

# August

2025

| Sunday | Monday  | Tuesday   | Wednesday                          | Thursday | Friday | Saturday |
|--------|---|---|------------------------------------|----------|--------|----------|
|        |   |   |                                    |          | 1      | 2        |
| 3      | 4<br>6:15 pm Tech & Comm<br>Committee-canceled<br>7:00 pm City Council  | 5   | 6                                  | 7        | 8      | 9        |
| 10     | 11<br>6:30 pm Electric Comm.<br>6:30 pm BOPA<br>7:00 pm Water and<br>Sewer Comm.- Canceled<br>7:30 Muni Prop. Comm. | 12<br>4:30 pm BZA-canceled<br>5:00 pm Planning<br>Commission-canceled | 13                                 | 14       | 15     | 16       |
| 17     | 18<br>6:00 pm Tree Comm.<br>6:00 pm Parks & Rec<br>Comm.<br>7:00 pm City Council                                    | 19  | 20                                 | 21       | 22     | 23       |
| 24     | 25<br>6:00 Finance & Budget<br>Comm.<br>7:30 Safety & Human<br>Resources Comm.                                      | 26<br>4:30 pm Civil Service   | 27<br>6:30 pm Parks & Rec<br>Board | 28       | 29     | 30       |
| 31     |   |   |                                    |          |        |          |



# *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*

## *Memorandum*

**To:** Water, Sewer, Refuse, Recycling and Litter Committee  
**cc:** Mayor and City Council, City Manager,  
City Finance Director, Law Director,  
Department Supervisors, News Media  
**From:** Ann Harper, Clerk  
**Date:** August 8, 2025  
**Subject:** Water, Sewer, Refuse, Recycling and Litter Committee -  
Cancelation

The regularly scheduled meeting of the Water, Sewer, Refuse, Recycling and Litter Committee for Monday, August 11, 2025, at 7:00 pm has been **CANCELED** due to lack of agenda items.



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## *Memorandum*

**To:** Board of Zoning Appeals  
**cc:** Mayor and City Council, City Manager,  
City Finance Director, Law Director,  
Department Supervisors, News Media  
**From:** Ann Harper, Clerk  
**Date:** August 8, 2025  
**Subject:** Board of Zoning Appeals-Cancelation

The regularly scheduled meeting of the Board of Zoning Appeals for Tuesday, August 12, 2025, at 4:30 pm has been **CANCELED** due to lack of agenda items.



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## *Memorandum*

**To:** Planning Commission  
**cc:** Mayor and City Council, City Manager,  
City Finance Director, Law Director,  
Department Supervisors, News Media  
**From:** Ann Harper, Clerk  
**Date:** August 8, 2025  
**Subject:** Planning Commission-Cancelation

The regularly scheduled meeting of the Planning Commission for Tuesday, August 12, 2025, at 5:00 pm has been **CANCELED** due to lack of agenda items.

*City of Napoleon*

**SPECIAL MEETING AGENDA**

for a Joint Meeting of the

**BOARD OF PUBLIC AFFAIRS**

with

**ELECTRIC COMMITTEE**

**Monday, August 11, 2025, at 6:30 pm**

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Approval of Minutes –March 11, 2023 (In the absence of any objections or corrections, the Minutes shall stand approved)
- 2) Review/Approval of the Power Supply Cost Adjustment Factor for August, 2025: *PSCA* 3-month averaged factor \$0.01603 and JV2 \$0.109858
- 3) Discussion on proposed changes to Electric Rule #12 and #26
- 4) Electric Department Reports
- 5) Any other matters to come before the Board
- 6) Adjourn



Ann Harper, Clerk

City of Napoleon

**SPECIAL MEETING AGENDA**

for a Joint Meeting of the

**ELECTRIC COMMITTEE**

with

**BOARD OF PUBLIC AFFAIRS**

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- 2) Review/Approval of the Power Supply Cost Adjustment Factor for August, 2025: PSCA 3-month averaged factor \$0.01603 and JV2 \$0.109858
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Ann Harper, Clerk



approached by Custom Ag. They are chomping at the bit to add some solar. I told them I would go back to Council and ask if we could refer it back to this Committee. Council referred it back to the Committee. In the time that's elapsed since then I've worked with Kuhlman and Dietrich on the solar rules. We've agreed upon proposing to allow a 100 kW load for commercial and industrial customers. Along with that we would limit the aggregate amount of solar load to 3% of our average daily load. The hottest month of the year is around 30 Meg, so 3% of that is around 900 kW. We currently have 8 residential customers, which is 200 kW of the 900 kW limit. The letter in the packet outlined what I just talked about. I also included all of the homework I did last summer in regard to the 30 AMP municipalities around the state and what they allowed. Again it was all over map. Some of them were less than Napoleon and some of them were more. Several of them allowed a residential and commercial/industrial load. Weaver asked if we had residential currently? Small replied yes, we limit that to 25 kW per household. Currently we have eight customers. Along with that I would like to propose a minor yet significant to the change in the rules in regard to how we calculate the kickback. They do not receive any monetary kickback as it's just a credit on their power. Currently, there's a sophisticated model that if the load they're kicking back is greater than 75% of their total load then we give them 50% credit. Otherwise, if it's less than that then we just give them 50% credit on what they kick back. This was a suggestion from my electric folks. What we would like to do is eliminate the 75% part of the calculation. Only one customer has ever breached the 75% threshold. Most of them are far below that. In terms of credit it's not that big of a difference. We would like to say your credit is 50% of the load that you kick back to the City. If you kickback 5,779 kW hours you get credit for 2,890, so it's just a 50% straight credit. Basically the things that I'm asking you to consider this evening is to add the commercial/industrial class at 100 kW and to eliminate the 75% calculation for the end of the year credits. Weaver asked if the \$100,000 insurance coverage is enough? Small replied it's a pretty common number. Of all the municipalities that I looked at most had the \$100,000 policy. Durham asked if we would need to draft legislation? Small replied yes. Harmon would have to modify the legislation. Currently, it's in ordinance form, so we would have to direct the law director to draft the appropriate legislation. DeWit asked how do you read the rate of what they're putting on? Small replied it's metered. DeWit asked if you had to send someone out to read it? Kuhlman replied we do now, but we won't. Small stated it's just once a year that we do that. Comadoll asked how much work are we going to have to do for that? Are you going to have to put up stations? Kuhlman replied no. It's all isolated at the house. What they're kicking back is metered. Comadoll asked what about Custom Ag? Kuhlman replied it would be the same. Commercial and residential would have the same set up. Comadoll asked if any other wiring would have to be ran out there? Kuhlman replied, no it's all on their end. It's nothing the electric department would have to do. They're investing so much money in putting in up and we're trying to accommodate the green push. We don't want to shoot ourselves in the foot with this. We want to have some give and take with our customers, make them happy. I think this is our limit. In my opinion we should never exceed what we're doing right here. Small replied I agree. Like I said of the 30 municipalities I showed you the data is all over the map. Some are 5 kW for residential and 500 kW for commercial. There's no consistency to any of them. With that said 25 kW for residential and 100 kW for commercial/industrial I think is very fair and shouldn't have to be addressed anytime in the near future. Durham asked Small if he's talked to Custom Ag about this proposal? Small replied I did. Shortly after we discussed this I sent Steve Gerken an email as he's the one I've been communicating with. Steve thought it was fair. It was far less than they had hoped, but I think they realized in any game there's a give and take. Cordes stated when they were here they mentioned something about federal incentives that they could receive as a business. Small replied correct. We typically know when those are being offered. A lot of them will ask for solar. They are fairly decent credits. I don't think anyone's going to do this alone. It's just not economically feasible. When the credits are available it makes it palatable enough that they can do it. DeWit replied and they still lose money.



Motion: DeWit                      Second: Comadoll  
to recommend to Council to approve the solar rules as proposed

**Yea-2, Nay-0. Motion Passed.**

Kuhlman went over the reports, a copy of the full report is attached to the minutes.

**Yea-2, Nay-0. Motion Passed.**

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*City of Napoleon, Ohio*

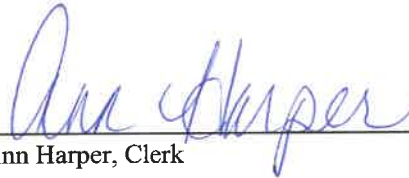
**BOARD OF PUBLIC AFFAIRS**

**MEETING AGENDA**

**Monday, August 11, 2025 at 6:30 pm**

*Location ~* Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Approval of Minutes – June 13, 2022 (In the absence of any objections or corrections, the Minutes shall stand approved)
- 2) Review/Approval of the Power Supply Cost Adjustment Factor for June 2022:  
PSCAF 3-month averaged factor \$0.01603 and JV2 \$0.109858
- 3) Electric Department Reports
- 4) Any other matters to come before the Board
- 5) Adjourn



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Ann Harper, Clerk

Electric Committee      Ross Durham, Joe Bialorucki

decision right before the prices went up. We pre-purchased natural gas at a lower rate for a year at the lower price. You try to hedge your risk by having some predictability, even though sometimes you might pay more, other times you may pay a lot less. Once that contract is up, obviously we will be paying the higher rate. We went from 25% of pre-purchased gas to 35% locked in at the lower rate. Hopefully we can communicate this well with the public so it is understandable and hopefully they can appreciate we are a public power entity and we have control over how our rates are affected by the market. The rates are still up but everyone else's is up higher.

#### **Electric Department Fiber Connection to Substations**

Mazur explained we do not have a fiber connection now and are leasing fiber space from Ridgeville Telephone. Years ago, the Electric Superintendent stated we do not have a pole attachment agreement with Ridgeville Telephone. Back in the day, there was a handshake deal. It is hard to operate that way so a contract was put together. Other utilities that are attached to our poles are charged since we have to work around them, maintain and everything else that goes with it. Now, since we use their fiber line, Ridgeville Telephone is charging us to lease that fiber for the Glenwood substation. The proposal is to install our own fiber line. It will have a return on investment on this. Kuhlman said the current contract was \$27,000 up front to initiate and \$13,700 every year after that for maintenance. Mazur said we are looking at \$150,000 to install a fiber line that the return investment on that now would be about ten years. With inflationary costs that number rises not only for the installation but also for the annual leases that we have. Staff's recommendation is that we appropriate the necessary funds to have this fiber connection. The city would own and maintain it and would not be leasing fiber from someone else. We have plenty of capital, not including the AMP Transmission \$5.1 million that is coming in. Do believe there is around seven million dollars to work with between the electric development fund and our unencumbered balance of the electric fund. \$147,000 is a lot of money but, in the grand scheme of things, it is a long-term investment. Owning and having that fiber connection allows us to be able to use it in other ways if we want to down the road. When you own and maintain something, if the Police or Fire Department needed to tap into it for something we have that capacity available. I believe it is a worthwhile investment to have this installed ourselves. We are asking for approval from the Board of Public Affairs to move forward with this project. It is about 35,000 lf. or about 6.7 miles of fiber for about \$147,000. Prigge asked if the line will be buried or on a pole? Kuhlman said it will be on a pole. Prigge said there will be two fiber optics on the poles, Ridgeville's and ours. Kuhlman replied yes.

Motion: DeWit

Second: Prigge

to approve the recommendation for the city to install their own fiber line

Roll call vote on the above motion:

Yea-Prigge, DeWit, Comadoll

Nay-

**Yea-3, Nay-0. Motion Passed.**

#### **Smart Thermostat Program**

Mazur explained AMP put together strategic planning ways to shave peak for rates. Everyone is moving towards smart thermostats. No action is requested now. At next month's meeting would have Erin Miller from AMP give a presentation. People can voluntarily opt in. There is an incentive of a \$75 or \$100 gift card to opt in and participate in the program during peak alerts. Their thermostat would be adjusted from a third party where they ramp up the air conditioners in the morning to cool the house down and then during the peak hours, the thermostat would be recalibrated a few degrees lower. When the peak hours are over, it would revert back to the setting it was on before. This is a way to participate in peak shaving without doing anything. They can opt out of the program at any time. We need to start going to AMRI system sooner than later. From a financial perspective, data collected from



City of Napoleon  
**SPECIAL MEETING AGENDA**

For a Joint Meeting of the  
**MUNICIPAL PROPERTIES, BUILDINGS, LAND USE, AND ECONOMIC DEVELOPMENT COMMITTEE**

With  
**BOARD OF PUBLIC AFFAIRS**

Monday, August 11, 2025 at 7:30 pm

LOCATION ~ Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

1. Call to Order
2. Approval of Minutes- Monday, July 14, 2025 (In the absence of any objections or corrections, the Minutes shall stand approved)
3. Yard Waste Site Rules
4. State Championship Signs ( untable)
5. Any Other Matters to Come Before the Committee
6. Adjournment.

  
Ann Harper, Clerk



**City of Napoleon, Ohio**  
**Municipal Properties, Buildings, Land Use and Economic Development Committee**  
**Special Meeting Minutes**  
**Monday, July 14, 2025, at 6:00 pm**

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***Present***

|                  |   |
|------------------|---|
| Council Members  | Robert Weitzel-Chair, Brittany Schwab, Ross Durham, Joe Bialorucki  |
| City Manager     | Lori Siclair  |
| Clerk of Council | Ann Harper  |
| City Staff       | Edward Legg – Police Chief, Chad Lulfs – Public Works Director, Brandy Gonzalez – Operations Administrator, Brian Okuley – Operations Manager |
| Others           | News-Media, Victor Gaucin   |

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**Call to Order**

Chairman Weitzel called the Municipal Properties, Building, Land Use and Economic Development Committee meeting to order at 6:00 pm.

**Approval of Minutes**

In the absence of any objections or corrections, the minutes from the April 14, 2025 meeting were approved as presented.

**Yard Waste Site Rules**

Siclair said this is regarding a memorandum from our Operations Superintendent. We've noticed an uptick of violations at the yard waste site. We are calling this meeting for a review of our policy and rules. Lulfs, would you like to say more about that? Lulfs: With the assistance of Gonzalez, she put together a lot of this. We were referred to the waste site rules and took a lot of digging to find the actual rules. Once we found them and, in the resolutions and ordinances, we have the engineering rules, water sewer rules, electric rules there's a book, here's the rules. Nothing was ever put together outside of those Council actions. I had Gonzalez type it all up and put it into that form, obviously it's not a book, it's just a couple of pages. Over the course of time, they need updated. We are running into issues with people utilizing the site. We are also running into issues with people bringing in private heavy equipment to load mulch. My opinion has been here for a long time and worked with the law department for a long time, introducing heavy equipment on the city property run by private individuals is just a potential liability issue. We have no way to stop it. That is one of the things we'd like to address. I believe it was in your packet; Gonzalez was kind enough to type up the rules and then put in red, some of the revisions. Accepted materials Gonzalez defined that a little better and brush referred to as broken off branches and yard waste referred to as grass clippings. Defined the brush pile and what goes where. The big pile is for tree limbs, brush, small piles, grass clippings, flowers, that type of vegetated waste. And it is defined in the rules as 10" diameter. We get big stuff out there all the time. We can't handle it. We don't allow stumps, they still show up. We don't allow lumber per say, it still shows up. Yard waste pile, which used to be grass, is to be used for grass clippings, flower waste, and vegetated waste. As of right now, the concrete recycling we have closed to the public. When we have special instances, or concrete from one the city's projects, we will take it. We also have Fred Gerkins down the road that takes it, recycles it, and sells it. We are not trying to be in competition with Fred. We will take it if it's one of our projects, but we would need to request permission from the Operations Superintendent to dump concrete there. Use of personal machinery equipment, Rule 5, that would be a new rule. We don't want people out there with chainsaws, skid loaders we've had all of it. It takes one accident. It's not even if someone hurts themselves, if someone's running around there and skidsteer and then backs into not only somebody's car, but somebody walking on site, we'll be dinged in a lawsuit because it's city property. We can't just stick a sign up that says it's prohibited unless we prohibit it. These rules as the same as all the other rules, if they're amended and adopted, they become

codified, which makes it essentially a law in the City of Napoleon. One more clarification, all persons utilizing the yard waste site shall follow all policies, regulations and rules. We also have different policies we go by, and those were attached as well. One thing we do want to implement now when someone gets a pass from outside of the city, we want their license plate recorded. We have cameras out there. We see every vehicle coming and going. 99% of them, we can pull a plate. Our cameras are that good. We want to be able to look at the list and say okay this person has a permit and here's the plate, there you go. We don't want to have to request police time or anything of that nature if we can handle it on our own. If we know that plates not on that list, then we can make a call and see if there's something we can do. I told Gonzalez, I believe we're already okay to create that new form. Basically, when you get your yard waste site pass you fill out your name, your address, should have a phone number, we want plates for every vehicle you're going to use. This is particularly useful for commercial companies, the tree trimmers, the landscapers. You've got six trucks, who lost the plates for all six of them. Just because you wrote down one truck and then tomorrow you bring another truck, now you don't know who you are. Not everybody has it on the side of the vehicle. And if you are from out of town and you're a tree trimming company, your permits' \$2000.00. It shouldn't be a big deal to provide us that additional information and if you don't want to provide the information then don't use our site. We do not make money at this site. The less people use it, the less money we spend. Not worried about scaring people off. Siclair: It's costing us about \$55,000.00 a year to operate. Okuley: When you say truck plates, trailer plates? Lulfs: All plates, we'd request all the plate numbers that they'd be using because a lot of times if there's a trailer, we can't see the truck plate. Sometimes we can. With more vehicles not having front plates we can't read it on the way out we can only read it on the way in and sometimes a trailer will block that. Policy 9 is a revision, non-residents of this is caught exposing yard wastes at yard waste site may be cited for unauthorized use of the city yard waste site. And truly just putting this into place. This is what we follow, when you look at the codifieds there is a section on yard waste site, but the codifieds for the yard waste site only have four or five lines; there's not much there. That's why we'd like to have some of this included, including the \$150.00 fine. A lot of our violations in the other rules I'm particularly familiar with the water sewer rules and the engineering rules those are misdemeanor offenses, \$150.00 per day of offense. Well obviously, this would be one offense but it would give a little more teeth to it and would mirror a lot of our other rules. We're not trying to necessarily go after people, but we need a little more teeth behind the rules to try and convince people to follow them. If someone goes and gets a permit for \$75.00 if they use that site regularly that's a bark. I understand a lot of people use the mulch and rock right now but it has always been a first come first serve basis. You don't have to go buy it at a Walmart or go to one of the sawmills or someplace, this is free. The double ground stuff is pretty good stuff. I definitely think they get their money's worth. I think we're just trying to get some of the rules updated to match some of the issues we're seeing. What am I missing? Gonzalez: On the policies, Policy 4, which I would advise if we keep it in there to rename it as three. That reading where it talks about a person living at the resident is disposing of yard waste about proving it comes from the residents' address. Everybody is going to say 'well it comes from my mother-in-laws she lives on, I don't know where she lives, she lives in town'. I almost hate that, and then if you do say dispose, it's not just disposing of, it's the taking of the mulch too. You get people in there that are from out of town but 'oh that's for my sister'. That's hard to address, I don't know how but. Lulfs: It's a difficult one to enforce. Gonzales: It is. Lulfs: I don't know if we want to have rules or create rules that essentially are unenforceable. You're never going to have a perfect set of rules for every circumstance, I know that. It would be nice to believe that people just wouldn't do things they're not supposed to but then we wouldn't have God. Weitzel: So now you've gathered all of the rules that you find acceptable as a department, and are you saying also you're going to codify? This is going to be an exhibit, then in our code, because it has to have public notice when you have the violation that says, any violation of the rules is a misdemeanor. Lulfs: What I would request is that the committee would make a recommendation to council to have legislation drafted to amend the yard waste site rules, just as we do the engineering rules which we did a couple years ago, and water

sewer rules a few years ago. We essentially attached the entire document and it's kind of like what Gonzalez set up, red lined and struck through. And once it's passed it will be incorporated into that section of our code, the 925. Weitzel: And then we would have to amend the section to refer to the exhibit. Lulfs: Right, because in that section of our code, it refers to the yard waste site rules. Weitzel: And not specifically an exhibit. Lulfs: Right, and if we had it attached as an exhibit it might be even better because we could not find the yard waste site rules document. Weitzel: And where better to put them but in the code book. Lulfs: Right, yes. Weitzel: Just like our what would it be Lulfs, what is the term that we use, sketch rule. Lulfs: Yes we have sketch rules in there. Now the engineering and the electric rules and the water sewer rules, they are referred to as a document, they are not printed in the codifieds. They're only referred, which gives them their authority. But you can go on the city's website, you can go on the servers, and there's that document. We have that document. Weitzel: Those are typically attached to permit issues though, correct? Lulfs: Yes. Weitzel: Aren't you giving them to the permit holders? Lulfs: If they request a copy of the rule we give them a copy otherwise it's the books that we use to do our jobs. Weitzel: Their told what rules. Lulfs: Yes, it's a copy, there is a physical document, there was no yard waste site document that we could find. We had to recreate it based off all that legislation was. If you can imagine the electric rules, next week, whether if it's Ann or Marrisa or somebody, Tammy's done it, they go in and edit that document and on the document it says that historical amendments and changes. And then once that gets done, that gets put out there, there's a link on the website it's saved to the server. Those are the new rules because we had legislation telling us to amend those rules. There was no document for the yard waste site rules that we could find anywhere. But we took and created this, based off of all the legislation Gonzalez was able to find through the history of, since the implementation and creation of the yard waste site. This is the best document we have. Now if we amend it, obviously we'll do those revisions and it will be saved in the same place we save all those other documents, and we'd probably need to link it if it's not already but have a link to it on the website for the public to see it. But it gives us a little more teeth. Even though the codified referred to the yard waste site rules, we couldn't pull it out at the end of the day and show it to somebody. We need to have at a minimum, to adopt the old ones formally, but we would prefer to adopt the amended version of those rules. I don't know why it was never created, but that would have been late 90's early 2000's. Weitzel: Could you explain for the public what the procedure is when there's a violation. You go out there and find an 8 foot stump. Lulfs: We try to find out who dumped it and if possible, PD will assist and contact them and tell them to remove it. We haven't had too many issues with people being unwilling to work with us. Now what section of code do we site if they refuse. At best we get them for littering or illegal dumping. There's a big sign there, orange and black, nothing bigger than this, and you'll go out there all the time and there's something bigger leaning right beside the sign. That's probably not the largest issue we run into. One of my biggest concerns, probably not theirs, probably not anybody else's, but my biggest concern is the use of equipment and chainsaws. That has the largest potential for the city to have problems. Weitzel: So right now, your division would go through whatever you've got digital film to look at. Lulfs: Review it. Weitzel: You create basically a case file for law enforcement on every one of these complaints. Lulfs: Yes, if we see something that looks out of place, OPS may contact dispatch directly. Obviously, we don't want to emendate PD with these types of things. Weitzel: I'm just looking for the standard procedure. It would make sense if your division would gather what information you have and present it to them, rather than them doing the actual presentation. Lulfs: And we want to take steps to get more information before we get to that step. That's why with the permits we want to gather more information when the permits are issued so maybe we can solve some of these before we ever have to take additional steps. Weitzel: And then my thoughts go to, are we now going to put some signs out there for these strict prohibitions. Lulfs: We have signs up, and we will put new signs up that the rules are amended. We have signs out there, if you drive in. Weitzel: I've stopped and read it and actually took pictures of it. Big signs, no equipment, no heavy equipment, no saws, these types of things come pretty standard in traffic, and if we have to put signs out there to maybe reinforce that. Lulfs: Okuley and I talked about even not just having a sign at the entrance but if some of those

particular rules we put a sign for those right at the mulch pile. We can take one of our posts with a concrete base, put it on there and put it inside the mulch pile. That's usually where it is, we don't see too many people coming in there with heavy equipment, other than we have had chainsaws out there at the brush pile. If we weren't receiving anything bigger than 10" you wouldn't have so many people out there with chainsaws. Weitzel: Are commercial violators the biggest violators of the equipment things then? Okuley: People are getting mulch. Lulfs: Yes, it's people getting mulch. It's usually tractor and trailers, we watch dump trucks all day. Siclair: We suspect it's a small business. Weitzel: It probably is a business. Siclair: Probably. Lulfs: Some of them we know are individuals. I would prefer not to mention names. Weitzel: That's okay. Lulfs: But we see their face on the camera. We see the plate. Weitzel: Is there a pattern, is it the same person? Lulfs: They're making it a business by having a trailer delivering mulch. I'm assuming they're getting paid to get mulch. Weitzel: When the pattern sets then you can say that. Lulfs: When they haul out all day, they'll drive equipment in early in the morning and take it home at dark. Now we will load people on Fridays, but if that were the case, we would have a little more control and see what these patterns are. We're not trying to deny people the stuff but were also not making mulch for somebody else to get load after load after load for themselves. That's not how this works. Siclair: We also hear from residents that didn't get any mulch or paid for a permit and didn't the benefit from it. Lulfs: At least on two occasions we've had someone out there for an entire day just doing load after load after load. Weitzel: We've talked to legal about the process that we would use if we filed charges, and this is sufficient. Lulfs: We are mirroring the water sewer rules and the engineering rules. Weitzel: Chief is there anything you'd like to add about the enforcement. Chief Legg: One of the things that would clarify things, eventually from our aspect because as you know we have to have a law to enforce. We're not the security agency; we're a law enforcement agency. We have the fourth amendment that we have to go by each and every time. Weitzel: 1981, acting under cover of law. Chief Legg: Right, so every time we do something it is under that no matter what the ordinance says or the law says. I believe and one of the simplest things we are going to do is criminal trespassing. If we're able to work in the city that the rules violate. If we're able to work in some type of replication of someone's privileges of being on the property. If they violated the rules, they're replicated, they're no longer allowed on the property. If they're coming back out, simple, criminal trespassing. All day, every day. Very simple thing for us to do. Weitzel: What you're thinking more is that procedurally, just so I'm clear in my mind, all of this is in place, Operations contacts these people, and says, you've got to go clean that up, you can't do that anymore. We have now a record of that. They violate again, they've been warned, and you do this again it's criminal trespassing. You're not revoked at this point, but if you do it again, you are trespassing because you are violating the rules. We've given them a fair warning. Lulfs: That is a very great idea. That is something we would have to add to what we propose tonight. We don't spell that out in here that a second offense could include replication of your tributes. Weitzel: It's part of the rules as it should be. Any violation of the rules, can, not will and then that discretion of authority. Lulfs: As long as you don't say 'shall', if you say you 'can' we're good. Weitzel: I think that's important. We don't want to have to keep coming back to amend sections. I'd like to get them as complete as we can and then only do this every two to five years. Chief Legg: But it gives you something to say to these folks when you're in contact or even when we end up catching them. This type of thing happens again they'd be charged. It would be more severe. Weitzel: In an egregious situation you could just revoke them their privileges anyway. Not file a criminal charge but revoke their privilege. Cancel their permit. No refund. Chief Legg: What I saw you read there, there was something that allows for replication and that should be part of it. Lulfs: I agree. Weitzel: Is it something that you'd want to do before we would then make the recommendation but are you going to have revised rules by the time we would make the recommendation? Lulfs: Gonzales can do that. Weitzel: I wasn't going to point at you. Lulfs: No, we've been working on this together and Gonzales does all the typing and tells me 'hey what do you think'? I don't see any issue of having something ready soon. If you do make a recommendation to council obviously that's a week away or two weeks out from there until it comes to you. We could have all these edited, updated, sent around for everybody involved to take a look

at them and have them ready for legal. If legislation is created. Weitzel: At the time we make a recommendation to council at the next meeting. If those rules were revised at least drafted, then we would be recommending that. Lulfs: We could easily have it ready it by then. You're talking the first week of August. Weitzel: Would that then be sufficient Chief Legg for enforcement for you? Chief Legg: Yes. Weitzel: When you're involved. If we do those things. Lulfs: I don't think we're going to be able to get stuff in place to affect much of those. Weitzel: No, but what we're trying to do is build a solid base so that we don't have to come back and keep having to amend and change. Give the public the solid line to last awhile. Weitzel: Questions from the committee? Bialorucki: I just have one regarding the policy that Gonzales brought up that's almost impossible to enforce. My opinion would be just to leave it in there in case you have some jerk that's going to do it over and over and say well you don't have a policy for it. You don't have to enforce it; you don't have to do anything with it. I would just hate to remove something and later on think we should have kept it in there. Lulfs: And it's our understanding we are already permitted a pass for ID. We've done that in the past and we have individuals on limited or light duty, stuck them out there. Weitzel: And if they would refuse then you would be very politely telling them to leave. Lulfs: And then it's a potential trespass issue. Weitzel: Exactly. Your property to protect. Schwab: I agree with your thought there. I don't think that it's something we should take out. It's there, it's been there. The one thing I wanted to circle back on was the liability. Is our form now have anything where they have to sign to release any liability to the city if they enter into the yard waste site? Lulfs: There's no form at all. There's just a little piece of paper that's there permit that they sign. Schwab: So when they come to us now and we're giving them a permit, they just say I want it and that's sufficient? Lulfs: We can't handle money out there, so the best of my knowledge there is no form. Schwab: My thought is that maybe talk to Harmon and suggest to get a liability waiver. Lulfs: I'm sure it would help. Schwab: I mean it doesn't cover everybody. Lulfs: You get sued for anything but if you have something that shows. That would only be for the out of town because people in town have it on their utility bill. They don't have anything yet for the refuse site portion to sign. Schwab: It's another thing to brainstorm on. Lulfs: If all of the commercial permits, because even if you're in town it's the same permit it's just a lower price. Here in town or in Henry Co it's \$1000.00, outside the county it's \$2000.00. We have landscapers that are \$200.00. We only have a couple individuals that want the ugly mulch. They don't even bring a brush but they'll buy a \$200.00 permit just to get the ground mulch, they might use it on a farm or something. Schwab: Okay, maybe we can suggest we get with Harmon on. Weitzel: Anything further on that subject? We will be looking for a motion to advise council to have the law director draw up the proper legislation to effect the amended rules at that time.

Motion: Schwab                      Second: Bialorucki  
To recommend to council to request the law director to draft legislation

Roll call on vote on the above motion:  
Yea- Weitzel, Schwab, Durham, Bialorucki  
Nay-  
Yeas- 4, Nays- 0. Motion passed.

### **State Championship Signs**

Siclair said I do have a couple of examples. I believe this is the minutes from your last meeting. Weitzel: I think the last meeting the committee may have been expecting some type of rule or policy. Siclair: I think Small's last words were 'we'll come up with some policy'. That's not anywhere that I have specifically seen, other than the discussion which were ideas. This is the drawing that Small did come up with as a possible sign to be erected at the corner of Woodlawn and West Mooreland. Weitzel: Just to clarify whatever the sign looks like, is it going to be just one or will it be a multiple entrances to the city that was a question that was never truly answered. Siclair: That was not answered.

My recommendation would be one. Weitzel: And that would be by high school. Actually, by the Napoleon sign at the mouth of West Mooreland. Siclair: Right. We'll have the most visibility and from what I've researched also there should be some sort of partnership with the school. Weitzel: How many signs do we maintain at entrances for those that we do still have? Lulfs: The Napoleon signs or the sport signs? Weitzel: The sport signs. Lulfs: We have three. Weitzel: Three locations? Outside we had some on Riverview. Weitzel: Because those would then be consolidated to this place so there would only be one. Lulfs: I think it's only those two locations which why we maintain something on the southeast corner of the city when the school is on the northwest corner of the city. Although I think it used to be maintained by one of the local clubs. Or has it always been the city that did that? Weitzel: I think it was always the city, we made the signs, we put them up, we maintained the positions. You're talking about the one out West Mooreland and Bales. Lulfs: No. Weitzel: There's one there. Lulfs: Is there one at West Mooreland and Bales. Weitzel: I don't think it's been knocked down yet it's a swimming one. It's not maybe all inclusive but I think there's one there. We would then consolidate these to this location is that the idea? Siclair: I believe, yes, rather than scattered about it would be more impactful and it would be much easier to maintain. Depending on what you decide as far as the term that's an important piece. Weitzel: And you say we do have a recommendation for the policy or we do not. Siclair: We do not. Weitzel: Because I think that we were supposed to also get a listing of potential plaques and things that would show on that before you could actually, although this is very nice, but before you could actually determine how big and how small these sections would be we'd have to determine exactly how many we are dealing with and then what time limit we were going to originally deal with. I think we tossed that back to the City Manager to come up with a policy. Siclair: Okay. Weitzel: I think that would still be really important to do. I really want to do this, I'd like to get it done myself. I think we have to have something to agree on. Siclair: Right. And Corey came in about it and there was quite a bit of discussion about how far back we go. Weitzel: I just would like to bring up for discussion at this point. There are two signs that aren't ours. There's one on the south side, the south entrance to the city that is metal, probably about 4 x 8. It's got diamond metal, I don't know what you call that, plated. It has the seals with a bunch of the local clubs on it. There's one at the north end of the city's entrance that comes in and I'm more than willing to have more than one sign to maintain, if we got around to that. But they're more permanent and then it would be easy to hang things on, take things off of instead of a wooden sign or some other material. All we'd have to do is paint it periodically with Rustoleum. Those have kept for a very, very long time. I even think there's one on 24, east bound near Glenwood. Lulfs: I knew it was the south side but I guess I didn't realize it was still there. Weitzel: It's still there. It's not as well maintained as that one on the north side but it's still there. I still think there's one that's similar to that. Lulfs: North side out of town though isn't it? Isn't it in that big strip off 108. Weitzel: Yes, it is. But I like the style. It's permanent, very rugged, and very little maintenance and when we make these little green placards it's very easy to attach and take off and replace and move around. Lulfs: We just have to be careful because we can't install an obstruction in the right of way. It would have to be something that's break away. Weitzel: It could very well be that way but what kind of permitting did we need to have to put those other signs those Napoleon entry signs there in the right of way. It couldn't be much different than that. Lulfs: Those are break away. Weitzel: So, all you'd have to have would be the support to snap off. Lulfs: Yes. I remember talking to Cotter about that and I had a car break a post. Weitzel: And we could probably fabricate that, we have people that work with steel. Lulfs: Possibly, we'd have to see how they are set up. We would have to copy something that exists. Weitzel: Sure, I was just giving that as an example. I'm not saying that it's my absolute 'you have to have it'. I'm just saying that it came to mind as soon as we talked about this back then. So, more discussion. Siclair: Is it a ? policy to discuss what I've talked? Lulfs: I just know that ? has talked to the school and they were discussing the signs and it would be 4 x 8. Weitzel: Which would be just about what those metal things are. I was willing to go 8 x 8. Lulfs: Beyond that I don't know what his discussions were. Weitzel: It was supposed to be a gathering of a list of potential names that would go on there too, and years. Lulfs: I don't know because of the changing of the guard. I don't know how many if any of those discussions with the school ever happened. We just hit a bad time. Schwab:

For me the policy is obviously something we need to get figured out. Even in our last meeting it was how long, where are we going to ? into this. Weitzel: I hate to throw this at the manager. Siclair: No, that's alright. Weitzel: Could you make contact with the school and say we really want to do this. We're really on board with this, but what we need is a list of potential candidates to put on this board. Seven years and there's four and so forth. Some are going to be teens, and some are going to be individuals, and we know all of that. Once we've got that number it would be much easier for you to come up with a policy that's going to say how this board is going to work. Siclair: And this would be at the city's cost. Mr. Mayor, how do they contact you at this point, when there's State Champions. You already do proclamations for them is that right, they just reach out, the school specifically. Bialorucki: They can reach out to me directly or to the city and ask if we can do a proclamation. I think we need a policy as to what qualifies for getting on the board. There's been a lot of we talked about it last time. Weitzel: And that's where I think cart before a horse. We can have a policy but we may not encompass everybody that we would want, until we knew what we were looking at. How far back we were going to go. Is this going to go back to just the 80's? Is it going to go back to the 70's the 50's? Schwab: It would be a lot to say up there. Weitzel: Well, the policy would be here's the four corners of the document, and so a new one comes in the oldest one goes out. Then you're always just dealing with those four corners. And that made perfectly good sense when we discussed that. How many are you going to put on there and who and how far back that goes if we're limiting ourselves to 8 x4 that great. But when we fill that, who do we leave out? Ones that were just three years ago because we don't know who exists. I know I came for one specific one for a change of rule that I think we all agreed on. We want to put these up, individual and team. I don't think we had any doubt that we wanted to do something like that. Siclair: I didn't know if there was a consensus, do you want more than one championship as an individual versus a team or just to say one championship gets you on the board. Bialorucki: I don't have a problem with that. Weitzel: I think that's fine. I thought that's where we were headed. We didn't want to say oh you had to have two or you had to have three. I think it's important enough to put it all in there. Now, at the end it's going to be there for only so long, and only so long it'll be probably as big as that can be. And how big a placard is that you put up. If we knew how many and how far back that went and you could draw a line and say there's going to be 15 things on this board, and it goes back to 1975 because that's what fills. And then the next new one comes in goes up and the 75 drops off. And this is kind of like what we were talking about at the time. Any input from any of you or the rest of the committee? Any input from the audience that has been listening to all of this? Gonzales: I think that those signs, you will have to include a policy that those individuals and those teams for the signs come down they want those. Weitzel: I would like to have them donated to the school or to the individual depending on whoever wants them. I don't ever want to see one thrown in the garbage can. When a team wins hard we're not going to reproduce six for a six band team or whatever and pass them out, it's going to be that sign. Lulfs: We gave Sam Weise his. Weitzel: And that's great. So at the very least we can donate that. If it's a team sport, donate that to the school if it's an individual sport we can find the person or at least the family. If the person is no longer with us, to donate it back to the family or individual. That should probably be part of the policy. Bialorucki: When you talked to the schools, I would assume they have a list of all state championship teams. If they do have that and you could find it on the website, maybe we could put on the bottom of the sign, additional state champions go to this website. I know if I had a grandfather that lived here and was a state champion from 70 years ago, I would like to be able to show my kids or something and say go to this website and you could see it. When a name comes off, at least their family would have somewhere to go. Weitzel: Chief do we still put that on the backs of the patrol cars where it says [www.napoleonohio](http://www.napoleonohio). We could put the [www](http://www). at the bottom. We would be the subject of them to if they change the website it would not connect any longer, it would be a dead lead. It's possible that you could just stick it at the bottom. Somebody types in the website and there going to go right to that full list. I don't know that we should maintain it but we could put the pointer there. Bialorucki: Send it to them, our website. Weitzel: Anything else? Anybody else? No comment? Siclair: I've got my marching orders. Weitzel: Enough information? We have nothing to recommend right now just waiting again for that cycle back so we should probably want to get that back to the

table. Bialorucki: Table it, I think we did that last time. Weitzel: We could do that but for the next time the committee, is it that? Siclair: Yes. Weitzel: If we table that, we're going to have to bring it back. It's going to die if we don't bring it back at the next meeting. If we don't table it, it'll just be another agenda item that comes back again. Siclair: My concern, was it tabled the last time? Schwab: It was. Bialorucki: Can we not untable it this time? Weitzel: Doesn't show on our agenda that it was tabled. Siclair: Should we make a motion to retable it? Schwab: It was tabled. Weitzel: If it wasn't on the table or we didn't bring it out but it's still tabled. We did have discussion though. Schwab: Good discussion though. Weitzel: So, if you want to have a motion to table this until the next meeting which is going to be when. Bialorucki: Should we make a motion to untable it and just say that we'll continue conversation next meeting with the motion to table this. Weitzel: Suppose we could. Bialorucki: Just for the record.

Motion: Bialorucki            Second: Schwab  
to untable the state championship signs

Roll call on vote on the above motion:  
Yea- Weitzel, Schwab, Durham, Bialorucki  
Nay-  
Yeas- 4, Nays- 0. Motion passed.

Bialorucki: We will continue discussion next meeting with that. I would make a motion to table the state championship signs topic. Siclair: What date. Bialorucki: August 11<sup>th</sup>.

Motion: Bialorucki            Second: Durham  
to table state championship signs

Roll call on vote on the above motion:  
Yea- Weitzel, Schwab, Durham, Bialorucki  
Nay-  
Yeas -4, Nays-0 Motion passed

### **Adjournment**

Motion: Durham            Second: Bialorucki  
to adjourn the Municipal Properties, Building, Land Use and Economic Development Committee meeting at 6:23 pm

Roll call on vote on the above motion:  
Yea, Weitzel, Schwab, Durham, Bialorucki  
Nay-  
Yeas- 4, Nays- 0. Motion passed.

### **Approved**

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Robert Weitzel-Chairman





# CITY OF NAPOLEON, OHIO

## OPERATIONS DEPARTMENT

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 875-3100

## MEMORANDUM

TO: The Board of Public Affairs

FROM: Chad Lulfs, Director of Public Works

SUBJECT: Amending Sections of Ohio Codified Ordinances and Amending Ordinance No. 003-24

DATE: July 31, 2025

CC: Brian Okuley, Operations Superintendent  
Lori Siclair, City Manager  
Marrisa Flogaus, Administrative Assistant  
Ann Harper, Clerk of Council

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The City of Napoleon provides a service to its residents and permitted companies and individuals outside the City of Napoleon by offering and maintaining the Yard Waste Site Facility. Over the past few years, staff has recognized some issues with the Yard Waste Site facility and the use of said facility. Per the City of Napoleon's Codified Ordinances, all amendments to the Rules and Policies of the Yard Waste Site Facility SHALL BE reviewed by the Board of Public Affairs.

### 925.14 RULES AND REGULATIONS.

(a) The City may promulgate other rules and regulations not inconsistent herewith, pertaining to the collection and disposal of solid waste, garbage, refuse, rubbish, yard waste, hazardous waste, and all other waste herein mentioned or not, as may be deemed advisable.

(b) The City may establish rates for exceptional classifications not herein provided for. Collections may be discontinued whenever it shall appear that a person receiving service has violated any of the provisions of this chapter or any of the rules and regulations provided for herein, or has failed to pay the charges for service billed to him. Sanitation Department collection crews will carry information tags to place on container advising of infractions of the rules and regulations when a violation is found. However, the failure to place an information tag on the container does not bar prosecution of a violation.

(c) The Board of Public Affairs, in and for the City, shall recommend rules and regulations governing the disposal and dumping at a yard waste collection site of the City that may be adopted by resolution or ordinance of Council. Any rules and regulations in effect prior to the adoption of this chapter shall remain valid. Said rules and regulations shall be posted in a conspicuous place at the yard waste site and shall be filed with the office of the City's Finance Director. Said rules and regulations shall be strictly complied with by all persons. It shall be a violation of this chapter for any person to fail to comply with the rules and regulations so established.

(d) The City Manager or his designated agent of the City shall enforce this chapter and make all reasonable effort to discover alleged violators, notify the proper prosecuting authority whenever the City Manager has

reasonable grounds to believe that a violation has occurred, act as a complainant in the prosecution thereof, and aid officers to the best of his ability in prosecutions. The City Manager shall direct the employees of the City's Sanitation Department to make the investigations and inspections.

Included with this memo are the edited Rules & Policies. The edits are highlighted. The edits to the Rules are primarily to clarify the existing Rules. However, please note the proposed Rule 5. In an effort to reduce potential liability issues, we are requesting that the use of personal machinery be prohibited.

Another area of concern is the use of the facility by companies and individuals who are not properly permitted to use the facility.

#### 925.24 PROHIBITION AGAINST UNAUTHORIZED USE OF THE CITY YARD WASTE SITE.

(a) No person or business entity with a physical address, street address, residential address, or business address outside the corporate limits of the City of Napoleon, Ohio, shall utilize or in any way make use of the City of Napoleon Yard Waste Site without prior written approval by the City Manager.

(b) The lack of notice of restricted access, posted or otherwise, is not a defense to this section. (Ord. 062-18. Passed 12-3-18.)

Per Section 925.24 of the City of Napoleon's Codified Ordinances, use of the facility without proper permission from the City Manager is prohibited. A process has been put in place which allows companies and individuals to utilize the facility if they purchase the proper permit. The proposed revisions to Policy 3 and Policy 4 clarify this issue and clearly state that City of Napoleon personnel can ask for identification to verify that the company or individual has the proper permit for use of the site.

Use of the site without the proper permission or permit is illegal per the City of Napoleon's Codified Ordinances. The penalty for this circumstance is outlined below with requested revisions to this section:

#### 925.99 PENALTY.

(a) Whoever violates any provision of this chapter, or any rule or regulation pursuant thereto, where no specific penalty is attached, shall be deemed guilty of a minor misdemeanor and shall be fined not more than \$150.00. Any violation shall constitute a separate offense on each successive day continued. The fact that garbage, refuse, rubbish, yard waste or other waste matter, herein mentioned or not, remains on any residential establishment in the City in violation of this chapter shall be prima facie evidence that the householder of such establishment is responsible for the occurring violation. In addition to the penalties above described for this chapter, the offender may be assessed the cost of any cleanup.

(b) Any person who violates or neglects to comply with any provision of this chapter, or any rule or regulation pursuant thereto, upon commission of the first offense in any twelve-month period, in lieu of filing criminal charges, may be issued a warning by the crew of the City Sanitation Department in the form of an information tag, the form and content of which shall be prepared by the City Manager or his designee, to be issued in person or affixed to the waste, or to its container or to entrance of the dwelling or other structure on the premises upon which the waste or its container is found, and such waste shall not be collected, removed, or disposed of by the City's Sanitation Department.

(Ord. 28-95. Passed 4-3-95.)

(c) Any person who violates Section 925.05 is deemed guilty of a misdemeanor of the 4th degree, punishable by a fine not to exceed \$250.00 and/or a period of imprisonment not to exceed 30 days.

(d) Any person who violates Section 925.24, may be deemed guilty of a minor misdemeanor and shall be fined not more than \$150.00 and/or have their permission/permit for use of the Yard Waste Site revoked.

(e) The City, its officials, boards or employees failing to carry out any directory function imposed upon the same by this chapter shall not be punishable as a crime under this section.

Staff requests that the Board of Public Affairs, in conjunction with the Municipal Properties Committee of Council, recommend these revisions to the full body of Council. Council would then need to direct the Law Director to draft the appropriate legislation to make these revisions to the City of Napoleon's Codified Ordinances and the Yard Waste Site Rules & Policies.



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# RULES & POLICY FOR YARD WASTE SITE

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## HISTORY OF RULES

|         |                       |            |
|---------|-----------------------|------------|
| Adopted |                       |            |
| Amended | Resolution No. 105-03 | 10/20/2003 |
| Amended | Ordinance No. 082-04  | 06/21/2004 |
| Amended | Ordinance No. 003-24  | 04/01/2024 |
| Amended | Ordinance No. XXX-25  |            |

## HISTORY OF POLICY

|         |                      |            |
|---------|----------------------|------------|
| Adopted | Ordinance No. 062-18 | 12/03/2018 |
| Amended | Ordinance No. 003-24 | 04/01/2024 |
| Amended | Ordinance No. XXX-25 |            |

CITY OF NAPOLEON  
1722 OAKWOOD AVENUE  
NAPOLEON, OHIO 43545

# CITY OF NAPOLEON YARD WASTE SITE

## **RULE 1. ACCEPTED MATERIAL**

The only materials accepted and to be deposited at the Yard Waste Site are: **brush referred to as broken or lopped branches and yard waste referred to as grass clippings**, ~~brush~~, flower waste, domestic vegetative waste, **and** leaves. No person shall deposit any other material at said Site.

## **RULE 23. BRUSH PILES**

~~The brush~~ Brush piles found at the Site ~~are~~ **is** to be used only for **broken or lopped branches**. ~~drop brush, flower waste, leaves, and domestic vegetative waste (e.g. corn stalks, tomato vines, hedge clippings).~~  
~~The items mentioned in this Rule 3 shall only be placed in loose condition in the brush pile and shall not be deposited in bags or boxes. No person shall deposit items~~ **Items** as mentioned in this Rule ~~23~~ **that must not** exceed 10" (inches) in diameter or 48" (inches) in length.

## **RULE 32. YARD WASTE PILE GRASS**

~~The yard waste pile found~~ **All grass deposited** at the Site **is to be used only for grass clippings, flower waste, domestic vegetative waste and leaves. Items as mentioned in this Rule 3 must be removed from bags and deposited in a loose condition. No bagged grass shall be deposited at the Site.**

## **RULE 4. LEAVES**

~~Leaves deposited at the Site must be removed from bags and deposited in loose condition only in the designated area.~~

## **RULE 45. CONCRETE RECYCLING**

~~Any~~ **No person shall** depositing scrap concrete at the Yard Waste Site **must have** ~~without~~ prior permission from the Operations Superintendent, or his designee.

## **RULE 5. USE OF PERSONAL MACHINERY OR EQUIPMENT**

**No person shall utilize personal machinery or equipment referred to as, but not limited to, chainsaws, mowers, tractors, loaders, or skid loaders at the Site.**

## **RULE 6. APPLICABLE LAW**

All persons utilizing the Yard Waste Site shall follow all **Policies**, Regulations, Rules and Laws of this City and State pertaining to dumping at ~~the~~ Yard Waste Site.

## **RULE 7. MULCH AVAILABILITY**

Mulch is available during daylight hours ~~to anyone~~ at no charge, so long as quantity exists.

The City will load a vehicle upon request, within the capacity of City equipment, at a charge of \$8.00 per first scoop (2-3 cubic yards) and \$4.00 for each additional scoop.

The City will deliver a small dump truck load of mulch (approximately 2 cubic yards) inside the City limits for a charge of \$16.00. Outside the City limits, but inside Henry County, the charge will be \$16.00 plus \$3.00 per loaded mile.

The City will deliver a large dump truck load of mulch (approximately 6 cubic yards) inside the City limits for a charge of \$24.00. Outside the City limits, but inside Henry County, the charge will be \$24.00 plus \$3.00 per loaded mile.

Any request for loading or delivery of mulch must be made through the Operations Department Office at 419-599-1891, between the hours of 7:00 a.m. and 3:00 p.m. Loading and delivery will occur on Fridays ONLY. No delivery or loading will be scheduled on weekends or at any time that could result in overtime or when work schedules would need to be adjusted to accommodate this service.

~~Any person found violating Rule 1, 2, 3, 4, 5 or 6 of the Yard Waste Collection Rules shall be deemed guilty of a minor misdemeanor offense.~~

# CITY OF NAPOLEON YARD WASTE SITE

## **POLICY 1.**

The Yard Waste Site will only be open from dawn until dusk.

## **POLICY 2.**

Only City residents and select businesses that pay a fee to dispose of yard waste will be permitted to utilize dispose of yard waste at the Yard Waste Site.

## **POLICY 53.**

A non-resident may utilize the Yard Waste Site if an annual Yard Waste Use Permit Site Pass is purchased for seventy-five dollars (\$75) per year. The Permit Pass will be valid for each calendar year.

## **POLICY 34.**

If a person other than the resident is disposing of yard waste at the Yard Waste Site for a resident, the individual must provide proof that the yard waste being disposed of is from a resident's address.

If a person other than the resident is taking mulch from the Yard Waste Site for a resident, the individual must provide proof that the mulch is taken to a resident's address.

## **POLICY 45.**

A business that does not already pay the refuse fee on the utility bill may be permitted to dispose of yard waste at the Yard Waste Site if they contact the City Utility Department and elect to pay six dollars (\$6) per month for unlimited use of the Yard Waste Site.

## **POLICY 6.**

A Handyman/Lawn Service contractor with a business address inside Henry County may utilize the Yard Waste Site if an annual Yard Waste Use Permit Site Pass is purchased for two hundred dollars (\$200) per year. The Pass will be valid for each calendar year.

## **POLICY 7.**

A Tree Service/Tree Removal contractor with a business address inside Henry County may utilize the Yard Waste Site if an annual Yard Waste Use Permit Site Pass is purchased for one thousand dollars (\$1,000) per year. The Pass will be valid for each calendar year.

## **POLICY 8.**

A Tree Service/Tree Removal contractor with a business address outside Henry County may utilize the Yard Waste Site if an annual Yard Waste Use Permit Site Pass is purchased for two thousand dollars (\$2,000) per year. The Pass will be valid for each calendar year.

## **POLICY 9.**

All individuals utilizing the Yard Waste Site are subject to having their identification checked by any City employee.

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**RULE 12 DISCONTINUATION OF SERVICE**

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***Rule 12.1 Right To Disconnect***

- (A) The City has the right to discontinue the supply of electricity to furnish the same for any of the following reasons:
- (1) The nonpayment or untimely payment of any City owned or operated utility bill, including any other charges referred to herein, regardless of location or account.
  - (2) For refusing entry, or failing to allow access or entry, to a premises that is receiving utility service, for purpose of repair and/or replacing meters or appurtenances related to utilities, or for purpose of inspection, upgrade or reading of utility meters.
  - (3) For repairs or unavoidable shortage or interruptions in the source of supply.
  - (4) If the customer's electrical usage or requirements of connections are detrimental to the electrical service as supplied to other customers or to City's electrical system in general.
  - (5) For fraud or illegal diversion of electricity.
  - (6) For improper installation of a nature that would jeopardize or otherwise effect the service to customers.
  - (7) For installing any electrical line or apparatus in a manner that is contrary to these Rules or City specifications.
  - (8) Failing to timely pay an administrative fine or penalty related to a violation of the City's Rules, Terms and Conditions Governing the Sale of Electrical Service.
  - (9) Other just or reasonable cause; or,
  - (10) Violation of these Rules which is related to health, safety, or welfare of the citizens and/or customers as determined jointly by the City Manager and City Finance Director.
  - (11) For convenience, when the utility service is provided by the City outside the corporation limits.
- (B) Whenever service is discontinued for fraudulent reasons, nonpayment, or obstruction as to inspection, a charge may be made by the City to cover the cost of disconnecting and reconnection service when the same is again reestablished.
- (C) The City may establish trip-fees for connections/disconnections related to customer maintenance.



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- (D) The City reserves the right to refuse any application for service if the applicant is indebted to the City for any service thereto fore rendered at any location, provided City advises the applicant of the same, and the City reserves the right to discontinue to serve any customer without notice in case of emergency or to prevent fraud upon the City.
- (E) Any discontinuance of service shall not terminate the contract between the City and the customer, nor shall it abrogate any customer charge which may be effective.

### **Rule 12.2 Disconnect Procedures**

The following procedure is established for disconnection of electrical service for any valid reason, except in the case of an emergency or maintenance disconnect, where notice under this rule may be dispensed with:

- (A) First, notice of disconnect will be furnished, in writing, to the contracted customer by personal service or by serving such notice via U.S. Regular mail (or electronic mail if they opted in for this service) to the last known address that is on file with the utility department at least fourteen (14) days prior to the scheduled disconnect date. If the billing address and service address are different, by also serving the premises being served with the utility at least fourteen (14) days prior to disconnect by door hanger, posting, personally serving an adult occupant, or by U.S. regular mail (or electronic mail if they opted in for this service). Next, a second notice shall follow at least five (5) days in advance of the scheduled disconnect date in the same manner and form as the first notice.
- (B) The notices shall contain the following information:
  - (1) The proposed date of disconnection;
  - (2) The reason for termination;
  - (3) The amount left unpaid, if any;
  - (4) The action to be taken to cure the reason for disconnect;
  - (5) The potential reconnection fees such as trip charges;
  - (6) The right of the customer or consumer of the utility to a hearing and an appeal as to any disputed bill or proposed disconnect;
  - (7) The location, business hours, and telephone number of the utility representative that may be contacted to pay the bill or otherwise resolve disconnect issues and/or request a hearing to challenge the utility's department right to disconnect;
  - (8) That, a consumer of utility services, other than the contracted owner/customer, may avoid disconnection by paying current charges and assuming responsibility for payment of future charges;

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- (9) That, a tenant has the ability to have the contracted utility placed into their name.
- (C) Where a hearing has been requested in writing at least one (1) day prior to the scheduled disconnect, no disconnect will occur until after the hearing officer's decision or order is either personally served on the person that requested the hearing or five (5) business days after mailing of the decision, by U.S. regular mail, to the last known address of the person that filed the request for hearing. Notice shall be given of the right of appeal from a decision of the hearing officer in accordance with the appeal procedure as established in these rules. (See Appeals Process)

### ***Rule 12.3 Disconnection***

- (A) Disconnection of utilities shall not occur on any day which precedes a holiday or weekend, or any other day on which all services necessary to reconnect service are not available. All disconnection of service shall be documented by written service order recording the date, time, and identity of the service employee effectuating the disconnection; such documentation shall be retained in the business file kept by the City relating to the service premises so affected.
- (B) If a person desires to pay a delinquent amount to avoid disconnect, an employee will give the customer one (1) hour to make arrangements to go to the City Utility Department and pay the amount required to avoid disconnection or otherwise resolve the disconnect issues. The time to commence from receipt of notice to the employee by the delinquent customer of an intent to pay.
- (C) No service employee dispatched to disconnect service shall disconnect service until he/she makes reasonable efforts to personally contact an adult occupant, if any, of each service premises to be affected to:
  - (1) advise of the disconnection; and
  - (2) verify the propriety of the disconnection.
- (D) Reasonable efforts shall include, but not necessarily be limited to, knocking on the door or doors of each household at the service premises.
- (E) Notice that the utility has been disconnected shall be placed in a prominent place at the entry to each service address affected by disconnection. The service employee shall document on the service order the efforts made to personally contact the occupants prior to disconnection and the delivery of the disconnect notice, including the date and time such acts were performed and his/her identity.

### ***Rule 12.4 Trip Disconnect and Reconnect charges***

If disconnection action commences by the utility department, trip charges, as established and as may be amended from time to time, will be assessed to the customer whenever utility department or operation department

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employees respond to the ~~premises being served~~ services in relation to disconnect or subsequent reconnection and when response is due to an act or omission by the property owner or customer which resulted in the disconnection action either in person or remotely. Regardless of reconnection, if disconnection is because of non-payment, a ~~trip~~ charge for disconnection will be added to the final bill. The utility may require the customer or designee be present for any reconnection.

### ***Rule 12.5 Disconnection Jeopardizing Health***

- (A) Disconnect of service for nonpayment will not occur when disconnect of service would be especially dangerous to health as certified pursuant to the certification provisions of this rule; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.
- (B) Disconnect of service will not occur for nonpayment when the disconnect of service would make operation of necessary medical or life-supporting equipment impossible or impractical; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.

### ***Rule 12.6 Certification Procedure***

- (A) The City Utility Department shall provide application forms for licensed physicians or local board of health physicians for certification upon request of any residential customer. The City Utility Department shall give notice of availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter and summer periods. If disconnect is to occur as a result of nonpayment, written notice shall be given to the customer prior to disconnect that a medical certification program and forms are available from the City.
- (B) Any consumer who is a permanent resident of the premises where the service is rendered may qualify for certification.
- (C) The condition must be certified to the Utility Department by a licensed physician or local board of health physician.
  - (1) The certification of special danger to health shall be in writing and shall include the name of the person to be certified, a statement that the person is a permanent resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the condition, and the period of the time during which termination will be especially dangerous to health.

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- (2) Initial certification by the certifying party may be by telephone if written certification is forwarded to the Utility Department within seven (7) days.
- (3) In the event service has been disconnected within twenty-one (21) days prior to certification of special dangerous to health for qualifying resident, service shall be restored to that residence if proper certification is made in accordance with the foregoing provisions and the customer agrees to an extended payment plan.
- (4) Certification shall stop disconnection of service for thirty (30) days. Certification may be renewed two (2) additional times (thirty (30) days each) by a licensed physical or local board of health physician by providing an additional certificate to the Utility Department. The total certification period is not to exceed ninety (90) days in any twelve (12) month period.
- (5) Upon renewal of certification, the City Utility Department shall make contact by reasonable means with the customer and advise the customer of the governmental assistance programs that may be available. Assistance information will be provided by mail as a last resort of contact.

### ***Rule 12.7 Winter Months Disconnect***

- (D) Notwithstanding any other rule, no disconnect for residential service will occur for nonpayment at times when temperatures are below freezing on any given day; however, a limiter (when available) may be installed on your service.

### ***Rule 12.8 After Hours Service***

***No reconnects are made after hours, holidays, or on weekends. All disconnect payments must be made by 4:00 p.m. to be turned on the same day. If a utility employee gets paged after hours only to find out the customer wants reconnected, there will be a \$75 charge to cover overtime wages and the utility will not be reconnected.***

## RULES, TERMS AND CONDITIONS GOVERNING THE SALE OF ELECTRICAL SERVICE

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### RULE 26 APPENDIX "A" FEES

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To partially offset the additional expense to the City in furnishing special services requested or caused by the customer, such as the connection service, collection of accounts, etc. the charges for such services are set forth in this Appendix "A". Normal connections will occur during regular business hours of the City. Any service connections after normal business hours may have an added fee to cover the additional cost of services. This appendix also covers other current rates, fees and charges. All rates not contained in this Appendix shall be as contained in Chapter 939 of the Codified Ordinances of the City or other policy, resolution or ordinance.

#### **Trip Charges:**

|   |                 |
|---|-----------------|
| Initial Customer Requested Electrical Connection ( <del>Trip Charge</del> )   | \$0.00          |
| Other Customer Requested Electrical Connection ( <del>Trip Charge</del> )   | \$20.00—\$50.00 |
| City Maintenance Connection/Disconnection ( <del>Trip Charge</del> )  | \$0.00          |
| Customer Maintenance Connection/Disconnection ( <del>Trip Charge</del> )  | \$0.00          |
| City <del>Trip</del> Charge (each <del>trip</del> disconnection and reconnection) due to reasons pursuant to Rule 12.1(B) | \$50.00         |

#### **Other:**

|   |                 |
|---|-----------------|
|   | \$35.00         |
| Filing of Appeal Fee  | \$25.00—\$35.00 |
| Return Check Service Fee  | \$10.00         |
| Temporary Electrical Service Fee (Includes Permit Fee)  |                 |
| Pole Attachment Fee (Foreign Utility, Per Pole Per Year) when attachment is within one foot (1') space, to be adjusted each calendar year based upon the consumer price index (CPIU) or as otherwise agreed to in contract.       | \$11.70         |
| Pole Attachment Fee (Foreign Utility, Per Pole Per Year) when attachment is greater than one foot (1') space, to be adjusted each calendar year based upon the consumer price index (CPIU) or as otherwise agreed to in contract. | \$18.71         |

Meter Testing Fee at Customer's Request and (when no problem found).

\*Time and material is determined charged to customer at the actual cost to City.

\* Fees listed under this Rule (Appendix) only during normal business hours. Services performed after normal business hours will have an additional \$40.00 added fee for each service, except for appeals.

\* Placement and/or removal of a limiter constitutes disconnect/connect for purposes of trip charges.