

CHAPTER 106 CONDUCT ON CITY PROPERTY

106.01 PURPOSE

The purpose of this Chapter is to maintain an environment that promotes orderly administrative and business operations in City buildings, offices, and facilities, and to take reasonable and prudent actions to protect the health, welfare and safety of City employees and all persons who do business with or use the services of the City. These regulations delineate those portions of City Property (as defined herein) that are accessible to the general public and to what extent and under what conditions, and further establish rules of conduct that are applicable to City Property.

106.02 DEFINITIONS

As used in this chapter, the following terms shall have the meaning herein defined.

- (a) "City Property" means any real property or parts thereof owned by the City of Parma or in which the City has a property interest or property management responsibility.
- (b) "City Property Manager" means:
 - (1) The Mayor.
 - (2) The director or chief administrator having control and management authority over City Property assigned to such official's department, division, or agency, or any designee of such official.
- (c) "Enforcement Official" means:
 - (1) A City Property Manager.
 - (2) Any City law enforcement officer.
 - (3) Any City employee providing security services in any City Property.
 - (4) Any person providing security services in any City Property pursuant to contract with the City or with any person, firm, or corporation managing a City Property on the City's behalf.
- (d) "Limited Access Area" means any designated area on City Property that is not generally open to or occupied by the public; or is open to or occupied by the public on only a limited, as-needed, or by-invitation basis. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the City from considering or treating an area as a Limited Access Area. The City shall retain the right to verbally instruct persons that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include, but are not limited to, the following areas:
 - (1) Public buildings, except for those areas explicitly set forth in section 106.02(e)(1-4).
 - (2) Employee offices.
 - (3) Employee workspaces including copy rooms, mailrooms, and break areas.
 - (4) Employee parking lots, storage areas, access points, or other outside areas marked for use by City employees or City vehicles only.
 - (5) Hallways, staircases, restrooms, elevators, and other areas by purpose or function restricted to limited or transitory occupancy or providing access solely to other Limited Access Areas.
 - (6) Maintenance, storage, garage, and warehousing facilities.



(e) "Public Area" means any area on City Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area. Public Area shall include:

- (1) City Council Chambers when in use for public meetings.
- (2) Ballrooms of the Donna Smallwood Activities Center when open to the general public for planned events.
- (3) Memorial Hall when rented by the general public.
- (4) Designated waiting and reception areas.

(f) "Rules of Conduct" means the specific guidelines set forth in this chapter.

106.03 EXCEPTIONS

This Chapter shall not apply to the Parma Municipal Courthouse when conduct therein is regulated by an order of the Court, or to any City Property under the possession and control of third parties pursuant to a lease with the City.

106.04 ADMINISTRATION; ENFORCEMENT

(a) City Property Managers are authorized to manage public accessibility and use of City Property under their respective custody and control. Management of City Property includes the authority to adopt specific policies to manage conditions for use of City Property including without limitation establishing hours and terms of use, reservation protocols, use priority, and fees for use. Additionally, City Property Managers shall have the authority to identify which City Property is classified as a Public Area or a Limited Access Area consistent with the limitations and guidelines set forth in this chapter.

(b) Upon classifying City Property, City Property Managers are authorized to employ whatever means they deem necessary and appropriate to accomplish the following goals:

- (1) Separate designated Limited Access Areas from Public Areas, including without limitation the use of physical barriers and signage.
- (2) Develop and implement procedures to regulate and control public access to City Property.
- (3) Provide for the security and privacy of City employees, and persons who are authorized or invited to enter City Property.
- (4) Prevent disruptions to the work of the City.

(c) It shall be a violation of this chapter to disobey or fail to comply with any directive given by an Enforcement Official, or to breach any conduct specified in Section 106.05, including without limitation entering, attempting to enter, or remaining on City Property without authorization. Penalties for violating any provision of this chapter are set forth in Section 106.99.

(d) Enforcement Officials may enforce the provisions of this chapter by any of the following actions:

- (1) Warn any person who violates this chapter of the prohibited conduct and request that such conduct cease.
- (2) Direct any person who violates this chapter or who otherwise fails to conform their behavior to the Rules of Conduct herein specified after receiving warning of prohibited conduct to leave City Property.
- (3) Remove from City Property any person who violates this chapter or who otherwise refuses or disregards any directive given by an Enforcement Official.
- (4) Treat as a trespasser any person who enters or remains on City Property without authorization, or otherwise refuses or fails to leave City Property after being given a directive to depart therefrom.

(a) Rules of Conduct Applicable to All City Property. The Rules of Conduct specified in this division shall apply at all City Property, including both Public Areas and Limited Access Areas. No person shall conduct themselves as follows:

- (1) Engage in any activity on City Property that would constitute a violation of federal, state, or local law or regulation.
- (2) Enter, attempt to enter, or remain in any areas of City Property for any purpose other than to conduct legitimate business with City offices, to enjoy publicly accessible amenities in Public Areas, or to lawfully assemble for social or public interaction in Public Areas specifically designated for such assembly.
- (3) Remain on City Property after posted hours of regular operation or after the conclusion of authorized public meetings or events.
- (4) Refuse or fail to obey any reasonable direction of an Enforcement Official. A direction of an Enforcement Official is reasonable: if it directs a person to obey or to cease a violation of any law or regulation; if it is otherwise reasonably related to the protection of the health, welfare or safety of the person or any other person at the City Property, or to prevent damage to property; or if it is reasonably necessary to preserve the peace or to prevent the disruption of City operations or permitted activities.
- (5) Deface, damage, or destroy City Property or City-owned personal property.
- (6) Post or affix to City Property without permission from the appropriate City Property Manager any sign, leaflet, poster, flyer, brochure, and written, pictorial or graphic material of any kind.
- (7) Disrupt or interfere with the operation or administration of City business at City Property, lawful use by authorized users at City Property, or City-permitted activities, events, or functions on City Property.
- (8) Stalk, abuse, harass, threaten, intimidate, or otherwise compromise the well-being and safety of City employees or private third parties lawfully using City Property.
- (9) Engage in any act of public indecency.
- (10) Engage in any act which presents a substantial risk of harm to persons or property.
- (11) Interfere or obstruct the free passage of City employees or authorized persons in or on City Property, including without limitation to placing objects that impede free passage.
- (12) Use facility materials, equipment, furniture, or fixtures of a City Property in a manner inconsistent with their customary or designated uses, or in a manner likely to cause property damage or personal injury to the actor or others.
- (13) Use City Property for unauthorized storage of personal property or leave personal property unattended. Any such property is subject to immediate confiscation by an Enforcement Official.
- (14) Make or continue a noise disturbance as defined under Chapter 634 of these Codified Ordinances or operate sound producing device or sound producing equipment except as permitted by a City Property Manager. Bullhorns and megaphones are not permitted in the interior of any building on City Property, or within any pavilion or the loggia or portico of any structure on City Property, except as permitted by an appropriate City Property Manager.
- (15) Possess, control, convey, or attempt to convey any weapon or ordnance on City Property, except as specifically permitted by law. The prohibitions of this Paragraph do not apply to any thing possessed or used to carry out actions authorized by any contract or permit on City Property.

- (16) Smoke, chew tobacco, or use electronic cigarettes or any vaping device on City Property. Additionally, no person shall carry any lighted or smoldering pipe, cigar, or cigarette. As used in this paragraph, "smoking" means to inhale or exhale from any item or device specified herein.
- (17) Sell, distribute, or deliver any alcoholic beverage on City Property, except as permitted by the appropriate City Property Manager.
- (18) Sell, distribute, or deliver any controlled substances on City Property. This does not prohibit a person from providing caretaking functions or assisting another in taking legally prescribed medication. Controlled substance shall have the meaning provided in O.R.C. Chapter 3719.01.
- (19) Bring animals onto City Property, or leave animals tethered or unattended at City Property, except as permitted by the appropriate City Property Manager. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or tasks the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by the appropriate City Property Manager.
- (20) Solicit or peddle on City Property except as permitted by the appropriate City Property Manager.
- (21) Bring wheeled devices, including but not limited to unicycles, bicycles, skateboards, roller skates, motorized or non-motorized scooters, into the interior of any building or office on City Property except as permitted by the appropriate City Property Manager. The prohibition in this Paragraph does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.
- (22) Use City Property for housing or shelter except where the City Property is explicitly designated by the City for housing or sheltering purposes, or as permitted by the appropriate City Property Manager.
- (23) Sleep at or upon City Property.
- (24) Misuse or damage the City's technology systems or network, including its telecommunication equipment and data.
- (25) Fail to cease conduct specifically prohibited herein immediately after a request or directive by an Enforcement Official

(b) Rules of Conduct Applicable to Public Areas. The Rules of Conduct specified in this division shall apply at Public Areas in addition to the rules of conduct specified in division (a) of this Section. No person shall conduct themselves as follows:

- (1) Engage in any conduct prohibited under division (a) of this Section. Photography or recording does not, in and of itself, violate conduct prohibited in Public Areas. Likewise, conduct that would otherwise violate rules of conduct in Public Areas shall not be permitted merely because the conduct involves photography or recording.
- (2) Enter, attempt to enter, or remain in Public Areas for purposes other than to enjoy publicly accessible amenities in Public Areas, or to lawfully assemble for social or public interaction in Public Areas specifically designated for such assembly.

(c) Rules of Conduct Applicable to Limited Access Areas. The Rules of Conduct in this division shall apply at all Limited Access Areas in addition to the rules of conduct specified in division (a) of this Section. No person shall conduct themselves as follows:

- (1) Engage in any conduct prohibited under division (a) of this Section.
- (2) Enter, attempt to enter or remain in any Limited Access Areas or other areas of City Property designated as secured or restricted, or closed to public access. Limited Access Areas shall be accessible only to the following: (i) employees, elected officials, and appointed officials of the City; and (ii) private parties but only on a limited, as-needed, or by-invitation basis, to

include those private parties accessing a Limited Access Area for the express purpose of conducting business with City employees.

(3) Photograph or record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties. The City may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or teller windows at which private third parties conduct business with City employees.

106.99 PENALTY

(a) Whoever disobeys or fails to comply with any directive given by an Enforcement Officer under this Chapter is guilty of a misdemeanor of the second degree for a first offense. For a second or subsequent offense within one year of the first offense, the offender is guilty of a misdemeanor of the first degree.

(b) Whoever violates any conduct prohibited under Section 106.05 is guilty of a misdemeanor of the third degree for a first offense. For a second or subsequent offense within one year of the first offense, the offender is guilty of a misdemeanor of the first degree.

(c) Nothing in this Section prohibits a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as a violation of this Chapter.