CITY OF FOSTORIA, OHIO

Ordinance No.: 2025 - \_\_\_\_\_\_\_\_\_

Introduced by:\_\_\_\_\_\_\_\_\_\_\_

AN ORDINANCE

Enacting new Section 109.02 of Chapter 109 of the Codified Ordinances of the City of Fostoria, Ohio entitled “CONTROL OF ACCESS TO CITY-OWNED, CONTROLLED AND LEASED PROPERTY” to establish regulations for conduct within and upon City property.

 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: The Codified Ordinances of the City of Fostoria, Ohio be, and the same hereby is, amended by adding Section 109.02 of Chapter 109 entitled “CONTROL OF ACCESS TO CITY-OWNED, CONTROLLED AND LEASED PROPERTY”, which shall read as follows:

**109.02 CONTROL OF ACCESS TO CITY-OWNED, CONTROLLED AND LEASED PROPERTY**

(a) Public access to areas within enclosed facilities owned, controlled, and leased by the City of Fostoria may be restricted depending upon whether such areas are classified as “designated public forum”, “limited designated public forum”, or “nonpublic forum”. How areas within enclosed facilities owned, controlled, and leased by the City of Fostoria are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of City employees in the conduct of their business; there are certain areas which, while primarily intended for the use of City employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with City officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

(b) The Director of Public Service and Safety is hereby authorized to manage public access to enclosed City-owned, controlled, and leased property. In the performance of such responsibilities, the Director of Public Service and Safety shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.

(c) Upon the classification of areas within enclosed City-owned, controlled, and leased property, the Director of Public Service and Safety is hereby authorized, subject to the availability of appropriated funds, to employ whatever means they deem necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to the use of physical barriers and signage.

The Director of Public Service and Safety shall also have the authority to develop and implement procedures to regulate and control public access within City-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of City employees and officers; and to minimize potential disruptions to the work of City government. Any person who engages in conduct that causes disruptions to the work of City government shall be deemed to no longer be present within the City-owned, controlled, or lease property on legitimate public business.

(d) All City employee work areas within the Fostoria Municipal Building which are designated by appropriate signage as work areas shall be considered as nonpublic forums. Members of the public are prohibited from entering City employee work areas without being escorted by a City employee. All other areas of the Municipal Building are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with City officers or employees shall be authorized. It shall be a violation of this Ordinance to be within a nonpublic forum or a limited public forum without authorization. Unauthorized persons found by the Director of Public Service and Safety or his/her designee to be within a nonpublic forum or a limit public forum and who refuse to leave the premises upon request, shall be considered a trespasser.

Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct.

(e) Except within the City Council Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Ordinance, to record video and/or sound within City-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities. In addition to being a violation of this Ordinance, if anyone who is observed to be recording video and/or sound within City-owned, controlled, or leased property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease activity after being advised that such activity is prohibited under this Ordinance, such refusal shall be considered to be a disruption to the work of City government. Therefore, such persons shall be deemed to no longer be present within the City-owned, controlled, or leased property on legitimate public business. The Director of Public Service and Safety and his/her designees are hereby authorized on behalf of the City to request any person who refuses to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to video and/or sound recording, and refuses to immediately leave the premises following the request of the Director of Public Service and Safety or his/her designee, shall be considered as a trespasser.

Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct.

(f) The Director of Public Service and Safety and his/her designees may have cause to remove any person they determine:

(1) Acts in any manner which violates or is reasonably suspected to violate any federal, state or local law, ordinance, rule or regulation; or

(2) Acts in any manner which violates any City rules or policy, including but not limited to the Facility Rules; or any directive on any sign or notice at the public property.

The Director of Public Service and Safety and his/her designees are hereby authorized on behalf of the City to warn persons of this prohibited activity and request such activity to cease.

Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for these violations of conduct.

(g) The Director of Public Service and Safety and his/her designees are hereby authorized on behalf of the City to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The Director of Public Service and Safety, and his/her designees, are hereby authorized to call upon Law Enforcement to treat as trespassers any persons who refuse to depart after such a request has been made.

Law Enforcement, at its option, may enforce any person’s refusal to depart by means of a trespass warning notice.

(h) Facility Rules. The following conduct is prohibited within the interior spaces of all City-owned controlled, and leased buildings of the City of Fostoria.

(1) Engaging in any conduct prohibited by federal, State of Ohio, or City of Fostoria law.

(2) Possessing any weapons, except as specifically permitted by law.

(3) Smoking, chewing tobacco, use of e-cigarettes or vaping devised, or carrying any lighted or smoldering pipe, cigar, or cigarette.

(4) Disruptive, harassing or unsafe behavior, including conduct which interferes with City employees or City officials in the performance of his/her duties, or interferes with the proper use of the City facility by others.

(5) Abusive or harassing behavior, including use or display or obscene language, gestures, or graphics.

(6) Blocking entrances, exits, fire exits, access areas, or otherwise interfering with the provision of services or the use of City property.

(7) Entering or remaining in nonpublic areas without authorization. Areas inside City buildings, including offices, hallways, stairways, and elevators are open to the public only to the extent necessary to attend to City business, or attending a City-authorized function, event, or activity to which the person is an invitee, or attending a duly noticed public meeting. Otherwise, such areas are deemed nonpublic areas.

(8) Any act which could result in substantial risk of harm to persons or property.

(9) Disrupting City business, events, or other City sponsored or authorized activities.

(10) Leaving unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation.

(11) Laying down or sleeping in chairs, benches, or otherwise.

(12) Possession of illegal drugs.

(13) Posting or affixing to City property without permission from the Director of Public Service and Safety, or his/her designee, any signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial or graphic material of any kind.

(14) Tampering with or unauthorized use of building or facility systems or devices, including electrical, plumbing, locks, doors or cameras.

(15) Audio and/or video recording anywhere inside of City buildings except during duly noticed public meetings, or as otherwise approved by the Director of Public Service and Safety, or his/her designee. Except as otherwise approved by the Director of Public Service and Safety, or his/her designee, audio and/or video recording may only be conducted within the City Council Chamber, and any room, or office within which said activity has been authorized by law. Any person found to be conducting audio and/or video recording except as authorized by herein, must cease doing so immediately if any visitor, City employee or City official expresses their desire not to be recorded. This rule does not apply to audio and/or video recording performed by authorized law enforcement personnel engaged in the performance of their official duties. Audio and/or video recording of public meetings must be undertaken in a quiet and orderly manner so as not to interfere with the conduct of the meeting, block the view of any person attending the public meeting, or block any aisle, row, ingress or egress.

(16) Remaining in a City building after posted hours of operation or after the conclusion of an authorized “after hours” public meeting or event.

(17) Failure to cease conduct specifically prohibited in items 1 through 16 above immediately after a request by City staff to do so.

(18) A copy of the foregoing Facility Rules shall be posted in close proximity to all public entrances of City-owned, controlled, and leased buildings of

the City of Fostoria.

 SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

 SECTION 3: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the inhabitants of the City of Fostoria.

 THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Brian Shaver, Council President

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tamara L. Drake, Clerk of Council

 Filed with me and approved by me this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2025.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Donald L. Mennel, Mayor