney, vent or other functionally equivalent conveyance during the application, consumption, processing, transmission, storage, or transportation of fossil fuels or other materials. ~~air contaminants emitted from any source, uncaptured at the point of origin.~~

Section ~~251.31~~ 251.35 Incinerator

“Incinerator” means any equipment, machine, device, article, contrivance, structure or part thereof used to burn refuse or to process salvageable material by burning other than by open burning as defined herein.

Section ~~251.32~~ 251.37 Install or Installation

“Install or installation” means to construct, erect, locate or affix any source of air pollutants, including related air-cleaning equipment.

Section ~~251.33~~ 251.38 Liquid Organic Material

“Liquid organic material” means any organic material which is a liquid at standard conditions.

Section ~~251.36~~ 251.39 Mobile Source

“Mobile source” means any vehicular air contaminant source, including, but not limited to, automobiles, motorcycles, trucks, tractors, buses and other motor vehicles, railroad locomotive, ships, boats and other waterborne craft, but not including any source mounted on a vehicle whether such mount is temporary or permanent, which source is not used to power the vehicle.

Section ~~251.37~~ 251.40 Modify or Modification

“Modify or modification” means any physical change in, or change in the method of operation of, a source of air pollutants that:

- (a) Increases or decreases the amount of any air contaminant(s) emitted from such source; ~~air pollutants emitted;~~ or
- (b) Results in the emission of any air contaminant(s) not previously emitted from such source. ~~type of air pollutant not previously emitted;~~ or
- (c) ~~Results in relocation of the source to new premises.~~

Section ~~251.38~~ 251.41 New Source

“New source” means any source, the construction, installation or modification of which that increases emissions or results in the emission of air contaminants not previously emitted from the same location. ~~which is commenced on or after the effective date of this Code, except a modification that causes a decrease in the amount of air pollutants emitted.~~

Section ~~251.39~~ 251.44 Odor

“Odor” means that property of an air contaminant which affects the sense of smell.

Section ~~251.40~~ 251.46 OEPA or Ohio EPA

“OEPA” or “Ohio EPA” means the Ohio Environmental Protection Agency.

Section ~~251.41~~ 251.47 Opacity

“Opacity” means the degree to which emissions reduce the transmission of light and partially or wholly obscure the view of the background. ~~a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer’s view.~~

Section ~~251.42~~ 251.48 Open Burning

“Open burning” means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air, without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed, when during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys are open as are necessary to provide combustion air and to permit the escape of exhaust gas.

Section ~~251.44~~ 251.49 Organic Material

“Organic material” means any chemical compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

Section ~~251.45~~ 251.51 Owner or Operator

“Owner or operator” means any person who owns, leases, controls, operates, or supervises a facility, an air contaminant emission source, or control equipment.

Section ~~251.46~~ 251.52 Particulate Matter

“Particulate matter” means airborne finely divided solid or liquid material, except water in uncombined form. Particulate matter includes, but is not limited to, PM 1, PM 2.5 and PM 10. ~~material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.~~

Section ~~251.47~~ 251.54 Person

“Person” means any individual, partnership, partner, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

Section ~~251.50~~ 251.55 Process Equipment

“Process equipment” means any equipment, device, or contrivance used to change, store, or handle any material(s), and all appurtenances thereto, including ducts and stacks, the use of which may cause discharge of an air contaminant into the atmosphere, but not including any fuel-burning equipment or incinerator as defined in this Code. ~~any equipment, device or contrivance for changing any materials whatever or for storing or handling of any materials, and all appurtenances thereto, including ducts and stack, the use of which may cause discharge of an air contaminant into the atmosphere, but not including that equipment specifically defined in this Code as fuel-burning equipment or incinerator.~~

Section ~~251.51~~ 251.56 Process Weight

“Process weight” means the total weight of all material introduced into a unit operation or unit process, including solid fuels, but excluding liquid fuels and gaseous fuels when these are used solely as fuels and excluding air introduced for purposes of combustion.

Section ~~251.53~~ 251.58 Refuse

“Refuse” means any discarded matter or any matter which is to be reduced in volume or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal, including garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, human or animal remains and other wastes.

Section ~~251.55~~ 251.63 Seal

“Seal” means any device, tag or marking installed or affixed by the Commissioner of ~~Air Pollution Control~~ Air Quality, or by his or her agents or representatives, so as to prohibit use of any process, fuel-burning or control equipment, or any incinerator,

premise or source causing a violation, or from which violations of this Code originate. Sealing may also be accomplished by means of a written order by the Commissioner directed to the owner or operator of such equipment, premise or source, instructing such owner or operator that the process, fuel-burning or control equipment or incinerator, premise or source causing a violation shall not be operated until the Commissioner authorizes such use in writing.

Section ~~251.57~~ 251.64 Smoke

“Smoke” means the mixture of gases and fine particles produced from the combustion or incomplete combustion of organic matter. ~~small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material.~~

Section ~~251.58~~ 251.65 Source (see also Air Contaminant Source at Section 251.07)

“Source” when used by itself in this code, means an air contaminant source as defined in this Chapter. It also includes the cumulative impact from, or exposure to, a chemical source of air contamination combined with the impacts from a non-chemical stressor, including stressors that can aggregate and accumulate over time, affecting health and well-being. ~~means any building, structure, facility, operation, installation, other physical facility or real or personal property which emits or may emit any air pollutant.~~

Section ~~251.59~~ 251.66 Source Operation

“Source operation” means the last operation preceding emission, with operations: (a) Results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion- fuel; and (b) Is not an air pollution abatement operation.

Section ~~251.60~~ 251.67 Stack

“Stack” means a duct, chimney, flue or conduit designed or arranged to conduct air contaminant emissions into the atmosphere.

Section ~~251.61~~ 251.68 Standard Conditions

“Standard conditions” means a dry gas temperature of seventy degrees Fahrenheit (70°F) (twenty-one and one-tenth degrees Celsius (21.1°C)), and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch (seven hundred sixty (760) millimeters of mercury) absolute dry air. ~~a dry gas temperature of seventy degrees~~

Fahrenheit (70°F) (twenty-one and one-tenth degrees Celsius) (21.1°C) and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch (seven hundred sixty (760) millimeters of mercury) absolute dry air.

Section 251.62 251.69 Stationary Source

“Stationary source” means an air contaminant source that does not move from place to place in its day-to-day operation. ~~a source which does not move from place to place in its day to day operation.~~

Section 251.64 251.73 Uncontrolled Mass Rate of Emission

“Uncontrolled mass rate of emission” means the total weight rate at which an air contaminant is, or in the absence of control equipment would be, emitted from an air contaminant source when such source is operated at its maximum rated capacity. ~~the total weight rate at which particulate matter is, or in the absence of an air cleaning device would be, emitted from an air contaminant source when such source is operated at its maximum rated capacity.~~

Section 251.65 251.74 Unit Operation

“Unit operation” means a method where raw materials undergo physical change or methods by which raw materials may be altered into different states, such as vapor, liquid or solid, without changing into a new substance with different properties or composition. ~~methods where raw materials undergo physical change or methods by which raw materials may be altered into different states, such as vapor, liquid or solid without changing into a new substance with different properties or composition.~~

Section 251.66 251.75 Unit Process

“Unit process” means a reaction where raw materials undergo chemical change or where one or more raw materials are combined and changed into a new substance with different properties or composition. ~~reactions where raw materials undergo chemical change or where one (1) or more raw materials are combined and changed into a new substance with different properties or composition.~~

Section 251.68 251.76 Visible Emission

“Visible emission” means an emission of air contaminants of such quantity or quality as to be seen in contrast with background. Visible emissions are quantified by their opacity, as defined in this Chapter. ~~emissions of air contaminants of such quantity or quality as to be seen in contrast with background.~~

Section 2. That existing Sections Section 251.01 to 251.76 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are repealed.

Section 3. That Section 253.07 - AGA, 253.08 - ASME, Section 253.09 - ASTM, 253.11 - Architectural Coating, Section 253.14 - Best Available Control Technology, Section 253.23 - Criteria Pollutant, Section 253.24 - Effluent Water Separator, Section 253.29 - Fuel-Burning Equipment Input Capacity, Section 253.34 - Major Source, Section 253.35 - Minor Source, Section 253.44 - Organic Solvent, Section 253.48 - Petroleum Cracking, Section 253.49 - Photochemically Reactive Material, Section 253.52 - Process Weight Per Hour, Section 253.56 - Significant Source, Section 253.63 - Submerged Fill Pipe, Section 253.67 - Vapor Blowdown System, Section 253.69 - Volatile Photochemically Reactive Material, Section 251.70 - Waste Gas Flare, and Section 251.71 - Transfer Operations, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 251.02, 251.03, 251.04, 251.07, 251.09, 251.23, 251.25, 251.26, 251.28, 251.29, 251.33, 251.34, 251.36, 251.42, 251.43, 251.45, 251.50, 251.53, 251.57, 251.59, 251.60, 251.61, 251.62, 251.70, 251.71, 251.72, and 251.77 to read as follows:

Section 251.02 Abrasive Blasting

“Abrasive blasting” means the cleaning, polishing, texturizing, conditioning, removing, or preparing of a surface by forcibly propelling a stream of abrasive material with pressurized liquid or compressed air against a surface.

Section 251.03 Abrasive Material

“Abrasive material” means any material used in abrasive blasting operation, including but not limited to sand, coal slag, smelter slag, mineral abrasives, metallic abrasives, synthetic abrasives, or naturally occurring abrasives.

Section 251.04 Acetylene Torch

“Acetylene torch” means any device that uses a fuel containing acetylene as at least one constituent for the purpose of generating a flame capable of modifying the physical state of another material.

Section 251.07 Air Contaminant Source

“Air contaminant source” means any building, structure, facility, operation, installation, other physical facility or real or personal property that emits or may emit

any air contaminant. For the purposes of this code, an air contaminant source may also be referred to by the single word “source.” Control equipment associated with an air contaminant source is considered to be part of such source and does not require a separate permit to operate.

Section 251.09 Air Pollution Episode

"Air pollution episode" means the occurrence of conditions as set forth in Chapter 283.

Section 251.23 Cumulative Impact

“Cumulative Impact” means the aggregate health impact or effect, risk, or nuisance from one or multiple pathways and multiple sources and also refers to the totality of exposures from combinations of pollutant source stressors from air pollution and non-pollution source stressors that affect human health. Non-pollutant source stressors include socioeconomic impacts, lack of environmental assets (e.g., greenspace) in a community, health vulnerabilities, and health disparities that may be exacerbated by social or systemic injustices. Non-pollutant source health vulnerabilities include, for example, indicators of sensitive populations, such as incidence of asthma, cardiovascular disease, or low birthweight, and non-pollutant source socioeconomic factors include educational attainment, linguistic isolation, and poverty.

Section 251.25 Emission Limitation and Emission Standard

“Emission limitation and emission standard” mean a requirement established by this Code, the State of Ohio, or Administrator of the US EPA that limits the quantity, rate or concentration of emissions of air contaminants, including any requirement relating to the operation or maintenance of an air contaminant source.

Section 251.26 Emission Reduction Activities

“Emission Reduction Activities” refers to any device, technology, practice, operational procedure, or project that demonstrates a reduction in the emissions of air pollution.

Section 251.28 Facility

“Facility” means any building, structure, installation, operation, or combination thereof which contains one (1) or more stationary source or sources of air contaminants.

Section 251.29 Fiberated Cementitious Product

“Fiberated cementitious product” means material that contains mineral fibers and cement or material that acts like cement.

Section 251.33 Gasoline Dispensing Facility or GDF

“Gasoline dispensing Equipment,” or “GDF,” means any tanks, pumps, or other equipment utilized to dispense gasoline from stationary storage tanks into motor vehicle gasoline tanks. This includes gasoline dispensing equipment located at a site where fueling vehicles is not the primary function performed at that site.

Section 251.34 Hazardous Air Pollutant

"Hazardous air pollutant" means any air contaminant or contaminants known to cause cancer or other serious health impacts, contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness to the public and has been so designated as a hazardous air pollutant as defined in Section 112 of the Clean Air Act, by this Code, or by the Commissioner by rule and regulation.

Section 251.36 Indoor Air Quality

“Indoor Air Quality” means the way in which the air in a building can affect an occupant’s health, comfort, and well-being. Good air quality includes the introduction and distribution of adequate ventilation air, control of airborne contaminants, and maintenance of acceptable temperature and relative humidity. Indoor air pollutants may include pesticides, cleaning products, paints, chemical pollutants, mold, toxic materials, and odors.

Section 251.42 Objectionable Odor

“Objectionable odor” means any odor in the atmosphere that, by itself or in combination with other odors, gases, or vapors, is offensive, foul, unpleasant, or repulsive, or tends to injure, endanger, or unreasonably interfere with the health, safety, comfort, or repose of a person. An odor is objectionable when documented investigation includes observations on the odor’s nature, intensity, duration, location, and evidence that the odor causes or tends to cause injury, detriment, nuisance, or annoyance to persons or to the public.

Section 251.43 Occupant

“Occupant” means person in, or having actual possession of, a building, structure, dwelling unit, room, vehicle, or place, at a given time and includes a resident or tenant, under a written or oral rental agreement.

Section 251.45 Odorous Material

“Odorous material” means material that has, produces, or emits a distinctive odor.

Section 251.50 Outdoor Wood Burning Boiler

“Outdoor wood-burning boiler” means a fuel burning device that is: (1) designed to burn, or is capable of burning, clean wood or other approved solid fuels; (2) designed for outdoor installation or installation in structures not normally occupied by humans (e.g., garages or sheds); and (3) designated to heat building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/anti-freeze mixture. An outdoor wood-burning boiler may also be known as an: (1) outdoor wood-fired furnace; (2) outdoor wood-burning appliance; (3) outdoor hydronic heater; or (4) outdoor water stove.

Section 251.53 Particulate Matter Emissions

“Particulate matter emissions” mean all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in federal regulations, or a test method specified in the approved Ohio State Implementation Plan.

Section 251.57 Public Welfare

“Public welfare” means, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether caused by transformation, conversion, or a combination of other air pollutants.

Section 251.59 Refuse Derived Fuel

"Refuse derived fuel" means refuse that has been processed to separate the non-combustible portion from the combustible portion, and where the combustible portion has been prepared into a form that can be effectively utilized in fuel burning equipment in compliance with permit and rule-based emission limitations.

Section 251.60 Rendering Plant

“Rendering plant” means the land, building or buildings, machinery, apparatus, or fixture(s) employed in a process by which animal, poultry, or fish, which is unsalable, spoiled, contaminated, or otherwise unfit for human consumption, is treated, through the use of heat or other methods, so as to convert into fats and oils, food for poultry, livestock or pets, fertilizer, or other products.

Section 251.61 Responsible Official

“Responsible official” means one of the following as applicable:

- (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of any such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit.
- (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- (c) The designated representative of a source regulated by this Chapter.

Section 251.62 Salvageable Material

“Salvageable material” means any material which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its reuse.

Section 251.70 Tenant

“Tenant” means a person legally entitled under an oral or written rental agreement to the use and occupancy of a residential premises to the exclusion of others. This often includes the person who is financially responsible on the signed lease. See “occupant” and “residence” for distinction.

Section 251.71 Trade Secret

“Trade Secret” has the same meaning as “trade secret” in division (D) of Section 1333.61 of the Revised Code, the definitional section of Ohio’s Uniform Trade Secrets Act.

Section 251.72 USEPA, U.S. EPA, or US EPA

“USEPA,” “U.S. EPA,” or “US EPA” means United States Environmental Protection Agency.

Section 251.77 Work Practice Plan

“Work Practice Plan” means a written document signed by the Responsible Official of a Source that clearly describes specific, measurable practices that will be enacted to reduce air pollution nuisances including, but not limited to, fugitive emissions and objectionable odors.

Section 5. That Section 253.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is amended to read as follows:

Section 253.01 Maximum Concentrations; Non-Degradation

(a) Concentrations in the ambient air of any contaminant(s) set forth in Ohio Administrative Code 3745:25-02, at the effective date of the Ohio Administrative Code and as subsequently revised, are hereby adopted and apply in all areas of the City. Standards are to be attained at the earliest possible date, but in no event later than that date established by regulation of the Director of the Ohio Environmental Protection Agency. All measurements of ambient air quality are corrected to standard conditions. Concentrations of any contaminant or contaminants in the ambient air in excess of the concentrations and time durations set forth in Ohio Administrative Code 3745:25-02, or as subsequently amended, shall constitute a condition of unhealthy air quality. ~~Concentrations of contaminants in the ambient air in excess of the concentrations and time durations specified in the following sections shall constitute a condition of undesirable air quality, and shall be applicable in all areas of the City. Such standards are to be attained at the earliest possible date, but in no event later than that date established by regulation of the Director of the Ohio Environmental Protection Agency. All measurements of ambient air quality are corrected to standard conditions.~~

~~(b) —Suspended Particulate Matter.~~

~~(1) The maximum annual geometric mean concentration shall not exceed sixty (60) micrograms per cubic meter.~~

~~(2) —The maximum twenty-four (24) hour concentration, not to be exceeded more than once per year, shall be one hundred fifty (150) micrograms per cubic meter.~~

~~(c) —Sulfur Dioxide.~~

~~(1) — The maximum annual arithmetic mean concentration shall not exceed sixty (60) micrograms per cubic meter (twenty-three thousandths (0.023) parts per million (1,000,000) by volume).~~

~~(2) — The maximum twenty-four (24) hour concentration, not to be exceeded more than once per year, shall be two hundred sixty (260) micrograms per cubic meter (one-tenth (0.10) parts per million (1,000,000) by volume).~~

~~(3) — The maximum three (3) hour concentration, not to be exceeded more than once per year, shall be one thousand three hundred (1,300) micrograms per cubic meter (five-tenths (0.50) parts per million (1,000,000) by volume).~~

~~(d) — *Carbon Monoxide.*~~

~~(1) — The maximum eight (8) hour arithmetic mean concentration, not to be exceeded more than one (1) eight (8) hour period per year, shall be ten (10) milligrams per cubic meter (nine (9) parts per million (1,000,000) by volume).~~

~~(e) — *Photochemical Oxidants.*~~

~~(1) — The maximum one (1) hour arithmetic mean concentration shall not exceed one hundred nineteen (119) micrograms per cubic meter (six-hundredths (0.06) parts per million (1,000,000) by volume).~~

~~(2) — The maximum four (4) hour arithmetic mean concentration, not to be exceeded more than one (1) consecutive four (4) hour period per year, shall be seventy-nine (79) micrograms per cubic meter (four-hundredths (0.04) parts per million (1,000,000) by volume).~~

~~(3) — The maximum twenty-four (24) hour arithmetic mean concentration, not to be exceeded more than one (1) day per year, shall be forty (40) micrograms per cubic meter (two-hundredths (0.02) parts per million (1,000,000) by volume).~~

~~(f) — *Hydrocarbons.*~~

~~(1) — The maximum three (3) hour arithmetic mean concentration of non-methane hydrocarbons shall not exceed one hundred twenty-six (126) micrograms per cubic meter (nineteen hundredths (0.19) parts per million (1,000,000) by volume measured as carbon) between the hours of 6:00 a.m. and 9:00 a.m.~~

~~(2) — The maximum twenty-four (24) hour arithmetic mean concentration of non-methane hydrocarbons, not to be exceeded more than one (1) day per year, shall be three hundred thirty-one (331) micrograms per cubic meter (five-tenths (0.50) parts per million (1,000,000) by volume measure as carbon).~~

~~(g) — *Nitrogen Dioxide.*~~

~~(1) The maximum annual arithmetic mean concentration shall not exceed one hundred (100) micrograms per cubic meter (five hundredths (0.05) parts per million (1,000,000) by volume).~~

~~(h)~~ (b) Non-Degradation Policy.

(1) The significant and avoidable deterioration of air quality in any part of the City where presently existing air quality is equal to or better than that required by the adopted standards ~~shall be~~ is prohibited.

(2) The Commissioner is authorized to retain or establish emissions limitations, control requirements, work practice standards, or other measures, more stringent than those required by federal or state requirements, to prevent deterioration of air quality or to improve air quality.

Section 6. That existing Section 253.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 7. That Sections 255.01, 255.02, 255.03, 255.05, 255.06 and 255.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 255.01 Air Pollution Personnel

(a) The Division of Air Quality shall employ and qualify personnel as needed to ensure the successful administration of this Code as well as other duties as authorized by legislation.

(b) Such personnel of the Division shall: (1) carry out the directions of the Commissioner in all matters, consistent with duties of their respective job descriptions, qualifications and assignments, relating to enforcement of this Code, including the signing of complaints and summons sought for violations; and (2) aid and assist the Commissioner in the efficient discharge of his or her duties.

(c) No person employed in the Division shall be directly or indirectly interested in sales of service or goods or in any matter in conflict with his or her employment. The Division of Air Pollution Control shall employ and qualify such personnel as are needed to insure the successful administration of this Code. Such personnel of the Division shall carry out the directions of the Commissioner in all matters, consistent with duties of their respective job descriptions, qualifications and assignments, relating to enforcement of this Code, including the signing of complaints and summons sought for violations, and shall aid and assist the Commissioner in the efficient discharge of his or her duties. No person employed in the Division shall be directly or indirectly interested in sales of service or goods or in any matter in conflict with his or her employment.

Section 255.02 ~~Duties~~ Authority of Commissioner

The Commissioner, under the supervision and ~~director~~ direction of the Director of Public Health, ~~and Welfare~~ shall:

- (a) Supervise the execution of all laws, rules and regulations pertaining to air pollution as provided in this Code;
- (b) Institute complaints against all violators of any provisions of this Code and institute necessary legal proceedings, either personally or through his or her representatives;
- (c) Issue, and have served upon violators, orders requiring the repair of equipment or abatement of conditions not in compliance with this Code;
- (d) Compel the prevention and abatement of air pollution or nuisances arising therefrom;
- (e) Examine and approve or disapprove the plans for the installation or modification of any air contaminant source or control equipment;
- (f) Make inspections and tests of existing and newly installed air contaminant sources or control equipment subject to this Code to determine whether such source or equipment complies with this Code;
- (g) Investigate complaints of violations of the provisions of this Code and make inspections and observations of air pollution conditions. Records shall be maintained of all such investigations, complaints, inspections and observations;
- (h) Administer the issuance of permits to operate, notices, waiver citations, permits to install, variances and other documents required under the provisions of this Code;
- (i) Prepare and place before the Director of Public Health ~~and Welfare~~ for his or her consideration, proposals for additions or revisions to this Code or other rules and regulations pertaining to air pollution;
- (j) Encourage voluntary cooperation by persons or affected groups in the preservation and restoration of the purity of the outdoor atmosphere;
- (k) Collect and remit to appropriate City officials fees collected and permits to operate variances and examination of plans and permits to install;
- (l) Work with other City agencies and other organizations for the purpose of coordinating activities for the common municipal good;

- (m) Conduct tests and make studies of air contaminants whether or not controlled by specific limitations of this Code;
- (n) Do any and all acts which may be necessary for the successful prosecution of the purposes of this Code and such other acts as may be specifically enumerated herein;
- (o) Work with other agencies of the Federal and State governments for the purpose of the preservation and restoration of the purity of the outdoor atmosphere;
- (p) Notify the Mayor or the Governor of the State of Ohio whenever air pollution in the City, or in any part of the City, exceeds safe levels or otherwise presents an imminent and substantial danger to the health or safety of persons in the area;
- (q) Examine and approve or disapprove the plans of any person seeking to operate fuel-burning, incinerator, or process and control equipment in variance from the provisions of this Code;
- (r) Establish, maintain and operate air quality monitoring stations and other devices and methodologies designed to measure air pollution;
- (s) The Director of Finance shall establish an Air Quality Emission Reduction Fund ("Fund") for the purpose of improving or mitigating the impact of air pollution on the public health, particularly by reducing its cumulative impact on the most affected census tracts identified in the Air Quality Health Impact Report generated by the Commissioner. Permit fees collected under this Chapter may be deposited in the Fund for disbursement as provided in this section. In addition, any person, firm, or corporation may make contributions to the Fund and the Director of Finance is authorized to accept contributions to the Fund for the purposes set forth in this section, which include:
 - (1) To provide grants to persons or facilities to improve emission controls on existing emission units or process improvement to operations;
 - (2) To provide grants to persons or facilities to demonstrate decreased emissions from the impact from transportation sources, including fleet vehicles, non-road equipment, and small off-road equipment;
 - (3) To provide grants to businesses or community groups for local project(s) that will reduce emissions;
 - (4) To provide rebate(s) or voucher activities, for person(s), organizations, or facilities that encourage adoption of practices that demonstrate emissions reductions or mitigation; and
 - (5) To pay for any other device, technology, practice, or operational procedure the Commission determines demonstrates the potential to reduce air pollution or the impact of air pollution.

(t) The Commissioner shall establish criteria for persons, organizations, and facilities to apply for and obtain grant and rebate opportunities based on the potential to reduce air pollution or the impact of air pollution, particularly on the top quartile identified in the Air Quality and Health Impact Report. The Commissioner may require the submission of proposals for emission reduction projects that must demonstrate how activities will reduce emissions based on reliable scientific, technical or other specialized information that is objectively verifiable or is validly derived from widely accepted knowledge, facts, or principles.

Section 255.03 Appeals

(a) Any person aggrieved by an order, requirement, decision, or determination by the Commissioner may file an appeal within thirty (30) days of the date of such order, requirement, decision, or determination to the Appeals Board, accompanied by the required appeal fee.

(b) Filing a notice of appeal shall stay all proceedings in furtherance of the action appealed from, except in a declaration of emergency under Chapter 3701 of the Revised Code, or except any order if the officer or agency from whom the appeal is taken files with the Appeals Board, after notice of appeal has been filed with the officer or agency, a certificate, a copy of which shall forthwith be mailed to the appellant at the address stated in the notice of appeal, that, by reason of facts stated in the certificate, a stay would in the officer's or agency's opinion cause immediate peril to life, health, property or the environment. In either case, proceedings shall not be stayed excepted as provided in this section or by a restraining order, which may be granted by the Board, or by a court of competent jurisdiction upon application, and upon notice to the officer or agency from whom the appeal is taken on due cause shown and in accordance with the Ohio Rules of Civil Procedure;

(c) Any person, property owner, or member of the general public claiming an interest or whose ability to protect an interest may be impaired or impeded by any consent agreement or variance issued by the Commissioner, or by any new air contaminant limitation or visible emission limitation established by the Commissioner, in accordance with the applicable provisions of this Code, may appeal an agreement, variance, or limitation to the Appeals Board within thirty (30) days after the date of publication of such consent agreement or variance by the Commissioner in the City Record.

(d) Unless otherwise prohibited in the interests of justice, any person, property owner, or member of the general public is permitted to intervene in a matter before the Appeals Board when such intervention is timely and the person claims an interest relating to the matter and/or the person is so situated that the disposition of the matter by the Appeals Board may impair or impede his ability to protect an interest. For the purpose of this subsection, "timely" means prior to the commencement of a hearing by the Appeals Board on the merits of a matter before the Appeals Board.

(e) The Commissioner shall be a party to any and all appeals brought under this Code and shall be required to file the record of the matter at issue with the Appeals Board within fourteen (14) days of the receipt of the notice of appeal. The Commissioner shall include in the record facts and findings pertinent to his decision. The Appeals Board may also require any other party or intervener to file a summary of his position prior to the hearing. The Appeals Board shall give public notice of any hearing on an appeal in the *City Record*.

~~(a) Appeals of a person adversely affected by any order, requirement, decision or determination by the Commissioner shall be heard and decided by the Air Pollution Appeals Board. An appeal shall stay execution of the action appealed. The Appeals Board shall commence to hear the merits of an appeal within thirty (30) days after the filing of such appeal in the office of the Board. Thereafter, the Board shall hear the final arguments and shall reach a decision on such appeal without unreasonable or unnecessary delay.~~

~~(b) A motion to dissolve a stay, resulting from an appeal, may be filed by the Commissioner with the Board. The Board shall commence to hear the merits of such motion within seven (7) days after the filing of such motion in the office of the Board. Thereafter, the Board shall hear the final arguments and shall reach a decision on such motion without unreasonable or unnecessary delay.~~

~~(c) Appeals of any person, property owner, or member of the general public claiming an interest or whose ability to protect an interest may be impaired or impeded by any consent agreement or variance issued by the Commissioner, or by any new visible emission limitations established by the Commissioner, in accordance with the applicable provisions of this Code, shall be heard and decided by the Board. The Board shall commence to hear the merits of an appeal within thirty (30) days after the filing of such appeal in the office of Board. Thereafter, the Board shall hear the final arguments and shall reach a decision on such appeal without unreasonable or unnecessary delay.~~

~~(d) Absent any prior hearing or order of the Board, any person, property owner or member of the general public shall be permitted by the Board to intervene in a matter before the Board when such intervention is timely and the person, property owner or member of the general public claims an interest relating to the matter and/or the person is so situated that the disposition of the matter by the Board may impair or impede his or her ability to protect an interest. For the purpose of this subsection, "timely" shall mean prior to the commencement of a hearing by the Board on the merits of a matter before the Board.~~

~~(e) Any appeal from an order, requirement, decision or determination of the Commissioner shall be filed with the Board within thirty (30) days after receipt of notice of the action of the Commissioner.~~

~~(f) Any appeal from a consent agreement or variance issued by the Commissioner or from new visible emission limitations established by the Commissioner shall be filed with the Board within thirty (30) days after date of publication of such consent agreement or variance by the Commissioner in the *City Record*.~~

~~(g) The Commissioner shall be a party to all appeals brought under this Code and shall be required to file the record of the matter at issue with the Board within fourteen (14) days of the receipt of the notice of appeal. The record shall include facts and findings pertinent to the Commissioner's decision. The Board may also require any other party or intervenor to file a summary of their position prior to the hearing. The Board shall give public notice of any hearing on an appeal in the *City Record*.~~

~~(h) Any person affected by a decision of the Board may obtain judicial relief as provided by law.~~

Section 255.05 Records to be Available for Public Inspection; Exception

(a) Any records, reports or information obtained under the applicable sections of this Code shall be available for public inspection, during regular business hours, except that upon showing to the satisfaction of the Commissioner by any person that such records, reports or information or any particular part thereof other than emission data, to which the Commissioner has access, if made public, would divulge methods or processes entitled to protection as trade secrets of such person or would disclose protected health information. ~~the~~ The Commissioner shall consider such record, report or information or particular portion thereof confidential, except that such record, report or information or particular part thereof may be disclosed when necessary to sustain an action brought pursuant to the applicable sections of this code on emission limitations or during a denial or revocation of a permit to ~~install, modify or operate or conditional permit to operate~~ or variance. For any records that are also subject to Ohio's Public Records Act, the Division will ensure that release or redaction of such records is in compliance with State law.

(b) ~~Nothing in subsection (a) hereof~~ this section shall be construed to prevent the Commissioner from compiling or publishing analyses or summaries relating to the general condition of the atmosphere, ~~provided that such reports do not reveal any information otherwise confidential under this section.~~

Section 255.06 ~~Authority to Enter into Consent Agreement~~ Consent Agreements for Modifications of Equipment or Emissions Standards

(a) Whenever any source or source operation is found to be in violation of ~~the provisions of~~ this Code and the Commissioner determines that compliance with the emission limitations requires, as established in the applicable sections of this Code, ~~necessitates~~ the installation of control equipment of complex design; or operational change of a complex nature; involving technological ingenuity or advances of

considerable magnitude, the Commissioner may, upon the approval of the Director of the Department of Public Health, revise and Welfare, modify any of the emission limitations. In such case, the Commissioner shall, as established in this Code, and enter into a consent agreement with the person owning, operating or in charge of such source or source operation to bring about compliance with the emission limitations or such modifications thereto, at the earliest possible date, based upon technical feasibility and economical reasonableness and their relation to the benefits to the people of the State to be derived from such compliance. The Commissioner may also enter into a consent agreement with the person owning, operating, or in charge of any source or source operation to bring about compliance with the emission limitations, as established in the applicable sections of this Code, in lieu of or in resolution of any violation of issuing an abatement order. No modification will be allowed that would be less stringent than an Ohio EPA Air Pollution Permit or rule.

(b) No person entering into such a consent agreement with the Commissioner shall fail to comply with the terms and conditions of the consent agreement without prior written approval of the Commissioner.

(c) The Commissioner shall give public notice of any consent agreement entered into with any person owning, operating or in charge of any source operation. Public notice shall consist of publication in the City Record and a daily newspaper of general circulation in the metropolitan area.

Section 255.07 Rules and Regulations

(a) The Commissioner ~~under the supervision and direction of the Director of Public Health and Welfare,~~ may adopt, amend or alter written rules and regulations of this Code. Such rules and regulations shall neither conflict with nor waive any provision of this Code nor any other section of the Codified Ordinances.

(b) General notice of proposed rules and regulations shall be published in the *City Record*, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include:

(1) A statement of the time, place and nature of public proceedings to accept comments on any proposed rules or regulations, or on any amendments or alterations to existing rules or regulations;

(2) Reference to the legal authority under which rule is proposed; and

(3) The proposed rules or regulations, or the amendments or alterations to existing rules or regulations, or a summary of the proposal. ~~Either the terms or substance of the proposed rule or a description of the subjects and issues involved.~~

(c) After notice required by this section, the Commissioner shall give interested persons, within a reasonable time period to be determined by the Commissioner, an

opportunity to submit written comments and any written data, views, or arguments in support of such comments, and/or to present a verbal statement. ~~Participate through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the Commissioner shall incorporate in the rules adopted a concise general statement of their basis and purpose.~~

(d) Upon adoption, pursuant to the procedure set forth in this section ~~subsections (b) and (c) hereof~~, rules or regulations and amendments thereto and alterations thereof shall become effective after two (2) successive publications in the *City Record*.

(e) Any interested person may petition the Commissioner for the issuance, amendment or repeal of a rule or regulation.

(f) Violation of rules or regulations of the Commissioner shall not constitute the basis for criminal prosecutions; provided, however, that an administrative order of the Commissioner based on such rules and regulations shall be enforceable in accordance with the provisions of this Code, whether administrative or criminal in nature.

Section 8. That existing Sections 255.01, 255.02, 255.03, 255.05, 255.06 and 255.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 9. That Section 255.04 – Abatement Orders, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 10. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 255.04 to read as follows:

Section 255.04 Notices of Violation; Orders to Abate

(a) Upon discovery of any violation of this Code or any violation of a consent agreement, the Commissioner or his or her designee, shall serve a written notice of violation or violations upon the owner, operator or person in control of the property or operation in violation. The notice of violation or violations shall identify the specific violation or violations of this Code. The notice may include the possible penalties for noncompliance and a recommendation for remedial action.

(b) In addition to or in lieu of a notice, the Commissioner or his or her designee, may issue a written order to immediately abate any condition, action, or emission that affects or endangers the public health.

(c) The Commissioner or his or her designee, shall send the written notice and/or order to the last known address of the owner, operator, or person in control of the property or operation in violation, and identify the specific violation or violations of this Code. The notice shall state a reasonable period for compliance.

(d) No person or entity shall fail to correct any violation or to comply with any notice or order issued by the Commissioner or his or her designee within the time period stated on the notice or order.

(e) If any person or entity fails to correct any violation or to comply with any notice or order issued under this section, the City may pursue any criminal, administrative, civil, or equitable remedy authorized by law. In addition, the City may revoke any existing permit to operate and/or seal such source or facility. The Commissioner may issue a remedial order and/or enter into a consent agreement, as part of a remedy required as a result of a violation or failure to comply with an order of the Commissioner or his or her designee.

(f) The Commissioner may implement any other actions specified in Chapter 299 "Penalties" of this Code.

Section 11. That Sections 257.01, 257.10 and 257.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 257.01 Application; What Must be Included; and Approval Required

(a) No person shall install any new air contaminant source or control equipment, or modify any existing air contaminant source or control equipment for use within the city until ~~an a complete~~ application, including ~~not less than two (2) sets of properly prepared plans and specifications of the air contaminant source or control equipment and structures or buildings used in connection therewith,~~ has been filed by the ~~responsible person~~ person or his or her agent in the office of, and has been approved by; the Commissioner, and until ~~an installation~~ a permit has been issued by the Commissioner for such installation or modification.

(b) Application for permits to install or modify shall be made on forms prepared by the Commissioner and shall contain such information as ~~he or she~~ the Commissioner deems necessary to determine whether the permit should be issued, including but not limited to, plans and specifications, construction schedules, and such other pertinent information, including but not limited to, data on ambient air quality impact, cumulative impact, and disproportionate impact. ~~The information required in such applications including plans and specifications shall include the form and dimensions of the air contaminant source or control equipment, together with the description and dimensions of the building or part thereof in which such equipment is to be located, including the means provided for admitting the air for combustion process; the character and composition of the fuel to be used; the maximum quantity of such fuel~~

~~to be burned per hour; the kind and amount of raw materials processed; the nature, source and quantity of uncontrolled and controlled emissions; the type, size and efficiency of control facilities; the operating requirements; the use to be made of such air contaminant source or control equipment; contaminant concentration, gas volume and gas temperature at the emission point; the location and elevation of the emission point relative to nearby structures and window openings; a flow diagram showing the equipment under consideration and its relationship to other processes, if any, and a general description of these processes, and any other reasonable and pertinent information that may be required by the Commissioner.~~

(c) ~~Applications for permits to install or modify shall be signed by the responsible official. person performing the installation or modification and by the corporate president or vice president reporting directly to the president or highest ranking corporate officer with offices located in Cuyahoga County; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator.~~ Such signature shall constitute personal affirmation that the statements made in the application are true and complete, ~~complying~~ comply fully with applicable City requirements, and shall subject the responsible official to liability under applicable City laws, including City and State laws, forbidding false and misleading statements.

(d) The applicant's signature shall constitute an agreement that the applicant shall assume responsibility for the installation, modification or location of such source or facility in accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

(e) Cumulative Impact Assessment

(1) Within one (1) year of the effective date of this ordinance, the Commissioner shall develop and issue an Air Quality Health Impact Report that identifies census blocks that present with the most vulnerability to the health impacts of air pollution. The Air Quality Health Impact Report will include social vulnerability index scores, health data, and environmental data to establish scores for each census block. The Air Quality Health Impact Report will be evaluated and updated as needed every five (5) years, or as needed. Health indicator data may include, but are not limited to, respiratory disease, cardiovascular disease, and maternal or infant health. Health indicators will be tracked and published on an annual basis. The Air Quality Health Impact Report may be completed sooner than five years if there is a statistically significant change in a tracked health indicator, or at the discretion of the Public Health Director. To determine census block vulnerability, City Division of Air Quality will use a multivariate index construction methodology, or its approved epidemiological equivalent, to establish a composite score based on health, environmental, and population data.

(2) As a condition for obtaining an installation or modification permit, all new or modified sources that are located within the upper levels of the relative ranking

analysis (8, 9, or 10) will be required to submit a New or Modified Source Emission Unit Evaluation of the proposed source.

(3) The New or Modified Source Emission Unit Evaluation will be completed on forms prepared by the Commissioner. The facility will be required to submit current estimates of each of the categories below and projected changes by the new or modified source.

(4) New or Modified Source Emission Unit Evaluations shall include potential emissions of the following:

A. Annual emissions of criteria air pollutants from the new or modified source and the new total per facility in tons per year;

B. Annual emissions of individual and combined hazardous air pollutants from the new or modified source and the new total per facility in tons per year;

C. Daily total of vehicle miles travelled (VMT) for all medium and heavy-duty vehicle traffic traveling on and off the facility premises; and

D. Daily hours of operation for all off-road equipment, medium-duty and heavy-duty vehicles that operate on the facility premises.

(5) All new or modified sources that result in an increase of either criteria air pollutants or hazardous air pollutants, that are located in the highest relative ranking (10) and that meet the criteria of either a synthetic minor, Federally enforceable permit to install and operate (FEPTIO), or Title V facility will be required to complete and submit a Health Impact Assessment prior to the issuance of a City permit to install.

A. The Health Impact Assessment will include a multi-step process that requires the analysis of the impact of the proposed new or modified source and the development and implementation of a community engagement plan. The community engagement plan must include, at a minimum, two public meetings. The facility must post public notice that a meeting will be held in locations within a 5-mile radius of the proposed change and electronically at least 2-weeks in advance of the meeting. The public notice must include a fact sheet describing the proposed project in accessible wording, translated into any non-English language spoken by a significant percentage of the population, and contact information for a facility representative. The final Health Impact Assessment must document how community concerns and questions were addressed.

B. The Health Impact Assessment must include industry-accepted air quality modeling and an epidemiological relative risk assessment for the conditions outlined in the Air Quality Health Impact Report.

C. The specific health concerns to be addressed by the Health Impact Assessment will be released on a quinquennial basis and will correspond with the Air Quality Health Impact Report. The Health Impact Assessment must also address health conditions that are associated with the specific pollutants of the proposed source.

D. Where the applicant is seeking to install multiple emission units within eighteen (18) months, the Health Impact Assessment must address the installation of all emission units.

E. City Division of Air Quality shall review the Health Impact Assessment within a reasonable time upon submittal:

1. City Division of Air Quality shall acknowledge receipt of the Health Impact Assessment, in writing, to the responsible official within fourteen (14) days of receipt;

2. City Division of Air Quality may request additional information from the applicant or provide clarifying questions regarding the methods used to calculate emissions or impacts contained in the Health Impact Assessment;

3. City Division of Air Quality representatives must be invited to any public meetings included in the community engagement plan; a minimum of two (2) weeks' notice must be provided in advance of any public meeting; and

4. The applicant is responsible for any costs associated with implementing their community engagement plan (e.g., venue rental, transcription services, translation services, transportation stipends, etc.).

F. If the Commissioner determines after the review that pollution from the new facility would disproportionately impact overburdened communities, the Commissioner may deny the Permit to Install.

Section ~~257.10~~ 257.02 Issuance of Permits by Other Departments

No permit for the erection, construction, reconstruction or modification of any building, plant or structure, related in any manner to fuel-burning equipment, process equipment, incinerator or control equipment, or any equipment which may be a source of air contaminants, shall be issued by the Commissioner of Building or by any other department, bureau, division, officer or employee of the City until the Commissioner of Air Quality has approved such plans and specifications which relate in any manner to a new or an existing air contaminant source or control equipment covered by provisions of this Code.

Section ~~257.11~~ 257.03 Failure to Make Application or Obtain Permit or Approval Prior to Work

(a) No person shall cause, permit or allow the construction, installation or modification of any air contaminant source or control equipment to commence or proceed who has failed:

(1) To make an application for a permit to install or modify as required by Section 257.01; and

(2) To secure from the Commissioner a permit to install as required by Section 257.01; or

(3) To file a compliance statement and secure written approval of the Commissioner to proceed with the proposed installation or modification, as authorized in Section 257.04 of this code, in lieu of the issuance of a permit to install or modify.

(b) If work on the construction, installation or modification of such source or control equipment has commenced or is proceeding without having first obtained the required permit or approval to proceed in division (a), the Commissioner is authorized to stop all work being done and to seal that part or parts of such source or control equipment that has been constructed, installed or modified until a permit to install or modify, or approval of a compliance statement is secured from the Commissioner.

~~(b)~~ (c) No permit to install or modify or permit to operate shall be issued by the Commissioner to any person or contractor unless such person or contractor complies with all the requirements of this Code.

Section 12. That existing Sections 257.01, 257.10 and 257.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 13. That Section 257.02 – Criteria for Granting Permits, Section 257.03 – Action on Application for Permit, Section 257.04 – Alternative Action on Application for Permit, Section 257.05 – Applicability of Permit, Section 257.06 – Violation of Permit, Section 257.05 – Time Limit on Permits, Section 257.08 – Registration of Contractors, and Section 257.09 – Coordination of Departments, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 14. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 257.04 to read as follows:

Section 257.04 Issuance of Permits

- (a) Upon approval of the application for a permit and upon payment of the prescribed permit fees, the Commissioner shall issue a permit to install or modify, as applicable for the source(s) contained therein.
- (b) Any permit under this Chapter will be issued electronically under the official website of the Cleveland Department of Public Health, Division of Air Quality, where they will be available for public viewing and download.
- (c) Any permit issued under this Chapter must also be electronically sent to the responsible official of record to their last known e-mail address.

Section 15. That Sections 259.01, 259.04, 259.05, 259.06, 259.07, 259.09, and 259.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed July 27, 1977, are amended to read as follows:

Section 259.01 Permit to Operate; ~~or~~ Variance Prerequisite for Operation

Except as otherwise provided in this Code, no person shall cause, permit or allow the operation or other use of any air contaminant source or control equipment unless a permit to operate or variance has been granted by the Commissioner, and no such air contaminant source or control equipment shall be operated when such permit to operate or variance has been denied or revoked or becomes void.

Section ~~259.04~~ 259.03 Criteria for Granting of Permits to Operate

(a) No permit to operate an existing air contaminant source or control equipment shall be granted until the applicant demonstrates to the satisfaction of the Commissioner that:

~~(a)~~ (1) The operation of such air contaminant source or control equipment will not result in the discharge of air contaminants in excess of the limitations established by this Code;

~~(b)~~ (2) The operation of such air contaminant source or control equipment will not create a nuisance or otherwise violate any other provision of this Code or the rules and regulations promulgated therein;

~~(c)~~ (3) The information required by the Commissioner in the application has been supplied and is adequate for the evaluation of the application for permit to operate.

(b) The Commissioner may require emission tests or modeling analysis of emissions before issuing a permit to operate.

(c) The Commissioner shall collect the prescribed permit fee prior to issuing or renewing a permit to operate.

Section ~~259.05~~ 259.04 Action on Application for Permit to Operate

~~An application for permit to operate an existing air contaminant source or control equipment shall be acted upon within sixty (60) calendar days after it is filed in the office of the Division of Air Pollution Control.~~ Approval of the application for a permit to operate may, at the discretion of the Commissioner, include a condition requiring emission tests to be conducted within a reasonable period of time, as determined by the Commissioner, and other special terms and conditions, to establish compliance with the emission limitations of this ordinance. The Commissioner shall notify the person applying for the permit to operate of his or her approval or reasons for rejection of the application in writing. Upon the approval of the application ~~and upon the payment of the prescribed fees,~~ the Commissioner shall issue a permit to operate such air contaminant source or control equipment.

Section ~~259.06~~ 259.05 Renewal of Permits to Operate

Permits to operate air contaminant sources or control equipment shall be renewed as follows:

- (a) Prior to the expiration of the permit, a written request for renewal of permit(s) to operate must be received by City Division of Air Quality; and
- (b) The request for renewal must list each air contaminant source at the facility and note any changes to the air contaminant source(s), responsible official, facility name, or contact information at the facility.

As a courtesy to the regulated facilities, the Commissioner may issue invoices to permitted facilities listing the air contaminant sources believed to require permits at the facilities, and the associated fees for such sources. The responsible party at the facility may, at their option, use the information contained on the invoice to develop their request for renewal of permit or permits to operate and to calculate fees owed for permit renewal.

The request for renewal shall be signed:

- (1) By the corporate president or vice president reporting directly to the president, or highest-ranking corporate officer with offices located in Cuyahoga County; or
- (2) By an equally responsible officer in the case of organizations other than corporations; or
- (3) By the source owner or operator in all other cases.

(c) The requestor's signature shall constitute personal affirmation that the statements made in the request are true and complete, complying fully with applicable City requirements, that all judgments and estimates provided have been made in good faith, and shall subject the responsible official to liability for non-compliance with this Code, including for submission of false and misleading statements.

(d) The requestor's signature shall constitute an agreement that the requestor assumes responsibility for the operation and location of such source or facility in accordance with this Code, and with all other applicable rules and regulations, and terms and conditions. Such signature further attests to the requestor's understanding that the data provided in the request for renewal will be used by the City to calculate a fee which the facility is required to pay under Chapter 263 of this Code.

(e) Upon approval of the request for renewal and upon payment of the prescribed permit fees, the Commissioner shall issue a renewal of the permit to operate the source(s) or control equipment contained therein.

~~according to the schedule of periodic inspections of designated classes of equipment as determined by rule or regulation of the Commissioner. No period of time between inspections shall exceed three (3) years.~~

Section ~~259.07~~ 259.06 Denial or Revocation of Permits to Operate or Conditional Permits to Operate

(a) ~~A permit to operate or a conditional permit to operate~~ may be denied or, once granted, may be revoked:

(1) ~~Incident to any order to discontinue operations or sealing order under this Code and seal order;~~

(2) ~~In an emergency, as determined by the Commissioner,~~ where operation of the subject air contaminant source or control equipment may be dangerous to persons or property;

(3) Where no air pollution control equipment or modification, if required, has been installed to ~~permit~~ allow operation in conformity with the provisions of this Code;

(4) Where the air contaminant source or control equipment causes such effect, is of such condition, or is so installed that it cannot be or is not being operated in conformity with the provisions of this Code;

(5) Upon failure or refusal of the person responsible to submit information required by the Code;

- (6) Upon failure or refusal of the person responsible to comply with an ~~abatement~~ order issued under the provisions of Section ~~255.04~~ 255.02;
- (7) Upon failure or refusal of the person responsible to comply with the terms and conditions of any permit granted by the Commissioner under provisions of this Code; or
- ~~(8) Upon failure or refusal of a person responsible to comply with the terms and conditions of any conditional permit granted by the Commissioner under the provisions of this Code;~~
- ~~(9)~~ (8) Upon failure or refusal of the person responsible to comply with the provisions of Chapter 283 of this Code.
- (b) Except in an emergency under Section 255.02, when the Commissioner may issue an order to be summarily complied with, prior to the revocation of an existing permit to operate, notice in writing shall be sent by the Commissioner to responsible persons at facilities where violations of this section are known to exist, demanding compliance within a time limit set forth therein, or within a time limit extension granted by the Commissioner.
- ~~(b) Notice in writing shall be sent by the Commissioner to persons in violation of subsections (a)(1), (a)(4), (a)(5), (a)(7) and (a)(9) hereof, except pursuant to Section 255.04, demanding compliance within a time limit set forth therein, or within a time limit extension granted by the Commissioner prior to the revocation of an existing permit to operate.~~
- (c) Denial or revocation of a permit to operate, or conditional permit to operate, ~~shall not be a bar to~~ will not bar prosecution or any other applicable remedy or relief under this Code for violation of any of the provisions of this Code.

Section ~~259.09~~ 259.07 Prohibition Against Operating Without a Permit; Prima Facie Evidence of Unlawful Emission

- (a) No person shall operate an air contaminant source without an operating permit.
- (b) ~~In any hearing of the Municipal Court or any court of competent jurisdiction, the~~ The fact of operation without a valid permit to operate or variance, together with testimony as to ownership or responsibility from the records of the Division of Air ~~Quality Pollution Control~~, shall be prima facie evidence of unlawful emissions and that the air contaminant source or control equipment operating without a ~~for which the permit to operate or variance is not in effect is~~ being operated in violation of the provisions of this Code.

Section ~~259.10~~ 259.08 Variances

(a) The owner or operator of any plant, building structure, process, equipment, or source may apply to the Commissioner for a variance from the provisions of this Code. A variance is a temporary instrument of limited duration; it is not a substitute for a permit under this Code and does not replace installation or modification permits or permits to operate. Any application for a variance must include, at a minimum:

- (1) The name, mailing address, phone number, and email for the applicant.
- (2) The location of the facility for which a variance is being sought.
- (3) A description of the source or sources for which a variance is being sought.
- (4) The pollutants, potential pollutants, quantities of emissions, and quantities of potential emissions of the source for which a variance is being sought.
- (5) The duration of the variance being requested, and a description of the control strategies employed or methodology for minimizing emissions during the duration of the variance being requested.

~~(a) Any person who owns or is in control of any plant, building structure, process, equipment or source may apply to the Commissioner for a variance from the provisions of this Code.~~

(b) The Commissioner ~~must~~ shall give public notice of any request for a variance from the provisions of this Code. Public notice shall, at a minimum, consist of publication in the *City Record* and a daily newspaper of general circulation in the metropolitan area, and shall contain the name and location of the facility, a description of the source, the pollutants emitted, the quantities of the pollutants emitted, the control strategies employed, and the of the company, the source, the location, the pollutants, the control strategy, if possible, and the duration of the variance being requested. Additional options for public notice are City websites and common social media sites. These electronic resources, if used, will be in addition to the *City Record* and daily newspaper.

~~(c) No variance shall be granted~~ The Commissioner may grant a variance pursuant to this section except only after due consideration by the Commissioner of the relative interests of the applicant, other owners of property likely to be affected by the discharge of emissions, and the general public. Interested persons may submit written comments on the variance request to the Commissioner. The Commissioner will consider all ~~At~~ relevant comments received within thirty (30) days after the latest date of publication of the public notice of the variance request in the *City Record* or daily newspaper of general circulation in the metropolitan area, will be considered.

(d) ~~No variance shall be granted~~ The Commissioner shall not grant a variance pursuant to this section until the applicant shows to the satisfaction of the Commissioner that:

- (1) Such source is not a new source or modification; and
- (2) The Commissioner has approved a compliance schedule for such source.

(e) ~~A compliance~~ The Commissioner shall approve a compliance schedule shall be ~~approvable~~ where it shows to the satisfaction of the Commissioner that:

- (1) The plan and schedule provide for the earliest possible compliance by the source;
- (2) Any available alternative operating procedure and interim control measures have reduced or will reduce the impact of such source on the public health;
- (3) Good faith efforts have been and will be made to reduce emissions or otherwise comply with this Code or the rules and regulations promulgated therein;
- (4) The proposed control strategy will bring the source into compliance with this Code or the rules and regulations promulgated therein; and
- (5) The compliance schedule contains a date on or before which the source shall be operated in compliance with this Code or the rules and regulations promulgated therein;

(f) ~~A variance~~ The Commissioner shall act upon a variance request shall be acted upon by the Commissioner within ninety (90) days after receipt in the office of the Commissioner of all information required to evaluate the variance request. The Commissioner shall notify the person applying for the variance of the approval or of all reasons for rejection of the variance request in writing.

(g) The Commissioner shall give public notice of his or her decision on all requests for variances. Public notice shall consist of publication in the *City Record* and a daily newspaper of general circulation in the metropolitan area.

(h) If granted, a variance shall be effective for ~~whatever~~ the period of time the Commissioner deems appropriate. A variance shall not be a right of the applicant or holder thereof, but shall be at the discretion of the Commissioner, as provided in this section. ~~subsections (c) and (d) hereof.~~

(i) The Commissioner may require the variance holder, as part of the terms of the variance, to maintain such monitoring equipment and to make a file of such information, records and reports as he or she deems necessary to ~~insure~~ ensure compliance with the terms of the variance and to evaluate the effect of the emission or emissions upon the ambient atmosphere.

(j) No person shall fail to comply with any condition of a variance granted by the Commissioner without prior written approval of the Commissioner. This section ~~shall have~~ has no effect upon the date of final compliance as set forth in the variance as granted.

(k) Once the Commissioner grants a variance, he or she may revoke such variance:
~~Once granted, a variance may be revoked by the Commissioner:~~

(1) Upon failure or refusal of the variance holder to maintain monitoring equipment and to make and file information, records, and/or reports as required by the Commissioner;

(2) Upon failure of the variance holder to meet, or to show good faith effort in meeting, any of the conditions of the variance; or

(3) If during the period of the variance the source operation becomes unsafe and endangers the public health.

(l) Nothing in this section, and no variance granted pursuant hereto, shall be construed to prevent or limit the application of the emergency provisions and procedures of this Code to any person or his or her property.

(m) ~~No variance may be granted which is in any way in conflict~~ The Commissioner may not grant a variance that conflicts with the air pollution regulations of the Ohio Environmental Protection Agency or the United States Environmental Protection Agency.

(n) Denial or revocation of a variance by the Commissioner shall not be a bar to prosecution for violation of any other applicable provision of this Code.

(o) Any request for renewal of a variance shall be acted upon and treated as an original variance application.

Section 16. That Sections 259.01, 259.04, 259.05, 259.06, 259.07, 259.09, and 259.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed July 27, 1977, are repealed.

Section 17. That Sections 259.02 – Permits to Operate Subsequent to Installation or Modification Permits, Section 259.03 – Application for Permit to Operate for Existing Sources; and Section 259.08 – Applicability of Permit to Operate, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed July 27, 1977, are repealed.

Section 18. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 259.02 and 259.09 to read as follows:

Section 259.02 Application for Permit to Operate

(a) Except as otherwise provided in this Code, the owner or operator of an air contaminant source seeking to obtain a permit to operate shall submit an application for permit to operate to the Commissioner as follows:

(1) Applications for permits to operate shall be made on forms prepared by the Commissioner and shall include any reasonable and pertinent information that may be required by the Commissioner. This may include plans and/or specifications and/or a description adequately detailed to demonstrate awareness of pollution control requirements and compliance therewith.

(2) The Commissioner may determine that, in addition to the permit to operate application, a work practice plan is also required if the facility operations have the potential to adversely affect public health, cause a public nuisance, or are located within a census tract that has scored in the top quartile of a cumulative impact analysis. The work practice plan must include operating practices and control measures that will be used to minimize or eliminate the pollutant of concern, an inspection schedule, an employee training plan, and a record keeping template. As a courtesy, the Commissioner may provide template work practice plans that can be completed by the Responsible Official.

(3) Failure to comply with any request for information made by the Commissioner shall be cause for rejection of an application, and may constitute grounds for the denial of a permit to operate.

(b) Applications for permits to operate that comply with the requirements of this section and any request for information made by the Commissioner, shall be signed:

(1) By the corporate president or vice president reporting directly to the president, or highest ranking corporate officer with offices located in Cuyahoga County; or

(2) By an equally responsible officer in the case of organizations other than corporations; or

(3) By the source owner or operator in all other cases.

(c) The applicant's signature shall constitute personal affirmation that the statements made in the application are true and complete, comply fully with applicable City requirements, and shall subject the responsible official to liability for non-compliance with this Code, including for submission of false and misleading statements.

(d) The applicant's signature shall constitute an agreement that the applicant assumes responsibility for the operation and location of such source or facility in

accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

Section 259.09 Issuance of Permits by Other Departments

(a) Each person required to comply with the notification requirements under the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) Regulations listed in 40 CFR Part 61, Subpart M, or under Ohio Administrative Code Chapter 3745-20, must submit notification to, and obtain approval from, the Division of Air Quality, and shall submit the fee to the Division of Air Quality, along with the original notification required, at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activity including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation.

(b) No permit for the demolition or renovation of any building, plant or structure shall be issued by the Director of Building and Housing, or their designee, or by any other department, bureau, division, officer or employee of the City until the Commissioner of the Division of Air Quality or his or her designee has approved such notification required under the Asbestos NESHAP, Ohio Administrative Code 3745-20, and provisions of this Code.

Section 19. That Sections 261.01 and 261.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are amended to read as follows:

Section 261.01 Exemptions, Specified; Compliance

(a) The provisions of this Code shall not apply to the following classes of sources:

(1) Systems used exclusively for comfort ventilation;

~~(2) American Gas Association (A.G.A.) approved smokeless, odorless incinerators installed in one (1) or two (2) family dwellings;~~

~~(3)~~(2) Fuel-burning equipment using natural gas, or No. 1 or No. 2 fuel oil at rates of less than one million (1,000,000) BTU per hour when operated at the maximum rated capacities and, from which, products of combustion are the sole emissions;

~~(4)~~(3) Boilers installed in any residential buildings up to four (4) dwelling units;
~~one (1) or two (2) family dwellings;~~

~~(5)~~(4) Warm air furnaces, any unit heater, direct-fired unit heater or ceiling-type unit heater fired with natural gas, or No. 1 or No. 2 fuel oil, where equipment is

used exclusively for space or comfort heating, or installed in any residential building of up to four (4) dwelling units. ~~one (1) or two (2) family dwellings.~~

(b) Exception under this section shall not relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provisions of Section 265.01, 267.01 and 277.08 and ~~Chapter~~ Chapters 281 or 283 of this Code. If the operation of any such air contaminant source or control equipment violates any of the provisions of Sections 265.01, 267.01 and 277.08 and ~~Chapter~~ Chapters 281 or 283 of this Code, the Commissioner shall take appropriate action, under the applicable provisions of this Code, to ~~abate~~ compel abatement of the violation.

Section 261.02 Limited Exemptions

(a) The provisions of Chapters 257 and 259 shall not apply to the following classes of sources:

(1) Mobile sources;

(2) ~~Demolition of buildings, authorized~~ Authorized open burning, abrasive blasting sandblasting and/or building cleaning, spray applications of fiberated non-asbestos cementitious products and ~~spraying of asbestos-containing products.~~ Permits may be required for such operations under the provisions of Chapters 266, 277 and or 281 of this Code;

(3) Such other sources of small emission significance as the Commissioner may exempt by rules and regulation.

(b) Exemption under this section shall not relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provisions of other applicable sections of this Code, including, but not limited to, emission standards and limitations, submission of data, reporting requirements and emergency orders.

Section 20. That Sections 261.01 and 261.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are repealed.

Section 21. That Section 263.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, and Sections , 263.02, 263.03, 263.04 and 263.05 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 263.01 Fees for Permits to Operate and Variances

(a) Fees for the examination of plans and applications and for inspections for the issuance of permits to operate any air contaminant source within the jurisdiction of this Code, variances, and renewal of permits to operate shall be as follows:

(1) Fuel Burning Equipment for Each Unit. The fee shall be based upon the maximum designed heat input capacity:

<u>Description</u>	<u>Fee</u>
<u>A. Of a heat input capacity of less than 2,500,000 BTU/hr</u>	<u>\$100.00</u>
<u>B. Of a heat input capacity of 2,500,000 BTU/hr and less than 10,000,000 BTU/hr</u>	<u>\$200.00</u>
<u>C. Of a heat input capacity of 10,000,000 BTU/hr and less 25,000,000 BTU/hr</u>	<u>\$500.00</u>
<u>D. Of a heat input capacity of 25,000,000 BTU/hr and less than 50,000,000 BTU/hr</u>	<u>\$1,500.00</u>
<u>E. Of a heat input capacity of 50,000,000 BTU/hr and less than 100,000,000 BTU/hr</u>	<u>\$2,000.00</u>
<u>F. Of a heat input capacity of 100,000,000 BTU/hr or more</u>	<u>\$2,500.00</u>

(2) Incinerators for Each Unit. The fee shall be based upon the primary furnace volume of each incinerator:

<u>Description</u>	<u>Fee</u>
<u>A. Having a primary furnace volume of less than 50 cubic feet</u>	<u>\$250.00</u>
<u>B. Having a primary furnace volume of 50 cubic feet but less than 100 cubic feet</u>	<u>\$500.00</u>
<u>C. Having a primary furnace volume of 100 cubic feet bur less than 200 cubic feet</u>	<u>\$1,500.00</u>

D. Having a primary furnace
volume of 200 cubic feet or more \$2,500.00

(3) *Process Equipment.* The fee shall be based upon the value of X as
determined from the following equation:

$X = \text{Process Weight in pounds per hour} + \text{Exhaust Air Ventilation in actual cubic
feet per minute.}$

<u>Description</u>	<u>Fee</u>
<u>A. For values of X less than 1,000</u>	<u>\$100.00</u>
<u>B. For values of X of 1,000 but less than 10,000</u>	<u>\$250.00</u>
<u>C. For values of X of 10,000 but less than 50,000</u>	<u>\$500.00</u>
<u>D. For values of X of 50,000 but less than 100,000</u>	<u>\$1,000.00</u>
<u>E. For values of X of 100,000 but less than 500,000</u>	<u>\$1,500.00</u>
<u>F. For values of X of 500,000 but less than 1,000,000</u>	<u>\$2,000.00</u>
<u>G. For values of X of 1,000,000 or more</u>	<u>\$2,500.00</u>

(4) *Process and Fuel Burning Equipment.* The fee for equipment that can be
categorized as either “Fuel Burning” or “Process” shall be the higher of the two
amounts as calculated above. For the purpose of these calculations, combustion
exhaust is not included in exhaust air ventilation. Total fees for all process and fuel
burning equipment in each work room, shall not exceed two thousand five
hundred dollars (\$2,500).

(5) *Where the nature of any process or operation or the design of any equipment
is such as to permit more than one interpretation of the value of X in this section,
the interpretation that results in the highest fee shall apply.*

(6) *Gasoline Dispensing Equipment.* One fee shall cover all pumps, tanks, and
other gasoline dispensing equipment at the facility. The fee shall be one hundred
dollars (\$100.00).

(7) Any Other Air Contaminant Source. The fee for the examination of plans and applications for permits or inspections for any other air contaminant source not included in the above schedule shall be fifty dollars (\$50.00) per source.

(8) The minimum fee for a permit to operate, renewal permit to operate, or variance for any single facility shall be fifty dollars (\$50.00).

(b) The fees for the examination of applications and issuance of other permits required by this Code shall be determined for each site or occurrence and shall be as follows:

(1) For each occurrence of open burning \$100.00

(2) For abrasive blasting of buildings and/or other structures, at a single site and performed as part of a single project \$100.00

~~(a) Fees for the examination of plans and applications for the issuance of permits, variances, and for the original inspection and permit to operate for the installation and modification of any air contaminant source or control equipment, within the jurisdiction of this code, and renewal of permits to operate shall be as follows:~~

~~Permit to
Install or
Modify and
Initial
Permit to Renewal
Operate and Permit to
Variance Operate~~

~~(1) FUEL-BURNING EQUIPMENT FOR EACH UNIT~~

~~The fee should be based upon the maximum designed heat input capacity;~~

~~A. Of a heat input capacity of less than 2,500,000 BTU/HR \$ 100.00- \$ 50.00~~

~~B. Of a heat input capacity of 2,500,000 BTU/HR and less than 10,000,000 BTU/HR 200.00- 100.00~~

~~C. Of a heat input capacity of 10,000,000 BTU/HR and less than 25,000,000 BTU/HR 500.00- 250.00~~

~~D. Of a heat input capacity of 25,000,000 BTU/HR and less than 50,000,000 BTU/HR 1,500.00 750.00~~

~~E. Of a heat input capacity of 100,000,000 or more 2,000.00 1,000.00~~

~~Total fees for all fuel-burning equipment, except major sources, in the above schedule in each boiler house (room) shall not exceed \$1,000 for renewal of permits to operate.~~

~~(2) INCINERATORS FOR EACH UNIT~~

A. Having a primary furnace volume of 15 cubic feet or less—	60.00	30.00
B. Having a primary furnace volume of 15 cubic feet but less than 25 cubic feet—	100.00	50.00
C. Having a primary furnace volume of 25 cubic feet but less than 35 cubic feet	140.00	75.00
D. Having a primary furnace volume of 35 cubic feet but less than 50 cubic feet—	200.00	100.00
E. Having a primary furnace volume of 50 cubic feet but less than 100 cubic feet	300.00	150.00
F. Having a primary furnace volume of 100 cubic feet but less than 200 cubic feet	1,200.00	600.00
G. Having a primary furnace volume of 200 cubic feet or more	2,000.00	1,000.00

~~(3) PROCESS EQUIPMENT~~

Fee shall be based upon the value of X as
determined from the following equation:

$X = \text{Process Weight in pounds per hour} + \text{Exhaust}$
Air Ventilation in actual cubic feet per minute.

A. For values of X of 1,000 or less	80.00	40.00
B. For values of X over 1,000 but less than 10,000	200.00	100.00
C. For values of X over 10,000 but less than 50,000	400.00	200.00
D. For values of X over 50,000 but less than 100,000—	800.00	400.00
E. For values of X over 100,000 but less than 500,000—	1,200.00	600.00
F. For values of X over 500,000 but less than 1,000,000	1,600.00	800.00
G. For values of X of \$1,000,000 or more	2,000.00	1,000.00

Total fees for all process equipment, except
major sources, in the above schedule in each
work room, shall not exceed \$500 for
renewal of permits to operate.

~~(4) PROCESS AND FUEL-BURNING EQUIPMENT~~

Fee shall be based upon the value of Y as
determined from the following equation:

$Y = \text{Heat input in million of BTU per hour} +$
Exhaust Air Ventilation in actual cubic feet
per minute $\times \frac{1}{1000}$

A. For values of Y of 1, or less	80.00	40.00
B. For values of Y over 1, but less than 10	200.00	100.00
C. For values of Y over 10, but less than 20	300.00	150.00
D. For values of Y over 20, but less than 40	600.00	300.00
E. For values of Y over 40, but less than 60	1,000.00	500.00
F. For values of Y over 60, but less than 80	1,400.00	700.00
G. For values of Y over 80, but less than 100	1,800.00	900.00
H. For values of Y over 100 or more	2,000.00	1,000.00

Total fees for all process and fuel-burning equipment, except major sources, in the above schedule in each work room, shall not exceed \$500.00 for renewal of permits to operate.

(5) ~~CONTROL EQUIPMENT AND/OR APPURTENANCES~~

A separate permit shall be required and shall carry the same fees as the air contaminant source for which it is installed or modified. A separate permit and permit fee shall not be required when the control equipment or appurtenances are installed as an integral part of the source or concurrently with the installation or modification of the source.

(6) ~~ANY OTHER AIR CONTAMINANT SOURCE~~

Any other air contaminant source and not included in the above schedule 100.00 50.00

(b) Fees for the examination of applications and for the issuance of other permits, required by this code, shall be as follows:

For each permit for a given location:

- (1) For open burning, fifty dollars (\$50.00);
- (2) For sandblasting of buildings and other structures, fifty dollars (\$50.00);
- (3) For spraying of asbestos-containing products, fifty dollars (\$50.00).

(c) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of the values of X and/or Y in paragraph (a) of this division, the interpretation that results in the highest fee shall apply.

Section 263.05 County Land Reutilization Corporation Exemption Exempted

No fee shall be demanded under the provisions of Section ~~263.01~~ 263.03 for any air contaminant source in the City that is owned or operated by a County Land Reutilization Corporation organized pursuant to RC Chapter 1724 of the Revised Code.

Section ~~263.02~~ 263.06 Fee Reduction

Except for fees for notifications, where a fee is demanded by the OEPA, air pollution regulations for a permit to install or modify or permit to operate the same air contaminant source, the fees demanded in Section 263.01 shall be reduced by seventy-five percent (75%).

Section ~~263.03~~ 263.07 Application to Governmental Units

The provisions of Section 263.01 shall apply within the City to all governmental units unless the imposition and collection of fees are prohibited by law.

Section ~~263.04~~ 263.08 Schools and Churches ~~Fee Exemption~~ Exempted

No fee shall be demanded or collected under the provision of Section 263.02 or Section 263.03 of this Chapter for the required permits to install, permits to operate, renewal of permits to operate, or variances for fuel-burning equipment installed or to be installed in any public, charter, private, or parochial school from kindergarten through grade 12, or any church in the City. Exemption from the fee does not exempt a facility from any emission limitations, permit requirements, reporting requirements, pollution control measures, notification requirements, any other requirements, or the need to obtain the respective permits applicable to nonexempt facilities.

Section 22. That the repeal of existing Section 263.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, shall be effective on or after January 1, 2026.

Section 23. That existing Sections 263.02, 263.03, 263.04 and 263.05 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 24. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 263.02, 263.03, 263.04, 263.09, 263.10, and 263.11, to read as follows:

Section 263.02 Fees for Permits to Install

Fees for the examination of plans and applications and inspections for the issuance of permits to install any air contaminant source within the jurisdiction of this Code shall be as follows:

- (a) Sources being installed in census tracts ranked between 1 and 7, inclusive, shall pay a fee of fifty dollars (\$50.00) per emissions unit;

- (b) Sources being installed in census tracts ranked between 8 and 9, inclusive, shall pay a fee of one hundred dollars (\$100.00) per emissions unit;
- (c) Sources being installed in census tracts ranked 10 that do not meet the criteria of either a synthetic minor, FEPTIO, or Title V facility shall pay a fee of one hundred dollars (\$100.00) per emissions unit; and
- (d) Sources being installed in census tracts ranked 10 that do meet the criteria of synthetic minor, FEPTIO, or Title V facility shall pay a fee of two hundred and fifty dollars (\$250.00) per emissions unit.

Section 263.03 Fees for Notifications

- (a) The Commissioner shall determine fees for the examination of initial notifications, and incremental fees for examination of revisions to notifications.
- (b) The fees for reviewing notifications for the demolition or renovation of any building or structure, or parts thereof, as required under Section 281.02 of this Code, shall be as follows:
 - (1) A fee of one hundred dollars (\$100.00) must accompany the original notification; this fee covers review of the original notification and as many as three (3) revisions to the original notification;
 - (2) If more than three revisions are required, one (1) additional payment of one hundred dollars (\$100.00) must accompany the fourth revision; and
 - (3) These notification fees are not subject to the fee reduction contained in Section 263.06.

Section 263.04 Fees for Witnessing Emissions and Compliance Tests and Retests

- (a) The fee for witnessing the first emissions test or compliance test of a given air contaminant source in a calendar year is included in the fee paid for the permit to operate that air contaminant source; and
- (b) The fee for witnessing any subsequent emissions test or compliance test of a given air contaminant source within the same calendar year shall be one hundred dollars (\$100.00), and shall be submitted with an intent to test plan or test notification.

Section 263.09 Fee Increase for Late Payment

The fees required in this Chapter shall be increased by fifty percent (50%) if not paid within ninety (90) days of their due date. At least thirty (30) ~~30~~ days prior to demanding the additional fifty percent (50%), the Commissioner shall notify the last known owner or operator in writing to the last known address ~~via~~ by U.S. Mail of the overdue status of the owed fee. If a fee has been reduced or adjusted to the minimum fee under Section 263.06, the fifty percent (50%) increase will be based on the reduced or adjusted fee amount.

Section 263.10 Electronic Payment of Fees

The City shall encourage payment of fees required under this Chapter to be submitted through electronic fund transfers.

Section 263.11 Returned Payments

For any payment of fees required by this Chapter that are returned or dishonored by the owner's or operator's financial institution for whatever reason:

- (a) Replacement payment from this owner or operator, as well as any subsequent payments for air permitting, must be accomplished by cashier's check or money order;
- (b) A fee of thirty dollars (\$30) or ten percent (10%) of the payment amount, whichever is greater, shall be added to the payment to be paid by the respective owner or operator;
- (c) Returned or dishonored payment for fees is considered nonpayment of fees and may subject the owner or operator to additional penalties for operating a source without a permit; and
- (d) Any permit issued to an owner or operator in good faith by the City based on the submittal of a fee payment that is subsequently returned or dishonored by the owner's or operator's financial institution shall be held to be invalid.

Section 25. That Section 265.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 141-79, passed December 17, 1979, and Sections 265.03, and 265.04 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 265.01 Visible Emission Limitations from Any Single Source of Emission

- (a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade or density equal to or darker than ~~that designated as No. 1 on the Ringelmann Chart~~ or twenty percent (20%)

opacity, on average over a six-minute period, except as set forth in the applicable provisions of this chapter and Chapter 277.

(b) US EPA Method 9, Method 22, or EPA ALT-082 (Digital Camera Opacity Technique) shall be used as the reference method for determining compliance with opacity limits.

(c) Visible emissions from fugitive emissions sources are further regulated under Section 266.03. The more stringent requirement shall apply.

~~(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three (3) minutes in any sixty (60) minutes air contaminants of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or twenty percent (20%) opacity but not darker than No. 3 on the Ringelmann Chart or sixty percent (60%) opacity.~~

Section 265.03 265.02 Authority to Establish New Visible Emission Limitations

(a) The Commissioner is hereby authorized to establish new visible emission limitations for any air contaminant source equipped with control equipment if upon emission tests he or she finds that such source is in compliance with all other applicable emission limitations, as established in this Code, but during the time such emission tests are being conducted, the source fails to meet the requirements of Section 265.01.

~~(b) No new visible emission limitations shall be established by the Commissioner, pursuant to subsection (a) hereof, unless the owner or operator of the affected air contaminant source and associated control equipment petitions the Commissioner and proves to the satisfaction of the Commissioner that:~~

~~(1) The affected air contaminant source and associated control equipment were operated and maintained in a manner to minimize the opacity or degree of emissions during the emission tests;~~

~~(2) The emission tests were performed under the conditions established and monitored by the Commissioner or his or her representative;~~

~~(3) The affected air contaminant source and associated control equipment were incapable of being adjusted or operated to meet the applicable visible emission standard.~~

~~(c) Upon establishment by the Commissioner, pursuant to subsections (a) and (b) hereof, of new visible emission limitations for any air contaminant source equipped with control equipment, such new visible emission limitations shall become effective after two (2) successive publications in the City Record.~~

~~(b) (d)~~ No person, owner or operator shall discharge into the atmosphere from any single source of emission for which new visible emission limitations were established by the Commissioner air contaminants of a shade or density in excess of the new visible emission limitations as established by the Commissioner, pursuant to the requirements of this section.

Section ~~265.04~~ 265.03 Exceptions

(a) Where the presence of uncombined water is the only reason for failure of an emission to meet the limitations established under this Chapter, the limitations set forth in such sections shall not apply.

(b) The limitations on visible air contaminants established by Section 265.01 shall not apply to open burning when a permit to open burn has been granted by the Commissioner under authority of Section 277.09.

(c) The Commissioner shall not exempt any source from any requirements that have been established in a US EPA or Ohio EPA Air Pollution permit or rule.

~~(c) The Commissioner is hereby authorized to exempt any source from compliance with the limitations of Sections 265.01 and 265.03 for periods of startup and shutdown. Such exemption may be granted by the Commissioner upon request of the owner or operator of any source and proof to the satisfaction of the Commissioner that such exemption is necessary. Such exemption shall be incorporated into the terms and conditions of permits to operate, variances, consent agreements or by written permission of the Commissioner.~~

Section 26. That existing Section 265.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 141-79, passed December 17, 1979, and existing Sections 265.03, and 265.04 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 27. That Section 265.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 857-A-76, passed June 27, 1977, relating to Visible Emission Limitations from Mobile Equipment, is repealed.

Section 28. That Sections 267.01 and 267.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 267.01 Emission into the Atmosphere

(a) No person shall cause or allow the emission into the atmosphere from any air contaminant source or control equipment that will cause the outdoor air to become odorous at levels that constitute a nuisance as measured in excess of the nuisance criteria limit described in division (b) of this Section. ~~, beyond the property line of~~

the air contaminant source or control equipment, as measured by the use of a scentometer, odor panel, equivalent instrumentation or methodology used separately or in union therewith, which is:

- (1) ~~On or adjacent to residential, recreational, institutional, retail sales, hotels or educational premises when the odorous air and an odor strength equal to or weaker than a No. 8 scale and is detectable for more than two (2) measurements, at intervals of not less than ten (10) minutes, in any one (1) hour period or when the odorous air has an odor strength stronger than a No. 8 scale and is detectable for more than two (2) measurements, at intervals of not less than fifteen (15) minutes, in any eight (8) hour period.~~
 - (2) ~~On or adjacent to industrial premises when the odorous air has an odor strength equal to or stronger than a No. 21 scale and is detectable for more than two (2) measurements, at intervals of not less than fifteen (15) minutes, in any eight (8) hour period.~~
 - (3) ~~On or adjacent to premises other than those specified in subsections (1) and (2) hereof when the odorous air has an odor strength equal to or stronger than a No. 8 scale and is detectable for more than two (2) measurements, at intervals of not less than fifteen (15) minutes, in any eight (8) hour period.~~
- (b) ~~No. 8 Scale shall mean the dilution of one (1) volume of odorous air with seven (7) volumes of odor free air resulting in a mixture which is below the threshold of odor sensory perception. No. 21 Scale shall mean the dilution of one (1) volume of odorous air with twenty (20) volumes of odor free air resulting in a mixture which is below the odor sensory perception.~~
- (b) No person shall cause the outdoor air to become odorous at or above the following nuisance criteria limits as measured with a portable field olfactometer that is a Nasal Ranger® or its equivalent, by a Division of Air Quality inspector, which is:

On or adjacent to residential, recreational, institutional, retail sales, hotel or educational premises when the odorous air has a dilution to threshold ("D/T" and defined below) value of seven (7) or greater and is detectable for two (2) or more measurements, at intervals of not less than fifteen (15) minutes, within the time periods as follows:

If the D/T values = 7 or the lower of the D/T values = 7: 1 hour

If the D/T values = 15 or the lower of the D/T values = 15: 8 hours

If the D/T values = 30 or the lower of the D/T values = 30: 16 hours

If the D/T values = 60 or the lower of the D/T values = 60: 32 hours (2) On or adjacent to industrial premises when the odorous air has a dilution to threshold (D/T) value of fifteen (15) or greater and is detectable for two (2) or more

measurements, at intervals of not less than fifteen (15) minutes, within the time periods as follows:

If the D/T values = 15 or the lower of the D/T values = 15: 8 hours

If the D/T values = 30 or the lower of the D/T values = 30: 16 hours

If the D/T values = 60 or the lower of the D/T values = 60: 32 hours

(c) Dilution to Threshold (“D/T”) shall mean the highest number of dilutions of the odorous air with non-odorous air at which the odor is detected. When using the Nasal Ranger olfactometer, the D/T value is read directly from the dilution to threshold dial.

(d) The owner or operator of any source or control equipment that emits or may foreseeably emit into ambient air any odor that is injurious to health or indecent or offensive to the senses, or an obstruction to the free use of surrounding property, so as to interfere with the comfortable enjoyment of life or property, shall notify the Commissioner of such source or control equipment and provide, properly install and maintain in good working order and in operation abatement, control devices, or procedures approved by the Commissioner.

(e) Abatement and control procedures that are approved by the Commissioner include, but are not limited to, the following:

(1) The use of air cleaning equipment, afterburners, scrubbers, absorbers and other methods approved by the Commissioner to remove, dispose of, or recycle odorous materials;

(2) The confinement of odorous materials at the point of origin to prevent emission or escape of any odorous material into ambient air; or

(3) The use of methods in handling, transporting and storing odorous materials to prevent accumulation and spillage or other escape of odorous materials.

(f) An owner or operator of any source or control equipment under these regulations shall provide, properly install and maintain in good working order and in operation devices and measures, approved by the Commissioner, that determine temperatures, pressures and other operating conditions to control nuisance odorous materials and minimize emissions. These devices and measures shall prevent the emission of nuisance odorous materials through pipes, exhausts or vents into ambient air.

(g) A building or container in which any objectionable odorous materials are processed, handled or stored shall be tightly closed and ventilated, in a timely fashion, so that odors exiting the building or container are treated for removal or destruction before discharge into ambient air. Doors, windows, covers, lids, vents,

and access points shall be tightly closed to prevent the emission or escape of odorous materials into ambient air.

(h) The owner or operator shall report to the Commissioner within one (1) hour of discharge any accidental emissions that cause or contribute to nuisance odorous material into ambient air.

Section ~~267.03~~ 267.02 Industrial Sources

Emissions from any of the industrial sources ~~or processes listed in Table 1 of Appendix A of this Title~~ regulated by this Chapter or the State or Federal Clean Air Act shall be equipped with air cleaning equipment for the control of odorous matter to maintain compliance with Section 267.01. ~~The provisions of this section are inclusive of all processes listed in Table 1, but are not limited to those specified therein.~~

Section 29. That existing Sections 267.01 and 267.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 30. That Section 267.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 857-A-76, passed June 27, 1977, relating to Rendering Plants, is repealed.

Section 31. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 267.03 to read as follows:

Section 267.03 Gasoline Dispensing Facilities

Any facility subject to Ohio Adm.Code 3745-21-09(R) and required to install and operate Stage I vapor control shall be subject to inspection by the Commissioner or his or her designee to demonstrate that the storage tank hatches and pressure/vacuum relief valves are not leaking.

Section 32. That Sections 269.01, 269.02, and 269.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 269.01 Emission from Fuel-Burning Equipment

(a) ~~No~~ Except as provided in division (a)(1) or (2) of this Section, no person shall cause or allow to be emitted into the atmosphere from any fuel-burning equipment or premises or to pass a convenient measuring point near the stack outlet, particulate matter in the gases to exceed ~~four-hundredths~~ four-hundredths (0.04) lb. per one ~~hundred thousand (100,000)~~ million (1,000,000) BTU heat input for installations

using less than ten million (10,000,000) BTU per hour total input. ~~Figure I and Table H of Appendix B of this Title~~ Applicable sections of Chapter 297 shall be used to determine the ~~The~~ allowable particulate emission limitation for sources with a rated heat input equal to or greater than ten million (10,000,000) BTU per hour shall be 0.60 pound per million BTU of heat input. In addition:

(1) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with gaseous fuels, excluding blast furnace gas, and/or number two fuel oil shall be 0.020 pound per million BTU of heat input.

(2) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with blast furnace gas or any mixture of blast furnace gas with other gaseous fuels and/or number two fuel oil shall be 0.040 pound per million BTU of heat input.

This subdivision applies unless the State of Ohio requires a more stringent standard.

(b) The “heat input” shall be the aggregate heat content of all fuels whose products of combustion emanate from a single fuel-burning unit. The heat input-value used shall be the equipment manufacturer’s or designer’s guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises which are united either physically or operationally, shall be used ~~for determining~~ to determine the maximum allowable amount of particulate matter which may be emitted from any single fuel-burning unit. The total of the capacities of all operable fuel- burning units within one (1) system shall be considered as the capacity of the system.

(c) No person shall cause or allow the burning of refuse, garbage or other debris in any boiler or any other device which has not been specifically designed to burn such refuse, garbage or other debris and for which an effective permit to operate has not been issued by the Commissioner.

Section 269.02 Emission from Incinerators

(a) Residential Incinerators:

(1) No incinerator used to burn household garbage, yard waste or any other refuse, in residential dwellings shall be operated within the City.

(2) The Commissioner may issue a notice of violation to any person in violation of this Section. In addition, any incinerator operated in violation of this section is hereby declared to be a nuisance and may be abated, in addition to the prosecution and penalty provided in this Chapter.

(3) Incinerators which are permanently banned from use shall have all openings, ash pits, chutes, loading doors and other openings permanently fixed in a closed or inoperable condition.

(4) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor and shall be fined not less than one hundred and fifty dollars (\$150.00) for a first offense; for a second offense, such person is guilty of a misdemeanor of the third degree and shall be fined not less than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days, or both; for a third offense, such person is guilty of a misdemeanor of the second degree and shall be fined not less than seven hundred and fifty dollars (\$750.00) or imprisoned not more than ninety (90) days, or both; for a fourth offense, such person is guilty of a misdemeanor of the first degree and shall be fined not less than one thousand dollars (\$1,000.00) or imprisoned not more than one hundred and eighty (180) days, or both. Each day during or on which any such violation occurs shall constitute a separate offense.

~~(b) (a)~~ This Section ~~shall apply~~ applies to any non-residential incinerator used to dispose of refuse or other wastes by burning and to the processing of salvageable material by burning.

~~(b)(1)~~ The burning capacity of ~~an incinerator~~ a non-residential incinerator shall be manufacturer's or designer's guaranteed maximum rate or such other rate as ~~may be determined by the Commissioner~~ may determine in accordance with good engineering practices. In case of conflict, the determination made by the Commissioner shall govern.

~~(c)(2)~~ For the purposes of this Section, the total of the capacities of all operable furnaces within one (1) system shall be considered as the incinerator capacity.

~~(d)(3)~~ No person shall cause or allow to be emitted into the atmosphere from any incinerator or premises or to pass a convenient measuring point near the stack outlet, particulate matter in the exhaust gases to exceed:

A. one-tenth (0.10) pound ~~One-tenth (0.10) pounds~~ of particulate matter per one hundred (100) pounds of combustible refuse (including its ash and water content) charged for incinerators having capacities equal to or greater than one ~~hundred (100) pounds per hour, or~~

B. two-tenths ~~Two-tenths~~ (0.20) pounds of particulate matter per one hundred (100) pounds of combustible refuse (including its ash and water content) charged for incinerators having capacities less than one hundred (100) pounds per hour.

~~(e)(4)~~ The ~~No person shall cause or allow the~~ installation or construction of a flue fed, single flue, single chamber incinerator ~~is hereafter prohibited,~~ unless such

incinerator is equipped with air cleaning equipment to maintain compliance with the emission limitations as established in this Code.

~~(f)(5)~~ No person shall cause, ~~permit~~ or allow the operation of a flue fed, single flue, single chamber incinerator ~~after July 1, 1978~~ after the effective date of this Code unless such incinerator is equipped with air cleaning equipment to maintain compliance with the emission limitations as established in this Code.

(6) Incinerators, including all associated equipment and grounds, shall be designed, operated, and maintained so as to prevent the emission of objectionable odors and visible emissions except as noted in this Section.

Section 269.03 Emission from Process Equipment

~~(a) No person shall cause or allow the emission of any particulate matter from any process equipment in excess of the permitted emission as provided for in Table III (or Figure II) or Figure III of Appendix C of this Title, whichever is applicable under subsection (b) hereof.~~

~~(b) Figure III relates uncontrolled mass rate of emission (abscissa) to maximum allowable mass rate of emission (ordinate). Table III relates process weight rate to maximum allowable mass rate of emission. Table III is shown in graphical form in Figure II. Figure III shall apply where the uncontrolled mass rate of emission can be determined by an acceptable method, such as stack tests, material balance, application of an emission factor characterization from a reference such as U.S.E.P.A. Publication AP-42, Compilation of Air Pollutant Emission Factor, 2nd Edition, April, 1973, or other methods approved by the Commissioner as conforming to good engineering practices. When both the process weight rate and the uncontrolled mass rate of emission can be determined for a source, the more stringent of the applicable values from Table III or Figure III shall govern the source.~~

(a) The maximum allowable amount of particulate emissions for any new or existing process equipment which is fired only with gaseous fuels, excluding blast furnace gas or number two fuel oil, shall be 0.020 pound per million BTU of actual heat input.

(b) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with blast furnace gas or any mixture of blast furnace gas with other gaseous fuels or number two fuel oil, shall be 0.040 pound per million BTU of actual heat input.

(c) If two (2) or more process units connect to a single stack or chimney, each unit must be considered a separate entity for the purpose of computing the maximum allowable emission rate.

~~(d) No person shall cause or allow the operation of any process equipment having a process weight rate of less than one hundred (100) pounds per hour or an uncontrolled mass rate of emissions of less than ten (10) pounds per hour unless such process equipment is equipped with control equipment or is installed in accordance with acceptable engineering practices common to the particular industry and as approved by the Commissioner to control the emission of particulate matter. each unit shall for the purpose of computing the maximum allowable emission rate using Table III or Figure III be considered a separate entity.~~

~~(c) No person shall cause or allow the operation of any process equipment having a process weight rate of less than one hundred (100) pounds per hour or an uncontrolled mass rate of emissions of less than ten (10) pounds per hour unless such process equipment is equipped with control equipment or is installed in accordance with acceptable engineering practices common to the particular industry and as approved by the Commissioner to control the emission of particulate matter.~~

Section 33. That existing Sections 269.01, 269.02, and 269.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 34. That Sections 271.01 and 271.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 271.01 Emission of Sulfur Oxides from Fuel-Burning Equipment

No person shall cause or allow the emission of sulfur dioxide from any stack in excess of the rates specified in Ohio Administrative Code 3745-18-24 for listed facilities or Ohio Administrative Code 3745-18-06 for other facilities.

~~(a) Except as otherwise specified in this section, no person shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:~~

~~(1) For fossil fuel-fired steam generating units between ten (10.0) and three hundred fifty (350) x ten (10) BTU's per hour total rated capacity of heat input, the emission rate in pounds in sulfur dioxide per million (1,000,000) BTU actual heat input shall be calculated by the following equation:~~

$$\text{EL} = 7.014Q - 0.3014$$

~~where Q is the total rated capacity of heat input in million (1,000,000) BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million (1,000,000) BTU actual heat input.~~

~~(2) For fossil fuel-fired units equal to or greater than three hundred fifty million (350,000,000) BTU per hour total rated capacity, one and two-tenths (1.20) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~

~~(3) The Cleveland Electric Illuminating Company or any subsequent owner or operator of the Lake Shore Power Plant located in Cleveland shall not cause or permit the emission of sulfur dioxide from any stack at the Lake Shore Plant in excess of the following rates:~~

~~A. One and three-tenths (1.30) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input from unit no. 18;~~

~~B. One and nine-tenths (1.90) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input for units 91 through 94.~~

~~(4) The City of Cleveland or any subsequent owner or operator of the Division Pumping Station located at Cleveland shall not cause or permit the emission of sulfur dioxide from any stack at the Division Pumping Station in excess of four and two-tenths (4.20) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~

~~(5) No present or subsequent owner or operator of the fossil fuel-fired steam generating units listed herein shall cause or permit the emission of sulfur dioxide from any stack attached to the identified boilers in excess of one (1.00) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input:~~

Company	Boiler Identification
Cleveland Electric Illuminating Co., Hamilton Ave. Steam Plant	All
Republic Steel	234, 1, 2, A, B and C
Jones and Laughlin Steel	30

~~(6) No present or subsequent owner or operator of the fossil fuel-fired steam generating units listed herein shall cause or permit the emission of sulfur dioxide from any stack attached to the identified boilers in excess of five-tenths (0.50) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input:~~

Company	Boiler Identification
Jones and Laughlin Steel	22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34 and 35
United States Steel Cuyahoga-Lorain Works	1, 2, 3, 4, 5 and 6
DuPont	18
Harshaw Chemical	7 and 8
Standard Oil of Ohio	7, 9 and 10

-
- (7) ~~The Hupp Company or any subsequent owner or operator of Hupp facilities in Cleveland shall not cause or permit emission of sulfur dioxide from any stack attached to boilers 1 through 3 at this facility in excess of three and five-tenths (3.50) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~
- (8) ~~No present or subsequent owner or operator of the Medical Center located in Cleveland shall cause or permit the emission of sulfur dioxide from any stack attached to boilers 3 through 8 at the Medical Center in excess of four and six-tenths (4.60) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~
- (9) ~~The General Motors Corporation or any subsequent owner or operator of the Fisher Body Plant at Cleveland shall not cause or permit the emission of sulfur dioxide from any stack attached to boiler 7, 8 and 9 at this facility in excess of two and one-tenth (2.10) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~
- (b) ~~Nothing in subsection (a) hereof shall prohibit the use of fuel in fuel-burning equipment with a sulfur content greater than the maximum amount permitted by this section, provided that the fuel-burning equipment is equipped with such control apparatus as to continually prevent the emission of any sulfur oxides in amounts greater than those that would be emitted from the burning in the same fuel-burning equipment without such control apparatus of fuel containing the maximum amount of sulfur by weight that is permitted in subsection (a) hereof.~~
- (c) ~~The percentage by weight of sulfur in the fuel shall be determined in accordance with the methods of the American Society for Testing Materials (ASTM).~~
- (d) ~~For the purpose of this section all emissions of sulfur oxides shall be expressed as concentrations of sulfur dioxide.~~

Section 271.02 Emission of Sulfur Compounds from Process Equipment

No person shall cause or allow the emission of sulfur dioxide from any stack in excess of the rates specified in Ohio Administrative Code 3745-18-24 for listed facilities or Ohio Administrative Code 3745-18-06 for other facilities.

- (a) ~~In addition to the requirements of Section 277.08, except as otherwise specified in this section, no person shall cause or permit the emission of sulfur dioxide from any stack in excess of six (6.00) pounds of sulfur dioxide per ton of actual process weight input.~~
- (b) ~~No owner or operator, unless otherwise specified in this section, shall cause or permit the combustion to by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of one hundred seventy (170) grains of hydrogen sulfide per one hundred (100) dry standard cubic feet of coke oven~~

~~gas or the emission of sulfur dioxide from any stack in excess of eighty-six hundredths (0.86) pounds of sulfur dioxide per million (1,000,000) BTU actual heat input. Fuel-burning equipment subject to Section 271.01(a)(1) and (2) are not subject to this limitation.~~

~~(c) The Republic Steel Corporation or any subsequent owner or operator of Republic Steel facilities located in Cleveland shall not cause or permit the combustion of by-product coke oven gas at the basic oxygen furnace shop, open hearth shop, blast furnaces 1, 4 and 5, foundry, P-Anneals 1-4, and car thaw 1-1 through 1-4, containing a total sulfur content expressed as hydrogen sulfide in excess of two hundred forty (240) grains of hydrogen sulfide per one hundred (100) dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack at the above facilities in excess of one and two-tenths (1.20) pounds of sulfur dioxide per million (1,000,000) BTU actual heat input.~~

~~(d) The Republic Steel Corporation or any subsequent owner or operator of the Republic Steel facilities located in Cleveland shall not cause or permit the emission of sulfur dioxide from any stack attached to the sinter plant at this facility in excess of zero (0.00) pounds of sulfur dioxide per million (1,000,000) BTU actual heat input.~~

~~(e) The DuPont Company or any subsequent owner or operator of the DuPont Company sulfuric acid production units at Cleveland shall not cause or permit the emission of sulfur dioxide in excess of ten (10.0) pounds of sulfur dioxide per ton of one hundred percent (100%) sulfuric acid production.~~

Section 35. That existing Sections 271.01 and 271.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 36. That Sections 277.08, 277.09, and 277.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 277.08 277.01 Nuisance

~~The emission or escape of air contaminants into the open air from any source or sources or control equipment in such manner or in such amounts, as to endanger or tend to endanger the health, comfort, safety or welfare of the public, or is reasonably offensive and objectionable to the public, or shall cause unreasonable injury or damage to property or interfere with the comfortable enjoyment of property or normal conduct of business, is hereby found and declared to be a public nuisance. No person shall cause, permit or maintain any such public nuisance.~~

(a) No person shall cause, allow or maintain any public nuisance as defined in this Section.

(b) The emission of air contaminants into the ambient air from any air contaminant source or control equipment constitutes a public nuisance where the emission does one (1) or more of the following:

(1) Injures, endangers or has the tendency to injure or endanger the comfort, health, repose, safety or welfare of the public, or is reasonably offensive and objectionable to the public;

(2) Threatens or causes unreasonable injury or damage to property, substantially decreases the value of property, or interferes with the comfortable use and enjoyment of property or normal conduct of business; or

(3) Injures, endangers or has the tendency to injure or endanger any tree(s), shrub(s), crop(s), plant(s) or other forms of vegetation.

(c) To determine whether an emission creates a public nuisance, the Division of Air Quality may consider but is not limited to the following factors:

(1) Proximity of the emission to the nearest point of habitation or public exposure;

(2) Extent and duration of the emission;

(3) Nature of the harm;

(4) Whether the emission is recurrent, intermittent or constant;

(5) Whether emission abatement measures are possible and whether they are used to reduce the emission;

(6) The quality or state of the ambient air; and

(7) If the tendency to injury or injury is to trees, plants or other vegetation, factors for consideration may include the difference in value of the land, trees, plants or other vegetation before the harm and the value after the harm, or whether the damage will require a cost to restore the land, trees, plants or vegetation. Consideration may also include whether the trees, plants or other vegetation provide value in terms of comfort, convenience or environmental benefits such as the reduction of air pollution or flooding. Factors may also include other methods of natural resource damage valuation.

(d) The Commissioner may order the air contaminant source or control equipment to be tightly closed and ventilated so any air contaminant(s) leaving the air contaminant source or control equipment shall be treated by the removal or destruction of the air contaminant(s) before discharge into the ambient air. The owner or operator of an air contaminant source or control equipment may implement

the abatement and control methods as set forth in Sections 266.01 and 267.01 of this Code.

(e) Occupants have the right to enjoy the comfort and safety of their homes without outside interference. No occupant or visitor on the premise shall knowingly or unknowingly impede upon an owner's or tenant's right to enjoy their property. For the purposes of this code, such impediment may include excessive use of cleaning products, pesticides, fragrances, and other harmful chemicals that cause fumes, as well as tobacco-containing products used, combusted, or vaped indoors.

Section ~~277.09~~ 277.02 Open Burning

(a) No person shall cause or allow open burning within the City without obtaining a permit to open burn from the Commissioner except as set forth in division (b) of this Section. ~~subsection (d) hereof.~~ The permit fee shall be based on the cost basis as set forth in Section 263.01 of this Code.

(b) The Commissioner shall not require any person to obtain a permit or pay a fee for open burning of the following nature:

(1) Heating tar for use at the location where the tar is being heated, performing welding, utilizing acetylene torches, or deploying highway safety flares.

(2) Burning clean and non-contaminated smokeless fuels (e.g., propane or natural gas but not firewood) for warmth of outdoor workers and similar occupational needs.

(3) Non-commercial cooking of foods for human consumption using campfires, grills, and outdoor fireplace equipment that satisfy the requirements of Section 381.101 of the Fire Prevention Code and the requirements set forth below.

A. They are fueled with clean seasoned firewood, charcoal, propane, natural gas or equivalent;

B. They are not used for waste or yard waste disposal purposes;

C. They have a total fuel limited to the purpose for which the open burning is intended, or a maximum of three (3) feet or less in diameter and two (2) feet or less in height, whichever is smaller; and

D. They are only burning when the non-commercial cooking of food is taking place.

(4) Recognized methods of fire training. Training in the use of fire extinguishing equipment for commercial or industrial fire prevention that satisfies the

requirements set forth in Chapter 389 of the Fire Prevention Code and Ohio Administrative Code 3745-19-03(B)(4), or as subsequently amended.

(5) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health and welfare, public safety, property or the environment by authorized federal, state, or local agents, and that are excluded from the requirement to obtain a hazardous waste permit pursuant to Ohio Administrative Code 3745:50-45(D)(1)(d), or as subsequently amended, and as listed in Chapter 387 of the Fire Prevention Code.

(c) The Commissioner shall not issue a permit to open burn except for the following purposes:

(1) Prevention or control of disease or pests, with written or oral verification from the Ohio Department of Health, the Centers for Disease Control and Prevention, cooperative extension service, Ohio Department of Agriculture, or United States Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires that are used for ceremonial purposes and are of the following nature:

A. They have a total fuel area no greater than five (5) feet in diameter by five (5) feet in height and burn no longer than three (3) hours;

B. They are not to be used for waste disposal purposes; and

C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of clean seasoned firewood.

(3) Instruction in the methods of firefighting, other than fire extinguisher training, or for research in the control of fire as set forth in the State Fire Marshall's guidelines and in the applicable National Fire Protection Association publications.

(4) The burning of any structure is subject to the Asbestos National Emission Standard for Hazardous Air Pollutants. As such it is further subject to the requirements of Section 281.02 of this Code. A permit to open burn a structure for fire training will not be issued unless the applicant has demonstrated to the satisfaction of the Commissioner that all requirements of the asbestos rules are being complied with. These include but are not limited to:

A. Inspection by an Ohio Department of Health Certified asbestos specialist;

B. Submittal of Ohio EPA Notification of Demolition and Renovation; and

C. Proper removal and disposal of all asbestos containing material.

- (5) Disposal of ignitable or explosive materials where the Commissioner, acting as a delegated agent of Ohio EPA, determines that there is no practical alternate method of disposal, excluding those materials identified in division (b)(5) hereof;
- (6) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Commissioner. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with verbal permission of the Division of Air Quality;
- (7) Recognized horticultural, silvicultural, range or wildlife management practices; and
- (8) Fires and/or pyrotechnic effects, for the purpose other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.
- (d) An application for a permit to open burn shall be submitted in writing at least ten (10) working days before open burning is to be conducted and shall be made on forms prepared by, or acceptable to, the Commissioner.
- (e) Except as provided in division (b) hereof, the application shall contain, as a minimum, information regarding:
- (1) The purpose of the proposed burning;
 - (2) The nature and quantities of material to be burned;
 - (3) The date or dates when such burning will take place;
 - (4) The location of the burning site, including a map showing distances to residences, property lines, fences, landscaping, populated areas, roadways, air fields and other pertinent landmarks, transportation facilities, or commercial/shopping areas;
 - (5) The methods or actions which will be taken to reduce the emission of air contaminants;
 - (6) Any such additional information the Commissioner may deem necessary; and
 - (7) Any additional requirements for an application as set forth in Ohio Administrative Code 3745-19, or as subsequently amended.

(f) The permit to open burn shall set forth requirements for the open burning as the Commissioner deems necessary to minimize production of smoke and particulate matter and any requirements set forth in Ohio Administrative Code 3745-19, or as subsequently amended. The issuance of an open burn permit is not approval that the open burning is being conducted in a safe manner consistent with the requirements of the National Fire Protection Association; however, the Division of Fire may require a separate permit for compliance with the local or State fire codes or provide comments that can be included in a permit issued under this Section.

(g) The Commissioner shall not grant permission to open burn unless the applicant demonstrates to his or her satisfaction that:

(1) Open burning is necessary to the public interest;

(2) Open burning will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and

(3) Opening burning will have no serious detrimental effect upon adjacent properties or the occupants thereof.

(h) Except as provided in subdivision (b) hereof, permission to open burn must be obtained for each specific project.

(i) Violation or violations of any of the conditions set forth in this Section in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(j) The Division of Air Quality, the Commissioner, and any agents or representatives of the same, shall not be held liable for any damage to property, harm to an individual or loss of life resulting from any open burning conducted.

(k) It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or allowed such open burning. When open burning prohibited by this Section is discovered, the person responsible for the property on which burning occurs shall immediately extinguish or cause the extinguishment of such burning.

(l) All open burning shall comply with any other applicable requirements set forth in Section 3704.11 of the Revised Code, or as subsequently amended, and Ohio Administrative Code 3745-19, or as subsequently amended.

(b) No permit to open burn shall be issued by the Commissioner except for the following purposes:

(1) Prevention or control of disease or pests;

- ~~(2) Ceremonial purposes. Ceremonial fires shall be less than five (5) feet by five (5) feet by five (5) in dimension and shall burn no longer than three (3) hours;~~
- ~~(3) Instruction in methods of fire fighting or for research in the control of fire;~~
- ~~(4) In emergency or other extraordinary circumstances for any purpose determined by the Commissioner.~~
- ~~(c) Application for permit to open burn shall be made on forms prepared by the Commissioner and shall contain such information as the Commissioner may deem necessary.~~
- ~~(d) A permit to open burn shall not be required from the Commissioner for open burning of the following nature:~~
 - ~~(1) Non-commercial cooking of foods for human consumption;~~
 - ~~(2) Heating tar, welding, acetylene torches and highway flares;~~
 - ~~(3) Heating of clean and noncontaminated smokeless fuels for warmth of outdoor workers.~~

Section ~~277.10~~ 277.07 Other Emissions

~~Air~~ Any air contaminant or contaminants not specifically covered by provisions of this Code may be the subject of tests, studies and orders of abatement by the Commissioner in accordance with Chapter 255 of this Code. Section ~~255.04~~.

Section 37. That existing Sections 277.08, 277.09, and 277.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 38. That Section 277.01 – Blast Furnace Slips, Section 277.02 – Demolition of Buildings, Section 277.03 – Emissions from By-Product Coke Plant, Section 277.04 – Emission of Chromic Acid from Hard Chrome Electro-Plating Process, Section 277.05 – Emission of Hydrogen Chloride Gas from Hydrochloric Acid Production, Section 277.06 – Emission of Hydrogen Fluoride Gas from Hydrochloric Acid Production, Section 277.07 – Fugitive Emissions, Section 277.11 – Sandblasting and/or Building Cleaning, and Section 277.12 – Spray Applications of Fiberated Cementitious Products, as enacted by Ordinance No. 857-A-76, passed June 27, 1977 are repealed.

Section 39. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 277.03, 277.04, 277.05, and 277.06 to read as follows:

Section 277.03 Rendering Plants

No person shall operate or cause to be operated a rendering plant unless:

- (a) All vents to ambient air from such rendering plant are substantially free of any odor causing air contaminants;
- (b) Appropriate and suitable air cleaning equipment is so placed and operated and air pollution control measures are so instituted that air contaminants are removed or recycled to the process in such manner that the effluent air will not create air pollution;
- (c) Odorous materials are confined, processed, stored, handled and disposed of in such a manner that odors produced within or outside the rendering plant from this source can be controlled;
- (d) Excessive accumulations of odorous materials resulting from spillage or escape do not occur;
- (e) Air contaminant emissions arising from unit operations or unit processes, as well as from the handling of general materials, are confined at the point of origin; and
- (f) All finished products, by-products and waste materials are either odor free or so treated as to eliminate or prevent air pollution.

Section 277.04 Outdoor Wood Burning Boilers

No person shall operate or cause to be operated, an outdoor wood-burning boiler. See definition of “Outdoor Wood-Burning Boiler” at Section 251.50 of this Code for other names of these devices.

Section 277.05 Vehicle Emissions

- (a) Facility operators and business owners operating more than five (5) vehicles, including cars, light-duty trucks, and heavy-duty trucks, shall ensure compliance with Section 431.44 of this Code (anti-idling ordinance) when fleet vehicles are operated within the City limits. When fleet vehicles are observed to be in violation of this anti-idling ordinance, the owner or operator may be required to submit a work practice plan describing measures that the business or operation shall enact to assure compliance with the anti-idling ordinance.
- (b) Facility operators and business owners must assure that any fleet vehicles, delivery vehicles, and any other vehicles having official business at the facility or business, including employees of the facility or business, remain in compliance with Section 431.44 of this Code (anti-idling ordinance). When vehicles are observed to be in violation of this anti-idling ordinance, the owner or operator may be required to

submit a work practice plan describing measures that the business or operation shall enact to assure compliance with the anti-idling ordinance.

Section 277.06 Sham Recycling and C&DD Processing and Emissions from C&DD Processing Facilities Prohibited

- (a) No person shall operate a Solid Waste Transfer Facility, recycling facility or other facility as those terms are defined in Chapter 3434 of the Revised Code, or a Construction and Demolition Debris (“C&DD”) Processing Facility, including a facility that recycles C&DD generated offsite, as those terms are defined in Chapter 3714 of the Revised Code, in the City without obtaining an air contaminant source permit under this Section. In addition, no person shall operate such facility in violation of a permit issued under this Chapter.
- (b) C&DD Processing Facilities must obtain appropriate air quality installation and operation permits issued by the Ohio EPA; in addition, the owners or operators of such facilities must receive an air contaminant source permit from the Division of Air Quality evidencing the Division’s approval of the installation and operation of the C&DD Processing or Recycling facility.
- (c) The applicant must provide the Division of Air Quality information to demonstrate that the air contaminant source permit includes the following:
- (1) The owner or operator of the C&DD processing or recycling facility shall identify a responsible contact person and ensure that a responsible operator is at the facility or reasonably available during the operation;
 - (2) All operations must be conducted on a working surface;
 - (3) A daily log of operations specifying the weight and description of all materials received, processed, recycled, stored, and removed;
 - (4) The processing or recycling operation must be operated so it does not create a nuisance, fire hazard, or health hazard;
 - (5) The processing or recycling operation must be operated so that particulate matter does not become airborne or travel beyond the property line;
 - (6) Mixed C&DD may not be stored onsite for more than one year; and
 - (7) Processed or recycled material may not be stored onsite for more than two years.

Section 40. That Sections 279.03, 279.04, and 279.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section ~~279.03~~ 279.01 Circumvention

No person shall ~~install, modify or use~~ cause or allow the installation, modification or use of any air contaminant source or control equipment, or any equipment pertaining thereto, for the purpose of diluting or concealing an emission without resulting in a reduction in the total release of air contaminants to the atmosphere, nor shall a person do anything or commit any act with the intent to distort stack test emission results or visible emission opacity readings.

Section ~~279.04~~ 279.02 Data Registration

(a) The Commissioner may require a periodic data registration and shall prepare appropriate forms for such purpose. The data to be registered shall include plans and specifications for any air contaminant source ~~of or~~ control equipment and the submission required under this section is in addition to the submission of plans and specifications under Chapter 259 of this Code. ~~Sections 257.01 to 259.03~~ The Commissioner may use such information to prepare emission inventories.

Plans and specifications for an air contaminant source or control equipment shall show type of installation, the form and dimension of such equipment, the location of sources or emissions, dimensions of the building or part thereof in which equipment is located, amount ~~of or~~ work to be accomplished by such equipment, type of fuel used, and means of limited limiting emissions to conform to limitations set forth in this Code. ~~Written and written evidence to substantiate shall be included to substantiate required information required,~~ such as test data, calculated values, material balance, maximum quantity of fuel to be burned per hour, operating requirements, purpose and use of equipment, means of ventilating the room in which equipment is located, raw material used, products produced, operating schedules and such other information as may be required by the Commissioner.

(b) No person shall fail to timely supply the Commissioner with required information, data, reports or other documentation as and when required.

Section ~~279.05~~ 279.03 Right of Entry

The Commissioner or his or her authorized representative or representatives, may upon presentation of proper credentials, enter upon private or public property, including improvements thereon, at any reasonable time or when a source is being operated or when a violation of the applicable provisions of this Code has occurred, is occurring, or may occur; Entry shall be for the purpose of making inspections, conducting tests, conducting analyses, collecting samples, examining records or

reports, and obtaining copies of and examining records or reports pertaining to any emission of air contaminants and of for determining if there are any actual or potential emissions from such premises, and if so, to determine the sources, amounts, contents and extent of such emissions or to ascertain compliance with sections provisions of this Code, any orders or regulations adopted thereunder, or any other determination of the Commissioner. Inspections may include the recording of photographic, video-graphic, thermal imaging, and digitally analyzed opacity representations of the operation, effects of, outlet of, and/or the actual air contaminant source or control equipment regulated by this Code. If entry or inspection authorized by this section is refused, hindered or thwarted, the Commissioner or his or her authorized representative or representatives may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this Code within the court's territorial jurisdiction.

Section 41. That existing Sections 279.03, 279.04, and 279.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 42. That Section 279.01 – Breakdown of Equipment (Malfunctions) and Section 279.02 – Source Operation Without Control Equipment and Exceptions, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 43. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 279.04, 279.05, 279.06 and 279.07 to read as follows:

Section 279.04 Interference

No person shall obstruct, delay, prevent, or in any way interfere with the Commissioner or his or her authorized representative or representatives performing his or her duties.

Section 279.05 False or Misleading Statements; Unlawful Reproduction or Alteration of Records

- (a) No person shall willfully make a false or misleading statement to the Commissioner or his or her designee relative to any matter regulated by this Chapter.
- (b) No person shall falsely state that any pollution control device has been approved by the Commissioner.
- (c) No person shall make, reproduce, or alter or cause to be made, reproduced, or altered a permit, certificate, or other document issued by the Commissioner or required by this Code or any other ordinance under this title except as produced by or delegated to be produced by the Commissioner.

(d) No person shall knowingly submit a false or misleading record, document, transcript, or other information to the Commissioner or his or her designee relative to any matter regulated under this Chapter.

(e) No person shall obfuscate, delete, obscure, or deny the existence of records used to determine emissions from an emissions source or any production records or records used to determine quantities, compositions, or origins of materials used in production. Such production records shall be provided to the Commissioner or his or her designee upon request. The responsible official may submit a claim of confidentiality for records in accordance with Chapter 255.05(a) of this Code.

Section 279.06 Electric Vehicle Charging Stations – Condominium or Homeowners' Association

(a) A unit owner or homeowner may submit an application to install, at his or her expense, an electric vehicle charging station for the personal, noncommercial use of the unit owner, in compliance with the requirements of this section and all applicable building codes and fire codes:

(1) In a space assigned to the unit and used for the parking or storage of automobiles, trucks, boats, campers or other vehicles or equipment; or

(2) In a limited common element with the written approval of the unit owner of each unit to which use of the limited common element is reserved.

(b) The application to install must be submitted to the association of unit owners who may not prohibit the installation or use of a charging station installed and used in compliance with the requirements of this section.

(c) The association of unit owners, or a declarant in lieu of the association, shall approve a completed application within sixty (60) days after the unit owner submits the application unless the delay in approving the application is based on a reasonable request for additional information.

(d) An association of unit owners:

(1) May require a unit owner to submit an application before installing a charging station;

(2) May require the charging station to meet the reasonable architectural standards of the condominium or homeowners' association; and

(3) May impose reasonable charges to recover costs of the review and permitting of a charging station.

- (4) May impose reasonable restrictions on the installation and use of the charging station that do not significantly increase the cost of the charging station or significantly decrease the efficiency or performance of the charging station.
- (e) The charging station must be installed by a person that holds a license to act, at a minimum, as a journeyman electrician.
- (f) The unit owner is responsible for all costs associated with installation and use of the charging station, including:
- (1) The cost of electricity associated with the charging station;
 - (2) The cost of damage to general common elements, limited common elements and areas subject to the exclusive use of other unit owners that results from the installation, use, maintenance, repair, removal or replacement of the charging station; and
 - (3) Disclosure to a prospective buyer of the unit of the existence of the charging station and the related responsibilities of the unit owner under this section.
- (g) If the association of unit owners reasonably determines that the cumulative use of electricity in the condominium or homeowners' association attributable to the installation and use of charging stations requires the installation of additional infrastructure improvements to provide the condominium or homeowners' association with a sufficient supply of electricity, the association may assess the cost of the additional improvements against the unit of each unit owner that has, or will, install a charging station.
- (h) Unless the unit owner and the association of unit owners, or the declarant in lieu of the association, negotiate a different outcome:
- (1) A charging station installed under this section is deemed to be the personal property of the unit owner of the unit with which the charging station is associated; and
 - (2) The unit owner must remove the charging station and restore the premises to the condition before installation of the charging station before the unit owner may transfer ownership of the unit, unless the prospective buyer of the unit accepts ownership and all rights and responsibilities that apply to the charging station under this section.

Section 279.07 Electric Vehicle Charging Stations – Residential Rental Property

- (a) A lessee may submit an application to install, at his or her expense, an electric vehicle charging station for the personal, noncommercial use of the lessee, in compliance with the requirements of this section and all applicable building codes:

- (1) In a space assigned to the lessee and used for the parking or storage of automobiles, trucks, boats, campers or other vehicles or equipment; or
 - (2) In a common parking area.
- (b) The application to install must be submitted to the lessor who may not prohibit the installation or use of a charging station installed and used in compliance with the requirements of this section and any other applicable laws.
- (c) The lessor shall approve a completed application within sixty (60) days after the lessee submits the application unless the delay in approving the application is based on a reasonable request for additional information.
- (d) The lessor:
- (1) May require a lessee to submit an application before installing a charging station;
 - (2) May require the charging station to meet the architectural standards of the property;
 - (3) May impose reasonable charges to recover costs of the review and permitting of a charging station; and/or
 - (4) May impose reasonable restrictions on the installation and use of the charging station that do not significantly increase the cost of the charging station or significantly decrease the efficiency or performance of the charging station.
- (e) The charging station must be installed by a person that holds a license to act, at a minimum, as a journeyman electrician.
- (f) The lessee is responsible for all costs associated with installation and use of the charging station, including:
- (1) The cost of electricity associated with the charging station; and
 - (2) The cost of damage to general common elements that results from the installation, use, maintenance, repair, removal or replacement of the charging station.
- (g) If the lessor reasonably determines that the cumulative use of electricity attributable to the installation and use of charging stations requires the installation of additional infrastructure improvements to provide the property with a sufficient supply of electricity, the lessor may assess the cost of the additional improvements against all rental units at the property that has, or will, install a charging station.

Section 44. That Sections 281.01, 281.03, 281.04 and 281.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 281.01 ~~Definition and Designation~~

~~(a) "Hazardous air pollutants" mean any air contaminants which may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness to the public and have been so designated as hazardous pollutants pursuant to Section 112 of the Clean Air Act, by this Code, or by the Commissioner by rule and regulation.~~

~~(b)~~ (a) Asbestos, beryllium and mercury are hereby designated as hazardous air pollutants.

(b) Air pollutants listed under Section 112 of the Clean Air Act, as amended, are also designated as hazardous air pollutants for the purposes of this Code.

Section ~~281.03~~ 281.02 Asbestos Emission Standard

(a) No person shall cause or allow the discharge into the atmosphere of any visible emission from any air contaminant source or control equipment engaged in the processing or manufacturing of any asbestos-containing product.

(b) No person shall cause or allow the demolition or renovation of any existing building, structure or portion thereof within the City without obtaining a permit to demolish or renovate from the Department of Building and Housing of the City. Application for permit to demolish or renovate shall be made on forms prepared by the Department of Building and Housing and shall include such information as the Department of Building and Housing and the Commissioner of Air Quality deem necessary. Persons receiving a permit from the Department of Building and Housing shall forward a copy of such permit to the Commissioner of Air Quality. In addition:

(1) Any person who causes or allows a demolition or renovation shall take adequate precautions as prescribed in Chapter 3745-20 of the Ohio Administrative Code to prevent or reduce asbestos dust emissions.

(2) Any person who causes or allows a demolition or renovation shall determine if such operation is regulated under the Asbestos National Emission Standard for Hazardous Air Pollutants ("Asbestos NESHAP"), and Ohio Administrative Code 3745-20.

(3) No person shall cause or allow a demolition or renovation regulated under the Asbestos NESHAP until demonstrating to the satisfaction of the Commissioner

of Air Quality that the operation will comply with all applicable Federal and State asbestos regulations.

(4) Any person causing or allowing a demolition or renovation regulated under the Asbestos NESHAP within the City shall submit to the Commissioner of Air Quality a written notification that complies with the requirements as set forth in the Asbestos NESHAP and Ohio Administrative Code 3745-20-03, or as subsequently amended.

(5) Notification shall be made using the Ohio EPA “Notification of Demolition and Renovation” form, most recent update, available from Ohio EPA or the Division of Air Quality. Division (b)(11) of this section specifies information required for completion of the Ohio EPA notification form.

(6) The “Notification of Demolition and Renovation” must be submitted no less than ten (10) working days prior to starting the operation, unless the operation meets the criteria of an ordered demolition or emergency renovation contained in the Asbestos NESHAP 40 CFR 61.145. Such operations may begin immediately, but notification must be submitted by the next working day.

(7) Upon receipt of an original “Notification of Demolition and Renovation” the Commissioner or his or her representative shall perform a review of every section of the notification to determine if it has been completely and correctly filled out, and shall maintain a written or electronic copy of the review. Subsequently, the Commissioner or his or her representative shall:

A. For a deficient notification, inform the submitter of the deficiencies requiring correction, and any mandated changes to the starting date; or

B. For a satisfactory notification, inform the submitter that the operation may begin on the specified starting date.

(8) When circumstances require a revised notification to be submitted, per the Ohio Administrative Code or Asbestos NESHAP, such notification must explicitly indicate each section of the notification that is being revised, and shall be submitted by hard copy, fax, e-mail, or other means prescribed by Ohio EPA.

(9) The fee for review of original and revised notifications shall be on the cost basis established at Chapter 263 of this Code.

(10) Unless expressly excluded by Ohio EPA, a notification shall contain, at a minimum, the following information, and any additional information deemed necessary by the Commissioner of Air Quality, Ohio Administrative Code, or the Asbestos NESHAP:

A. An indication of whether the notice is the original or a revised notification;

B. Description of the facility or affected part of the facility, including the size in square meters or square feet and number of floors, age, and present and prior use of the facility;

C. Type of operation: demolition, ordered demolition, renovation, emergency renovation, or fire training;

D. An indication of whether asbestos is present;

E. Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator;

F. Procedure, including analytical methods, employed to detect the presence of regulated asbestos containing material (“RACM”) and Category I and Category II non-friable asbestos containing material (“ACM”); Name and certification number of the Asbestos Hazard Evaluation Specialist certified by the Ohio Department of Health who performed the sampling and evaluation;

G. The approximate amounts of RACM, Category I non-friable ACM, and Category II non-friable ACM to be removed from the facility in terms of length of pipe in linear meters, or linear feet, surface area in square meters or square feet on other facility components, or volume in cubic meters or cubic feet if off the facility components. Also, an estimate of the approximate amount of Category I and Category II non-friable ACM in the affected part of the facility that will not be removed before demolition;

H. Scheduled starting and completion dates of demolition or renovation;

I. Scheduled starting and completion dates of asbestos removal work or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material in a demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period, typically a calendar year;

J. Description of planned demolition or renovation work to be performed and method or methods to be employed, including demolition or renovation techniques to be used and description of affected facility components;

K. Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures;

L. Name, address, and contact information for the waste transporter or transporters;

M. Name, address, and contact information for the waste disposal site where the asbestos-containing waste material will be deposited;

N. For ordered demolitions, the name, title, and authority of the State or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification;

O. For emergency renovations, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden;

P. Description of procedures to be followed in the event that unexpected RACM is found or non-friable ACM becomes crumbled, pulverized, or reduced to powder;

Q. A certification by signature of a responsible party that at least one person trained as required by paragraph Section 61.145(c)(8) of the Asbestos NESHAP will supervise the stripping and removal described by the notification; and

R. A certification by signature of a responsible party that acknowledges the existence of laws prohibiting the submission of false or misleading statements, and certifies that facts contained in the notification are true, accurate, and complete.

(c) Spraying of Asbestos Containing Products.

(1) No person shall cause or allow the spraying of asbestos containing products within the City of Cleveland without complying in full with the requirements of the Ohio Administrative Code 3745-20-15 "Standard for Spraying."

(2) Any person intending to cause or allow the spraying of asbestos containing products within the City of Cleveland shall notify the Commissioner concurrently with the notification that must be provided to the Director of the Ohio EPA. A copy of such notification is sufficient.

(3) The Commissioner shall neither demand nor collect a fee for receiving a notification of spraying of asbestos containing products.

~~(b) No person shall cause or allow the demolition of any building or structure, or parts thereof, where a risk of public exposure to asbestos fibers from the dislodging of asbestos-containing materials is present, or without obtaining a permit to demolish from the Commissioner of Building, as required by Section 277.02(a). Adequate precautions to prevent or reduce asbestos dust emissions shall be taken as prescribed in Section 277.02(a):~~

(c) ~~*Spraying of Asbestos-Containing Products.*~~

(1) ~~No person shall cause or allow the use of asbestos-containing spray products for outdoor application to surfaces.~~

(2) ~~No person shall cause or allow the use of any asbestos-containing spray product for the indoor application to surfaces without obtaining a permit to spray such product from the Commissioner. The permit fee shall be based on the cost basis as set forth in Section 263.01.~~

(3) ~~Application for permit to spray any asbestos-containing spray product for the indoor application to surfaces shall be made on forms prepared by the Commissioner and shall contain such information as the Commissioner deems necessary.~~

(4) ~~No permit for the spraying of any asbestos-containing spray product for the indoor application to surfaces shall be granted until the applicant proves to the satisfaction of the Commissioner that:~~

~~A. Adequate containment of dust and overspray shall be furnished;~~

~~B. Provisions for complete clean-up after spraying shall be provided;~~

~~C. Sufficient and approved respiratory devices and clothing shall be used by all workers and other persons present;~~

~~D. One (1) person shall be assigned full time supervisory authority for all aspects of the operation.~~

(5) ~~Failure of a person to comply with any of the requirements of subsection (c)(4) hereof shall be sufficient grounds for the Commissioner to revoke any permit.~~

Section ~~281.04~~ 281.03 Beryllium

This section shall apply only to those sources whose Beryllium emissions are not regulated by a U.S. EPA or Ohio EPA air pollution permit or applicable rule which shall sovereign such emissions.

(a) Except as set forth in this section, no person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of Beryllium that will result in an ambient air Beryllium concentration in excess of the Maximum Allowable Ground Level Concentration ("MAGLC") calculated as:

MAGLC = (4) x (TLV) / (X) x (Y), where

(TLV) = Threshold Limit Value for Beryllium established by the American Council of Governmental Industrial Hygienists (ACGIH).

(X) = Hours of operation per day.

(Y) = Days of operation per week.

The Beryllium TLV as of enactment date of this Code was 0.002 milligrams Beryllium per cubic meter (0.002 mg Be/m³) averaged over an eight (8) hour workshift, but ACGIH was considering a lower value. When calculating the MAGLC, the most up-to-date TLV shall be used.

(b) From sources located within 1,500 feet of a school, child care facility, or playground, no person shall cause or allow the discharge into the atmosphere of Beryllium that will result in an ambient air Beryllium concentration in excess of eighty (80%) of the MAGLC as calculated above.

~~(a) *Emission Standard.* No person shall cause or allow the discharge to the atmosphere from any air contaminant source or control equipment the emission of greater than ten (10) grams of beryllium in any twenty-four (24) hour period, except as provided in subsection (b) hereof.~~

~~(b) In lieu of the requirement in subsection (a) hereof, an owner or operator may request written approval from the Commissioner to meet an ambient air concentration limit, at the property line where the emissions originate, of one-hundredth (0.01) micrograms per cubic meter, averaged over any consecutive thirty (30) day period. Approval of such tests may be granted by the Commissioner provided that:~~

~~(1) At least three (3) years of data is available which demonstrates to the satisfaction of the Commissioner that the ambient limit shall not be exceeded;~~

~~(2) The owner or operator submits a report to the Commissioner within ninety (90) days after the effective date of the Code as provided in Section 281.02, and such report includes the following additional information: a complete description of sampling methods and analysis; averaging technique; factors affecting dispersion; and air sampling data, including concentration and location where measurements were made.~~

~~(c) No person shall cause or allow the burning of beryllium and/or beryllium containing waste except in incinerators, which shall comply with the emission standards in subsection (a) hereof and all applicable provisions of the Code.~~

~~(d) *Ambient Air Monitoring for Beryllium.*~~

- ~~(1) Air contaminant sources or control equipment subject to subsection (b) hereof shall locate air monitoring sites in accordance with a plan approved by the Commissioner. Such sites shall be located in such a manner as is calculated to detect maximum concentrations of beryllium in the ambient air.~~
- ~~(2) Monitoring sites shall be operated continuously except for reasonable allowance for maintenance, calibration, changing filters or repair.~~
- ~~(3) Filters shall be analyzed and concentrations calculated within thirty (30) days after filters are collected. Records shall be retained for a minimum of two (2) years and shall be made available for inspection by the Commissioner or his or her representative.~~
- ~~(4) Concentrations measured at all monitoring sites shall be reported to the Commissioner every thirty (30) days.~~

Section 281.05 281.04 Mercury Emission Standard

This section shall apply only to those sources whose Mercury emissions are not regulated by a U.S. EPA or Ohio EPA air pollution permit or applicable rule.

(a) Except as set forth in this section, no person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of Mercury that will result in an ambient air Mercury concentration in excess of the Maximum Allowable Ground Level Concentration ("MAGLC") calculated as:

MAGLC = (4) x (TLV) / (X) x (Y), where

(TLV) = Threshold Limit Value for Mercury established by the American Council of Governmental Industrial Hygienists (ACGIH).

(X) = Hours of operation per day.

(Y) = Days of operation per week.

The Mercury TLV as of enactment date of this Code was 0.025 milligrams Mercury per cubic meter (0.025 mg Hg/m³) averaged over an eight (8) hour work shift. When calculating the MAGLC, the most up-to-date TLV shall be used.

(b) From sources located within 1,500 feet of a school, child care facility, or playground, no person shall cause or allow the discharge into the atmosphere of Mercury that will result in an ambient air Mercury concentration in excess of eighty (80%) of the MAGLC as calculated above.

~~(a) No person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of greater than two thousand three hundred (2,300) grams of mercury in any twenty-four (24) hour period, except as set forth in subsection (b) hereof.~~

~~(b) No person shall cause or allow the discharge into the atmosphere from sludge incineration plants, sludge drying plants or a combination thereof that processes wastewater treatment plant sludges, greater than three thousand two hundred (3,200) grams of mercury per twenty-four (24) hour period.~~

Section 45. That existing Sections 281.01, 281.03, 281.04 and 281.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 46. That Section 281.02 – Source Reporting, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 47. That Sections 283.01, 283.02, 283.04, 283.05 and 283.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 283.01 Episode Prevention

This Chapter is designed to prevent the excessive buildup of air ~~pollutants~~ contaminants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these ~~pollutants~~ air contaminants on the health of persons.

Section 283.02 Declaration of an Air Pollution Episode

(a) ~~Pursuant to RC Under Section 3704.032 of the Revised Code~~, or as subsequently amended, and ~~pursuant to~~ under regulations issued thereunder, the Governor of the State of Ohio may declare that an air pollution alert, air pollution warning or air pollution emergency exists affecting any or all sources within the City of Cleveland.

(b) The Commissioner of Air Quality, or his or her designee, may declare that an air pollution alert, air pollution warning, or air pollution emergency exists affecting any or all sources within the City of Cleveland.

~~(b)~~ (c) Orders ~~pursuant to~~ under the declaration of an air pollution alert, air pollution warning or air pollution emergency shall take effect upon issuance. No, ~~and~~ ~~no~~ person to whom an order is directed shall fail to initiate compliance measures immediately upon receiving notice.

Section ~~283.03~~ 283.04 Emission Control Action Programs

(a) Any person responsible for the operation of ~~a source of an~~ source which emits twenty-five hundredths (0.25) tons per day or more of air contaminants for which air quality standards have been adopted shall prepare emission control action programs consistent with good industrial practice and safe operating ~~procedure~~ procedures for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution Alert, air pollution Warning and air pollution Emergency as those terms are defined in Ohio Administrative Code 3745-25-03, or as subsequently amended, and Section 283.03. Emission control action programs shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere. ~~in accordance with the objectives set forth in Tables IV to VIII which are made a part of this section.~~

(b) Emission control action programs as required under ~~subsection (a) hereof~~ this section shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants, the approximate time required to effect the program, a brief description of the manner in which the reduction will be achieved during each stage of an air pollution episode, and such other information as the Commissioner deems pertinent.

(c) Emission control action programs shall be filed with the Commissioner at the following times:

(1) Existing sources; not later than ninety (90) days after adoption of this Code;

(2) New sources; with application for permit to operate; ~~install or modify~~;

(3) The provisions of ~~subsection (c)(1) hereof~~ division (c)(1) of this section shall not apply if an emission control action program was filed with the Division of Air Quality Air Pollution Control, as agent for the Ohio Environmental Protection Agency in Cuyahoga County, prior to the adoption of this Code.

(d) During a condition of air pollution Alert, air pollution Warning and air pollution Emergency, emission control action programs as required by ~~subsection (a) hereof~~ this section shall be made available on the premises to the Commissioner or his or her authorized representative.

(e) Emission control action programs shall be subject to review and approval by the Commissioner. ~~If, and in the opinion of the Commissioner, such emission control action programs do not effectively carry out the objectives as set forth in Tables IV to VIII, the~~ The Commissioner may disapprove such emission control action programs, state his or her reasons for disapproval, and order the preparation of amended emission control action programs within the time period specified in the order.

(f) All City departments will develop Emission Control Action Programs that are specific to their departmental operational needs. The Department plans will include:

(1) Specific actions and/or procedures that will be suspended on Alert and Action Days; and

(2) A communication plan demonstrating how City employees will be trained on the Department's Emission Control Action Program, and how employees will be notified when either an Alert or Action has been declared.

Section 283.04 283.05 Emergency Orders

When the Governor of the State of Ohio declares an air pollution Alert, air pollution Warning or air pollution Emergency, the following procedures shall immediately be put into effect:

(a) *Air Pollution Alert.*

(1) ~~Any one or combination of air contaminants:~~“ Any person responsible for the operation of a source of air contamination shall take all air pollution air Alert actions as required for such source of air contamination; and shall ~~take all air pollution alert actions as required for such source of air contamination; and shall~~ particularly put into effect; the emission control action programs for an air pollution Alert.”

(2) ~~Suspended particulate matter:~~

~~A. (2)~~ “There shall be no open burning by any person ~~of tree waste, vegetation, refuse or debris~~ in any form.”

~~B. (3)~~ “The use of incinerators for the disposal of any form of solid waste will be limited to the hours between 12:00 noon and 4:00 pm.”

~~C. (4)~~ “Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 pm.”

(5) Persons operating motor vehicles shall be strongly encouraged to eliminate the unnecessary use of automobiles, motorcycles, light-duty trucks and vans, and recreational vehicles.

(3) ~~Nitrogen oxides, carbon monoxide and hydrocarbons:~~

~~A. “There shall be no open burning by any person of tree waste, vegetation, refuse or debris in any form.”~~

~~B. “The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 pm.”~~

(b) *Air Pollution Warning.*

~~(1) Any one (1) or combination air contaminants:~~ “ Any person responsible for the operation of a source of air contamination shall take all air pollution Warning actions as required for such source of air contamination; and shall particularly put into effect the emission control action programs for an air pollution Warning.”

(2) Any person responsible for the operation of a source of air contamination shall satisfy the requirements set forth in this section including those provided in divisions (a)(2) through (5).

(3) Citizens who travel to and from work between the hours of 6:00 am and 6:00 pm are urged to carpool or utilize public transportation.

(4) For carbon monoxide "Warnings", persons operating motor vehicles shall be encouraged to avoid the air pollution "Warning" area.

~~(2) Suspended particulate matter:~~

~~A. “There shall be no open burning by any person of tree waste, vegetation, refuse or debris in any form.”~~

~~B. “The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.”~~

~~C. “Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 pm.”~~

(c) *Air Pollution Emergency.*

~~(1) Any one or combination of air contaminants:~~

~~A. (1)~~ “Any person responsible for the operation of a source of air contamination shall take all air pollution Emergency actions as required for such source of air contamination and shall particularly put into effect the emission control action programs for an air pollution Emergency.”

~~B. (2)~~ “All manufacturing establishments shall institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.”

(3) Any person responsible for the operation of a source of air contamination shall satisfy the requirements set forth in division (a)(2) through (5) and (b)(3) to (4) of this section.

~~C.~~ (4) “All places of employment described below shall immediately cease operations:”

A. “Mining and quarrying of non-metallic minerals.”

B. “~~All contract~~ Contract construction work except that which must proceed to avoid physical harm.”

C. “Wholesale trade establishments, including places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users or to other wholesalers or acting as agents in buying merchandise for or selling merchandise to such persons or companies.”

D. “~~All offices~~ Offices of local, County and State government, including authorities, joint meetings, and any other public body, except to the extent that such offices must continue to operate in order to enforce the requirements of this order or are vitally essential to the preservation of order, safety, health utility services and other related services, pursuant to City ordinance or State statute.”

E. “~~All retail~~ Retail trade establishments, except pharmacies and stores, primarily engaged in the sale of food.”

F. “Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.”

G. “Wholesale and retail laundries; laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.”

H. “Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blue-printing, photocopying, mailing, mailing list and stenographic services, equipment rental services; commercial testing laboratories.”

I. Automobile repair, automobile services, garages, body shops and automobile painting operations.

J. “Establishments rendering amusement and recreation services, including motion picture theaters.”

K. “Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools and public and private libraries.”

~~D.~~ “There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form.”

~~E. “The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.”~~

~~F. (5)~~ “The use of motor vehicles is prohibited except in emergencies with the approval of City or State police.”

Section ~~283.05~~ 283.06 Breakdowns (Malfunctions) During an Episode

(a) ~~Pursuant to~~ Under the declaration of an air pollution Alert, air pollution Warning or air pollution Emergency by the Governor of the State of Ohio, if emissions exceeding any of the limits established under this Code are being discharged into the atmosphere as a direct result of breakdown of any emission source or control equipment, the Commissioner may order the owner or operator of such a source or control equipment to immediately discontinue operation of such source or ~~equipment control~~ or to substantially reduce emissions for the duration of the air pollution episode.

(b) No person shall fail to comply with any order issued by the Commissioner in accordance with ~~subsection (a) hereof~~ division (a) of this section without prior written approval of the Commissioner.

Section ~~283.06~~ 283.07 Scheduled Maintenance of Control Equipment During an Episode

(a) ~~Pursuant to~~ Under the declaration of an air pollution ~~Alert~~, air pollution Warning or air pollution ~~Emergency~~ by the Governor of the State of Ohio, the Commissioner may order temporary suspension of any approved proffered planned maintenance schedule, that necessitates the shutdown of any control equipment unaccompanied by the shutdown of the emission source. In the event that it would be impossible to restore such control equipment to immediate operation, the Commissioner may, at his or her discretion, order the owner or operator of the emission source to immediately discontinue operation of such source or to substantially reduce emissions for the duration of the air pollution episode.

(b) No person shall fail to comply with any order issued by the Commissioner in accordance with ~~subsection (a) hereof~~ division (a) of this section without prior written approval of the Commissioner.

Section 48. That existing Sections 283.01, 283.02, 283.04, 283.05 and 283.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 49. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 283.03 to read as follows:

Section 283.03 Air Pollution Emergencies and Episodes Criteria

- (a) Conditions that justify the proclamation and declaration of an air pollution “Alert,” air pollution “Warning,” or air pollution “Emergency” shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place is attaining, has attained, or may attain levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Commissioner will be guided by measured air quality data, air quality and meteorological forecasts, and the Air Quality Index prepared by US EPA.
- (b) “Alert” means the condition where first stage control actions are to begin. An “Alert” may be declared when measurements of any criteria pollutant or other pollutant of concern is reached at any monitoring site or meteorological conditions are such that the air contaminant concentrations can be expected to remain at the specified level or may be forecast to occur during the next twenty-four (24) hours unless control actions are taken. The forecast air quality may be projected to be unhealthy where some members of the general public may experience health effects; members of sensitive groups may experience more serious health effects.
- (c) “Warning” means the condition where air quality is continuing to degrade and additional control measures are necessary. A “Warning” will be declared when measurements of any criteria pollutant or other pollutant of concern is reached at any monitoring site or meteorological conditions are such that the air contaminant concentrations can be expected to remain at the specified levels or reoccur during the next twenty-four (24) hours unless control actions are taken. The forecast air quality may be projected to be very unhealthy where the risk of health effects is increased for the general population.
- (d) “Emergency” means the condition where air quality is continuing to degrade to a level that should never be reached and that most stringent control actions are necessary. An “Emergency” will be declared when any one (1) of the levels specified in paragraphs (E) (1) to (E) (5) in Ohio Administrative Code 3745-25-03, or as subsequently amended, is reached at any monitoring site. The forecast air quality may be projected to be hazardous and require a health warning of emergency conditions where everyone is more likely to be affected.
- (e) “Termination,” once declared, any episode stage reached by application of these criteria will remain in effect until the criteria for that episode stage are no longer met. At such time, the next lower episode stage will be assumed or the episode may be terminated completely if no episode stage criteria are met.

Section 50. That Sections 285.01, 285.02, 285.03 and 285.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 285.01 Emission Test Methods

Emission tests shall be undertaken by standard methods or accepted alternate methods as published and prescribed in the Ohio Administrative Code 3745-21-10 "Compliance Test Methods and Procedures," effective March 27, 2022, or as amended or modified; or US EPA Test Methods issued under 40 CFR parts 60, 61, or 63. ~~Federal Register dated December 23, 1971, Volume 36, Number 247, Part II, entitled "Standards of Performance for New Stationary Sources" or as amended or modified.~~ The above specifications may be modified or adjusted by the Commissioner to suit specific sampling conditions or needs based upon practice, judgment or experience. Updating of these standards and modifications thereof shall be published in rules and regulations of the Commissioner.

Section 285.02 Sampling and Testing

(a) The Commissioner is hereby authorized to conduct, or cause to be conducted, at the expense of any person owning, operating or in charge of any source or control equipment, any test or tests of any new or existing source or control equipment which in his or her judgment may result in emissions in excess of the limitations contained in this Code, or when the emissions from any such source or control equipment may exceed the limits of emissions provided for herein. All tests shall be conducted in a manner approved by the Commissioner and a complete detailed test report of such test or tests shall be submitted to him or her. When tests are taken by the owner or independent testers employed by the owner, the Commissioner shall require that the tests be conducted by reputable, qualified personnel and shall stipulate that a qualified representative or representatives of the Division of Air Quality be allowed to observe the ~~Pollution Control~~ be present during the conduct of such tests. The Commissioner may stipulate a reasonable time limit for the completion of such test and submission of test reports.

(b) Nothing in this section concerning tests conducted by and paid for by any person or his or her authorized agent shall be deemed to abridge the rights of the Commissioner or his or her representatives to conduct separate or additional tests of any source or control equipment on behalf of the City, whether or not such tests relate to emissions controlled by specific limitations under this Code.

Section 285.03 Test Facilities and Access

(a) It shall be the responsibility of the owner or operator of the source or control equipment tested to provide, at his or her expense, utilities, facilities and reasonable

and necessary openings in the system or stack, and safe and easy access thereto, to permit samples and measurements to be taken.

(b) ~~All The Commissioner may require all~~ new sources of air contaminants created after the effective date of this Code ~~may be required by the Commissioner~~ to provide utilities, facilities and adequate openings in the system or stack, and safe and easy access thereto, to permit measurements and samples to be taken.

Section 285.04 Source Monitoring and Recoding Equipment

(a) When a source has on two (2) or more occasions violated any section of this Code, the Commissioner may require that the source be equipped with monitoring and recording devices within a reasonable period of time that will provide a satisfactory measure of performance. Monitoring programs or devices for parameters that control a specific emission may be used in lieu of direct monitoring of the specific air contaminant with the consent of the Commissioner. Monitoring records so required shall be retained for ~~two (2)~~ three (3) years and shall be made available to the Commissioner or his or her authorized representative upon request. At such time that the source demonstrates reliable performance, the owner or operator of such source may petition the Commissioner to have this requirement lifted.

(b) All sources of air contaminants, ~~installed or constructed~~ after the effective date of this Code, may be required to install monitoring and recording devices that will provide a satisfactory measure of performance. Monitoring programs or devices for parameters that control a specific emission may be used in lieu of direct monitoring of the specific air contaminant with the consent of the Commissioner. Monitoring records so required shall be retained for ~~two (2)~~ three (3) years and shall be made available to the Commissioner or his or her authorized representative upon request. At such time as this source demonstrates continuing compliance with emission limitation, the owner or operator of such source may petition the Commissioner to have this requirement lifted.

(c) When requiring monitoring and recording devices, the Commissioner shall give consideration to technical feasibility and economic reasonableness.

Section 51. That existing Sections 285.01, 285.02, 285.03 and 285.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 52. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 285.05 to read as follows:

Section 285.05 Compliance Testing

- (a) The Commissioner, or his or her designees, is hereby authorized to determine and preserve the option to witness any emissions and compliance tests of any new or existing source or control equipment before he or she issues a permit to operate under Chapter 259 of this Code.
- (b) No person shall fail to submit a timely, appropriate and complete written notification of intent to test or retest a source. Delivery shall occur no less than thirty (30) days prior to the scheduled test date, except as provided herein:
- (1) When a retest is scheduled for a mutually agreeable date less than thirty (30) days in the future, notification shall be submitted as soon as the date has been determined.
 - (2) When a retest is an emergency, delivery of notification shall occur as early as possible before, but not later than the first working day following the start of the retest.
- (c) The intent to test notification shall include:
- (1) A statement indicating the purpose of the proposed compliance test. If being performed as an Ohio EPA requirement, the applicable Ohio EPA permit number that requires the compliance test must be included;
 - (2) A detailed description of the source to be tested;
 - (3) A detailed description of the test procedures, equipment and sampling sites;
 - (4) A timetable, setting forth the dates on which:
 - A. The testing will be conducted; and
 - B. The final test report will be submitted, not later than thirty (30) days after completion of on-site sampling; and
 - (5) Any reasonable and pertinent information that may be required by the Commissioner.
- (d) Fees for the witnessing of all initial emissions and compliance tests are included as part of the fee required for the issuance of permits to operate under Chapter 259 of this Code. Individual tests conducted on different parts of one (1) source or control equipment unit constitute different parts of one (1) initial test.
- (e) The witnessing of any emissions or compliance retest requires an additional fee per Section 263.03 of this Code. If a retest is conducted either the day of or following day of the initial test on the same equipment, an additional fee is not required, but the retest shall be categorized as a retest on the equipment.

(f) The following tests, when required by Ohio EPA to be performed at a gasoline dispensing facility, are included in the category of compliance tests and are subject to the notification retest fee requirements:

- (1) Static Leak Test;
- (2) Dynamic Pressure Test; and
- (3) Air-to-Liquid Ratio Test.

Section 53. That existing Section 289.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is amended to read as follows:

Section 289.01 Severability

If any clause, sentence, paragraph or part of this Code or its application to any person or circumstances is held by a court to be invalid, such invalidity shall not affect, impair or invalidate the remainder of this Code and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the controversy in which such judgment shall have been rendered and to the person, firm, corporation or circumstances involved.

Section 54. That Section 289.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 55. That Section 291.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is amended to read as follows:

Section 291.01 Establishment; Members Term, Vacancy and Duties

(a) The Cleveland Industrial Air Pollution Advisory Committee is dissolved.

~~(a)~~(b) There is hereby established the Cleveland Air Pollution Control Advisory Committee ~~(the “Committee”)~~ to be composed of not more than ~~ten (10)~~ five (5) members. A quorum for the Committee must be in attendance in-person, virtually, or through written proxy in order for the Committee to conduct any business. Decisions of the Committee shall be by simple majority vote of those members in attendance (in-person or virtually) or represented by their written proxy.

~~(b)~~ (c) The purpose of such Committee shall be to meet, discuss, make recommendations and issue advisory opinions regarding matters relating to the Air ~~Pollution~~ Code of the City of Cleveland, State of Ohio or Federal Codes, or any rules

and regulations adopted pursuant thereto, as they may affect ~~industrial and commercial enterprises~~ air quality in the City.

~~(c)~~ (d) The Committee shall meet at least once every ~~three (3)~~ six (6) months, or more often at the call of the ~~chairman~~ chairperson.

~~(d)~~ (e) Two (2) members of the Committee shall be appointed by Council; and three (3) members shall be appointed by the Mayor. Members shall be representatives from businesses, industries, associations, and citizens groups operating in the City. and the remaining five (5) members shall be representatives from business, industrial and commercial enterprises or associations and citizens groups operating in the City. These five (5) members shall be appointed by the Mayor, with the approval of Council.

~~(e)~~ (f) All members shall serve for a term of ~~one (1) year~~ two (2) years and may be reappointed at the end of their respective terms. Members shall serve without compensation. If any member resigns, or otherwise is unable to continue to serve as a member of the Committee, such vacancy shall be filled in the same manner as the original appointment for the unexpired term thereof.

(g) The Commissioner of the Division of Air Quality shall advise the committee in a nonvoting capacity and may direct staff of the Division of Air Quality to provide technical assistance to the Committee subject to requests by the Committee.

~~(f)~~ (h) The Committee may, at any time, report to Council any matters or suggested changes relating to the ~~Air Pollution~~ Air Quality Code of the City or the rules and regulations adopted pursuant thereto.

~~(g)~~ (i) The Committee ~~shall~~ may issue an annual report no later than ~~December March 31 of each year~~ regarding matters discussed during the previous year, including the following year. Such report shall include any recommendations regarding the ~~Air Pollution~~ Quality Code of the City or any other law, rule or regulation affecting air pollution in the City, and in addition, may advise the Mayor or Council, upon their request, concerning any matter involving air pollution in the City, and shall include any other information discussed by and deemed pertinent by the Committee.

~~(h)~~ (j) A majority of all the members of such Committee shall constitute a quorum to transact business and to issue any report, recommendation or advisory opinion. A ~~chairman~~ chairperson shall be selected by a majority of the members of such Committee, at the first meeting thereof and shall serve for ~~one (1) year~~ two (2) years, or until cessation of the chairperson's membership on the Committee, whichever occurs sooner. The number of consecutive terms the chairperson may serve shall not be limited.

(k) A member whose term of service has expired, and whose reappointment or replacement is pending, may continue to serve as if formally reappointed.

Section 56. That existing Section 291.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 57. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 266.01 to 266.07 to read as follows:

Chapter 266

Fugitive Emissions

Section 266.01 General Provisions

(a) No person shall cause or allow any materials to be handled, transported or stored, or a building or its appurtenances or a road to be used, constructed, altered, repaired, renovated, or demolished without taking all necessary and reasonable precautions to prevent particulate matter from becoming airborne, unless exempted from these provisions by Section 266.02 of this Code. Such precautions shall include, but not be limited to, the following:

- (1) Use, where possible, and as weather conditions allow, water or approved fugitive emissions suppression chemicals for the control of fugitive emissions from the demolition or renovation of existing buildings or structures, construction operations, the grading of roads or parking areas, or the clearing of land. Such use must not create water pollution or any nuisance to surrounding property or the environment;
- (2) Application of asphalt, water or suitable chemicals for the suppression of fugitive emissions on unpaved roadways, parking areas, materials stockpiles and other surfaces which can create fugitive emissions;
- (3) Installation and use of hoods, fans and control equipment to enclose, contain, capture and vent the handling of dusty materials;
- (4) Use of adequate containment methods during operations where material is applied to a surface at high velocities for the use in abrading the surface, such as abrasive blasting or other similar activities;
- (5) Covering at all times when in use on public roadways, open-bodied vehicles transporting materials likely to create fugitive emissions;
- (6) Conduct of agricultural practices such as the tilling of land or application of fertilizers, in such a manner as to minimize the fugitive emissions produced;
- (7) The paving of unpaved roadways and parking areas;

- (8) The maintenance and cleaning of unpaved roadways and parking areas to remove buildup of materials that cause fugitive emissions;
 - (9) The prompt removal of earth or other material from paved streets and parking areas onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means;
 - (10) Application of water or other approved, suitable chemicals for the suppression of fugitive emissions, installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings, for all materials, stockpiles and stockpiling operations; or
 - (11) Application of water, or other approved, suitable chemicals for the suppression of fugitive emissions, adequate enclosures, and/or minimization of the height materials are dropped for the transfer of any materials that are formed into or increase material stockpiles.
- (b) Fugitive emissions suppression chemicals cannot include any used oil as defined in Ohio Administrative Code 3745:279-01(A)(12), or as subsequently amended.

Section 266.02 Exemptions

The requirements of Sections 266.01 and 266.03 shall not apply to sources of fugitive emissions exempted from the requirements by Chapter 261 of this Code.

Section 266.03 Visible Emissions From Fugitive Emission Sources

No person shall cause or allow the discharge into the atmosphere of any visible air contaminant resulting from a fugitive emission source in excess of the limitations set forth in Section 265.01 of this Code, or beyond the property line of the property on which the emissions originate. The observations required by Section 265.01 shall be conducted upon the area where the fugitive emissions enter the ambient air and conducted in accordance with the applicable regulations regarding the conducting of visible emissions observations contained within Title 40 of the Code of Federal Regulations, Part 60, and Ohio Administrative Code Rule 3745-17-03, or as subsequently amended.

Section 266.04 Emission of Air Contaminants from Buildings, Equipment, Storage Areas or Material Handling Operations

When dust, fumes, gases, mist, odorous material, vapors, smoke or other particulate matter, or any combination thereof, escape from a building, equipment, storage area or material handling operation in such a manner and amount as to cause a nuisance or to violate any provision of this Code, the Commissioner may issue a written order

in accordance with Chapter 255. The order shall require that the building, equipment, storage area or material handling operation, in which processing, handling and storage are done, be tightly closed, ventilated, hooded or controlled in such a way that all air and gases and airborne or gas-borne material leaving the building, equipment, storage area or material handling operation are treated by removal or destruction of air contaminants before discharge into the ambient air.

Section 266.05 Abrasive Blasting and/or Building Cleaning

(a) No person shall cause or allow the abrasive blasting and/or cleaning of a building, structure, or architectural surface without obtaining a permit to blast and/or clean from the Commissioner. The permit fee is set at Section 263.01(b)(2) of this Code. A permit shall not be required for abrasive blasting or cleaning performed inside equipment designed for that function (e.g., abrasive blasting chambers) or inside confined spaces (e.g., tanks) where access to the public is restricted and the structure itself provides containment. However, escape of particulate matter from the blasting operation must be prevented.

(b) Application for a permit to blast and/or clean shall be made on forms prepared by the Commissioner, shall include reasonable and pertinent information that may be required by the Commissioner, and shall be submitted at least ten (10) working days prior to starting the operation unless emergency conditions necessitate an earlier start. "Working days" include the period of Mondays through Fridays, including any holidays occurring therein. If an applicant claims an emergency condition exists, the application must be submitted no later than the next working day after the activity starts, and shall include the date and hour that the emergency occurred, a description of the sudden unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or would pose an unreasonable financial burden if not immediately corrected. The Commissioner is not required to accept the explanation as constituting an emergency, but shall evaluate the facts provided.

(c) No permit for the abrasive blasting and/or cleaning operation shall be granted unless the applicant demonstrates to the satisfaction of the Commissioner that:

- (1) Adequate containment on site of particulate matter, dust, and water droplets, generated by the activity, shall be furnished;
- (2) Provisions for a complete clean-up after blasting and/or cleaning shall be provided, including steps to remove particulate matter from adjacent streets, alleys and property to prevent it from being re-entrained in the air;
- (3) Full time supervisory authority for all aspects of the operation shall be assigned to one (1) person; and

- (4) Appropriate measures will be taken to comply with any additional requirements of the Division of Air Quality.
- (d) A permit shall expire on either the operation completion date identified in the application, any expiration date identified on the issued permit, or one (1) year after the date of issuance, whichever is sooner. If the abrasive blasting and/or cleaning operation lasts longer than one (1) year, the owner or operator must reapply for the permit.
- (e) Each person causing or allowing abrasive blasting and/or cleaning operation shall satisfy the notification requirements specified as follows:
- (1) General notice shall be submitted to all owners and occupants of the building, structure or architectural surface where the abrasive blasting and/or cleaning will occur, and to all owners and occupants of buildings adjacent to the work site or within a distance likely to be impacted should an uncontrolled released of particulate matter occur from the activity.
- (2) Delivery of general notice is to occur:
- A. At least five (5) working days before the beginning of any abrasive blasting and/or cleaning operation; or
- B. As early as possible before, but no later than, the following working day if the operation is an emergency.
- (3) General notice shall include:
- A. The name and telephone number of the person responsible for supervising the activity;
- B. Type of operation: abrasive blasting or cleaning;
- C. The location and street address (including building number or name and floor or room number, if appropriate), where abrasive blasting and/or cleaning will occur. If necessary in order to identify the location of the activity, notification of any site plans, floor plans or other pertinent information must be attached;
- D. Scheduled starting and completion dates of operation or any other activity, such as site preparation. Planned operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period; and
- E. A description of the blasting and/or cleaning to be performed and method(s) to be employed, including techniques to be used and a description of affected facility components.

(f) Each person submitting an application shall include their name and title, and shall sign and date the appropriate form. The signature shall constitute an agreement that the person assumes responsibility for the abrasive blasting and/or cleaning operation in accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

(g) In addition to the requirements of this section, the Commissioner may require any additional control methods deemed necessary to adequately control excessive particulate matter and other air contaminants during abrasive blasting and/or cleaning operations.

(h) The Commissioner has authority to regulate, at his or her discretion, the times and hours of blasting and/or cleaning operations as requirements of the permit.

(i) All painted surfaces to be blasted and/or cleaned for the removal of paint shall be tested for lead prior to abrasive blasting and/or cleaning. The sampling and analysis of paint shall be conducted in accordance with methods approved in advance by the Commissioner to indicate the lead content, if any, of the paint to be removed. Documents of lead test results shall be submitted with the application for a permit to blast and/or clean.

(j) If the activity will occur at a home, childcare facility, kindergarten, or child-occupied facility built before 1978, all persons required to comply with U.S. EPA's Lead Renovation, Repair, and Painting Rule. Applicant must comply with all requirements of the U.S. EPA rule as well as City requirements.

(k) The abrasive blasting of buildings and/or structures shall be of "wet-method" application wherein water is mixed with the cleaning medium to prevent dust during cleaning operations, except as provided in this section.

(l) No person shall cause or allow any dry blasting methods to be utilized unless such methods permit the nozzle to be operated within a tarpaulin enclosure equipped with suitable means of funneling the dispersed abrasive material and debris into a suitable container to prevent the waste materials from becoming airborne.

(m) Where abrasive blasting and/or cleaning occurs, adequate protection to prevent injurious exposures shall be taken in compliance with Ohio Administrative Code 4123:1-7-12, or as subsequently amended.

(n) Failure to comply with any request for information made by the Commissioner or any of the requirements of this section shall be cause for rejection of an application, and may constitute grounds for the denial or revocation of a permit for abrasive blasting and/or cleaning operations.

(o) The Commissioner shall notify the person applying for the permit of his or her approval or reasons for rejection of the application in writing. Upon approval of the

application, the Commissioner shall issue a permit for abrasive blasting and/or cleaning operations.

(p) The following events require the owner/operator or responsible party to notify the Commissioner as soon as possible, but no later than the next working day:

- (1) Any change in the abrasive blasting and/or cleaning operation schedule; or
- (2) Any change in the method(s) to be used; or
- (3) Any change in the owner or operator.

The notification may be made in writing, by telephone, by facsimile, or by e-mail of which method is preferred. The Commissioner has the discretion to request a new or revised application, or to revoke the permit, based on the magnitude of the changes.

Section 266.06 Spray Application of Non-Asbestos Fibered Cementitious Products

(a) Spray application of non-asbestos fibered cementitious products may require a permit from the Department of Building and Housing. In such case, no person shall cause or allow the use of a cementitious product or compounds containing mineral fibers, whenever such product or compounds are applied to a surface utilizing a spray or pneumatic means of application, excluding the spraying or other use of refractory materials in ovens, furnaces, ladles or other metallurgical process equipment, without obtaining a permit for the spraying of such product or compounds from the Department of Building and Housing. The person receiving such permit shall forward to the Commissioner a copy of each permit for the spraying of such product or compounds and obtain the permission of the Commissioner of Air Quality upon submission of such information as the Commissioner deems necessary.

(b) Regardless of whether a permit is required from the Department of Building and Housing, no person shall cause or allow the spraying of fibered cementitious products or compounds without obtaining the approval of the Commissioner and unless the following procedures are taken:

- (1) Provisions are made for adequate containment of dust and overspray;
- (2) Provisions are made for complete cleanup after spraying;
- (3) All workers and other persons present are provided with, and use appropriately, approved respiratory devices and clothing; and
- (4) Any additional requirement stipulated by the Commissioner in the issued permit.

- (c) A person shall be assigned supervisory authority for all aspects of the spraying operation and shall be available at the spraying site at all times during the operation.
- (d) Failure of any person to comply with any of the requirements of this section shall be sufficient grounds for the Department of Building and Housing or the Division of Air Quality to revoke any permit or deny any permit application.
- (e) This section does not apply to the spraying of cementitious products or compounds containing mineral fibers that are subject to Section 281.02 of this Code.

Section 266.07 Non-Commercial Spray Coating Operations with or without an Enclosure

Surface coating or paint stripping performed by individuals on personal vehicles, possessions, or property, either as a hobby or for maintenance of personal vehicles, possessions, or property are subject to the following restrictions:

- (a) An individual may only apply surface coating to fewer than two motor vehicles or pieces of mobile equipment per year without obtaining the necessary permits under Chapters 257 and 259 of this Code;
- (b) The requirement to obtain permit(s) apply regardless of whether compensation is received for the application of surface coating or paint stripping; and
- (c) Any individual applying surface coating to more than two motor vehicles, pieces of mobile equipment, or more than two items in a given year must also comply with Chapter 267 of this Code.

Section 58. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 268.01 to read as follows:

Chapter 268
Indoor Air Quality Informational Program

Section 268.01. Indoor Air Quality Informational Program Established

- (a) An Indoor Air Quality Informational (IAIQ) program for the City is hereby established to be administered by the Commissioner of Air Quality subject to the provisions of the Charter and ordinances of the City, and under the direction of the Director of Public Health.
- (b) The IAIQ program shall be designed to be an educational process to provide information to residents to assist them in identifying, removing, and controlling sources of indoor air pollution in order to restore an indoor space to a healthy environment for occupants, visitors, and guests.

- (c) The objectives of the IAIQ program include the following:
- (1) To prevent illness, injury, and adverse health symptoms associated with poor indoor air quality,
 - (2) To respond to indoor air quality complaints effectively and to make recommendations for improvement,
 - (3) To empower the maintenance of indoor air quality within acceptable levels according to consensus guidelines,
 - (4) To provide information to residents about indoor air quality, and
 - (5) To refer residents to appropriate City divisions, programs, or community resources who will further aid residents in resolving their issue(s).
- (d) The Commissioner of Air Quality or designee is authorized access to residential spaces or common areas for the purposes of assessing the indoor air quality of a residence upon permission by the resident.
- (e) Information and data collected through indoor air quality assessments including complaints and inquiries of indoor air quality are subject to Ohio's Public Records Act and other public records laws.
- (f) Nothing in this Chapter is intended to impose liability on any officer or employee acting under this Chapter or to relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provision of other applicable sections of this Code, or these Codified Ordinances.

Section 59. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 299.01 to 299.03 and 299.99 to read as follows:

Chapter 299 Penalties

Section 299.01 Sealing

- (a) Any person who violates any provision(s) of this Code three (3) or more times within a twelve (12) month period shall, within ten (10) calendar days from the date written notification arrives at its intended location, show cause before the Commissioner as to why the offending source, equipment, or premise should not be sealed. The notice to show cause shall be sent by registered or certified mail, directed to the last known address of the person to be notified. If the person or his whereabouts is unknown, the notice shall be posted on or reasonably near the premises at which the violation or violations occurred. If upon the hearing, at which

the violator or his or her agent or attorney may appear and be heard, the Commissioner finds that adequate corrective measures have not been taken after the third violation, the Commissioner may seal the source, equipment, or premise until such time as the offender provides an adequate compliance schedule and inspection by the Division of Air Quality demonstrates that the offender has taken adequate corrective measures to remedy the violation(s).

(b) Sealing may also be ordered by the Commissioner and affected after reasonable notice under the following circumstances:

- (1) Any air contaminant source or control equipment is being operated without a permit to operate or variance as required by this Code;
 - (2) Any necessary repair(s) or alteration(s) are not accomplished within the specified time limit;
 - (3) The operation of any air contaminant source or control equipment is or may reasonably be dangerous to the health, safety or general welfare as to require the immediate abatement to eliminate the threat of serious harm, or actual harm to human health, property or the environment. Such operation shall be sealed without notice or without additional time for compliance.
 - (4) Control equipment has been installed to enable an operation or process to meet the conditions of a permit to operate, and such control equipment is not being operated;
 - (5) Test facilities and access required under Chapter 285 of this Code are not provided;
 - (6) Source monitoring and/or recording equipment required under Chapter 285 of this Code has not been provided; or
 - (7) Any information, data, reports or programs required under provisions of this Code or by the Commissioner have not been provided.
- (c) Pursuant to Section 259.07 of this Code, prima-facie evidence of any violation(s) will support the action of the Commissioner in sealing certain source, equipment, or premise as provided therein.
- (d) Sealing of equipment shall not bar other legal action against the owner or operator thereof.
- (e) No person shall tamper with a seal or operate any air contaminant source or control equipment sealed by the Commissioner, or enter any premise that has been sealed by the Commissioner, unless such action or operation is authorized in writing by the Commissioner.

(f) Nothing in this Section shall be interpreted to limit the authority of the Commissioner to immediately Order an air contaminant sealed under Section 255.02(b) of this Code.

Section 299.02 Written Warnings

(a) For residential violations of Sections 266.03, 266.04, 266.05, 267.01, 277.02, 277.03, and 277.05 of this Code, at least one (1) written warning will be given to the owner, agent, or occupant prior to issuance of a violation. If the violations for which a written warning was issued continue, or a new violation occurs within twelve (12) months subsequent to the written warning, residential violations of the above sections are subject to being issued a notice of violation.

(b) For commercial, industrial, or any other non-residential violations of the above sections, a written warning is not required prior to issuing a Notice of Violation.

Section 299.99 Penalties

(a) In addition to any other remedies under this Air Quality Control Code, no person shall violate any provision of this Code nor participate in the violation of its provisions.

(b) Whoever violates Sections 266.02, 266.03, 266.04, 266.05, or Chapter 267 of this Code shall be guilty of a misdemeanor of the fourth degree on a first offense. On a second offense, they shall be guilty of a misdemeanor of the third degree, and on a third or subsequent offense a misdemeanor of the first degree. If the offender has been previously convicted of violating any section of this Chapter, the offender is guilty of a misdemeanor of the first degree. Each day of such violation shall constitute a separate offense.

(c) Whoever violates Section 277.05 "Vehicle Emissions" of this Code shall be guilty of a minor misdemeanor.

(d) Whoever violates any other provision of this Code, or any order of Commissioner; or who makes any false material statement, representation, or certification in, or omits material information from, any record, report, plan or other document required either to be filed or submitted or maintained pursuant to this Chapter; or who falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under this Chapter; or fails to pay a fee established under this Chapter shall be guilty of a misdemeanor of the first degree. Each day of such violation shall constitute a separate offense.

(e) In addition to the fees provided in Chapter 263 of this Code, any person who violates or fails to comply with any provision of this Chapter, including any fee or

filing requirement; or any duty to allow or carry out inspection, entry, or monitoring activities; or who violates the terms and conditions of any permit or certificate of operation issued pursuant to the provisions of this Chapter; or who violates any order of the Commissioner, shall be subject to a civil penalty of up to twenty-five thousand dollars (\$25,000) per separate violation, as hereinafter provided, to be imposed by the Commissioner after a hearing, if a hearing is requested by the offender. Provided, however, that the Commissioner may, at his or her discretion and for good cause shown, reduce the amount of a civil penalty or suspend the payment of all or part of the civil penalty imposed. Upon a civil penalty assessed by the Commissioner or other order of the Commissioner becoming final, the Commissioner may institute a civil action to enforce the order of the Commissioner and/or to recover the amount of the civil penalty, plus interest, from the date of the assessment of the penalty. In imposing such civil penalty, the Commissioner shall give due consideration to all pertinent factors as justice may require, including, but not necessarily limited to:

- (1) The character and degree of injury to, or interference with, the protection of the health, general welfare and physical property of people;
- (2) The social and economic value of the air pollutant source;
- (3) The technical practicability and economic reasonableness of reducing or eliminating the emission of air pollutants;
- (4) The economic benefit gained by the air pollutant source through any failure to comply with the provisions of this Chapter or any permit, certificate, or order issued pursuant to the provisions of this Chapter;
- (5) The amount or degree of effort put forth by the responsible official of the air pollutant source to attain compliance;
- (6) Any prior violations of this Chapter, violations of orders of the Commissioner, or violations of conditions imposed upon any permit, certificate, or variance and payment by the violator of penalties previously assessed for the same violation;
- (7) The type and character of a violation, including the duration of the violation as established by any credible evidence, and the extent to which the same is in excess of the permissible limits or permissible activity or action;
- (8) The past history of pollution control efforts in regard to the taking of appropriate action to control emissions or abate pollution on the part of the person found to be in violation or others subject to entry of any order of the Commissioner; and
- (9) The size of the commercial business and the economic impact of the penalty on the business.

The plea of financial inability to prevent, abate or control air pollution by any person shall not be a valid defense to liability for a violation of any provision of this Chapter.

(f) Each day of any violation shall constitute a separate offense and shall be subject to the penalties set forth in this Section.

Section 60. That Chapter 273 of the Codified Ordinances of Cleveland, Ohio, entitled Hydrocarbon Limitations, comprising Section 273.01; Chapter 275 entitled Carbon Monoxide Limitations, comprising Section 275.01, and Chapter 287 entitled Penalties, comprising Sections 287.01, 287.02, and 287.03 as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 61. That in the Air Pollution Control Code of the Codified Ordinances of Cleveland, Ohio, 1976, Appendices, A, B, C, D and their respective tables and figures are repealed.

Section 62. That as stated in Section xxx of this ordinance, that the repeal of existing Section 263.01, Fees, and the enactment of new Section 263.01, Fees for Permits to Operate and Variances, shall be effective on or after January 1, 2026.

Section 63. 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.

Referred to the Directors of Public Health; Finance; and Law; Committees on Health, Human Services and the Arts; and Finance, Diversity, Equity and Inclusion.

Ordinances and Resolutions

First Reading Emergency Ordinances Read in Full and Passed

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

These ordinances were read for the first time on Monday, March 24, 2025, the rules were suspended, and the legislation was passed by an affirmative two-thirds vote of all members elected to Council.

Click on an ordinance below to read it:

[Ord. No. 377-2025](#)

[Ord. No. 388-2025](#)

[Ord. No. 389-2025](#)

Ordinance No. 377-2025**By Council Member:** Griffin

An emergency ordinance to amend Section 2 of Ordinance No. 1061-2024, passed March 3, 2025, relating to the establishment of the North Coast Waterfront New Community Authority, defining the boundary, and appointing members.

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 2 of Ordinance No. 1061-2024, passed March 3, 2025, is amended to read as follows:

Section 2. Board of Trustees of North Coast Waterfront New Community Authority.
The Board of Trustees of the North Coast Waterfront New Community Authority (the “Board”) shall be comprised of nine (9) members selected and appointed as provided in the Petition. Initially, the City, acting through this Council and the Mayor, will appoint members of the Board as follows:

a. This Council, as the organizational board of commissioners for the Petition under Ohio Revised Code Section 349.01(F), shall appoint four (4) citizen members of the Board to represent the interests of present and future residents and employers within the District.

Citizen Member 1 shall be Amanda Taunt

Citizen Member 2 shall be ~~{—————}~~ Linda Sternheimer

Citizen Member 3 shall be Sean O’Malley

Citizen Member 4 shall be Brian Zimmerman

b. In addition, this Council, as the organizational board of commissioners for this Petition under Ohio Revised Code Section 349.01(F), shall appoint one (1) member of the Board to serve as a representative of local government.

The Local Government Representative shall be Anthony Hairston.

c. The Mayor, in his/her capacity as executive representative of the City as Developer within the meaning of Ohio Revised Code Section 349.01(E), shall appoint four (4) members to serve on the Board to represent the real estate development interests of the City within the District. The Mayor’s appointments shall be made with the advice

and consent of the entity then serving as manager of the Authority, which initially shall be the North Coast Waterfront Development Corporation (“NCWDC”); provided, that if no entity is managing the Authority under a written management agreement with the Authority, then the Mayor’s appointments shall be made in such person’s sole discretion. The Development Program (as defined in the Petition) will initially be managed by NCWDC pursuant to one or more agreements between the Authority and NCWDC.

Developer Representative 1 shall be Donovan Duncan

Developer Representative 2 shall be Thomas Einhouse

Developer Representative 3 shall be Ricardo León

Developer Representative 4 shall be Jessica Trivisonno

The members of the Board shall serve two-year (2) overlapping terms, with Citizen Member 1, Citizen Member 2, Developer Representative 1, and Developer Representative 2 serving initial one-year (1) terms. Citizen Member 3, the Local Government Representative, and Developer Representative 3 shall serve initial two-year (2) year terms.

d. The meetings of the Board are open public meetings subject to Revised Code Section 121.22.

Section 2. That existing Section 2 of Ordinance No. 1061-2024, passed March 3, 2025, 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.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 388-2025

By Council Members: Starr, Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by JSAACC LLC, and/or its designee, located at 7515 Cedar Avenue for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code for the African Town Plaza Project.

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, the Mayor and the Commissioner of Purchases and Supplies are authorized to acquire from and re-convey to JSAACC LLC, and/or its designee, reserving to the City the beneficial interest in, and title to, any described easements of record, for a nominal consideration of one dollar, and other valuable consideration determined to be fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

**Exhibit A
Legal Description**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Nos. 43 and 44 in George Watkins Subdivision of parts of the Original 100 Acre Lots Nos. 336 and 339 as shown by the recorded plat in Volume 4 of Maps, Page 21 of Cuyahoga County Records and of original 100 Acre lots 336 and 339 and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of northerly line of Cedar Avenue S.E. with the westerly line of East 77th Street (formerly Watkins Avenue) thence Northerly along the westerly line of East 77th Street 150 feet, to the southeasterly corner of Sublot No. 42 in George Watkins Subdivision as aforesaid, thence Westerly along the Southerly line of said Sublot No. 42, 111 feet to the southwesterly corner thereof; thence Northerly along the Westerly line of Sublots Nos. 42 and 41 in George Watkins Subdivision as aforesaid, 51.16 feet to the Southeasterly corner of land conveyed to The Fuller Carpet Cleaning and Rug Manufacturing Company by deed dated April 4, 1904, and recorded in Volume 949, Page 577 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to the Fuller Carpet Cleaning and Rug Manufacturing Company 85.89 feet to the Easterly line of land conveyed to Bernhard

Schatzinger by deed dated March 1, 1898, and recorded in Volume 690, Page 124 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Bernhard Schatzinger 192.27 feet to the northerly line of Cedar Avenue S.E. about 197.30 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Property Address: 7515 Cedar Avenue, Cleveland, OH 44103

Permanent Parcel Number: 118-25-101

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to cause JSAACC LLC, and/or its designee, to employ, and to pay all fees for, title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the property.

Section 3. That this Council finds the conveyances are in compliance with Section 5709.41(B)(1) of the Revised Code and the proposed improvements constitute and are declared a public purpose under said section and the subject property is located in a blighted area of an impacted City as required by Section 5709.41 of the Revised Code.

Section 4. That the conveyances shall be made by official deed prepared by the Director of Law and executed by the Mayor and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland.

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.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 389-2025**By Council Member:** Griffin (by departmental request)

An emergency ordinance approving the collective bargaining agreement with the Cleveland Patrolmen's Association (CPPA) – Patrol Officers; and to amend Section 55 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to salaries for various classifications.

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 under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement (“CBA”) with the Cleveland Patrolmen's Association (CPPA) – Patrol Officers, under the terms contained in **File No. 389-2025-A**, for the period from April 1, 2025, through March 31, 2028, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase</u>
3%	April 1, 2025
3%	April 1, 2026
3%	April 1, 2027

Retroactive to on or about April 1, 2025, eligible trainees of the bargaining unit who are on active payroll status when the agreement is ratified will receive a wage rate at 83% of Patrol Officer IV rate of pay and/or a signing bonus of up to \$5,000.00, if applicable.

Section 2. That Section 55 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 821-2021, passed August 10, 2022, as amended by Ordinance No. 1016-2023, passed September 18, 2023, and Ordinance No. 1303-2023, passed November 27, 2023, is amended to read as follows:

Section 55. Cleveland Police Patrolmen's Association (CPPA) – (Non-Civilian) (Patrol Officer) Division of Police. That salaries in the following classifications The annual salaries of persons appointed to the ranks of patrol officer shall be fixed by the appointing authority in accordance with the schedule appearing after each classification within the limits established in the following schedules pursuant to the terms of the CBA:

	<u>Classification</u>	<u>Minimum</u>	<u>Maximum</u>
<u>1</u>	Patrol Officer I (Over 5 Years)	<u>67,619.00</u> <u>86,918.83</u>	<u>75,345.72</u> <u>92,673.24</u>
<u>2</u>	Patrol Officer I (Under 5 Years)	<u>77,424.53</u>	<u>82,550.39</u>

2 3	<u>Patrol Officer II</u>	60,243.56 70,869.86	67,127.50 75,561.77
3 4	<u>Patrol Officer III</u>	58,213.33 68,481.52	64,865.28 73,015.30
4 5	<u>Patrol Officer IV</u>	54,855.02 64,530.83	61,123.21 68,803.06
5 6	<u>Trainee</u>	15.33 25.75	24.40 27.46

Section 3. That existing Section 55 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 821-2021, passed August 10, 2022, as amended by Ordinance No. 1016-2023, passed September 18, 2023, and Ordinance No. 1303-2023, passed November 27, 2023, 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.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinances and Resolutions

First Reading Emergency Resolutions Read in Full and Adopted

A resolution is an informal enactment stating a decision or expressing the opinion of Council regarding a particular item of business, an event, issue or person.

Resolutions are effective 30 days after adoption. Emergency resolutions take effect immediately upon the Mayor's signature or 10 days after adoption.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

These resolutions were read for the first time on Monday, March 24, 2025, the rules were suspended, and the legislation was adopted by an affirmative two-thirds vote of all members elected to Council.

Click on a resolution below to read it:

[Res. No. 380-2025](#)

[Res. No. 381-2025](#)

[Res. No. 382-2025](#)

Resolution No. 380-2025**By Council Member:** Kazy**An emergency resolution objecting to the transfer of ownership of a C1, C2 Liquor Permit to 14939 Puritas Avenue.**

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1, C2 Liquor Permit from Ashapura, LLC., DBA: Cleveland Deli & Beverage North Unit, 14939 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 0297411 to Reva OM, LLC, DBA: Cleveland Deli & Beverage North Unit, 14939 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 7314877; and

WHEREAS, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1,C2 Liquor Permit from Ashapura, LLC., DBA: Cleveland Deli & Beverage North Unit, 14939 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 0297411 to Reva OM,

LLC., DBA: Cleveland Deli & Beverage North Unit, 14939 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 7314877, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby 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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Resolution No. 381-2025**By Council Member:** Hairston

An emergency resolution withdrawing objection to a NEW C1 Liquor Permit at 16601 Euclid Avenue, and repealing Resolution No. 316-25 objecting to said permit.

WHEREAS, this Council objected to a New C1 Liquor Permit to Euclid Oil, LLC., 16601 Euclid Avenue, Cleveland, Ohio 44112, Permit No. 2562971 by Resolution No. 316-25 adopted by the Council on March 3, 2025; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the New C1 Liquor Permit to Euclid Oil, LLC., 16601 Euclid Avenue, Cleveland, Ohio 44112, Permit No. 2562971, be and the same is hereby withdrawn and Resolution No. 316-25, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby 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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Resolution No. 382-2025**By Council Member:** Griffin**An emergency resolution urging the United States federal government to relocate the headquarters of the National Aeronautics and Space Administration to Cleveland, Ohio.**

WHEREAS, because the lease to its current headquarters in Washington, D.C. expires in 2028, the National Aeronautics and Space Administration (NASA) is evaluating potential alternative locations; and

WHEREAS, this Council believes that Cleveland, Ohio, home of NASA Glenn Research Center, offers a uniquely advantageous location due to its rich aerospace heritage, lower operational costs and central role in the nation's technology and defense sectors; and

WHEREAS, along with NASA Glenn Research Center representing the heart of America's aerospace industry, Ohio also offers advanced technology, research and manufacturing at the Air Force Research Laboratory at Wright Patterson Air Force Base in Dayton, and the Hub of Aerospace and Defense Innovation in Youngstown; and

WHEREAS, moving NASA headquarters to Cleveland, Ohio would: provide significantly lower cost of living and operational costs than Washington, D.C. resulting in substantial taxpayer savings; strategically align efforts to decentralize federal agencies; reinvigorate Ohio as the birthplace of aviation and the heart of America's aerospace industry; and optimize workforce and facility use by consolidating operations near an existing NASA field center; and

WHEREAS, this Council enthusiastically agrees with Ohio's Congressional delegation that relocating NASA's headquarters to Cleveland, Ohio will help ensure NASA's continued success and secure the future of aeronautics research in Ohio; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

Section 1. That this Council urges the United States federal government to relocate the headquarters of the National Aeronautics and Space Administration to Cleveland, Ohio.

Section 2. That the Clerk is directed to transmit a copy of this resolution to the President and Vice President of the United States, the Congressional delegation from Ohio, NASA Administrator Jared Isaacman, and Ohio Governor Mike DeWine.

Section 3. That this resolution is hereby 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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinances and Resolutions

Second Reading Emergency Ordinances Passed

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading. If not passed under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

After departmental review, the ordinance is returned to Council for consideration in a public hearing before the appropriate Council Committee(s). Council Members and City departments can recommend changes, or amendments, to the legislation during the hearing process. After the review is complete and any amendments have been made, the legislation is read a second time at a Council meeting. A second reading allows Council Members and the public to hear what changes have been made to the law. Amendments cannot be made after the second reading of the legislation.

These ordinances were read for the second time on Monday, March 24, 2025, the rules were suspended, and the legislation was passed by an affirmative two-thirds vote of all members elected to Council.

Click on an ordinance below to read it:

[Ord. No. 719-2024](#)

[Ord. No. 233-2025](#)

[Ord. No. 157-2025](#)

[Ord. No. 235-2025](#)

[Ord. No. 176-2025](#)

[Ord. No. 239-2025](#)

[Ord. No. 178-2025](#)

[Ord. No. 242-2025](#)

[Ord. No. 217-2025](#)

[Ord. No. 245-2025](#)

[Ord. No. 232-2025](#)

[Ord. No. 303-2025](#)

Ord. No. 304-2025

Ord. No. 306-2025

Ord. No. 305-2025

Ordinance No. 719-2024 AS AMENDED

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance to amend Sections 2, 3, 4, 5, 6, 7, and 8 of Ordinance No. 482-2022, passed May 25, 2022, relating to establishing the entire City of Cleveland as a Community Reinvestment Area.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 4, line 7, strike “The Director of the Department of Community Development is authorized to set and collect application fees.”.
2. In Section 5, line 1, strike “Division” and insert “Bureau”.
3. In Section 7, line 7, before “delinquent”, insert “certified”.

Approved by the Directors of Community Development; Finance; and Law; Committees on Development, Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 157-2025

By Council Members: Spencer, Howse-Jones, Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects and/or City Planning to enter into one or more contracts with Svona Studio LLC, Lauren HB Studio and Kistler Studio LLC for professional services necessary for the design, production, and installation of three yet-to-be designed public artwork installations at the renovated Clark Recreation Center, the renovated Sterling Recreation Center, and the new Fire Station No. 26.

Approved by the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 176-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to enter into an amendment to Contract No. MA1505-RC 2022-32 with Lorain County Landfill, LLC, to add additional services for the handling and disposal of solid waste loads.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 178-2025 AS AMENDED

By Council Members: McCormack, Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants for the preliminary design, the final design, and construction services relating to rehabilitation of the Carter Road Lift Bridge; to apply for and accept any gifts, grants, or loans from the appropriate State of Ohio department or other public or private entity or agency for the rehabilitation of the Carter Road Lift Bridge.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 3, line 3, after “ordinance, and” strike “from any and all funds approved by the Director of Finance, including”.

Approved by the Directors of Capital Projects; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 217-2025**By Council Member:** Griffin

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Saint Martin De Porres High School to participate as a sponsor of students for work/study positions with Cleveland City Council.

Approved by the Director of Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 232-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to enter into one or more agreements with the State of Ohio, Department of Transportation, to provide services necessary for general routine maintenance and repair of a portion of State Route 176, for a period or periods not to exceed a total of two years.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 233-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to one year, with two one-year options to renew, exercisable by the Director of Public Works.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 235-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 239-2025 AS AMENDED

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with FASTER Asset Solutions for the acquisition of a database management system, including software licenses, system support, annual maintenance and the services necessary to migrate to a web-based system, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of two years.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 3, line 1, after “shall” insert “not exceed \$300,000 and shall”.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 242-2025

By Council Members: McCormack, Hairston and Griffin (by departmental request)

An emergency ordinance approving the addition of certain property located at 2164-2214 West 25th Street to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District identifying a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost of such special energy improvement project; authorizing the Director of Economic Development to enter into a Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency.

Approved by the Directors of Economic Development; City Planning Commission; Finance; and Law; Committees on Development, Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 245-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance to amend Section 2 of Ordinance No. 75-2024, passed April 15, 2024, relating to professional services of providing emergency medical billing services, coding, reimbursement and compliance services.

Passed by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 303-2025 AS AMENDED

By Council Members: Conwell and Griffin (by departmental request)

An emergency ordinance to supplement Ordinance No. 549-2023, passed May 22, 2023, to add new Section 5a relating to a grant from Ohio EPA for operation of Division of Air Quality, to add authority to enter into a contract with Teledyne API for the purchase of air monitoring equipment.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 3, strike “10” and insert “5a”.

Approved by the Directors of Public Health; Finance; and Law; Committees on Health, Human Services and the Arts; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 304-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance to amend Section 551.111 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 974-13, passed December 1, 2014, relating to setting out an excessively large quantity of waste for collection prohibited; applicability; penalty.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinance No. 305-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance to amend Section 551.112 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 2, 2003, relating to fees for dumpster and compactor rentals; and; To amend Section 551.301 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 676-A-82, passed June 21, 1982, relating to service charges for tire shredding.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 14. Nays 1.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: Kazy.

Absent: Jones, Spencer.

Ordinance No. 306-2025

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Works, for a term of two years.

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Ordinances and Resolutions

Second Reading Emergency Resolutions Adopted

A resolution is an informal enactment stating a decision or expressing the opinion of Council regarding a particular item of business, an event, issue or person. Resolutions are used by Council to recognize dignitaries and community members and their accomplishments.

Resolutions are effective 30 days after adoption. Emergency resolutions take effect immediately upon the Mayor's signature or 10 days after adoption.

Typically, legislation cannot be adopted until it has been read on three separate days. However, this requirement is dispensed with a two-thirds vote by the Council, placing the legislation "under suspension." Once under suspension, the legislation can be adopted after the second reading.

These resolutions were read for the second time on Monday, March 24, 2025, the rules were suspended, and the legislation was adopted by an affirmative two-thirds vote of all members elected to Council.

Click on a resolution below to read it:

[Res. No. 324-2025](#)

[Res. No. 333-2025](#)

Resolution No. 324-2025

By Council Members: Conwell and Griffin

An emergency resolution supporting National Colorectal Cancer Awareness Month and declaring the month of March as Colorectal Cancer Awareness Month annually in the City of Cleveland to help raise awareness and encourage people to begin colon cancer screening at age 45 as recommended by the American Cancer Society.

Approved by the Directors of Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Resolution No. 333-2025**By Council Member:** Conwell

An emergency resolution strongly encouraging the Cleveland Metropolitan School District to install school bus stop-arm safety cameras that will capture drivers who fail to stop when the bus stop-arm is out and pass school buses that are loading and unloading children.

Approved by the Directors of Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Maurer to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member McCormack.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Griffin, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Starr.

Voting Nay: None.

Absent: Jones, Spencer.

Official Proceedings Adjournment City Council

Cleveland, Ohio
Monday, March 24, 2025

MOTION

On the motion of Council Member Maurer, the absences of Council Members Joseph T. Jones and Jenny Spencer are hereby authorized. Seconded by Council Member McCormack.

MOTION

The Council Meeting adjourned at 8:31 p.m. to meet on Monday, March 31, 2025, at 7:00 p.m. in the Council Chamber.

*Patricia J. Britt
City Clerk, Clerk of Council*

Board of Control**Wednesday, March 26, 2025**

The meeting of the Board of Control convened in the Mayor's office on Wednesday, March 26, 2025, at 3:01 p.m. with Acting Director Michele Comer presiding.

Members Present: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Absent: Mayor Bibb; Directors Francis, Wernet

Others Present: Tiffany White Johnson, Commissioner
Division of Purchases & Supplies

Jennifer Wiman, Contract Compliance Officer
Office of Equal Opportunity

Jessica Trivisonno, Senior Advisor
Mayor's Office

Tomasz Kacki, Paralegal
Law Department

On motions, the resolutions attached were adopted, except as may be otherwise noted.

There being no further business, the meeting was adjourned at 3:06 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 146-25

Adopted 3/26/25

By Director Keane

**PUBLIC IMPROVEMENT
BY REQUIREMENT CONTRACT**

BE IT RESOLVED, by the BOARD of CONTROL of the CITY OF CLEVELAND
that the bid of

Terrace Construction Company, Inc.

for the public improvement of rehabilitating and repairing sewer connections, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on February 5, 2025, under the authority of Ordinance No. 408-2023, passed by the Council of the City of Cleveland on May 22, 2023, upon a unit basis for the improvements to be performed as ordered during a period of two (2) years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract, for the goods or services, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$ 2,021,431.50, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a **PUBLIC IMPROVEMENT BY REQUIREMENT CONTRACT** for the improvement.

The **PUBLIC IMPROVEMENT BY REQUIREMENT CONTRACT** shall further provide that the contractor will perform all the City's requirements for the work as may be ordered under delivery orders separately certified against the **PUBLIC IMPROVEMENT BY REQUIREMENT CONTRACT**, whether the same shall be more or less than the total estimate of work to be performed under the contract.

BE IT FURTHER RESOLVED by the BOARD of CONTROL that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvement by requirement contract is approved:

<u>Subcontractor</u>	<u>Work</u>	<u>Percentage</u>
The Vallejo Company (CSB)	\$ 160,000.00	07.92%
Pettus Trucking, LLC (CSB)	\$ 360,000.00	17.81%
Carr Bros., Inc. (CSB)	\$ 120,000.00	05.94%
D. Crawford Trucking (Non-certified)	TBD	00.00%

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Resolution No. 147-25

Adopted 3/26/25

By Director Keane

PUBLIC IMPROVEMENT CONTRACT

BE IT RESOLVED by the **BOARD of CONTROL of the CITY OF CLEVELAND** that the bid of

Catts Construction, Inc.

for the public improvement of West 50th Street Sewer Project (Base Bid All Items, including the 10% contingency allowance), for the Division of Water Pollution Control, Department of Public Utilities, received on February 13, 2025, under the authority of Ordinance No. 443-2024, passed by the Council of the City of Cleveland on June 3, 2024, upon a unit basis for the improvement, in the aggregate amount of \$ 612,115.90, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

BE IT FURTHER RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Catts Construction, Inc. for the above-mentioned public improvements is approved:

<u>Subcontractor</u>	<u>Work</u>	<u>Percentage</u>
Nosan Trucking (CSB/FBE)	\$ 17,930.00	2.93%
Nosan Trucking (CSB/FBE)	\$ 34,842.00 (60% supplier)	5.69%
Cuyahoga Supply & Tool (CSB/FBE)	\$ 34,950.00 (60% supplier)	5.71%
Trafftech, Inc. (CSB/FBE)	\$ 1,590.00	0.26%
LTC Trucking LLC (CSB)	\$ 39,468.00 (60% supplier)	6.45%
LTC Trucking LLC (CSB)	\$ 58,000.00	9.48%
Timeline Photography (CSB/FBE)	\$ 450.00	0.07%

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Resolution No. 148-25

Adopted 3/26/25

By Director Williams

REQUIREMENT CONTRACT

BE IT RESOLVED, by the BOARD OF CONTROL of the CITY OF CLEVELAND that the bid of

Brechbuhler Truck Sales LLC

for an estimated quantity of Mack truck parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, with two one-year renewal options, received on February 20, 2025, under the authority of Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$156,100.00 (2% Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a **REQUIREMENT** contract for the goods and/or services specified.

The **REQUIREMENT** contract shall further provide that the Contractor shall furnish the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Resolution No. 149-25

Adopted 3/26/25

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 015-08-066, located at 3705 Trowbridge Avenue; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Rosa J. Ramos has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 14 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Rosa J. Ramos, for the sale and development of Permanent Parcel No. 015-08-066, located at 3705 Trowbridge Avenue, according to the Land Reutilization Program, in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Resolution No. 150-25

Adopted 3/26/25

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76, passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 002-32-088, located at 5210 Duke Avenue; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Clayton Rotuno has proposed to the City to purchase and develop the parcel for New Residential Development - Single-Family; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 15 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland with Clayton Rotuno, for the sale and development of Permanent Parcel No. 002-32-088, located at 5210 Duke Avenue, according to the Land Reutilization Program, in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$19,200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Resolution No. 151-25

Adopted 3/26/25

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76, passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 004-19-166, located at 2458 West 4th Street; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Bradley T. Seadler has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 3 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Bradley T. Seadler, for the sale and development of Permanent Parcel No. 004-19-166, located at 2458 West 4th Street, according to the Land Reutilization Program, in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$44,700.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Resolution No. 152-25

Adopted 3/26/25

By Director Hernandez

WHEREAS, under Ordinance No. 2076-76, passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel No. 125-26-027, located at 6035 Hillman Avenue; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Albertanya J. Taylor has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 5 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Albertanya J. Taylor, for the sale and development of Permanent Parcel No. 125-26-027, located at 6035 Hillman Avenue, according to the Land Reutilization Program, in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$3,360.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Resolution No. 153-25

Adopted 3/26/25

By Directors Nichols and Hernandez

WHEREAS, Ordinance No. 1093-2023, passed on November 24, 2023, Section 3 authorizes the Director of Public Works and Director of Community Development, as appropriate, at termination of a management agreement that Section 1 authorizes, to enter into agreement(s) necessary to secure funding for West Side Market through any available tax credits and to enter into one or more long-term lease or management agreements with Cleveland Public Market Corporation ("CPMC") or an entity affiliated with or controlled by CPMC, to operate and maintain the Market Properties at fair market value or other valuable consideration; and

WHEREAS, Ordinance No. 1093-2023 provides that the term of the lease or management agreements and the fair market value shall be determined by the Board of Control; and

WHEREAS, to utilize certain tax credit financing to secure funding for the West Side Market ("WSM") as a catalyst for economic and community development and food access in the Cleveland area, it is necessary to enter into a long-term ground lease with an entity to manage, operate and maintain the WSM; and

WHEREAS, the City intends to terminate a certain existing management agreement upon entering into the above-referenced long-term ground lease; and

WHEREAS, Ordinance No. 521-2024, passed on July 10, 2024, Section 11, provides that the Director of Parks and Recreation is authorized to enter into contracts or perform any acts under an ordinance passed by this Council that gives such authority to the Director of Public Works, when appropriate; and

WHEREAS, the City intends to enter into a long-term ground lease with WSM TRANSFORMATION, LLC, an entity affiliated with or controlled by CPMC; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND, that under the authority of Ordinance No. 1093-2023, passed November 24, 2023, the term of the long-term ground lease with WSM TRANSFORMATION, LLC ("Tenant") to be entered into by the Director of Parks and Recreation and Director of Community Development is determined to be a period of sixty (60) years and the annual rent under the above-mentioned Ground Lease in the amount of \$1.00 during the Term (the "Base Rent") is determined to be fair market value.

Yeas: Acting Director Comer; Directors Barrett, Keane; Acting Director Laird; Directors Margolius; Acting Director Carlton; Directors Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole, Nichols

Nays: None

Absent: Mayor Bibb; Directors Francis, Wernet

Schedule of the Board of Zoning Appeals

Monday, April 7, 2025

Under the conditions specified by law, the Board of Zoning Appeals will be conducting a hybrid in-person and virtual hearing using the WebEx Platform. **IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY THROUGH WEBEX, contact the Board of Zoning Appeals office and request the link at 216-664-2580 by noon on April 4, 2025.** You can also email us boardofzoningappeals@clevelandohio.gov.

The in-person hearing will be held in Room 514 in City Hall. Bring proper ID to enter the building.

Those individuals not planning to attend are encouraged to view one of the live streams:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or <https://www.youtube.com/channel/UCB8ql0JrhmpYIR1OLY68bw/>

9:30

**Calendar No. 25-031: 17400 Flamingo Avenue
Ward 17 – Charles Slife**

Brian Hahner, owner, proposes to install a 6-foot tall fence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (a) of Section 358.03, which states that no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed 2-1/2 feet in height, unless all portions of the fence above 2-1/2 feet in height are at least seventy-five percent (75%) open. The same restrictions shall apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk.
2. Section 358.04, which states that fences in actual front yards and in actual side street yards shall not exceed 4 feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least 4 feet from the side street property line may be a maximum of 6 feet in height and may be open or solid; proposed fence is not 4 feet from the side street property line.

9:30**Calendar No. 25-032: 7914 Madison Avenue****Ward 15 – Jenny Spencer**

Rachel & Brian Parks, owners, propose to establish use as a Residential Facility for five occupants in a G2 Limited Retail Business and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571, which states that “Residential Facility” means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Division (h) of Section 337.03, which states that a residential facility for one (1) to five (5) unrelated persons, is not permitted if located less than 1,000 feet from another residential facility. Proposed Residential Facility use is within 1,000 feet from another Residential Facility.

9:30**Calendar No. 25-033: 17403 Harvard Avenue****Ward 1 – Joseph Jones**

17430 Harvard Ave LLC., owner, proposes to install a 6-foot-tall privacy fence in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (a)(2) of Section 358.05, which states that fences in actual front yards shall not exceed 4 feet in height and shall be at least fifty percent (50%) open above 2 feet in height; proposed privacy fence is 6 feet tall.

9:30**Calendar No. 25-034: 3040 Barber Avenue****Ward 3 – Kerry McCormack**

T&R Builders Incorp, owner, proposes to erect a two-story frame, single-family residence and a two-story frame detached garage with single-family dwelling on a second floor above in a D1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified

Ordinances:

1. Division (b) of Section 355.04, which states that the Minimum Lot Size required is 6,000 square feet and the appellant is proposing 3,750 square feet. This section also states that a Minimum Lot Width of 50 feet is required, and the appellant is proposing 30 feet. The Minimum Floor Area required is 950 square feet, and the appellant is proposing 792 square feet (dwelling over garage).
2. Division (a) of Section 357.06, which states that the required Front Yard Setback is 18.75 feet, and the appellant is proposing 14 feet. Please be advised that the Board of Zoning Appeals is limited in its ability to grant front variance per division (c) of Section 329.04. The Board shall have no power to authorize a front yard variance unless certain circumstances apply, which the appellant must prove.
3. Division (b)(1) of Section 357.08, which states that Required Rear Yards shall not be less than 25 feet, and the appellant is proposing 4 feet (dwelling over garage).
4. Division (a) of Section 357.15, which states that the distance between buildings on the same parcel shall not be less than 40 feet, and the appellant is proposing 27 feet. Note: City Planning Design Review approval is required.

9:30**Calendar No. 25-040: 5811 Madison Avenue****Ward 15 – Jenny Spencer**

BIJ Investments Inc., owner, proposes to erect a 20-foot by 20-foot, one-story frame detached gable garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Division (a) of Section 357.07, which states that the proposed accessory building must be setback behind the specific building line of 5 feet, and the appellant is proposing 9 inches.

Report of the Board of Zoning Appeals

Monday, March 24, 2025

At the meeting of the Board of Zoning Appeals on Monday, March 24, 2025, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED**:

Calendar No. 25-024: 1824 Torbenson Avenue

Legacy Land Group, owner, proposes to erect a new one-story frame attached garage to an existing single-family residence in a B1 Two-Family Residential District.

Calendar No. 25-026: 641 East 152nd Street (Granted Conditionally)

Mile Edward Brkic, owner, proposes to establish a tire shop with minor auto repair in a B3 Semi-Industry District.

The following appeals were **DENIED**: **None.**

The following appeals were **WITHDRAWN**:

Calendar No. 24-180: 13405 St. Clair Avenue

Family Love Enterprise LLC, owners, proposes to establish use as an event center in a G2 Local Retail Business District.

The following appeals were **DISMISSED**: **None.**

The following cases were **REMANDED**: **None.**

The following cases were **POSTPONED**:

Calendar No. 24-088: Harp Realty Company

11213 Franklin Boulevard (AKA 11311 Franklin Boulevard). Postponed to April 21, 2025.

Calendar No. 25-007: Harp Realty Company

11309 Franklin Boulevard (AKA 11311 Franklin Boulevard). Postponed to April 21, 2025.

Calendar No. 24-159: Transform Properties LLC

2380 East 40th Street. Postponed to April 14, 2025.

The following cases were heard by the Board of Zoning Appeals on Monday, January 27, 2025, and March 17, 2025, and the decisions were adopted and approved on Monday, March 24, 2025:

The following appeals were Approved:

Calendar No. 24-218: 12904 Lenacrave Avenue

W-One Bros., LLC, owner, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential.

Calendar No. 25-008: 1978 West 50th Street

1978 W. 50th Street, owner, proposes a change of use from a two-family residence to a three-family residence in a B1 Two-Family Residential District.

Calendar No. 25-018: 1950 West 26th Street

2523 Market Corp., owner, and 2600 Lorain LLC., purchaser, propose to erect a 135-room, eight-story boutique hotel with structured parking, providing 50 accessory parking spots on premises in a C3 Local Retail Business District, a Pedestrian Retail Overlay District and a Transit Oriented Development Zone.

The following appeals were Denied: None.

Agenda of the Board of Building Standards and Building Appeals

Wednesday, April 9, 2025 - REVISED

Board of Building Standards and Building Appeals

Notice of Public Hearing

Cleveland City Hall – Room 514 or via WebEx at 9:30 a.m. EST

BuildingStandards@ClevelandOhio.gov

NOTE: This is a tentative Agenda and may vary both in scope and order of presentation as time permits and circumstances warrant.

Download the WebEx Desktop App or the mobile App from the WebEx website at <https://www.webex.com/downloads.html/>

Instructions to enable a browser plug-in for Chrome or Firefox can be found here: <https://help.webex.com/en-us/WBX77970/How-Do-I-Enable-the-Webex-Plug-in-to-Join-aMeeting-Using-Chrome-or-Firefox>

For instructions to join the call you can go to here:

<https://help.webex.com/en-us/bksp8r/Join-a-Meeting-from-the-Webex-Meetings-Desktop-Appor-Mobile-App>

Email: cdavis@clevelandohio.gov to receive the calendar invite (This invite is for testament/witness purposes only).

PUBLIC HEARINGS WILL BE STREAMED LIVE ON YouTube:

https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

BUILDING:

Docket A-212-24

11719 Kinsman Road

**WARD: 4
(Deborah A. Gray)**

Tekora Madden, Owner of the Mixed Uses- Multiple-uses-in-one Building; Two-Story Masonry Walls Wood Floors Building, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated October 17, 2024; the appellant is requesting one (1) year to complete abatement of the violations.

Docket A-218-24

3102-04 Archwood Avenue

**WARD: 14
(Jasmin Santana)**

NL 3102 Arch Ave., LLC, Owner of the R-2 Residential – Non–transient Apartments (Shared Egress); Three-Story Masonry Walls/Wood Floors, appeals from a **NOTICE**

OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE, dated October 4, 2024; the appellant is requesting time to complete abatement of the violations.

HOUSING:

Docket A-211-24 1321 West 87th Street WARD: 15
(Jenny Spencer)

Sherri Lynn Plona, Owner of the Two-Dwelling Unit; Two-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated October 17, 2024; the appellant is requesting six (6) months to complete abatement of the violations.

Docket A-213-24 3700 East 131st Street WARD: 4
(Deborah A. Gray)

Patricia Bliss, Owner of the Two-Dwelling; Two-Family; Two-Story Frame Residence, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated October 14, 2024; appellant is requesting one (1) month to complete abatement of the violations.

Docket A-214-24 3517 Library Avenue WARD: 14
(Jasmine Santana)

Angel Cuevas, Sr., Owner of the One-Dwelling Unit; Single-Family Residence; Two-and-Half Story Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated October 23, 2024; the appellant is requesting six (6) months to complete abatement of the violations.

Docket A-215-24 3520 Library Avenue WARD: 14
(Jasmine Santana)

Angel L. Cuevas, Sr., Owner of the Two-Dwelling Unit; Two-Family; Two-and-Half Story Frame Residence, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated October 23, 2024; the appellant is requesting nine (9) months to complete abatement of the violations.

Docket A-216-24 3521 Library Avenue WARD: 14
(Jasmine Santana)

Millie M. Cuevas, Owner of the One-Dwelling Unit; Single-Family; Two-and-Half Story Frame Residence, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated October 23, 2024; the appellant is requesting sixty (60) days to complete abatement of the violations.

Docket A-217-24 3547 West 67th Street WARD: 14
(Jasmin Santana)

Yoshira Lantiqua Serrano, Owner of the One-Dwelling Unit; Single-Family Residence; Two-Story Frame, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated October 22, 2024; the appellant is requesting six (6) months to complete abatement of the violations.

Docket A-220-24

933 Rudyard Road

WARD: 8
(Michael D. Polensek)

Denice A. Keagle, Owner of the Two-Dwelling Unit; Two-Family Residence; Two-and-Half Story Frame Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN STRUCTURE**, dated August 16, 2024; the appellant is requesting six (6) months – one (1) year time to complete abatement of the violations.

Docket A-049-25

16217 Walden Avenue

WARD: 1
(Joseph T. Jones)

Property Improvement Specialists, Owner of the One-Dwelling Unit; Single-Family Residence; One-and-Half Story Frame Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated February 3, 2025; the appellant is requesting forty-five (45) days to complete abatement of the violations.

RE-OPEN BUILDING:

Docket A-263-24

7531 Broadway Avenue

WARD: 12
(Rebecca Maurer)

William Tetzlaff, Jr., Owner of the Mixed Uses – multiple-uses-in-one building, One-and-Half Story Masonry Building, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated November 13, 2024; the appellant is requesting seven (7) months to complete abatement of the violations.

Approval of Resolutions**Docket/s:**

A-200-24	Richard Glenn
A-201-24	United Twenty-Fifth Building LLC
A-202-24	United Twenty-Fifth Building LLC
A-203-24	Hockey Cle1, LLC
A-204-24	Jorge Mosquera
A-205-24	J.S.C. Properties, LLC
A-206-24	J.S.C. Properties, LLC
A-208-24	Byrd Acquisition Management LLC
A-209-24	Toney Benford
A-210-24	Davon Robinson

Approval of Minutes

March 26, 2025

MEMO

To: Tom Vanover, Commissioner/CBO

From: Carmella Davis, Executive Secretary
Board of Building Standards and Building Appeals

Date: January 8, 2025

Subject: Request for presence at the board hearing

The Board of Building Standards and Building Appeals requests the presence of a representative for a Public Hearing on the following Docket/s from the Department of Building and Housing, and the presence of a representative from the Division of Fire on Wednesday, April 9, 2025, at approximately 9:30 A.M. via WebEx or at Cleveland City Hall Room 514.

DOCKET NO.	ADDRESS	INSPECTOR/S
A-211-24	1321 West 87th Street	S. Lang
A-212-24	11719 Kinsman Road	K. Lanum
A-213-24	3700 East 131st Street	A. Arnold
A-214-24	3517 Library Avenue	T. Barisic
A-215-24	3520 Library Avenue	T. Barisic
A-216-24	3521 Library Avenue	T. Barisic
A-217-24	3547 West 67th Street	T. Barisic
A-218-24	3104 Archwood Avenue	C. Gregg
A-220-24	933 Rudyard Road	R. Catacutan
A-263-24	7531-7541 Broadway Avenue	Z. Cindric
A-049-25	16217 Walden Avenue	R. Conte

Public Notice

The Development, Planning and Sustainability (Zoning) Committee will meet Tuesday, April 8, 2025, at 9:30 a.m. to hear the following legislation:

Ord. No. 791-2024

By Council Members Kelly and Hairston

An ordinance changing the zoning use of a parcel of land north of Madison Avenue between West 100th Street and West 101st Street from Local Retail to General Retail as identified on the attached map; and removing the Pedestrian Retail Overlay District designation for the same parcel of land (Map Change No. 2681).

Ord. No. 188-2025

By Council Members Conwell, Griffin, Santana, Kazy and Jones (by departmental request)

An ordinance to enact new Section 347.21 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to smoke shops.

Ord. No. 189-2025

By Council Members Conwell, Griffin, Santana and Kazy (by departmental request)

An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 350.121 relating to window sign coverage limitation and to amend Section 3104.02 of the Codified Ordinances, as amended by Ordinance No. 388-2024, passed April 1, 2024, relating to civil offenses.

Adopted Resolutions and Passed Ordinances

These resolutions were adopted, and ordinances were passed by City Council on Tuesday, March 18, 2025.

Click on a piece of legislation below to read it:

[Ord. No. 156-2025](#)

[Ord. No. 339-2025](#)

[Res. No. 334-2025](#)

[Res. No. 335-2025](#)

[Res. No. 336-2025](#)

Ordinance No. 156-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance to make appropriations and provide current expenses for the daily operation of all municipal departments of the City of Cleveland for the fiscal year from January 1, 2025, until December 31, 2025.

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

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

Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2025, the following sums be and they are hereby appropriated via:

The sum of Eight Hundred Ten Million Two Hundred Thirty Two Thousand Eight Hundred Fifty Six Dollars (\$810,232,856) from the General Fund;

The sum of One Hundred Thirty Million, Nine Hundred Forty Three Thousand, Three Hundred Two Dollars (\$130,943,302) from the Special Revenue Funds;

The sum of Eighty Nine Million, Six Hundred Thirty Seven Thousand, Two Hundred Twenty Nine Dollars (\$89,637,229) from the Debt Service Fund;

The sum of One Hundred Eighty Five Million, Two Hundred Sixty Thousand, Eight Hundred Fifty Five Dollars (\$185,260,855) from the Internal Service Funds;

The sum of Eight Hundred Ninety Six Million, Nine Hundred Twenty Thousand, Seven Hundred Seventy Two Dollars (\$896,920,772) from the Enterprise Funds;

The sum of Fourteen Million, Nine Hundred Eight Thousand, Four Hundred Nine Dollars (\$14,908,409) from the Trust and Agency Funds;

All set forth in the Mayor's Estimate on file with Council (**File No. 156-2025-A**) and identified in the aggregate amount for each department as follows:

Legislative Branch	\$9,341,334
Judicial Branch	\$47,826,884
Executive Branch	
General Government	39,740,008
Department of Aging	2,429,516
Department of Human Resources	6,678,786
Department of Law	21,716,472

Department of Finance	15,534,548
Department of Innovation and Technology	26,696,513
Department of Parks and Recreation	38,579,747
Department of Public Health	16,714,878
Department of Public Safety	408,903,753
Department of Public Works	67,097,574
Department of Community Development	2,863,343
Department of Building and Housing	17,421,384
Department of Economic Development	3,431,091
Nondepartmental	85,257,025
Total Executive Branch	753,064,638
TOTAL GENERAL FUND	810,232,856
Special Revenue Funds	130,943,302
Internal Service Funds	185,260,855
Enterprise Funds	896,920,772
Agency Funds	14,908,409
Debt Service Funds	89,637,229
TOTAL APPROPRIATIONS FOR 2025	\$2,127,903,423

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$9,341,334
I Personnel and Related Expenses	\$7,273,063	
II Other Expenses	2,068,271	
TOTAL LEGISLATIVE BRANCH		\$9,341,334

JUDICIAL BRANCH

Municipal Court - Judicial Division		\$26,835,705
I Personnel and Related Expenses	\$21,168,674	
II Other Expenses	5,667,031	
Municipal Court - Clerk's Division		\$14,668,218
I Personnel and Related Expenses	\$12,482,067	

II Other Expenses	2,186,151	
Municipal Court - Housing Division		\$6,322,961
I Personnel and Related Expenses	\$5,809,599	
II Other Expenses	513,362	
TOTAL JUDICIAL BRANCH		\$47,826,884
EXECUTIVE BRANCH		
GENERAL GOVERNMENT		
Office of the Mayor		\$4,080,119
I Personnel and Related Expenses	\$3,804,817	
II Other Expenses	275,302	
Office of Capital Projects		\$9,319,086
I Personnel and Related Expenses	\$8,379,144	
II Other Expenses	939,942	
Landmarks Commission		\$446,070
I Personnel and Related Expenses	\$363,572	
II Other Expenses	82,498	
Board of Building Standards and Appeals		\$360,797
I Personnel and Related Expenses	\$277,832	
II Other Expenses	82,965	
Board of Zoning Appeals		\$352,747
I Personnel and Related Expenses	\$270,737	
II Other Expenses	82,010	
Civil Service Commission		\$2,478,731
I Personnel and Related Expenses	\$1,432,195	
II Other Expenses	1,046,536	
Community Relations Board		\$3,634,350
I Personnel and Related Expenses	\$2,474,563	
II Other Expenses	1,159,787	
City Planning Commission		\$3,681,802

I Personnel and Related Expenses	\$2,933,933	
II Other Expenses	747,869	
Boxing and Wrestling Commission		\$31,722
I Personnel and Related Expenses	\$31,722	
Office of Sustainability		\$1,503,213
I Personnel and Related Expenses	\$1,157,696	
II Other Expenses	345,517	
Office of Equal Opportunity		\$1,924,330
I Personnel and Related Expenses	\$1,577,999	
II Other Expenses	346,331	
Office of Prevention, Intervention & Opportunity		\$6,274,123
I Personnel and Related Expenses	\$2,252,452	
II Other Expenses	4,021,671	
Office of Budget & Management		\$1,019,757
I Personnel and Related Expenses	\$1,000,057	
II Other Expenses	19,700	
Office of Professional Standards		\$2,112,918
I Personnel and Related Expenses	\$1,843,419	
II Other Expenses	269,499	
Police Review Board		\$251,763
I Personnel and Related Expenses	\$180,179	
II Other Expenses	71,584	
Community Police Commission		\$2,268,480
I Personnel and Related Expenses	\$890,250	
II Other Expenses	1,378,230	
TOTAL GENERAL GOVERNMENT		\$39,740,008

DEPARTMENT OF AGING

Department of Aging		\$2,429,516
I Personnel and Related Expenses	\$1,594,119	
II Other Expenses	835,397	

TOTAL DEPARTMENT OF AGING**\$2,429,516****DEPARTMENT OF HUMAN RESOURCES**

Department of Human Resources		\$6,678,786
I Personnel and Related Expenses	\$3,324,289	
II Other Expenses	3,354,497	

TOTAL DEPARTMENT OF HUMAN RESOURCES**\$6,678,786****DEPARTMENT OF LAW**

Department of Law		\$21,716,472
I Personnel and Related Expenses	\$11,544,683	
II Other Expenses	10,171,789	

TOTAL DEPARTMENT OF LAW**\$21,716,472****DEPARTMENT OF FINANCE**

Finance Administration		\$1,872,954
I Personnel and Related Expenses	\$1,650,708	
II Other Expenses	222,246	
Division of Accounts		\$3,091,743
I Personnel and Related Expenses	\$2,086,935	
II Other Expenses	1,004,808	
Division of Assessments and Licenses		\$3,933,541
I Personnel and Related Expenses	\$2,894,861	
II Other Expenses	1,038,680	
Division of Treasury		\$1,112,170
I Personnel and Related Expenses	\$958,788	
II Other Expenses	153,382	
Division of Purchases and Supplies		\$1,101,630
I Personnel and Related Expenses	\$1,014,687	
II Other Expenses	86,943	

Bureau of Internal Audit		\$1,312,304
I Personnel and Related Expenses	\$656,390	
II Other Expenses	655,914	
Division of Financial Reporting and Control		\$1,861,625
I Personnel and Related Expenses	\$1,755,135	
II Other Expenses	106,490	
Division of Risk Management		\$1,248,581
I Personnel and Related Expenses	\$713,414	
II Other Expenses	535,167	
TOTAL DEPARTMENT OF FINANCE		\$15,534,548

DEPARTMENT OF INNOVATION AND TECHNOLOGY

Department of Innovation and Technology		\$26,696,513
I Personnel and Related Expenses	\$10,296,524	
II Other Expenses	16,399,989	
TOTAL DEPARTMENT OF INNOVATION AND TECHNOLOGY		\$26,696,513

DEPARTMENT OF PARKS AND RECREATION

Division of Parks and Recreation Administration		\$1,112,683
I Personnel and Related Expenses	\$970,884	
II Other Expenses	141,799	
Division of Urban Forestry		\$5,993,520
I Personnel and Related Expenses	\$2,977,628	
II Other Expenses	3,015,892	
Division of Recreation		\$20,027,649
I Personnel and Related Expenses	\$12,209,831	
II Other Expenses	7,817,818	
Division of Park Maintenance		\$11,445,895
I Personnel and Related Expenses	\$7,632,269	

II Other Expenses	3,813,626	
TOTAL DEPARTMENT OF PARKS AND RECREATION		\$38,579,747
DEPARTMENT OF PUBLIC HEALTH		
Public Health Administration		\$2,696,740
I Personnel and Related Expenses	\$2,172,048	
II Other Expenses	524,692	
Division of Health		\$6,105,122
I Personnel and Related Expenses	\$2,869,017	
II Other Expenses	3,236,105	
Division of Environment		\$4,586,777
I Personnel and Related Expenses	\$2,125,785	
II Other Expenses	2,460,992	
Division of Air Quality		\$1,400,911
I Personnel and Related Expenses	\$880,793	
II Other Expenses	520,118	
Division of Health, Equity and Social Justice		\$1,925,328
I Personnel and Related Expenses	\$1,024,795	
II Other Expenses	900,533	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$16,714,878
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		\$5,848,278
I Personnel and Related Expenses	\$4,606,475	
II Other Expenses	1,241,803	
Division of Police		\$236,468,051
I Personnel and Related Expenses	\$216,524,324	
II Other Expenses	19,943,727	
Division of Fire		\$114,466,979

I Personnel and Related Expenses	\$109,259,601	
II Other Expenses	5,207,378	
Division of Emergency Medical Services		\$39,062,923
I Personnel and Related Expenses	\$34,046,796	
II Other Expenses	5,016,127	
Division of Animal Control Services		\$3,832,325
I Personnel and Related Expenses	\$2,838,982	
II Other Expenses	993,343	
Division of Correction		\$3,970,336
I Personnel and Related Expenses	\$218,252	
II Other Expenses	3,752,084	
Police Inspector General		\$241,982
I Personnel and Related Expenses	\$229,532	
II Other Expenses	12,450	
Department of Justice		\$5,012,879
I Personnel and Related Expenses	\$1,302,645	
II Other Expenses	3,710,234	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$408,903,753

DEPARTMENT OF PUBLIC WORKS

Division of Public Works Administration		\$9,561,344
I Personnel and Related Expenses	\$4,616,241	
II Other Expenses	4,945,103	
Division of Parking Facilities-On Street		\$1,666,921
I Personnel and Related Expenses	\$1,497,430	
II Other Expenses	169,491	
Division of Property Management		\$11,070,668
I Personnel and Related Expenses	\$7,124,747	
II Other Expenses	3,945,921	
Division of Waste Collection & Disposal		\$39,941,798
I Personnel and Related Expenses	\$19,356,411	

II Other Expenses	20,585,387	
Division of Traffic Engineering		\$4,856,843
I Personnel and Related Expenses	\$3,675,111	
II Other Expenses	1,181,732	
TOTAL DEPARTMENT OF PUBLIC WORKS		\$67,097,574
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Community Development Director's Office		\$2,863,343
I Personnel and Related Expenses	\$945,398	
II Other Expenses	1,917,945	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT		\$2,863,343
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Director's Office		\$4,975,783
I Personnel and Related Expenses	\$3,126,003	
II Other Expenses	1,849,780	
Division of Code Enforcement		\$10,502,365
I Personnel and Related Expenses	\$10,083,355	
II Other Expenses	419,010	
Division of Construction Permitting		\$1,943,236
I Personnel and Related Expenses	\$1,930,436	
II Other Expenses	12,800	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		\$17,421,384
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$3,431,091
I Personnel and Related Expenses	\$3,264,972	
II Other Expenses	166,119	

TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$3,431,091
NONDEPARTMENTAL		
County Auditor Deductions		\$1,650,000
II Other Expenses	\$1,650,000	
Other Administrative		\$21,204,500
II Other Expenses	\$21,204,500	
Transfers to Other Funds		\$62,402,525
II Other Expenses	\$62,402,525	
TOTAL NONDEPARTMENTAL		\$85,257,025
TOTAL EXECUTIVE BRANCH		\$753,064,638
TOTAL GENERAL FUND		\$810,232,856
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$67,367,870
II Other Expenses	\$67,367,870	
Street Construction, Maintenance & Repair Fund		\$46,250,432
I Personnel and Related Expenses	\$26,053,407	
II Other Expenses	20,197,025	
Schools Recreation & Cultural Activities Fund		\$1,125,000
II Other Expenses	\$1,125,000	
Division of Public Auditorium & Stadium-Stadium		\$16,200,000
II Other Expenses	\$16,200,000	
TOTAL SPECIAL REVENUE FUNDS		\$130,943,302
DEBT SERVICE FUND		
Sinking Fund Commission		\$89,637,229

III Debt Service	\$89,637,229	
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TOTAL DEBT SERVICE FUNDS

\$89,637,229

INTERNAL SERVICE FUND

Sinking Fund Commission		\$1,042,560
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I Personnel and Related Expenses	\$317,190	
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II Other Expenses	725,370	
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Information Systems Services-Telephone Exchange		\$15,405,619
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I Personnel and Related Expenses	\$2,211,635	
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II Other Expenses	13,193,984	
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Radio		\$9,417,649
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I Personnel and Related Expenses	\$1,106,851	
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II Other Expenses	8,310,798	
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Division of Motor Vehicle Maintenance		\$27,854,768
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I Personnel and Related Expenses	\$8,450,546	
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II Other Expenses	19,404,222	
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Division of Printing and Reproduction		\$2,873,303
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I Personnel and Related Expenses	\$1,152,263	
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II Other Expenses	1,721,040	
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City Storeroom and Central Warehouse		\$666,955
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I Personnel and Related Expenses	\$76,455	
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II Other Expenses	590,500	
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Health Self Insurance		\$103,000,001
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II Other Expenses	\$103,000,001	
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Prescription Self Insurance		\$25,000,000
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II Other Expenses	\$25,000,000	
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TOTAL INTERNAL SERVICE FUNDS

\$185,260,855

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$9,754,524
I Personnel and Related Expenses	\$8,510,697	
II Other Expenses	1,243,827	
Division of Fiscal Control		\$8,985,351
I Personnel and Related Expenses	\$8,083,646	
II Other Expenses	901,705	
Division of Water		\$392,433,244
I Personnel and Related Expenses	\$97,877,466	
II Other Expenses	294,555,778	
Division of Water Pollution Control		\$43,789,674
I Personnel and Related Expenses	\$13,939,833	
II Other Expenses	29,849,841	
Division of Cleveland Public Power		\$229,515,493
I Personnel and Related Expenses	\$31,478,810	
II Other Expenses	198,036,683	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$684,478,286

DEPARTMENT OF PORT CONTROL

Division of Airports		\$191,568,066
I Personnel and Related Expenses	\$43,029,717	
II Other Expenses	148,538,349	
TOTAL DEPARTMENT OF PORT CONTROL		\$191,568,066

DEPARTMENT OF PARKS AND RECREATION

Division of Cemeteries		\$2,465,495
I Personnel and Related Expenses	\$1,862,442	
II Other Expenses	603,053	
Golf Course Fund		\$2,569,636

II Other Expenses	2,569,636	
Division of Public Auditorium		\$4,519,791
I Personnel and Related Expenses	\$2,644,851	
II Other Expenses	1,874,940	
Division of West Side Market		\$2,568,468
II Other Expenses	2,568,468	
TOTAL DEPARTMENT OF PARKS AND RECREATION		\$12,123,390
DEPARTMENT OF PUBLIC WORKS		
Division of Parking Facilities-Off Street Parking		\$8,751,030
I Personnel and Related Expenses	\$1,640,555	
II Other Expenses	7,110,475	
TOTAL DEPARTMENT OF PUBLIC WORKS		\$8,751,030
TOTAL ENTERPRISE FUNDS		\$896,920,772
AGENCY FUND		
Central Collection Agency		\$14,908,409
I Personnel and Related Expenses	\$9,276,514	
II Other Expenses	5,631,895	
TOTAL AGENCY FUND		\$14,908,409

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail except as follows: \$100,000 for auxiliary police; \$650,000 for additional recreation instructors; \$67,500 for a full time small business mentor protégé; \$49,000 for carbon monoxide detectors and smoke detectors; \$63,750 for a translation liaison; \$63,750 for an LGTBQ+ liaison; \$10,200,000 to the Neighborhood Equity Fund; \$113,000 for schools as neighborhood resources; increase EMS employees by 11; and \$500,000 for YOU programs. Any unencumbered balance in an appropriation fund at

the close of the year 2024 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2024 or prior years. The Mayor's Estimate, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2025 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. – Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

Section 4. That this ordinance is hereby 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 upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

Passed March 18, 2025.

Effective March 19, 2025.

Ordinance No. 339-2025

By Council Member: Griffin (by departmental request)

An emergency ordinance to amend Sections 35, 36, 40 and 41 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to compensation for various classifications.

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:

Section 35 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1073-2021, passed November 29, 2021, Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 523-2023, passed April 24, 2023, Ordinance No. 776-2023, passed July 12, 2023, Ordinance No. 901-2023, passed August 16, 2023, Ordinance No. 235-2024, passed March 4, 2024, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 850-2024, passed August 7, 2024, and Ordinance No. 47-2025, passed January 6, 2025,

Section 36 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 850-2024, passed August 7, 2024, Ordinance No. 1217-2024, passed November 25, 2024, and Ordinance No. 47-2025, passed January 6, 2025,

Section 40 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 523-2023, passed April 24, 2023, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 478-2024, passed April 29, 2024, Ordinance No. 850-2024, passed August 7, 2024, Ordinance No. 1217-2024, passed November 25, 2024, and Ordinance No. 47-2025, passed January 6, 2025, and

Section 41 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 287-2021, passed December 6, 2021, Ordinance No. 94-2022, passed March 21, 2022, Ordinance No. 1151-2022, passed November 21, 2022, Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 523-2023, passed April 24, 2023, Ordinance No. 1390-2023, passed December 4, 2023, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 850-2024, passed August 7, 2024, and Ordinance No. 47-2025, passed January 6, 2025,

are amended to read as follows:

Section 35. That the salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Classification	Minimum	Maximum
1	Aging Services Administrator	32,968.00	113,549.78
2	Air Pollution Control, Engineer IV	32,968.00	81,777.01
3	Airport Operations Superintendent	53,682.00	134,884.44
4	Airport Safety Shift Commander	32,968.00	92,935.62
5	Animal Control Supervisor I	40,000.00	72,500.07
6	Animal Control Supervisor II	45,000.00	82,113.57
7	Assistant Administrator	32,968.00	99,709.34
8	Assistant Aging Services Administrator	32,968.00	80,634.06
9	Assistant Chief Building Inspector	20,800.00	70,720.00
10	Assistant Manager of Marketing	32,968.00	77,097.83
11	Assistant Security Manager	32,968.00	79,973.84
12	Central Payroll Supervisor	32,968.00	108,245.07
13	Chief Building Inspector	32,968.00	104,500.00
14	Chief Electrical Inspector	32,968.00	104,500.00
15	Chief Elevator Inspector	32,968.00	104,500.00
16	Chief Heating Inspector	32,968.00	104,500.00
17	Chief Plumbing Inspector	32,968.00	104,500.00
18	Chore Services Coordinator	32,968.00	67,354.05
19	Commercial Plans Examiner	75,000.00	119,875.00
20	Deputy Central Payroll Supervisor	32,968.00	81,724.48
21	Manager of Public Utilities - Building Maintenance	32,968.00	101,028.75
22	Payroll Specialist	32,968.00	76,248.32
23	Performance Assessment Specialist	40,000.00	93,844.08
24	Performance Auditor	40,000.00	105,574.59
25	Project Specialist	32,968.00	66,000.00
26	Quality Control Inspector	32,968.00	76,248.32
27	Senior Systems Analyst	32,968.00	102,693.42
28	Shelter Operations Manager	40,000.00	93,844.08
29	Shift Supervisor Operations	32,968.00	75,624.44
30	Staff Accountant	38,500.00	85,925.98
31	Staff Auditor	32,968.00	66,000.00
32	Superintendent of Distribution	32,968.00	93,812.40
33	Supervising Tax Auditor	32,968.00	78,594.42
34	Supervisor of Civil Service Records	32,968.00	93,500.00
35	Telecommunications Specialist	32,968.00	87,838.06

Section 36. That the salaries in the following classifications shall be fixed by the

appointing authority in accordance with the schedule appearing after each classification:

	Classification	Minimum	Maximum
1	Accounts Payable Manager	32,968.00	90,525.58
2	Airport Security Coordinator	32,968.00	82,389.05
3	Assistant Airport Safety Chief/ Training Officer	32,968.00	82,389.05
4	Assistant Manager of Stage	32,968.00	82,389.05
5	Chief Engineer-Traffic	32,968.00	95,987.29
6	Chief of Air Pollution Outreach	34,008.00	97,019.48
7	Chief of Bureau of Smoke Abatement	32,968.00	82,389.05
8	Chief Senior Electric Switchboard Operator	32,968.00	109,479.65
9	Grants Administrator	32,968.00	97,373.08
10	Health Center Director	32,968.00	97,373.08
11	Manager of Assigned Maintenance	32,968.00	95,987.29
12	Manager of Parks and Recreation Research and Planning	32,968.00	105,812.22
13	Manager of Park Maintenance	32,968.00	95,987.29
14	Manager of Parks and Urban Forestry	32,968.00	95,987.29
15	Prevailing Wage Coordinator	32,968.00	87,215.89
16	Programming Supervisor	32,968.00	82,389.05
17	Superintendent of Sidewalks	32,968.00	82,389.05
18	Warehouse Inventory Manager	32,968.00	103,987.43

Section 40. That the salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Classification	Minimum	Maximum
1	Administrator of Engineering and Planning	32,968.00	150,000.00
2	Airport Chief Engineer	32,968.00	145,752.15
3	Assistant Chief of Public Utilities Security	60,000.00	117,305.10
4	Assistant City Comptroller	41,312.22	147,198.60
5	Airport Planning Environmental Officer	32,968.00	115,480.95
6	Air Trade Development Manager	32,968.00	134,538.68
7	Budget Administrator	32,968.00	137,231.39
8	Chief of Public Security	65,000.00	152,496.63
9	Chief Superintendent of Electric Transmission & Distribution	50,000.00	134,900.87
10	Comptroller-Airports	32,968.00	136,675.52

11	Database Analyst	32,968.00	145,752.15
12	Deputy Auditor	49,500.00	136,188.80
13	Electric Transmission SCADA Engineer	32,968.00	126,703.09
14	Energy Marketing Manager	32,968.00	144,589.46
15	Environmental Programs Manager	45,000.00	113,000.93
16	Executive Commissioner	36,590.39	184,369.96
17	Executive Comm. of Public Safety Projects and Grants	36,590.39	184,369.96
18	Field Manager	35,000.00	76,993.08
19	Fleet Management Data Manager	32,968.00	86,494.52
20	GIS/IS Coordinator	52,000.00	121,520.76
21	Labor Relations Manager	32,968.00	145,752.15
22	Manager of Marketing	32,968.00	134,538.68
23	Manager of Plant Operations	32,968.00	150,875.96
24	Manager of Telecommunications	32,968.00	134,538.68
25	Manager of Water Distribution Systems	32,968.00	150,875.96
26	Nurse Practitioner	32,968.00	134,538.68
27	Permit Review Manager	32,968.00	134,538.68
28	Safety Programs Manager	32,968.00	115,480.95
29	Section Chief – Architecture & Site Development	40,000.00	150,000.00
30	Section Chief – Engineering & Construction	50,000.00	150,000.00
31	Senior Instructional Designer	32,968.00	115,671.57
32	Software Analyst	45,000.00	113,000.93
33	Superintendent of Electric Transmission & Distribution	50,000.00	128,669.23
34	Supervisor Hardware Evaluation	32,968.00	115,480.95
35	Transmissions Operations Manager	32,968.00	138,302.96
36	Veterinarian in Charge of Spay and Neuter Clinic	32,968.00	124,437.25

Section 41. That the salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Classification	Minimum	Maximum
1	Assistant Building Official	42,758.15	178,566.89
2	Chief Building Official	43,680.88	187,616.00
3	City Comptroller	42,758.15	178,566.89
4	City Treasurer	42,758.15	164,830.08

5	Commissioner of Accounts	40,314.82	171,054.68
6	Commissioner of Administrative Services - Community Development	40,314.82	171,054.68
7	Commissioner of Air Quality	42,758.15	178,566.89
8	Commissioner of Airports	40,314.92	191,261.47
9	Commissioner of Assessments and Licenses	40,314.82	157,895.29
10	Commissioner of Cleveland Public Power	45,201.46	223,028.15
11	Commissioner of Code Enforcement	42,758.15	178,566.89
12	Commissioner of Construction Permitting	42,758.15	178,566.89
13	Commissioner of Emergency Medical Services	42,758.15	178,566.89
14	Commissioner of Environment	42,758.15	178,566.89
15	Commissioner of Health	45,021.46	189,832.09
16	Commissioner of Health Equity and Social Justice	42,758.15	178,566.89
17	Commissioner of Information Technology & Services	52,734.82	189,832.34
18	Commissioner of Motor Vehicle Maintenance	40,314.82	171,054.68
19	Commissioner of Real Estate	40,314.82	157,895.29
20	Commissioner of Neighborhood Services	42,758.15	164,830.08
21	Commissioner of Park Maintenance and Properties	42,758.15	191,261.47
22	Commissioner of Parking Facilities	40,314.82	171,054.68
23	Commissioner of Printing and Reproduction	40,314.82	171,054.68
24	Commissioner of Property Management	45,201.46	189,832.34
25	Commissioner of Purchases and Supplies	42,758.15	164,830.08
26	Commissioner of Public Auditorium	42,758.15	164,830.08
27	Commissioner of Recreation	42,758.15	191,261.47
28	Commissioner of Special Events and Marketing	42,758.15	164,830.08
29	Commissioner of Risk Management	105,000.00	171,054.68
30	Commissioner of Streets	40,314.82	171,054.68
31	Commissioner of Traffic Engineering	42,758.15	164,830.08
32	Commissioner of Urban Forestry	42,758.15	191,261.47

33	Commissioner of Utilities Fiscal Control	40,314.82	157,895.29
34	Commissioner of Waste Collection and Disposal	40,314.82	171,054.68
35	Commissioner of Water	45,201.46	266,825.64
36	Commissioner of Water Pollution Control	40,314.82	171,054.68
37	Deputy City Treasurer	32,968.00	111,153.19
38	Deputy Director Department of Building and Housing	36,590.39	178,566.89
39	Director of Workforce Development	70,000.00	213,460.51
40	Public Safety Medical Director	80,000.00	314,324.90
41	Income Tax Administrator	42,758.15	178,566.89
42	Manager of Administration – Public Works	40,314.82	157,895.29
43	Manager of Internal Audit	40,314.82	159,500.00

Section 2. That the following existing Sections:

Section 35 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1073-2021, passed November 29, 2021, Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 523-2023, passed April 24, 2023, Ordinance No. 776-2023, passed July 12, 2023, Ordinance No. 901-2023, passed August 16, 2023, Ordinance No. 235-2024, passed March 4, 2024, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 850-2024, passed August 7, 2024, and Ordinance No. 47-2025, passed January 6, 2025,

Section 36 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 850-2024, passed August 7, 2024, Ordinance No. 1217-2024, passed November 25, 2024, and Ordinance No. 47-2025, passed January 6, 2025,

Section 40 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 523-2023, passed April 24, 2023, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 478-2024, passed April 29, 2024, Ordinance No. 850-2024, passed August 7, 2024, Ordinance No. 1217-2024, passed November 25, 2024, and Ordinance No. 47-2025, passed January 6, 2025, and

Section 41 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 287-2021, passed December 6, 2021, Ordinance No. 94-2022, passed March 21, 2022, Ordinance No. 1151-2022, passed November 21, 2022, Ordinance No. 1281-2022, passed December 5, 2022, Ordinance No. 523-2023, passed April 24,

2023, Ordinance No. 1390-2023, passed December 4, 2023, Ordinance No. 338-2024, passed March 25, 2024, Ordinance No. 850-2024, passed August 7, 2024, and Ordinance No. 47-2025, passed January 6, 2025,

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.

Passed March 18, 2025.

Effective March 19, 2025.

Resolution No. 334-2025

By Council Member: Howse-Jones

An emergency resolution objecting to the transfer of location of a D1, D2, D3, D3A Liquor Permit to 2400 Superior Avenue.

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D1, D2, D3, D3A Liquor Permit from E J Tavern, Inc., DBA: Romeos, 4310-12 Clark Avenue, 1st Floor and Basement, Cleveland, Ohio 44199, Permit No. 2389493 to Red Space Entertainment, LLC., 2400 Superior Avenue, Cleveland, Ohio 44114, Permit No. 7247189; and

WHEREAS, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND

Section 1. That Council does hereby record its objection to the transfer of location of a D1, D2, D3, D3A Liquor Permit from E J Tavern, Inc., DBA: Romeos, 4310-12 Clark Avenue, 1st Floor and Basement, Cleveland, Ohio 44109, Permit No. 2389493 to Red

Space Entertainment, LLC., 2400 Superior Avenue, Cleveland, Ohio 44114, Permit No. 7247189; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby 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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 18, 2025.

Effective March 19, 2025.

Resolution No. 335-2025**By Council Member:** Harsh

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4818-22 Memphis Avenue, patio and repealing Resolution No. 702-2024 objecting to said renewal.

WHEREAS, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to H.I.M. Inc., DBA: Memphis Tavern, 4818-22 Memphis Avenue, patio, Cleveland, Ohio 44144, Permit No. 3845983 by Resolution No. 702-2024, adopted by the Council on July 10, 2024; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to H.I.M., Inc., DBA Memphis Tavern, 4818-22 Memphis Avenue, patio, Cleveland, Ohio 44144, Permit No. 3845983 be and the same is hereby withdrawn and Resolution No. 702-2024, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby 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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 18, 2025.

Effective March 19, 2025.

Resolution No. 336-2025**By Council Member:** Kazy

An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2, Liquor Permit at 3038 West 117th Street and repealing Resolution No. 954-2024 objecting to said permit.

WHEREAS, this Council objected to a transfer of ownership of a C1, C2 liquor permit to GetGo Operating, LLC., DBA: 117th & I90 GetGo 3230, 3038 West 117th Street, Cleveland, Ohio 44111, Permit Number 31580490100 by Resolution No. 954-2024, adopted by the Council on September 9, 2024; and

WHEREAS, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the transfer of ownership of a C1, C2 liquor permit to GetGo Operating, LLC., DBA: 117th & I90 GetGo 3230, 3038 West 117th Street, Cleveland, Ohio 44111, Permit Number 31580490100, be and the same is hereby withdrawn and Resolution No. 954-2024, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby 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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 18, 2025.

Effective March 19, 2025.

Directory of City Officials

City Council

Cleveland City Hall
601 Lakeside Avenue, Room 220
Cleveland, Ohio, 44114
Phone: 216-664-2840
www.clevelandcitycouncil.org

President of Council – Blaine A. Griffin

City Clerk, Clerk of Council – Patricia J. Britt

<i>Council Member</i>	<i>Ward</i>
Joseph T. Jones	1
Kevin L. Bishop	2
Kerry McCormack	3
Deborah A. Gray	4
Richard A. Starr	5
Blaine A. Griffin	6
Stephanie D. Howse-Jones	7
Michael D. Polensek	8
Kevin Conwell	9
Anthony T. Hairston	10
Danny Kelly	11
Rebecca Maurer	12
Kris Harsh	13
Jasmin Santana	14
Jenny Spencer	15
Brian Kazy	16
Charles Slife	17

Permanent Schedule – Standing Committees of the Council 2022-2025

[* denotes interim committee member]

MONDAY – Alternating

9:30 a.m. – **Health, Human Services and the Arts Committee:** Conwell (CHAIR), Maurer (VICE-CHAIR), Gray, Harsh, Howse-Jones, Slife, Starr.

9:30 a.m. – **Municipal Services and Properties Committee:** Bishop (CHAIR), Starr (VICE-CHAIR), Gray*, Hairston, Kazy, Kelly, Maurer.

MONDAY

2:00 p.m. – **Finance, Diversity, Equity and Inclusion Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Bishop, Conwell, Hairston, Kazy, Polensek, Santana, Spencer.

TUESDAY

1:30 p.m. – **Workforce, Education, Training and Youth Development Committee:** Santana (CHAIR), Howse-Jones (VICE-CHAIR), Conwell*, Gray, Slife, Spencer, Starr.

TUESDAY – Alternating

9:30 a.m. – **Development, Planning and Sustainability Committee:** Hairston (CHAIR), Santana (VICE-CHAIR), Harsh, Howse-Jones, McCormack, Slife*, Spencer.

WEDNESDAY – Alternating

10:00 a.m. – **Safety Committee:** Polensek (CHAIR), Gray, Howse-Jones, Kazy*, Kelly, Slife, Starr.

10:00 a.m. – **Transportation and Mobility Committee:** McCormack (CHAIR), Slife (VICE-CHAIR), Bishop, Gray, Kazy, Maurer, Santana.

THURSDAY

10:00 a.m. – **Utilities Committee:** Kazy (CHAIR), Spencer (VICE-CHAIR), Bishop, Gray, Harsh, Kelly, Polensek.

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee: Harsh (CHAIR), Griffin, Hairston, Polensek*, Starr.

Operations Committee: McCormack (CHAIR), Bishop, Conwell, Griffin, Maurer.

Rules Committee: Griffin (CHAIR), Conwell, Maurer, McCormack, Polensek.

City Departments

City Hall
601 Lakeside Avenue
Cleveland, OH 44114

MAYOR – Justin M. Bibb

Bradford J. Davy, Chief of Staff

Ryan M. Puente, Deputy Chief of Staff and Chief Government Affairs Officer

Jeff Epstein, Chief of Integrated Development

Sarah N. Johnson, Chief Communications Officer

Michele Pomerantz, Chief of Education

Sonya Pryor-Jones, Chief of Youth and Family Success

Bonnie Teeuwen, Chief Operating Officer

Stephanie Wernet, Chief Innovation and Technology Officer

AGING – Mary McNamara, Director

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS –

Carmella Davis, Secretary

BOARD OF ZONING APPEALS –

Elizabeth Kukla, Secretary

BUILDING AND HOUSING –

Sally Martin O'Toole, Director

Divisions:

Navid Hussain, Commissioner, Construction Permitting

Richard Riccardi, Assistant Commissioner, Construction Permitting

Thomas E. Vanover, Commissioner, Code Enforcement

CITY PLANNING COMMISSION – Calley Mersmann, Director

CIVIL SERVICE COMMISSION – Rachon Long, Executive Director**COMMUNITY DEVELOPMENT** – Alyssa Hernandez, Director**Divisions:**

Administrative Service – Joy Anderson, Commissioner

Office of Fair Housing and Consumer Affairs – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise Jackson, Commissioner

COMMUNITY POLICE COMMISSION – Jason Goodrick, Interim Executive Director**COMMUNITY RELATIONS BOARD** – Angela Shute-Woodson, Executive Director**ECONOMIC DEVELOPMENT** – Thomas S. McNair, Director**FINANCE** – Paul C. Barrett, Director**Divisions:**

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

Financial Reporting and Control – James Gentile, Controller

Information Technology and Services – Kimberly Roy Wilson, Commissioner

Internal Audit – Natasha Brandt, Manager

Printing and Reproduction – Michael Hewett, Commissioner

Purchases and Supplies – Tiffany White Johnson, Commissioner

Sinking Fund Commission – Betsy Hruby, Manager

Taxation – Kevin Preslan, Commissioner and Income Tax Administrator

Treasury – James Hartley, Treasurer

HUMAN RESOURCES – Matthew J. Cole, Director

INNOVATION AND TECHNOLOGY – Stephanie Wernet, Chief Innovation and Technology Officer

LANDMARKS COMMISSION – Daniel A. Musson, Secretary

LAW – Mark D. Griffin, Director

Michele Comer, Chief Counsel

Stephanie K. Melnyk, Chief Corporate Counsel

Elena Boop, Chief Trial Counsel

Aqueelah Jordan, Chief Prosecutor

Delanté Spencer Thomas, Chief Ethics Officer

John Skrtic, Law Librarian

MAYOR'S OFFICE OF CAPITAL PROJECTS – James D. DeRosa, Director

Divisions:

Architecture and Site Development – Mark Duluk, Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – Susanne Degennaro, Commissioner

MAYOR'S OFFICE OF EQUAL OPPORTUNITY – Tyson Mitchell, Director

MAYOR'S OFFICE OF URBAN ANALYTICS AND INNOVATION – Elizabeth Crowe, Director

MAYOR'S OFFICE OF SUSTAINABILITY – Sarah O'Keeffe, Director

PARKS AND RECREATION – Alexandria Nichols, Director

PORT CONTROL – Bryant L. Francis, Director

Divisions:

Cleveland Hopkins International Airport & Burke Lakefront Airport – Khalid Bahhur,
Commissioner of Airports

Burke Lakefront Airport – Tony Campofredano, Airport Leader

PUBLIC HEALTH – David Margolius, M.D., Director

Divisions:

Air Quality – David Hearne, Commissioner

Environment – Wallace L. Chambers, Jr., Commissioner

Health – Frances Mills, Commissioner

Health Equity and Social Justice – Lita Marie Wills, Commissioner

Vital Statistics – Andrea Kacinari, City Registrar

PUBLIC SAFETY – Dornat A. Drummond, Director

Divisions:

Animal Control Services – Cory Keller, Chief Animal Control Officer

Emergency Medical Service – Orlando Wheeler, Commissioner

Emergency Operations Center – Nicole Carlton, Assistant Director

Fire – Anthony P. Luke, Chief

Police – Dorothy A. Todd, Chief

Professional Standards – Roger C. Smith, Administrator

PUBLIC UTILITIES – Martin J. Keane, Director

Divisions:

Cleveland Public Power – Ammon Danielson, Commissioner

Radio Communications – Brad Handke, Manager

TV 20 – Kathy Allen, General Manager

Utilities Fiscal Control – Catherine Troy, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Ramona Lowery-Ferrell, Commissioner

PUBLIC WORKS – Frank D. Williams, Director

Administration:

Administration – John Laird, Manager

Susie Claytor, Executive Commissioner, Public Auditorium

Kim Johnson, Interim Executive Commissioner, Prevention, Intervention and
Opportunity for Youth and Young Adults

Divisions:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Neighborhood Resource and Recreation Centers – Samuel Gissentaner,
Commissioner

Park Maintenance and Properties – Toi Porch, Interim Commissioner

Parking Facilities – Kim Johnson, Commissioner

Property Management – Tom Nagle, Commissioner

Streets – Randell Scott, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Terrell H. Pruitt, Commissioner

Cleveland Municipal Court

Justice Center

1200 Ontario Street

Cleveland, Ohio, 44113

www.clevelandmunicipalcourt.org

<i>Judge</i>	<i>Courtroom</i>
Presiding and Administrative Judge Michelle D. Earley	14-C
Judge Marilyn B. Cassidy	13-A
Judge Mark R. Majer	12-B
Judge Lauren C. Moore	15-A
Judge Andrea Nelson Moore	12-A
Judge Michael L. Nelson, Sr.	15-C
Judge Ann Clare Oakar	14-A
Judge Charles L. Patton, Jr.	14-B
Housing Court Judge W. Moná Scott	13-B
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	13-D
Judge Joseph J. Zone	14-D

Earle B. Turner – Clerk of Courts

Russell R. Brown, III – Court Administrator

Belinda Gest – Housing Court Administrator

Robert J. Furda – Chief Bailiff

Dean Jenkins – Chief Probation Officer

Gregory F. Clifford – Chief Magistrate

City Links

Board of Building Standards and Building Appeals

<http://planning.city.cleveland.oh.us/bza/bbs.html>

Board of Zoning Appeals

<http://planning.city.cleveland.oh.us/bza/cpc.html>

City Bids

Invitations to Bid

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/BID>

Requests for Proposals/Requests for Qualifications

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP>

Cleveland Water

<http://www.clevelandwater.com/work-with-us/invitations-to-bid>

Water Pollution Control

http://wpc.clevelandwater.com/?page_id=3342

Cleveland Airports

<https://www.clevelandairport.com/about-us/business-cle/bids-rfps>

City Jobs

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/HumanResources>

<https://www.governmentjobs.com/careers/cleveland>

City of Cleveland

<http://www.city.cleveland.oh.us/>

City of Cleveland Charter and Codified Ordinances

<https://codelibrary.amlegal.com/codes/cleveland/latest/overview>

Civil Service Commission

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission>

Cleveland City Council

<http://www.clevelandcitycouncil.org/>

Cleveland Courts

Cleveland Municipal Court

<http://clevelandmunicipalcourt.org/home.html>

Clerk of Courts – Cleveland Municipal Court

<https://clevelandmunicipalcourt.org/clerk-of-courts>

Cleveland Housing Court

<http://clevelandhousingcourt.org/>