



# City of Napoleon, Ohio

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## Memorandum

**To:** Mayor and Members of City Council  
**From:** Roxanne Dietrich, Clerk of Council  
**cc:** Joel L. Mazur-City Manager, Billy D. Harmon-City Law Director, Kelly O'Boyle-Finance Director  
**Date:** July 06, 2021  
**Subject:** General Information

### CALENDAR

6:45 pm – Records Commission Meeting

7:00 pm – City Council Meeting

### APPROVAL OF MINUTES

June 21, 2021 Regular Council Meeting Minutes

### INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 020-21**, an Ordinance Approving Current June 2021 Replacement Pages to the City of Napoleon Codified Ordinances
2. **Resolution No. 021-21**, a Resolution Authorizing the Expenditure of Funds in Excess of Twenty-five Thousand Dollars (\$25,000) for a project known as 2021 Street Striping Project, which was not included in the 2021 Master Bid List, Resolution No. 062-20, and Authorizing Competitive Bidding in regard thereto; and Declaring an Emergency (Suspension Requested)
3. **Ordinance No. 022-21**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2021; and Declaring an Emergency (Suspension Requested)
4. **Ordinance No. 023-21**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers (Transfer of Appropriation 2) from one appropriation line item to another appropriation line item pursuant to ORC. Section 5705.40, for the Fiscal Year Ending December 31, 2021 as listed in Exhibit "A;" and Declaring an Emergency (Suspension Requested)
5. **Resolution No. 024-21**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 4) from Respective Funds to other funds per ORC. Section 5705.14 on an as needed basis in Fiscal Year 2021, listed in Exhibit "A;" and Declaring an Emergency (Suspension Requested)

### SECOND READINGS OF ORDINANCES AND RESOLUTIONS

### THIRD READINGS OF ORDINANCES AND RESOLUTIONS

**RESOLUTION NO. 019-21**, a Resolution Adopting the 2022 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code and directing the Finance Director to file the same with the County Auditor; and Declaring an Emergency.

**GOOD OF THE CITY** (Discussion/Action)

1. Acceptance of the Drug Use Prevention Program Grant for the DARE Program.
2. Accept the Donation of Hand Sanitizer from Kurtz Ace Hardware, \$125.00
3. Certify and File Annual Special Assessments with the County Auditor for Placement and Collection on the 2021 Tax Duplicates Payable in the Year 2022 (direct Law Director to Draft Legislation)
4. Accepting the Amounts and Rates as determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for the 2021 Tax Duplicates Payable in Year 2022 (direct Law Director to Draft Legislation)

**INFORMATIONAL**

- 1) Cancellation – Technology and Communications Committee
- 2) Refuse and Recycling Schedule during Fourth of July Week
- 3) AMP Weekly Newsletter – June 25, 2021

## July 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		<b>29</b>	<b>30</b>	<b>1</b>	<b>2</b> 1:00 pm – Personnel Committee	<b>3</b>
<b>4</b>	<b>5</b> Closed – “4 <sup>th</sup> of July Holiday”	<b>6</b> 6:45 pm – Records Commission 7:00 pm – City Council	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>11</b>	<b>12</b> 6:15 pm – Electric Committee 6:15 pm – Board of Public Affairs 7:00 pm – Water and Sewer Committee 7:30 pm – Municipal Properties ED Committee	<b>13</b> 4:30 pm – Board of Zoning Appeals 5:00 pm – Planning Commission	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
<b>18</b>	<b>19</b> 6:00 pm – Tree Commission 6:00 pm – Parks and Rec Committee 7:00 pm – City Council	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
<b>25</b>	<b>26</b> 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee	<b>27</b> 4:30 pm Civil Service Comm.	<b>28</b> 6:30 pm – Parks and Rec Board	<b>29</b>	<b>30</b>	<b>31</b>

# CITY OF NAPOLEON CITY COUNCIL

## Council Meeting Agenda

TUESDAY, JULY 6, 2021 at 7:00 PM

Location ~ City Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio  
to join the meeting via WebEx see invitation at [www.napoleonohio.com/EVENTS](http://www.napoleonohio.com/EVENTS)

### A. Attendance (Noted by the Clerk)

### B. Prayer and Pledge of Allegiance

### C. Approval of Minutes (In the absence of any objections or corrections, the minutes shall stand approved) June 21, 2021 Regular Council Meeting Minutes

### D. Citizen Communication

### E. Reports from Council Committees

1. Finance and Budget Committee met on June 28, 2021; and  
Recommend Council approve the Second Quarter Budget Adjustments
2. Safety and Human Resources Committee did not meet on June 28, 2021 due to lack of agenda items
3. Technology and Communications Committee did not meet tonight due to lack of agenda items.

### F. Reports from Other Committees, Commissions and Boards (*Informational Only-Not Read*)

1. Preservation Commission met on June 24, 2021 and approved NPC 21-02, new exterior sign/Small Town Roots Salon at 831 N. Perry St.
2. Park and Rec Board did not meet on June 30, 2021 due to lack of agenda items
3. Records Commission did not meet on June 21, 2021 due to a lack of quorum with the meeting rescheduled to 6:45 pm this evening

### G. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 020-21**, an Ordinance Approving Current June 2021 Replacement Pages to the City of Napoleon Codified Ordinances
2. **Resolution No. 021-21**, a Resolution Authorizing the Expenditure of Funds in Excess of Twenty-five Thousand Dollars (\$25,000) for a project known as 2021 Street Striping Project, which was not included in the 2021 Master Bid List, Resolution No. 062-20, and Authorizing Competitive Bidding in regard thereto; and Declaring an Emergency (Suspension Requested)
3. **Ordinance No. 022-21**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2021; and Declaring an Emergency (Suspension Requested)
4. **Ordinance No. 023-21**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers (Transfer of Appropriation 2) from one appropriation line item to another appropriation line item pursuant to ORC. Section 5705.40, for the Fiscal Year Ending December 31, 2021 as listed in Exhibit "A;" and Declaring an Emergency (Suspension Requested)
5. **Resolution No. 024-21**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 4) from Respective Funds to other funds per ORC. Section 5705.14 on an as needed basis in Fiscal Year 2021, listed in Exhibit "A;" and Declaring an Emergency (Suspension Requested)

### H. Second Readings of Ordinances and Resolutions ~ None

### I. Third Readings of Ordinances and Resolutions –

1. **Resolution No. 019-21**, a Resolution Adopting the 2022 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code and directing the Finance Director to file the same with the County Auditor; and Declaring an Emergency

- J. Good of the City** (Any other business that may properly come before Council, including but not limited to):
1. Discussion/Action: Acceptance of the Drug Use Prevention Program Grant for the DARE Program.
  2. Discussion/Action: Accept the Donation of Hand Sanitizer from Kurtz Ace Hardware, \$125.00
  3. Discussion/Action: Certify and File Annual Special Assessments with the County Auditor for Placement and Collection on the 2021 Tax Duplicates Payable in the Year 2022 (direct Law Director to Draft Legislation)
  4. Discussion/Action: Accepting the Amounts and Rates as determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for the 2021 Tax Duplicates Payable in Year 2022 (direct Law Director to Draft Legislation)
- K. Executive Session**– (Economic Development and Matters to Remain Confidential due to Competitive Nature of Utility)
- L. Approve Payment of Bills** (in the absence of any objections or corrections, the Payment of Bills shall stand approved.)
- M. Adjournment**

  
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Roxanne Dietrich - Clerk of Council

**A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL**

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: Monday, August 2, 2021 @6:15 pm)*
2. **Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 12, 2021 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for July 2021
  - b. Review of Asset Transfer Agreement
  - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 12, 2021 @7:00 pm)*
  - a. Update on Wastewater Treatment Plant Improvements Project
  - b. Discussion on Water Rate Review Commission Committee
  - c. Operations and Maintenance (O&M) Agreement with the Village for the Florida Water System
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 12, 2021 @7:30 pm)*
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 19, 2021 @6:00 pm)*
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, July 26, 2021 @6:30 pm)*
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, July 26, 2021 @7:30 pm)*
8. **Personnel Committee (as needed)**
9. **Ad-hoc Committee on Personnel (as needed)**
10. **Charter Review Commission (as needed in 2024)**

**B. Items Referred or Pending in Other City Committees, Commissions & Boards**

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 12, 2021 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for July, 2021
  - b. Review of Asset Transfer Agreement
  - c. Electric Department Report
  - e. Update on Wastewater Treatment Plant Improvements Project
  - f. Discussion on Water Rate Review Commission Committee
  - g. Operations and Maintenance (O&M) Agreement with the Village for the Florida Water System
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, July 13, 2021 @4:30 pm)*
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, July 13, 2021 @5:00 pm)*
4. **Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 19, 2021 at 6:00 pm)*
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, July 27, 2021 @4:30 pm)*
6. **Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wednesday, July 28, 2021 @6:30 pm)*
7. **Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, November 9, 2021 @10:30 am)*
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Meeting: Monday, December 6, 2021 @6:45 pm)*
9. **Housing Council - Meets First Monday in April (meeting to be scheduled after the TIRC meeting)**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board**
15. **Volunteer Peace Officers' Dependents Fund Board**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

*City of Napoleon, Ohio*  
**CITY COUNCIL MEETING MINUTES**  
MONDAY, JUNE 21, 2021 at 7:00 PM

**PRESENT**

Councilmembers	Daniel Baer-Council President Pro-Tem, Lori Siclair, Jeff Comadoll, Ken Haase, Molly Knepley, Ross Durham
Mayor	Jason P. Maassel
Acting City Manager	Clayton O'Brien
City Law Director	Billy D. Harmon
Finance Director	Kelly O'Boyle via WebEx
Clerk of Council	Roxanne Dietrich
City Staff	Patrolman Daniel Silette Chad E. Lulfs, P.E.,P.S.-Director of Public Works
Others	News Media, Jennifer Arps

**ABSENT**

Councilmember	Joseph D. Bialorucki
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CALL TO ORDER

Council President Pro-Tem Baer called the City Council meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the June 7, 2021 Regular Council meeting were approved as presented.

HENRY COUNTY CIC

Baer introduced Jennifer Arps, the new Executive Director of the Henry County CIC. Baer stated he has been Council's representative on the CIC Board for the last six years and has had the opportunity to get to know Jennifer fairly well. I think those who made the decision to move her up made a very wise decision. So, if you could come forward, introduce yourself and make a few comments.

Jennifer Arps-Executive Director of Henry County CIC. Arps began saying I believe I have known the majority of Council for quite some time. I am very excited to be with the CIC and continue what has already been going on, not only with Henry County but with the City of Napoleon too. There are a lot of good things going on right now that we can talk about in a little. My door and my phone are always open if you ever want to talk or chat or question something that the CIC is doing or anyone else is doing. Maassel asked Arps what goals she has for the CIC and asked her to talk about Henry Has. Arps responded I just completed my Capstone Project for OEDI Certification that I received on Friday. Henry Has was created as a community identity. I felt Henry County as a whole is lacking in that. If anyone would google Henry County what they would find was not much between the courthouse images a little bit of the river. Maassel stated the paragraph started *once known as a great black swamp* what a great way to sell yourself. Arps said I really did throw it out there. When I gave my presentation to the OEDI panel, I did a brief summary and at the end they kind of laughed and thought that was strategic. That was my goal to be strategic. I pulled all the Mayors and the Commissioners together as I want everyone to be on board. I feel like you are all public servants for a reason, you love either Henry County or you love Napoleon and we should represent them the best we can. That is how I came up with Henry Has. We have all these assets whether it's for site selectors or residential needs to get citizens in our city limits or the county or other municipalities but we have all these things. Last Friday I purchased the domain henry has.com. I have been working with Thrive Marketing out of Perrysburg to get that developed. They created the logo. I would like to find some money to have them do the website for me to make it more professional. We are getting there and I am excited. Hopefully that starts going live

soon. I did not want to start it without it being 110% done with what I wanted it to say and show about our community. The CIC gets state and project leads, we can have a perfect building or a perfect site, but a lot of times now they are looking for workforce, for housing and they are looking for quality of life. I think we have those, we just need to promote them better. That is my individual goal. I think the CIC can improve on marketing our inventory that we do have, like our buildings and available properties. It's just having everyone come together and working towards the same goal.

#### EXECUTIVE SESSION

Council President Pro-tem Baer requested an Executive Session to consider confidential information related to marketing plans, specific business strategy, production techniques, trade secrets or personal financial statements of an applicant for economic development assistance that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Motion: Comadoll                      Second: Haase  
to go into Executive Session related to Economic Development as stated above

Roll call vote on the above motion:

Yea-Siclair, Comadoll, Knepley, Durham, Haase, Baer  
Nay-

**Yea-6, Nay-0. Motion Passed.**

City Council went in to Executive Session at 7:07 pm

#### ADJOURN FROM EXECUTIVE SESSION

Motion: Durham                      Second: Siclair  
to adjourn from Executive Session at 7:30 pm

Roll call vote on the above motion:

Yea-Siclair, Comadoll, Knepley, Durham, Haase, Baer  
Nay-

**Yea-6, Nay-0. Motion Passed.**

Council President Pro-Tem Baer reported no action was taken in Executive Session.

#### CITIZEN COMMUNICATION

None.

#### REPORTS FROM COUNCIL COMMITTEES

Chair Siclair reported the Electric Committee met on June 14, 2021; recommending Council accept the BOPA's recommendation to approve the June PSCAF.

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on June 14, 2021 due to lack of agenda items.

The Municipal Properties, Building, Land Use and Economic Development Committee meeting was canceled due to lack of agenda items.

The Park and Recreation Committee did not meet tonight due to lack of agenda items.

#### INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

No legislation was presented for First Read.

#### SECOND READINGS OR ORDINANCES AND RESOLUTIONS

##### **Resolution No. 019-21 – 2022 Tax Budget**

Council President Pro-Tem Baer read by title Resolution No. 019-21, a Resolution adopting the 2022 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code and directing the Finance Director to file the same with the County Auditor; and Declaring an Emergency.



Motion: Comadoll                      Second: Haase  
to approve second read of Resolution No. 019-21

O'Boyle stated this is for the inside and outside mill tax levies.

Roll call vote to approve Second Read of Resolution No. 019-21

Yea-Siclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

THIRD READING OF ORDINANCES AND RESOLUTIONS

**Ordinance No. 017-21 –American Rescue Allocation Fund**

Council President Pro-Tem Baer read by title Ordinance No. 017-21, an Ordinance Establishing a Fund to be named American Rescue Allocation Fund as required pursuant to the American Rescue Plan Act of 2021; and Declaring an Emergency.

Motion: Haase                              Second: Comadoll  
to pass Ordinance No. 017-21 on third read

O'Boyle did not have anything new to report on this item.

Roll call vote to pass Ordinance No. 017-21 on Third Read under Emergency:

Yea-Siclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

GOOD OF THE CITY (Discussion/Action)

**Approval of the Power Supply Cost Adjustment Factor for June 2021 as a Three-Month Averaged Factor \$0.01550 and JV2 \$0.035391**

Siclair reported the rates are still trending lower than they have been in the past. It's all good news.

Motion: Comadoll                      Second: Siclair  
to approve the June 2021 PSCA as 3-month averaged factor \$0.01550 and JV2 \$0.035391

Roll call vote on the above motion:

Yea-Siclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

**Approval of Plans and Specifications for the 2021 Miscellaneous Street Improvement Project**

(Michigan Avenue and North Sheffield Avenue)

Lulfs stated we are requesting approval of the plans and specifications and advertise the project to go out to bid. The estimate for this project is \$450,000 with a completion date of October 30, 2021. Baer asked when do you expect to get started? Lulfs replied it will probably late summer. The bids open on July 14, 2021 and the contract should be ready by the end of August so they could get started at the end of summer/early September. Comadoll noted he did not see anything about waterlines, this is Michigan Avenue? Lulfs responded yes, it is Michigan Avenue but we are not replacing the waterlines. Comadoll asked none at all? Lulfs' reply was it is not in the budget.

Motion: Knepley                              Second: Siclair  
to approve the plans and specifications for the 2021 Miscellaneous Street Improvements Project and go out to bid

Maassel asked if we do not do the waterline now, and I know it's not in the budget, are we going to tear the street up in three years when we do the waterline? Lulfs noted we do not have a history of waterline breaks out there. Maassel asked if the waterline runs underneath the road? Lulfs said at the edge of the road for a portion of it. Siclair asked when was the last time that street was paved? Lulfs stated I believe it was 40 or 50 years ago. We are planning to replace the curbs as the curbs are essentially like dust in some portions. The waterline is not in great shape but, we don't have a lot of breaks in that area, most of the waterline breaks occur on West Main and Orwig and Enterprise. If we had the money available I would like to replace the waterline but we don't have the money budgeted. There is just one waterline project in the budget for this year because the water fund is depressed.

Roll call vote to approve the 2021 Misc. St. Improvements plans and specifications and go out to bid:  
Yea-Siclair, Comadoll, Knepley, Durham, Haase, Baer  
Nay-

**Yea-6, Nay-0. Motion Passed.**

**Accept the Safe Routes to School SRTS Grant from ODOT**

Lulfs explained we were awarded a grant from ODOT for the Safe Routes to Schools (SRTS) in the approximate amount of \$207,000. I spoke with Mazur and we were not sure if this needed any action but, Mazur requested we take a simple motion to reaffirm the acceptance of the grant. We do have legislation allowing us to apply for the grant. Maassel stated this was a partnership between us and the schools to get the sidewalks built. Lulfs explained I worked with Reveille, they did the City's Master Plan, and I worked with Reveille and the schools together. We received notification a week or two ago that we received the grant. Maassel expressed it is important that people realize that the city and school are working together on projects. Lulfs added some of the work the school is currently doing with their parking lot expansion also includes some additional sidewalks. When we looked at our application, ODOT would not fund any type of walks or multi-use paths on school property so the school is undertaking those pieces including what's along Westmoreland because it had to be outside of the right-of-way. What we prepared was in conjunction with that. Baer asked if this includes the Jahns Road section, the sidewalk is that a separate item? Lulfs said that is a Transportation Alternative Projects grant. I am finishing those plans and hope to have those turned in by the end of the month. That project will take a multi-use path from the railroad to Ritter Park down the steep embankment which sort of swings out so there's no steep ties into the Ritter Park Path system and then is extended to what we will call the easterly end of Ritter Park by the raw water intake. Then, there will be a path there that will come down to the city property, down Front Street and connect to Perry. That is a separate grant that we received a couple years ago. Siclair asked if that is expected in 2022? Lulfs said that project is slated for 2022. We have not been given a definitive date for the Safe Routes to schools yet but, it will probably be a 2024 project. With ODOT projects there is a lot of planning involved, environmental studies have to be done and there is a lot of other paperwork that has to be done.

Motion: Durham                      Second: Knepley  
to accept the Safe Routes to School (SRTS) Grant from ODOT

Roll call vote on the above motion:  
Yea-Siclair, Comadoll, Knepley, Durham, Haase, Baer  
Nay-

**Yea-6, Nay-0. Motion Passed.**

**June 2021 Replacement Pages to the Codified Ordinances (direct Law Director to draft legislation)**

Harmon explained these updates are done twice a year to update the codified ordinances. The changes are from our own ordinances and any changes to State Law that affect our ordinances.

Motion: Knepley                      Second: Siclair  
to direct the Law Director to draft legislation for the June 2021 Replacement Pages to the Codified Ordinances

Roll call vote on the above motion:

Yea-Sicclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

**2021 Street Striping Project** (direct the Law Director to draft legislation)

Lulfs stated every other year we stripe the whole city and on the off years we generally budget a small amount to touch up the street striping. When we were preparing the bid documents we discovered this project was omitted from our master bid ordinance. We are requesting Council to direct the Law Director to draft legislation so we can bring this project back to Council in two weeks and put that project out to bid.

Motion: Comadoll                      Second: Haase  
to direct the Law Director to draft legislation for the 2021 Street Striping Project

Roll call vote on the above motion:

Yea-Sicclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

**Second Quarter Budget Adjustments** (refer to Committee and direct the Law Director to draft legislation with the suspension)

O'Boyle said this will go to the Finance and Budget Committee for recommendation to the full Council. The reason it has for the Law Director to draft legislation is because we would like the legislation on the July 6, 2021 Council agenda with suspension so we can close the month.

Maassel asked and if we don't do it then is that going to stop departments from spending money until July 19, 2021? O'Boyle responded it won't allow our office to show what truly is in July until we close the month because our software doesn't allow us to. So, they can keep spending but it won't show the true picture. Maassel pointed out this is a change, I know we did it this way in March and I did speak to O'Boyle about this. Usually we refer the budget adjustments to the Finance and Budget Committee, the committee reports back to Council and then Council directs the Law Director to draft legislation. Typically that is the way it goes. Tonight we did the PSCA and those are on their way, is there a way to do that with the quarterly budget adjustments without legislation? Harmon stated if we are going to make changes, we are going to have to use legislation to change the budget. There are some short-term adjustments that O'Boyle can make on her own. There is a blanket legislation the city votes on at the end of the year for the coming year. Generally when we make budget adjustments we go through this process. Maassel said usually it is a two-step process not all in one, right? Harmon – yes. Sicclair asked why is it different? Maassel said so we can close the books on July 6, 2021. Sicclair - but we have never had to do it that way before except Maassel interjected March was the first time we did it this way, is that right or did we do it last year the same way? O'Boyle replied as far as I can remember we have done it like this. When I first started we had a special meeting to have direct the Law Director to do legislation. This is a way to not have a special meeting and yet not have to hold it up until July 19, 2021. If it is, I will just send an email to the department heads and we will deal with it. Maassel stated I want them to be able to spend their money or, am I making a mountain of molehill here? O'Boyle said they will still be able to spend their money but they won't be able to see what they truly have and neither will our departments because the software doesn't allow us to. We will do what Council wants. Durham asked it is just a matter of if it goes to the Finance and Budget Committee versus it does not go to the Committee? Maassel said it is going to the Finance and Budget Committee next Monday. Typically the





O'Boyle. No items.

EXECUTIVE SESSION

Motion: Durham Second: Knepley

to go into Executive Session for the purpose of Economic Development to consider confidential information related to marketing plans, specific business strategy, production techniques, trade secrets or personal finance statements of an applicant for economic development assistance that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Roll call vote on the above motion:

Yea-Sicclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

City Council went into Executive Session at 8:01 pm.

ADJOURN FROM EXECUTIVE SESSION

Motion: Haase Second: Sicclair

to adjourn from Executive Session at 8:21 pm for the purpose as stated above

Roll call vote on the above motion:

Yea-Sicclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

Council President Pro-tem Baer reported no action was taken.

APPROVE PAYMENT OF BILLS AND FINANCIAL REPORTS

In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved

ADJOURN

Motion: Knepley Second: Sicclair

to adjourn the City Council meeting at 8:22 pm

Roll call vote on the above motion:

Yea-Sicclair, Comadoll, Knepley, Durham, Haase, Baer

Nay-

**Yea-6, Nay-0. Motion Passed.**

**Approved:**

**July 6, 2021**

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

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Jason P. Maassel, Mayor

Attest:

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Roxanne Dietrich, Clerk of Council

*City of Napoleon, Ohio*

## **RECORDS COMMISSION**


### **Special Meeting Agenda**

**Tuesday, July 06, 2021 at 6:45 pm**

(Due to a lack of quorum, the June 21, 2021 meeting had to be rescheduled)

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio  
the WebEx meeting link is posted at [www.napoleonohio.com/EVENTS](http://www.napoleonohio.com/EVENTS)

- 1) **Approval of Minutes** - December 7, 2020 (In the absence of any objections or corrections, the Minutes shall stand approved).
- 2) **Review of Records Retention Schedules**
- 3) **Any other matters to come before the Commission**
- 4) **Adjournment.**

  
Roxanne Dietrich ~ Clerk of Council





**ORDINANCE NO. 020-21**

**AN ORDINANCE APPROVING CURRENT JUNE 2021 REPLACEMENT PAGES TO THE CITY OF NAPOLEON CODIFIED ORDINANCES**

**WHEREAS**, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and,

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and,

**WHEREAS**, the City has heretofore entered into a contract with the American Legal Publishing Corporation (formerly known as Walter H. Drane Company) to prepare and publish such revision which is before Council; **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the June 2021 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, among others, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.182 Low-Speed Micromobility Device. (Added)

301.22 Pedestrian. (Amended)

301.52 Vehicle. (Amended)

331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)

335.04 Certain Acts Prohibited. (Amended)

371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)

371.14 Low-Speed Micromobility Devices. (Added)

373.10 Motorized Bicycle Operation. (Amended)

373.13 Electric Bicycles. (Amended)

General Offenses Code

501.99 Penalties for Misdemeanors. (Amended)

Section 3. That, the complete text of all current Codified changes is set forth in the current replacement pages to the City of Napoleon's Codified Ordinances, said pages which are attached to this Ordinance as Exhibit "A." Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council

and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 020-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*

**CODIFIED  
ORDINANCES  
OF THE  
CITY OF  
NAPOLEON  
OHIO**

Local legislation current through June 1, 2021

State legislation current through December 31, 2020

CERTIFICATION

We, Jason Maassel, Mayor and Roxanne Dietrich, Executive Assistant to Appointing Authority - Clerk of Council of Napoleon, Ohio pursuant to Article II Section 2.15 of the Charter and Section 121.03 of the Administrative Code, hereby certify that the general and permanent ordinances of the City of Napoleon, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Napoleon, Ohio, 1996, as amended to **June 1, 2021**.

/s/ Jason Maassel  
Mayor

/s/ Roxanne Dietrich  
Clerk of Council

Codified, edited and prepared for  
publication by  
THE WALTER H. DRANE COMPANY  
Cleveland, Ohio

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CITY OF NAPOLEON  
ROSTER OF OFFICIALS  
(2021)

CITY OFFICIALS

Mayor  
City Manager  
City Law Director  
City Finance Director

Jason Maassel  
Joel L. Mazur  
Billy D. Harmon  
Kelly O'Boyle

<b>LAW ENFORCEMENT OFFICER</b> (see also POLICE OFFICER; PUBLIC SERVANT)		<b>LODGING TAX</b> (Cont.)	
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personal	501.07	false information	191.09
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use of	335.11	district regulations	Ch, 1147
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registration within thirty days		minimum	1127.12
of residency	335.111	nonconforming	1129.03
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<b>LIGHTS, VEHICLE</b> (see VEHICLE LIGHTS)		definition	301.182
<b>LIMITATION OF PROSECUTION</b>	501.06	operation; violations	371.14
<b>LIQUOR</b> (see INTOXICANTS; INTOXICATION)		<b>LOW-SPEED, UNDER-SPEED UTILITY VEHICLES, AND MINI-TRUCKS</b>	
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<u>Ord. No</u>	<u>Date</u>	<u>C.O. Section</u>
032-20	8-17-20	June 2020 Replacement Pages
034-20	8-3-20	TRAF. SCH. I, III
053-20	11-16-20	194.081
054-20	12-7-20	955.16
066-20	12-21-20	193.11, 194.013
083-20	2-1-21	925.08
084-20	2-1-21	December 2020 Replacement Pages
085-20	2-1-21	931.09
086-20	2-1-21	931.07



TABLE C - Annexation or Detachment (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
081-08	10-6-08	Annexes property owned by the Board of County Commissioners of Henry County, Ohio (Location where the Henry County Garage is sited).
116-08	12-29-08	Consents to an annexation petitioned by David B. Ward at 907 Huddle Road.
004-09	1-19-09	Amends Ord.114-08, Sec. 1, which is a municipal service statement for a certain annexation petitioned by David B. Ward at 907 Huddle Road.
012-09	4-6-09	Locating an annexation of property at the location of 907 Huddle Road as was petitioned for by David B. Ward.
070-09	12-7-09	Annexes 1.83 acres owned by Maurice and Georgie Davis at the location of 2334 Scott St.
034-10	7-6-10	Accepting an annexation of .99 acres of land owned by Jerry Walker at the location of Huddle Road.
065-10	12-6-10	Accepting an annexation of territory as petitioned for by Thomas E. Wagner et. al. at the location of County Road 11C (Appian Avenue).
98-10	2-21-11	Approving the annexation of several parcels of land owned by Thomas C. Norden, et al, at the location of County Road 11C (Appian Ave.)
062-11	11-21-11	Accepting an annexation of territory as petitioned for by Donna M. Leonhardt, et. al. at the location of 815, 833, 855 and 873 Huddle Road.
063-11	11-21-11	Accepting an annexation of territory as petitioned for by John and Lori Paxton consisting of one lot being 2.98 acres of land more or less at the location of 715 Huddle Road, Parcel Number 07-240002.0200.
005-14	1-20-14	Accepting the annexation to the City of Napoleon certain territory that the Napoleon Area School District filed with the Henry County Board of Commissioners. Westmoreland Ave. Parcel Number 41-150040.0000.
047-14	7-7-14	Authorizes annexation agreement with Napoleon Township for the annexation of 5.448 acres of land owned by MDC Holdings, LLC. Westmoreland Ave. Parcel Number 41-150034.0100.
064-14	10-6-14	Accepts annexation to City of 5.448 acres of land owned by MDC Holdings, LLC. Westmoreland Ave. Parcel Number 41-150034.0100.
052-20	11-16-20	Authorizes annexation agreement of 3.038 acres of land currently in Napoleon Township located along County Road 424 (Parcel No. 07270088.0000), which is owned by William R. Meyers.
002-21	3-15-21	Accepting the annexation to the City of 3.038 acres of land more or less owned by William R. Meyers currently in the Township of Napoleon.

TABLE D - Zoning Map Changes (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
046-09	7-6-09	Certain property located in part of west ½ of NW quarter of Section 14, Town 5N, Range 6E, Napoleon Township (Rodenberger Funeral Home) from C-3 Local Commercial to R-3 Moderate Residential.
071-09	12-7-09	Territory annexed by Ord. 070-09 (2334 Scott St.) zoned R-4 Residential High Density.
035-10	7-6-10	Territory containing .99 acres of land more or less, on Huddle Road annexed by Ord. 034-10, zoned R-1 Residential Suburban.
066-10	12-6-10	The land areas annexed by Ordinance 065-10 shall be zoned as follows: Lot No. 41 (Parcel No. 24-199301.0780 to R-2 (Low Density Residential); Lot 29 (Parcel No. 22-199301.0580), Lot 27 & 28 (Parcel No. 22-199301.0560 & Parcel No. 22-190058.0000) and Lot No. 30 (Parcel No. 22-199301.0600) all be zoned R-3 (Moderate Density Residential).
004-11	3-21-11	Newly annexed properties on Appian Ave. zoned R-2 (Low Density Residential) and R-3 (Moderate Density Residential).
022-12	4-2-12	Newly annexed properties on Huddle Road zoned R-1 (Suburban Residential).
023-12	4-2-12	Newly annexed properties on Huddle Road zoned R-1 (Suburban Residential).
011-14	3-17-14	55.062 acres annexed into the City zoned C-4, (Planned Commercial District).
032-14	6-2-14	Property located at 2269 Scott St. from I-2 (Open Industrial) to C-4 (Planned Commercial).
002-21	3-15-21	Newly annexed 3.038 acres owned by William R. Meyers zoned R-1 (Suburban Residential).

(b) The Finance Director, or his duly authorized agent or employee in the Department of Taxation, is authorized to examine any person, employer, or taxpayer under oath concerning any compensation or net profits which were or should have been returned for taxation or any City tax which was or should have been withheld or paid, and for this purpose, may compel by subpoena or otherwise the production of books, papers, records and federal and state income tax returns and records and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such compensation, net profits, information or documentation.

(c) All returns, investigations, examinations and hearings, and all information and documentation produced therewith, and all information and documentation gained as a result thereof are confidential except for official purposes and except in accordance with proper judicial order and shall be carefully preserved so that they shall not be available for inspection by or dissemination to anyone other than the proper officers, agents and employees of the City for official purposes. Any person disclosing any such information or documentation is guilty of a misdemeanor of the 1st degree. Each disclosure shall constitute a separate offense. In addition to the above penalties, any officer, agent or employee of the City who violates any provision of this chapter relative to disclosures of confidential information shall be dismissed immediately from the service of the City. (Ord. 123-95. Passed 11-27-95)

### **193.10 (RESERVED FOR FUTURE LEGISLATION).**

### **193.11 ALLOCATION OF FUNDS.**

(a) Effective January 1, 2021, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-three percent (63%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-seven percent (37%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2022 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments. (Ord 066-20. Passed 12-21-20.)

- (C) As used in subsection (b) hereof, "sales made in the City" means:
- (1) All sales of tangible personal property which is delivered within the City regardless of where title passes if shipped or delivered from stock of goods within the City;
  - (2) All sales of tangible personal property which is delivered within the City regardless of where title passes even though transported from a point outside the City if the taxpayer is regularly engaged through its own employees and salespeople in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion;
  - (3) All sales of tangible personal property which is shipped from a place within the City to purchasers outside the City regardless of where title passes if the taxpayer is not, through its own employees and salespeople regularly engaged in the solicitation or promotion of sales at the place where delivery is made.
- (Portions also approved by voters 5-5-09; Ord. 053-15. Passed 11-16-15.)

#### **194.013 ALLOCATION OF FUNDS.**

(a) Effective January 1, 2021, the funds collected under the provisions of this Chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this Chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-three percent (63%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-seven percent (37%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2022 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments. (Ord. 066-20. Passed 12-21-20.)

**CODIFIED ORDINANCES OF NAPOLEON**

**PART THREE - TRAFFIC CODE**

**TITLE ONE - Administration**

Chap. 301. Definitions.

Chap. 303. Enforcement, Impounding and Penalty.

Chap. 305. Traffic Control.

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**CHAPTER 301**  
**Definitions**

<b>301.01</b>	<b>Meaning of words and phrases.</b>	<b>301.24</b>	<b>Pole trailer.</b>
<b>301.02</b>	<b>Agricultural tractor.</b>	<b>301.25</b>	<b>Police officer.</b>
<b>301.03</b>	<b>Alley.</b>	<b>301.251</b>	<b>Predicate motor vehicle or traffic offense.</b>
<b>301.031</b>	<b>Beacon; hybrid beacon.</b>	<b>301.26</b>	<b>Private road or driveway.</b>
<b>301.04</b>	<b>Bicycle; motorized bicycle; moped; electric bicycle.</b>	<b>301.27</b>	<b>Public safety vehicle.</b>
<b>301.05</b>	<b>Bus.</b>	<b>301.28</b>	<b>Railroad.</b>
<b>301.06</b>	<b>Business district.</b>	<b>301.29</b>	<b>Railroad sign or signal.</b>
<b>301.07</b>	<b>Commercial tractor.</b>	<b>301.30</b>	<b>Railroad train.</b>
<b>301.08</b>	<b>Controlled-access highway.</b>	<b>301.31</b>	<b>Residence district.</b>
<b>301.09</b>	<b>Crosswalk.</b>	<b>301.32</b>	<b>Right of way.</b>
<b>301.10</b>	<b>Driver or operator.</b>	<b>301.321</b>	<b>Road service vehicle.</b>
<b>301.11</b>	<b>Emergency vehicle.</b>	<b>301.33</b>	<b>Roadway.</b>
<b>301.12</b>	<b>Explosives.</b>	<b>301.34</b>	<b>Safety zone.</b>
<b>301.13</b>	<b>Expressway.</b>	<b>301.35</b>	<b>School bus.</b>
<b>301.14</b>	<b>Flammable liquid.</b>	<b>301.36</b>	<b>Semitrailer.</b>
<b>301.15</b>	<b>Freeway.</b>	<b>301.361</b>	<b>Shared-use path.</b>
<b>301.16</b>	<b>Gross weight.</b>	<b>301.37</b>	<b>Sidewalk.</b>
<b>301.161</b>	<b>Highway maintenance vehicle.</b>	<b>301.38</b>	<b>State route.</b>
<b>301.162</b>	<b>Highway traffic signal.</b>	<b>301.39</b>	<b>Stop (when required).</b>
<b>301.17</b>	<b>Intersection.</b>	<b>301.40</b>	<b>Stopping or standing.</b>
<b>301.18</b>	<b>Laned street or highway.</b>	<b>301.41</b>	<b>Stop intersection.</b>
<b>301.182</b>	<b>Low-speed micromobility device.</b>	<b>301.42</b>	<b>Street or highway; arterial street.</b>
<b>301.183</b>	<b>Low-speed vehicle.</b>	<b>301.43</b>	<b>Through street or highway.</b>
<b>301.185</b>	<b>Median.</b>	<b>301.44</b>	<b>Thruway.</b>
<b>301.187</b>	<b>Mini-truck.</b>	<b>301.45</b>	<b>Traffic.</b>
<b>301.19</b>	<b>Motorcycle.</b>	<b>301.46</b>	<b>Traffic control devices.</b>
<b>301.20</b>	<b>Motor vehicle.</b>	<b>301.47</b>	<b>Traffic control signal.</b>
<b>301.201</b>	<b>Operate.</b>	<b>301.48</b>	<b>Trailer.</b>
<b>301.21</b>	<b>Park or parking.</b>	<b>301.49</b>	<b>Truck.</b>
<b>301.22</b>	<b>Pedestrian.</b>	<b>301.495</b>	<b>Under-speed vehicle.</b>
<b>301.23</b>	<b>Person.</b>	<b>301.50</b>	<b>Urban district.</b>

**301.161 HIGHWAY MAINTENANCE VEHICLE.**

“Highway maintenance vehicle” means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.01(QQQ))

**301.162 HIGHWAY TRAFFIC SIGNAL.**

“Highway traffic signal” means a power-operated traffic control device by which traffic is warned or directed to take some specific action. “Highway traffic signal” does not include a power-operated sign, steadily illuminated pavement markers, warning light, or steady burning electric lamp. (ORC 4511.01(MMM))

**301.17 INTERSECTION.**

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.
- (b) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.
- (c) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in subsection (b) of this section:
  - (1) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.
  - (2) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.
  - (3) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk. (ORC 4511.01(KK))

**301.18 LANED STREET OR HIGHWAY.**

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. (ORC 4511.01(GG))

**301.182 LOW-SPEED MICROMOBILITY DEVICE.**

“Low-speed micromobility device” means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor. (ORC 4511.01(WWW))

**301.183 LOW-SPEED VEHICLE.**

“Low-speed vehicle” means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds. (Ord. 061-19. Passed 10-21-19.)

**301.185 MEDIAN.**

"Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. (ORC 4511.01(NNN))

**301.187 MINI-TRUCK.**

"Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards. (Ord. 061-19. Passed 10-21-19.)

**301.19 MOTORCYCLE.**

"Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle" or "motorcycle" without regard to weight or brake horsepower. (ORC 4511.01(C))

**301.20 MOTOR VEHICLE.**

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))

**301.201 OPERATE.**

"Operate" means to cause or have caused movement of a vehicle. (ORC 4511.01(HHH))

**301.21 PARK OR PARKING.**

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

**301.22 PEDESTRIAN.**

"Pedestrian" means any natural person afoot. The term includes a personal delivery device as defined in Ohio R.C. 4511.513 unless the context clearly suggests otherwise. (ORC 4511.01(X))

**301.23 PERSON.**

"Person" means every natural person, firm, copartnership, association or corporation. (ORC 4511.01(W))

**301.47 TRAFFIC CONTROL SIGNAL.**

"Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.  
(ORC 4511.01(RR))

**301.48 TRAILER.**

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.  
(ORC 4511.01(M))

**301.49 TRUCK.**

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

**301.495 UNDER-SPEED VEHICLE.**

"Under-speed vehicle" means a three- or four- wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.  
(Ord. 061-19. Passed 10-21-19.)

**301.50 URBAN DISTRICT.**

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PP))

**301.505 UTILITY.**

"Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.  
(Ord. 061-19. Passed 10-21-19.)

**301.51 U-TURN; J-TURN.**

(a) "U-turn" means a turn that reverses the direction in which the vehicle making the turn is proceeding. (A.O.)

(b) "J" turn means a left turn, more than 90 degrees but less than 180 degrees in a frontward or backward direction. (Ord. 139-96. Passed 12-16-96.)

**301.52 VEHICLE.**

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))



**331.37 DRIVING UPON SIDEWALK OR BIKE PATH.**

- (a) (1) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.
- (2) This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties.
- (3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

(c) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path. (ORC 4511.713)

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.711)

**331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.**

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are boarding or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(e) As used in this section, “electronic wireless communications device” includes any of the following:

- (1) A wireless telephone;
- (2) A personal digital assistant;
- (3) A computer, including a laptop computer and a computer tablet;
- (4) A text-messaging device;
- (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.  
(ORC 4511.205)

#### **335.04 CERTAIN ACTS PROHIBITED.**

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

- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
- (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
- (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 4507.30)

#### **335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.**

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.

**TITLE NINE - Pedestrians, Bicycles and Motorcycles**

Chap. 371. Pedestrians.

Chap. 373. Bicycles and Motorcycles.

Chap. 374. Bicycle Licensing.

Chap. 375. Snowmobiles, Off-Highway Motorcycles, and All Purpose Vehicles.

**CHAPTER 371  
Pedestrians**

- |               |   |               |   |
|---------------|---|---------------|---|
| <b>371.01</b> | <b>Right of way in crosswalk.</b>   | <b>371.08</b> | <b>Yielding to public safety vehicle.</b>                                 |
| <b>371.02</b> | <b>Right of way of blind person.</b>  | <b>371.09</b> | <b>Walking on highway while under the influence.</b>                      |
| <b>371.03</b> | <b>Crossing roadway outside crosswalk; diagonal crossings at intersections.</b> | <b>371.10</b> | <b>On bridges or railroad crossings.</b>                                  |
| <b>371.04</b> | <b>Moving upon right half of crosswalk.</b>                                     | <b>371.11</b> | <b>Persons operating motorized wheelchairs.</b>                           |
| <b>371.05</b> | <b>Walking along highways.</b>  | <b>371.12</b> | <b>Electric personal assistive mobility devices.</b>                      |
| <b>371.06</b> | <b>Use of highway for soliciting; riding on outside of vehicles.</b>            | <b>371.13</b> | <b>Operation of personal delivery device on sidewalks and crosswalks.</b> |
| <b>371.07</b> | <b>Right of way on sidewalk.</b>  | <b>371.14</b> | <b>Low-speed micromobility devices.</b>                                   |

**CROSS REFERENCES**

See sectional histories for similar State law

Pedestrian defined - see TRAF. 301.22

Pedestrian prohibited on freeways - see TRAF. 303.06

Obedience to traffic control devices - see TRAF. 313.01, 313.03

Pedestrian control signals - see TRAF. 313.05

**371.01 RIGHT OF WAY IN CROSSWALK.**

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

- B. If the court does not issue an impoundment order pursuant to subsection (f)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than thirty days.

(g) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor.  
(ORC 4511.512)

**371.13 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.**

(a) As used in this section:

- (1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
- (2) "Personal delivery device" means an electrically powered device to which all of the following apply:
  - A. The device is intended primarily to transport property on sidewalks and crosswalks.
  - B. The device weighs less than 200 pounds excluding any property being carried in the device.
  - C. The device has a maximum speed of ten miles per hour.
  - D. The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.
- (3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. The phrase does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. The phrase also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(b) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

- (1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.
- (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
- (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.
- (4) The device is equipped with all of the following:
  - A. A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
  - B. A braking system that enables the personal delivery device to come to a controlled stop;

- C. If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(c) No personal delivery device operator shall allow a personal delivery device to do any of the following:

- (1) Fail to comply with traffic or pedestrian control devices and signals;
- (2) Unreasonably interfere with pedestrians or traffic;
- (3) Transport any hazardous material that would require a permit issued by the Public Utilities Commission;
- (4) Operate on a street or highway, except when crossing the street or highway within a crosswalk.

(d) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.

- (e) (1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.
- (2) An eligible entity is responsible for both of the following:
- A. Any violation of this section that is committed by a personal delivery device operator; and
  - B. Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by divisions (c)(1) to (c)(4) of this section.
- (ORC 4511.513)

### **371.14 LOW-SPEED MICROMOBILITY DEVICES.**

- (a) (1) A low-speed micromobility device may be operated on the public streets, highways, sidewalks, and shared-use paths, and may be operated on any portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this title that by their nature could apply to a low-speed micromobility device do apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (b) No operator of a low-speed micromobility device shall do any of the following:
- (1) Fail to yield the right-of-way to all pedestrians at all times;
  - (2) Fail to give an audible signal before overtaking and passing a pedestrian;
  - (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
    - A. A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;
    - B. A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

- (c) (1) No person who is under sixteen years of age shall rent a low-speed micromobility device.
- (2) No person shall knowingly rent a low-speed micromobility device to a person who is under sixteen years of age.
- (3) No person shall knowingly rent a low-speed micromobility device on behalf of a person who is under sixteen years of age.
- (d) No person shall operate a low-speed micromobility device at a speed greater than twenty miles per hour.
- (e) (1) Whoever violates this section is guilty of a minor misdemeanor.
- (2) Unless a mens rea is otherwise specified in this section, an offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of that offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (f) Notwithstanding subsection (a)(1) of this section, the municipality, may do any of the following:
- (1) Regulate or prohibit the operation of low-speed micromobility devices on public streets, highways, sidewalks, and shared-use paths, and portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction;
- (2) Include low-speed micromobility devices that are adapted to expand access for people with various physical limitations into a shared bicycle, shared electric bicycle, or similar vehicle sharing program, under its jurisdiction;
- (3) Require the owner or operator of a low-speed micromobility device rental service or low-speed micromobility device sharing program to maintain commercial general liability insurance related to the operation of the devices, with limits of up to one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) per aggregate.  
(ORC 4511.514)

- (3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror; and
- (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) The protective helmet and rearview mirror required by subsection (a)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Ohio Director of Public Safety.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.521)

### **373.11 RIDING BICYCLES ON SIDEWALKS PROHIBITED.**

(a) No person shall operate a bicycle upon a sidewalk within a business district, the Central Business District, or upon a sidewalk within a shopping center, or upon a sidewalk where signs are erected prohibiting such operation.

(b) Any person lawfully operating a bicycle upon a sidewalk shall use the right side of the sidewalk. Upon all heavily traveled thoroughfares, it shall be the duty of all persons operating bicycles to ride in single file. (1978 Code 75.10)

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### **373.12 SKATEBOARDS; ROLLER SKATES.**

(a) As used in this section "skateboard" means any vehicle or device consisting basically of a board or platform mounted on wheels or rollers, whether powered by gravity, muscle power or mechanical or motorized means, which is not equipped with a positive, mechanical means of steering such vehicle or device. However, "skateboard" shall not include motorized or other wheelchairs.

(b) No person shall ride on or operate a skateboard, rollerskates, toy vehicle, or similar device on any of the streets or highways listed in Traffic Schedule VII.

(c) No person shall ride on or operate a skateboard, rollerskates, toy vehicle, or similar device upon a sidewalk within a business district, upon any public or private property used by the public for purposes of vehicular travel or parking within a business district, upon a sidewalk within a shopping center, or upon a sidewalk where signs are erected prohibiting the same.

(d) Every person lawfully riding on or operating a skateboard, roller skates, toy vehicle, or similar device within the City shall obey at all times all traffic-control devices, signals, and regulations of the City including, without limitation, the duty to operate the same on the right side of the street, highway, alley, or sidewalk. (1978 Code 75.11)

(e) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### **373.13 ELECTRIC BICYCLES.**

- (a) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Municipality by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.
- (2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Municipality by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.
- (3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.
- (4) Subsections (a)(2) and (a)(3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.
- (b) (1) No person under sixteen years of age shall operate a class 3 electric bicycle; however, a person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
- (2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.
- (c) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle in a manner that is prohibited under subsection (a) of this section and whoever violates subsection (b) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (2) The offenses established under subsection (c)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.522)



- (1) **Restitution.**
- A. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.
- B. If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.
- C. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.
- D. If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.
- E. The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.
- (2) **Fines.** A fine in the following amount:
- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
- B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);

**925.08 PLACEMENT OF CONTAINERS.**

Bags, tagged bags or containers holding bags or tagged bags shall be placed at the curb located in front of a customer's residence for residential establishments, and along the alley located off the customer's premises or other specified location for commercial establishments utilizing residential service who desire to be on the City's bag refuse service. Sanitation department personnel cannot enter residential or other buildings for the purpose of refuse pickup. Containers if used as bag holders will be returned to the place of pickup, with lids replaced. In the event of a situation not covered by the above, placement of containers may be determined by mutual agreement of the Operations Superintendent and the resident, subject to the approval of the City Manager. Refuse and Recycling containers placed at the curb in front of a customer's residence are to be removed from the curb by the end of the next day immediately following the customer's scheduled pickup day. (Ord. 083-20. Passed 2-1-21.)

**925.09 MISCELLANEOUS REFUSE AND RUBBISH.**

Construction or remodeling debris, tree stumps, tree trunks, yard waste, rocks, broken concrete, earth, old furniture, appliances, and/or tires, shall not be included in regular collection service. (Ord. 28-95. Passed 4-3-95.)

**925.10 LICENSED COMMERCIAL COLLECTIONS.**

(a) License Required. No person, firm or corporation shall remove from any commercial establishment the waste of another, in whatever quantity, or transport the same along or over any public street or alley, without first obtaining and having a valid license therefor from the City. (Ord. 147-96. Passed 12-16-96.)

(b) Vehicles. All vehicles used for the collection and hauling of garbage, refuse, rubbish, or other waste within the City limits shall be kept in a reasonably clean and sanitary condition at all times and so constructed as to prevent the leakage or scattering of the material being hauled; further, such vehicles shall at all times be subject to inspection by the City Manager/designee. If in the City Manager's judgment a vehicle is found to be defective or unfit for use, said Manager is empowered to prevent the use of the same for hauling until put in proper condition to comply with the terms of this section.

(c) License Issuance. The City Manager is authorized to issue a license to persons, firms, partnerships, or corporations of commercial collections of garbage, refuse, rubbish, yard waste, solid waste, hazardous waste, or other waste that is collected within the City corporation limits upon compliance with the requirements set forth in this section.

(d) Term of License. All current and future licenses for commercial hauling shall expire on December 31 after passage of this section and each December 31 thereafter. Licenses issued that are to be effective after January 1 shall be prorated. Licenses may be renewed each year (if not denied or under cancellation) by filing proper application with the City Manager and by making payment of the renewal fee as prescribed. The licenses required herein shall not be transferable. No fee will be reimbursed by the City if the subject of the license is later canceled.

(e) Applications. Every owner or other person, firm, partnership, corporation, or other entity desiring to obtain a license shall file an application with the City Manager upon a form to be prescribed by the Manager and kept on file by the City Finance Director, prior to the receiving of any such license, which application shall state among other things:

- (1) The name and address and date of birth of the applicant;
- (2) The location where the business is to be operated;
- (3) The name of the owner or owners and of the business conducted;

**931.04 SUPPLEMENTARY RULES.**

The City Manager is hereby empowered to make supplementary Rules as may be necessary to properly administer said Rules for Water and Sewer Service; however, no change shall be made in Rule 26 or 27, or Sub Rules ("provisions") thereof, unless duly authorized by Napoleon's City Council in accordance with law. Nothing in this section shall be construed as requiring Council approval for Rule changes related to specifications, methods, or techniques.  
(Ord. 82-97. Passed 10-20-97.)

**931.05 POWER OF LAW.**

All rules, including specifically Rule 26 (Violations and Prohibitions) and Sub Rules thereof, expressly carry the same power of law as if adopted by separate ordinance.  
(Ord. 82-97. Passed 10-20-97.)

**931.06 DEPOSITS.**

Within ninety days of the effective date of this chapter, the Finance Director shall return all deposits received prior to the effective date of this chapter related to residential utilities, held in excess of twelve continuous months, without interest, for those accounts that demonstrate to the Finance Director, by evidence of a good payment history, that collection of said account is of low risk. Moreover, the Finance Director shall continue existing deposit procedures until January 1, 1998 at which time procedures shall be in accordance with Rule 17 of the adopted Napoleon City Rules for Water and Sewer Service.  
(Ord. 82-97. Passed 10-20-97.)

**931.07 WATER RATES.**

The water rates charged by the City shall be as follows except as may otherwise be permitted by rule:

- (a) A City approved water meter shall be utilized for determining use of water.
- (b) The following rates are established and shall be charged to all classes of water users, until otherwise changed.
  - (1) Effective with the first readings in February in the year 2021, to be reflected in the first billing in March of the year 2021, except for direct sales as established in subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(6) hereof. The commodity charge shall be computed as follows:
    - A. Units of water used inside the corporation:
      - Units: 1 up to 10 = \$7.90 each unit, then
      - Units: 11 up to 250 = \$7.51 each unit, then
      - Units: Over 250 = \$5.69 each unit.
      - Note: One Unit of Water is defined as 100 cubic feet.
    - B. Units of water used outside the corporation: \*
      - Units: 1 up to 10 = \$11.84 each unit, then
      - Units: 11 up to 250 = \$11.27 each unit, then
      - Units: Over 250 = \$8.54 each unit.
      - Note: One Unit of Water is defined as 100 cubic feet.
    - C. Direct sales at the plant: \$8.18 per 1,000 gallons.
  - (2) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 and less	\$11.84	\$17.76
B. 1.25	42.50	63.75
C. 1.50	67.34	101.02
D. 2.00	136.97	205.46
E. 3.00 and up	377.86	566.76
F. 4.00	642.00	963.00
G. 6.00	1,070.00	1,605.00
H. 8.00	1,605.00	2,407.50
I. 10.00 AND UP	2,140.00	3,210.00

- (3) Effective with the first reading in January of the year 2022, to be reflected in the first billing in February of the year 2022, except for direct sales as established in subsection (b)(7)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(8) hereof. The commodity charge shall be computed as follows:
- A. Units of water used inside the corporation:
    - Units: 1 up to 10 = \$8.45 each unit, then
    - Units: 11 up to 250 = \$8.04 each unit, then
    - Units: Over 250 = \$6.09 each unit.
 Note: One Unit of Water is defined as 100 cubic feet.
  - B. Units of water used outside the corporation:\*
    - Units: 1 up to 10 = \$12.67 each unit, then
    - Units: 11 up to 250 = \$12.06 each unit, then
    - Units: Over 250 = \$9.14 each unit.
 Note: One Unit of Water is defined as 100 cubic feet.
  - C. Direct sales at the plant: \$8.18 per 1,000 gallons.
- (4) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$12.67	\$19.01
B. 1.25	45.48	68.21
C. 1.50	72.05	108.09
D. 2.00	146.56	219.84
E. 3.00 and up	404.31	606.43
F. 4.00	686.94	1,030.41
G. 6.00	1,144.90	1,717.35
H. 8.00	1,717.35	2,576.03
I. 10.00 and up	2,289.80	3,434.70

- (5) Effective with the first reading in January of the year 2023 to be reflected in the first billing in February of the year 2023, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:
- A. Units of water used inside the Corporation:  
Units: 1 up to 10 = \$9.04 each unit, then  
Units: 11 up to 250 = \$8.60 each unit, then  
Units: over 250 = \$6.52 each unit.  
Note: one unit of water is defined as 100 cubic feet.
- B. Units of water used outside the Corporation: \*  
Units: 1 up to 10 = \$13.56 each unit, then  
Units: 11 up to 250 = \$12.90 each unit, then  
Units: over 250 = \$9.78 each unit.  
Note: one unit of water is defined as 100 cubic feet.
- C. Direct sales at the plant: \$8.18 per 1,000 gallons.
- (6) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 and less	\$13.56	20.34
B. 1.25	48.66	72.99
C. 1.50	77.09	115.66
D. 2.00	156.82	235.23
E. 3.00 and up	432.61	648.88
F. 4.00	735.03	1,102.54
G. 6.00	1,225.04	1,837.56
H. 8.00	1,837.56	2,756.35
I. 10.00 and up	2,450.09	3,675.13

- (7) Effective with the first reading in January of the year 2024 to be reflected in the first billing in February of the year 2024, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:
- A. Units of water used inside the Corporation:  
 Units: 1 up to 10 = \$9.67 each unit, then  
 Units: 11 up to 250 = \$9.20 each unit, then  
 Units: over 250 = \$6.97 each unit.  
 Note: one unit of water is defined as 100 cubic feet.
- B. Units of water used outside the Corporation: \*  
 Units: 1 up to 10 = \$14.51 each unit, then  
 Units: 11 up to 250 = \$13.80 each unit, then  
 Units: over 250 = \$10.46 each unit.  
 Note: one unit of water is defined as 100 cubic feet.
- C. Direct sales at the plant: \$8.18 per 1,000 gallons.
- (8) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 and less	\$14.51	\$21.76
B. 1.25	52.06	78.10
C. 1.50	82.49	123.75
D. 2.00	167.79	251.70
E. 3.00 and up	462.89	694.30
F. 4.00	786.48	1,179.72
G. 6.00	1,310.80	1,966.19
H. 8.00	1,966.19	2,949.29
I. 10.00 and up	2,621.59	3,932.39

(c) The capacity of service shall be determined by the City and, normally, shall be equal to the size of the consumer's water meter.

\*Except for bulk sales direct from the Water Plant, both capacity and commodity water charges outside the City are charged at approximately fifty percent (50%) higher than in the City, unless otherwise modified by rule or terms of a contract. Nothing in this section shall be construed to prohibit the City from increasing or decreasing the percentage stated in a contract where not otherwise prohibited by law.

(d) No deduction in capacity charge (from the beginning of time) is applicable as it relates to governmental buildings, schools, and charitable institutions.

(e) Water testing fees shall be as follows:

- (1) Testing bacteria mmo/mugg /Smp \$20.00
  - (2) Calibrate chlorine meters /Mtr \$30.00
  - (3) Testing for special samples /Smp \$40.00
  - (4) Weekend testing for any sample /Smp \$100.00
- (Ord. 086-20. Passed 2-1-21.)

**931.08 WATER TAP AND SERVICE LINE FEES.**

The water tap rates and service line fees charged by the City shall be as follows, except as may be permitted by rule:

(a) Water tap and service line fees shall be as follows:

DIA Size Tap	Meter Size	Tap and Service Line Charge	
		Inside City	Outside City
1.00"	5/8"	\$ 1,200.00	\$ 1,680.00
1 00"	3/4"	1,300.00	1,820.00
1.00"	1"	1,400.00	1,960.00

**931.09 SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION LIMITS.**

The sanitary sewer rates charged by the City shall be as follows, except as may otherwise be permitted by rule:

- (a) It is determined and declared to be necessary to the protection of the public health, safety, welfare, and convenience of the City to establish and collect charges upon all lots, lands, and premises which are served by the municipal sanitary sewer system of the City.
- (b) The following measures shall be used to determine the sewer charges provided to a premises served by the City sanitary sewer system:
  - (1) Any premises using water exclusively supplied by the City and having a water meter acceptable to the City shall be measured by said meter for determining the sanitary sewer charge for the premises.
  - (2) Any owner or other interested party of a premises using water supplied either in whole or in part from sources other than the waterworks system of the City may be required to install water meters satisfactory to the City to the extent necessary to measure all such supplies of water. The quantity of water consumed on said premises shall be deemed to be the aggregate amount disclosed by said meter for the purpose of determining the sanitary sewer charge for the premises.
  - (3) In the event it can be shown to the satisfaction of the City that a portion of the water from any source consumed on said premises does not and cannot enter the City sanitary sewer system, then in such case the owner or other interested party may, at the owner's or interested party's expense, install and maintain separate metering devices, subject to inspection and testing by the City, to the extent necessary to demonstrate to the satisfaction of the City that only a portion of the water consumed on the premises is being discharged into the City sanitary sewer system, which portion shall constitute the basis for measuring the sanitary sewer charge for said premises. In the event that such metering devices are impractical, then other reliable evidence produced by the owner or other interested party may be considered by the City Manager, in the City Manager's sole discretion, in adjusting sewer charges.
  - (4) Effective with the readings in February of the year 2021, to be reflected in the first billing in March of the year 2021, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100 cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.48	\$6.48
Outside Corporation Limits	\$12.96	\$12.96



Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

- (5) Effective with the reading in January of the year 2022, to be reflected in the first billing in February of the year 2022, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100 cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.83	\$6.83
Outside Corporation Limits	\$13.66	\$13.66

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

- (6) Effective with the reading in January of the year 2023, to be reflected in the first billing in February of the year 2023, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100 cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$7.19	\$7.19
Outside Corporation Limits	\$14.37	\$14.37

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

- (7) Effective with the reading in January of the year 2024, to be reflected in the first billing in February of the year 2024, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100 cf Residential Commercial or Industrial

Inside Corporation Limits	\$7.56	\$7.56
Outside Corporation Limits	\$15.11	\$15.11

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

- (c) Disposal of Domestic Septage.
- (1) Domestic septage accepted. The City accepts hauled domestic septage from approved hauling companies for disposal at the City's Wastewater Treatment Plant or other place as may be designated by the City's Wastewater Superintendent. The City's Wastewater Superintendent shall determine what constitutes an "approved hauling company". As used in this Ordinance, septage is considered waste collected from septic tanks in place for domestic type use. It contains partially treated household waste disposed through a homes plumbing system or other similar type waste commonly disposed in toilets, sinks, and showers.
  - (2) Company information required. Companies wishing to haul septage to the City's disposal site must apply to the City's Wastewater Superintendent and provide:
    - A. Company contact and ownership information;
    - B. Information about the types and capacities of the trucks used to haul septage;
    - C. Information about the source and characteristics of the septage to be hauled; and,
    - D. Approximate daily/weekly/monthly volumes which are planned to be hauled.
  - (3) Internal Policy Compliance. All hauled septage accepted at the City's dumping site must comply with any internal policies as may be established by the City's Wastewater Superintendent.
  - (4) Testing. Testing of the septage may be required prior to the disposal to ensure compliance with the internal policies.
  - (5) Waste manifest. A manifest document as provided by the Henry County, Ohio, Health Department, or other approved manifest as approved by the City's Wastewater Superintendent, is required for each load, prior to disposal. The City Wastewater Superintendent or designee may request to review this septage manifest document and/or inspect and test the load to confirm that the material being delivered can be accepted.
  - (6) Prior disposal arrangements. The City's Wastewater Treatment Plant or other designated facility must be contacted prior to each disposal so that arrangements can be made to access the facility.
  - (7) Rates. The rate for dumping septage shall be six cents (\$0.06) per gallon. (Ord. 085-20. Passed 2-1-21.)

**RESOLUTION NO. 021-21**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR A PROJECT KNOWN AS 2021 STREETS STRIPING PROJECT, WHICH WAS NOT INCLUDED IN THE 2021 MASTER BID LIST, RESOLUTION NO. 062-20, AND AUTHORIZING COMPETITIVE BIDDING IN REGARD THERETO; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Manager has determined that various streets throughout the municipality are in need of immediate improvements; and,

**WHEREAS**, this Project was not included in the annual Master Bid List, Resolution No. 062-20, and that the cost of this project exceeds twenty-five thousand dollars (\$25,000); **Now therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the expenditure of funds in excess of twenty-five thousand dollars (\$25,000) for the 2021 Streets Striping Project is hereby authorized as a necessary public expenditure.

Section 2. That, this Project shall be competitively bid.

Section 3. That, the Council approves the specifications, plans, agreements, and other related bid documents; moreover, the City Manager is hereby authorized to advertise and receive bids for the project referenced in Section 1 of this Resolution. If a contract for said project is approved for award to a successful bidder (lowest and best) as a result of a competitive bid, the City Manager is authorized and directed to enter into a contract with the successful bidder.

Section 4. That, Council reserves the right, by motion of Council, to approve for award, direct no award, reject all or some bids, or rebid, when deemed in the best interest of the City; moreover, Council may waive any informalities in the bidding process.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the improvements to public property to assure safety to our motoring public; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the bidding process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 021-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*

**ORDINANCE NO. 022-21**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 4) FOR THE YEAR 2021; AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the annual appropriation measure passed in Ordinance No. 064-20 for the fiscal year ending December 31, 2021 shall be supplemented (Supplement No. 4) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:  
\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 022-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*

2021 APPROPRIATION BUDGET - SUPPLEMENTAL #4

Passed July 6, 2021

<u>Supplemental #4</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>2021 FUND TOTAL</u>
<b>Fund 100 General Fund</b>				
100.1900.53300 Professional Services <i>Reason: 2020 invoice for radio tower rental never received</i>		\$3,337.20		
100.1900.54100 Supplies -Postage/Delivery Charges <i>Reason: Inadvertently not budgeted</i>		\$2,600		
100.1900.56900 Undefined Contingencies <i>Reason: Replace appropriation from grants, donations, unexcepted parking lot resurfacing for Court from County and Fire Dept major repair</i>		\$23,072.59		
100.2200.54500 Supplies -Other Equipment <i>Reason:VFW Post #8218 donation for water rescue equipment Paid into 100.2200.44350</i>		\$1,000.00		
<b>TOTAL Fund 100 General Fund</b>			<b>\$30,009.79</b>	<b>\$30,009.79</b>
<b>Fund 220 Recreation Fund</b>				
220.4300.53113 Utilities -Water and Sewer <i>Reason: Replace appropriation from transfer for emergency pump to open pool</i>		\$3,500.00		
220.4300.54200 Supplies-Operating Materials <i>Reason: Higher than anticipated demand for concession products</i>		\$5,000.00		
<b>TOTAL Fund 220 Recreation Fund</b>			<b>\$8,500.00</b>	<b>\$8,500.00</b>
<b>Fund 400 Capital Improvement Fund</b>				
400.2200.57000 Machinery & Equipment <i>Reason: Walmart grant for temperature probes for the Training Facility</i>		\$3,000.00		
400.2200.57000 Machinery & Equipment <i>Reason: Purchase of Mobile repeaters -ODNR grant for \$10K and Walmart grant for \$1,500. Total cost to City is \$9,275.20 of the \$20,775.20 total. Other \$1,500 in 100.2200.57000.</i>		\$7,275.20		
<b>TOTAL Fund 400 Capital Improvement Fund</b>			<b>\$10,275.20</b>	<b>\$10,275.20</b>
<b>Fund 510 Water Revenue Fund</b>				
510.9900.59849 TR-TO 519 Wtr.Plnt.Ren.Imp.Fund <i>Reason: Estimated Bond payments in Fund 519 lower than actual</i>		\$34,587.89	\$34,587.89	\$34,587.89
<b>Fund 519 Water Plant Improv. &amp; Reno. Fund</b>				
519.6200.58000 Principal Payment -Bonds-GO <i>Reason: Estimated Bond payments lower than actual</i>		\$34,587.89	\$34,587.89	\$34,587.89
<b>TOTAL FUNDS</b>	<b>\$0.00</b>	<b>\$117,960.77</b>	<b>\$117,960.77</b>	<b>\$117,960.77</b>

Working Draft 6.24.21



**ORDINANCE NO. 023-21**

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION 2) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO ORC. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021 AS LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY**

**WHEREAS**, the City appropriates funds by fund, department, and category of personal services and other; and,

**WHEREAS**, transfer from one appropriation item to another is necessary to provide appropriations for current expenses of the City; **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code, and this Ordinance, the Finance Director is hereby authorized and directed to transfer from one appropriation item to another, in the Fiscal Year ending December 31, 2021, as listed in Exhibit "A," attached hereto and made a part hereof.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the City's Revised Code of General Ordinances.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

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Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 023-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Roxanne Dietrich, Clerk of Council*

**FISCAL YEAR ENDING 2021- TRANSFER OF APPROPRIATION (No. 2)****Passed July 6, 2021**

	<u>PERSONAL SERVICES</u>	<u>OTHER</u>
<b>FROM :</b> 100.1700.51100 SALARY-NON BARGAINING	(25,000.00)	
100.1700.51100 SALARY-NON BARGAINING	(28,344.59)	
100.1700.51500 PERS	(7,468.25)	
100.1700.51600 WORKERS COMP	(1,066.89)	
100.1700.51700 MEDICARE-CITY SHARE	(773.50)	
100.1700.51710 HOSPITALIZATION INSURANCE	(13,456.00)	
100.1700.51750 LIFE INSURANCE	(64.40)	
<b>TO :</b> 100.1700.53310 SERV.FEES-ENGINEERING & DESIGN		25,000.00
100.1700.53300 SERV.FEES-PROFESSIONAL		51,173.63
<i>Reason: To pay for contract employee</i>		
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<b>Subtotal Fund 100 General Fund</b>	<b>(76,173.63)</b>	<b>76,173.63</b>
<b>FROM :</b> 200.5100.51100 SALARY-NON BARGAINING	(4,638.74)	
200.5100.51500 PERS	(649.41)	
200.5100.51600 WORKERS COMP	(92.77)	
200.5100.51700 MEDICARE-CITY SHARE	(67.26)	
200.5100.51710 HOSPITALIZATION INSURANCE	(1,170.00)	
200.5100.51750 LIFE INSURANCE	(5.60)	
<b>TO :</b> 200.5100.53300 SERV.FEES-PROFESSIONAL		6,623.78
<i>Reason: To pay for contract employee</i>		
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<b>Subtotal Fund 200 STREET CONST.MAINT.&amp;REPAIR FD</b>	<b>(6,623.78)</b>	<b>6,623.78</b>
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<b>Total Transfer of Appropriation</b>	<b>(82,797.41)</b>	<b>82,797.41</b>

Working Draft 6.24.21

**RESOLUTION NO. 024-21**

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES (TRANSFER NO. 4) FROM RESPECTIVE FUNDS TO OTHER FUNDS PER ORC. SECTION 5705.14 ON AN AS NEEDED BASIS IN FISCAL YEAR 2021, LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY**

**WHEREAS**, the City is a charter municipality having those powers of self government as stated in Article I of its Charter; and,

**WHEREAS**, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, pursuant to Section 5705.14 of the Ohio Revised Code and this Resolution, the Finance Director is hereby authorized and directed to transfer monies, transfer number 4, among the various funds on an as needed basis in Fiscal Year 2021 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, only that portion shall be held invalid, and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to transfer the funds in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

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Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 024-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Roxanne Dietrich, Clerk of Council*

**2021 TRANSFER OF FUNDS - No. 4**

**Passed July 6, 2021**

<b>FROM:</b>	<b>TO:</b>	<b>AMOUNT</b>
510.9900.59849 TR-TO 519 Wtr.Plnt.Ren.Imp.Fund <i>Reason: Estimated Bond payments lower than actual</i>	519.0000.49900 Transfers-In	<b>\$34,587.89</b>

Working Draft 6.17.21

**RESOLUTION NO. 019-21**

**A RESOLUTION ADOPTING THE 2022 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTIONS 5705.28 AND 5705.281 OF THE OHIO REVISED CODE AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Finance and Budget Committee of Council, by and through the Finance Director, has prepared a Tax Budget pursuant to Article II, Sec. 2.13 of the City of Napoleon, Ohio's Charter, and Sections 5705.28 and 5705.281 of the Ohio Revised Code; and,

**WHEREAS**, in previous years at least two (2) copies of the Tax Budget have been on file with the Finance Director for public inspection not less than ten (10) days before its adoption, however pursuant to Ohio Revised Code Sections 5705.281 and 5705.30, said inspection is hereby waived in and for this year and subsequent years, unless amended as Council may decide; and,

**WHEREAS**, the requirement for a Public Hearing concerning this 2022 Tax Budget is also waived pursuant to Ohio Revised Code Sections 5705.281 and 5705.30; and,

**WHEREAS**, the 2022 Tax Budget must be adopted on or before July 15, 2021;  
**Now Therefore,**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the City Council of Napoleon, Ohio adopts the 2022 Tax Budget, as required by ORC Sections 5705.28 and 5705.281, in the form presented to Council and currently on file in the Office of the Finance Director and marked as the 2022 Tax Budget.

Section 2. That, the Finance Director is hereby directed to file the 2022 Tax Budget with the County Auditor on or before July 20, 2021.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the July 15 and July 20, 2021 deadlines as noted above;

therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to adopt and file the Tax Budget in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 019-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Roxanne Dietrich, Clerk of Council*





# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151  
Napoleon, OH 43545  
Telephone: (419) 592-4010 Fax: (419) 599-8393  
[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** City Council, Mayor, City Manager, City Law  
Director, Finance Director, Department  
Supervisors, News media  
**From:** Roxanne Dietrich, Clerk of Council  
**Date:** July 02, 2021  
**Subject:** Technology and Communications Committee –  
Cancellation

The regularly scheduled meeting of the *Technology and Communications Committee* for Tuesday, July 6, 2021 at 6:15 pm has been CANCELED due to lack of agenda items.



**CITY OF NAPOLEON, OHIO**

**OPERATIONS DEPARTMENT**

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 592-4379

WEB PAGE: [WWW.NAPOLEONOHIO.COM](http://WWW.NAPOLEONOHIO.COM)

**Operations Superintendent**

Jeffery H. Rathge

**Water Distribution Foreman**

Brian Okuley

**Streets/Sewer Foreman**

Roger Eis

**Refuse/Recycling Foreman**

Perry Hunter

**Head Mechanic**

Tony Kuhlman

## **PRESS RELEASE**

### **Refuse and Recycling Holiday Route Schedule**

The City of Napoleon's refuse and recycling routes will be scheduled as follows for the week of July 5, 2021 due to the upcoming **Independence Day** holiday:

**Monday, July 5 – HOLIDAY – NO PICK UP**

Tuesday, July 6 – Monday Route

Wednesday, July 7 – Tuesday Route

Thursday, July 8 – Wednesday and Thursday Routes

Friday, July 9 – Friday Route

The Wednesday route will run together with the Thursday route. For those that are affected, please make an extra effort to have your refuse and recycling to the curb by 7:00 AM on Friday. There is a possibility of later than usual pick-up times during the double day.

Please contact the Operations Department between 7:00 AM and 3:30 PM at 419-599-1891 with any questions regarding this matter.

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