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# Memorandum

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TO: Mayor and City Council  
City Manager, Finance Director, City Law Director  
FROM: Roxanne  
SUBJECT: General Information  
DATE: June 2, 2017

## CALENDAR

6:15 pm - *Technology Committee*

6:55 pm - *Public Hearing/Proposed 2018 Tax Budget*

## COUNCIL AGENDA

### C. CONSIDERATION OF REPUBLICAN PARTY NOMINATION TO VACANT COUNCIL SET

- Attached is a copy of the Republican Party's recommendation.

### D. APPROVAL OF MINUTES

May 15, 2017 City Council Meeting

### E. PRESENTATION BY THE MAYOR

### I. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 034-17**, an Ordinance to Approve Current 2017 Replacement Pages to the City of Napoleon, Ohio Codified Ordinances.
2. **Resolution No. 035-17**, a Resolution Adopting the 2018 Tax Budget for the City of Napoleon, Ohio as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.
3. **Ordinance No. 036-17**, an Ordinance Amending Section 1101.01 of the City of Napoleon, Ohio Codified Ordinances, specifically creating definitions related to Section 1145.01, Table of Permissible Uses, in Chapter 11 of the Planning and Zoning Section of said Codified Ordinances, and Declaring an Emergency. (Suspension Requested)

### J. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

### K. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 010-17**, an Ordinance Amending a Certain Section of the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio.

### L. GOOD OF THE CITY (*Any other business as may properly come before Council, including but not limited to*):

1. **Discussion/Action:** to Approve the Recommendation from the NIEDF Committee to Provide a \$5,000 Grant to Honey Blossom Orchard for Costs of a Sewer Tap Access.
2. **Discussion/Action:** to Approve the Recommendation from the NIEDF Committee to Provide a \$30,000 Matching Grant to Custom Ag Systems for a Sewer Extension on County Road R
3. **Discussion/Action:** to Approve the Recommendation from the Finance and Budget Committee to Place a three tenths (0.3%) Temporary (5 Year) Income Tax Levy on the November Ballot for Road Projects within the City.
  - The "Certificate of Result of Election on Question or Issue" is enclosed.

4. **Discussion/Action:** Approval of the Specifications and to go out to Bid for a New 2017 or Newer GMC Sierra 2500 Pickup 4WD for the Electric Department.
  - A copy of the specs for this pickup truck are attached.
5. **Discussion/Action:** Approval of the Specifications and to go out to Bid for a New Phone System for the City.
  - Attached are the specifications for the new phone system.
6. **Discussion/Action:** Approval of the Plans and Specifications for the Haley Avenue Sanitary Sewer Reconstruction Project (Issue II).
  - Enclosed is a Memorandum from Chad regarding this project.
7. **Discussion/Action:** Acceptance of Donation to Napoleon Fire and Rescue from Mort and Dollie Smith.
8. **Discussion/Action:** Review Agreement with Wood County for City Inspection Services. (Refer to Committee).
  - A copy of the proposed agreement is attached.
9. **Discussion/Action:** Review Amendment to the JV2 Lease Agreement. (Refer to Committee and BOPA).
  - Enclosed is the “Amendment to the OMEGA JV2 Lease Agreement”.
10. **Discussion/Action:** Update on JV5 Diesel Generator Units. (Refer to Committee and BOPA).
11. **Discussion/Action:** Update on Water Treatment Plant Project. (Refer to Committee and BOPA).
12. **Discussion/Action:** Update on Wastewater Treatment Plant. (Refer to Committee and BOPA).

#### **N. Approve Payments of Bills and Approve Financial Reports**

##### **MISCELLANEOUS INFORMATION**

1. OML Legislative Bulletin/May 26, 2017
2. AMP Newsletter/May 26, 2017
3. TMACOG/June 2017

# JUNE 2017

<i>Sun</i>	<i>Mon</i>	<i>Tues</i>	<i>Wed</i>	<i>Thurs</i>	<i>Fri</i>	
May 28	May 29	May 30	May 31	<b>1</b>	<b>2</b>	<b>3</b>
	Offices Closed for	8:00 am - Healthcare	6:30 pm Park & Rec Board			
	<b>Memorial Day Holiday</b>	Cost Committee Mtg.				
<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	6:15 pm Technology Comm					
	6:55 pm Public Hearing					
	7:00 pm City Council					
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
	6:30 pm - Electric Comm.	4:00 pm Records Retention				
	6:30 pm - BOPA	4:30 pm Board of Zoning				
	7:00 pm Water/Sewer Comm	5:00 pm Planning Comm				
	7:30 pm Municipal Properties Bldg., Land Use, ED Comm.					
<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
	6:00 pm Adhoc Comm. Organization Health & Strategic Vision					
	6:00 pm Tree Commission					
	6:15 pm Parks & Rec Comm					
	7:00 pm City Council					
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	
	6:30 pm Finance & Budget	4:30 pm Civil Service	6:30 pm Parks and Rec Board			
	7:30 pm Safety & Human Resources Comm.					

*City of Napoleon, Ohio*

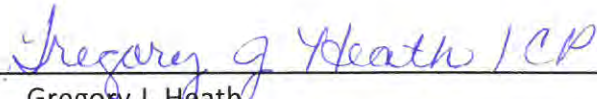
## **TECHNOLOGY COMMITTEE**

### **MEETING AGENDA**

**Monday, June 05, 2017 at 6:15 pm**

LOCATION: City Building, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Approval of Minutes from April 03, 2017 (*In the absence of any objections or corrections, the Minutes shall stand approved.*)
- 2) Discussion Regarding Costs for an Email Exchange Server. [Tabled]
- 3) Update on a New Phone System for the City.
- 4) Any other matters currently assigned to the Committee.
- 5) Adjournment.



Gregory J. Heath  
Finance Director/Clerk of Council



## TECHNOLOGY & COMMUNICATION COMMITTEE

### MEETING MINUTES

Monday, April 03, 2017 at 6:00 pm

## PRESENT

Members  
City Staff

Rita Small - Chair, Dan Baer, Travis Sheaffer  
Gregory J. Heath, Finance Director/Clerk of Council  
Joel Mazur, City Manager  
Dan Wachtman, MIS Administrator  
Roxanne Dietrich

Recorder

**ABSENT**

## Call To Order

Chairman Small called the meeting to order at 6:00 pm.

## Minutes Approved

Minutes from the March 06, 2017 meeting stand approved as presented with no objections or corrections.

## Disc on Cost for Email Exchanger

There was general discussion on a couple of companies that Wachtman had contacted on what they had to offer and the costs. Switching over to an exchange server, cost to migrate into a new host server and archiving costs were discussed. Sheaffer informed them you would want a sync server. Wachtman stated that Barricuda is hosted by Tangent and Tangent looks like the best way to go. Since 2000, Tangent has been doing our internet filtering and within the last ten years started doing our email filtering plus they are a Microsoft partner.

Baer asked when are you looking at making the change, this is not part of the current year budget.

Wachtman said it looks like the phone system will be under budget and we are hoping that amount will be enough for us to do this project also. \$58,000 was budgeted for the new phone system and it anticipated the cost will be around \$40,000. Mazur replied by the next committee meeting we should have the final numbers.

## Motion to Table

Motion: Sheaffer                      Second: Baer  
to table discussion on Email Exchanger Costs until the next meeting.

## Passed

Roll call vote on the motion:

### Yea-3

Yea-Small, Baer, Sheaffer

## Nay-0

Nay-

## Other Matters

None

**Adjournment**

Motion: Baer

Second: Sheaffer

To adjourn the meeting at 6:28 pm.

**Passed**

**Yea-3**

**Nay-0**

Roll call vote on the above motion:

Yea-Small, Baer, Sheaffer

Nay-

**Date Approved**

June 05, 2017

Rita Small, Chair

DRAFT

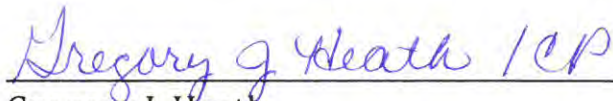
*City of Napoleon, Ohio*

**PUBLIC HEARING AGENDA**

**Monday, June 5, 2017 at 6:55 pm**

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

- A. Review the Proposed 2018 Tax Budget and the Inside Ten (10) Mill Levy Rates Allocated to the City.
- B. Any Other Items That May Properly Come Before Council.
- C. Adjournment.



Gregory J. Heath

Finance Director/Clerk of Council

## Certification by Party Central Committee to Fill a Vacancy in County Office or City Office

R.C. 305.02, 731.43, 733.08, 733.31. If charter county or municipality, refer to charter for specific requirements.

May 15, 20 17  
Napoleon, Ohio

To the Board of Elections of Henry County\*

The undersigned respectfully certify that a vacancy in the office of City Council  
for the City of Napoleon has occurred on 4/22/17  
(county or city) (date)  
due to the resignation of Patrick McElroy, who was a member of the  
(death, resignation, etc.)  
Republican Party.

The Central Committee of the Republican Party has appointed, in accordance with law,  
Lori L. Sielair, who is a qualified elector residing at  
3 Park Lane Dr, Napoleon, to hold the office and to perform the  
duties thereof until a successor is elected and qualified as provided by law.

Henry County Central Committee  
Signed: [Signature], Chairperson  
Address 4862 City Rd P Napoleon, OH 43545  
Signed: Phillip E. Parsons, Secretary  
Address 10631 County Road M, Napoleon, Ohio 43545

### Statement of Acceptance

I, Lori Sielair, hereby accept appointment to the office of City Council  
for the Napoleon of Napoleon, in accordance with the provisions of law.  
(county or city)

[Signature], Appointee

\*A copy of this certificate must be sent to the Secretary of State, 180 E. Broad Street, 15<sup>th</sup> Floor, Elections Division, Columbus OH 43215 or P.O. Box 2828, Columbus, OH 43216

**WHOEVER COMMITS ELECTION FALSIFICATION  
IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**



*City of Napoleon, Ohio*

**CITY COUNCIL**

Meeting Agenda

**Monday, June 05, 2017 at 7:00 pm**

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

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

**B. Prayer and Pledge of Allegiance**

**C. Consideration of Republican Party Nomination to Vacant Council Seat**

**D. Approval of Minutes:** *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. May 15, 2017 City Council Meeting

**E. Presentation by the Mayor**

- a. Presentation of Award to Wastewater Treatment Plant Personnel.

**F. Citizen Communication**

**G. Reports from Council Committees**

1. **Finance and Budget Committee** met on May 22, 2017 and:
  - a. Recommend that a three tenths (0.3%) Temporary (5 Year) Income Tax Levy be placed on the November Ballot for Road Projects within the City.
  - b. Removed the agenda item "Review of Pay Changes to Certain Non-Bargaining Pay Positions".
2. **Safety and Human Resources Committee** did not meet on May 22, 2017 due to lack of agenda items; and
3. **Technology and Communications Committee** met earlier this evening with the agenda items:
  - a. Discussion Regarding Costs for an Email Exchange Server. [Tabled]
  - b. Update on a New Phone System for the City.

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

1. **NIEDF Committee** met on May 22, 2017; and
  - a. Recommended a \$5,000 Grant to Honey Blossom Orchard for Costs of a Sewer Tap Access.
  - b. Recommended a \$30,000 Matching Grant to Custom Agri Systems for a Sewer Extension on County Road R
2. **Civil Service Commission** did not meet due to lack of agenda items
3. **Health Care Committee** met on May 30, 2017; and
  - a. Approved doing biometric screenings by blood draws for employees only.
4. **Parks and Recreation Board** met on May 31, 2017 and discussed:
  - a. Proposal from the Napoleon Soccer Club
  - b. Proposal from the American Legion
  - c. Fourth of July Activities

**I. Introduction of New Ordinances and Resolutions**

1. **Ordinance No. 034-17**, an Ordinance to Approve Current 2017 Replacement Pages to the City of Napoleon, Ohio Codified Ordinances.
2. **Resolution No. 035-17**, a Resolution Adopting the 2018 Tax Budget for the City of Napoleon, Ohio, as Required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.
3. **Ordinance No. 036-17**, an Ordinance Amending Section 1101.01 of the City of Napoleon, Ohio Codified Ordinances, Specifically Creating Definitions Related to Section 1145.01, Table of Permissible Uses, in Chapter 11 of the Planning & Zoning Section of said Codified Ordinances, and Declaring an Emergency. *(Suspension Requested)*

## **J. Second Readings of Ordinances and Resolutions**

## **K. Third Readings of Ordinances and Resolutions**

1. **Ordinance No. 010-17**, an Ordinance Amending a Certain Section of the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency.

## **L. Good of the City** (Any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** to Approve the Recommendation from the NIEDF Committee to Provide a \$5,000 Grant to Honey Blossom Orchard for Costs of a Sewer Tap Access.
2. **Discussion/Action:** to Approve the Recommendation from the NIEDF Committee to Provide a \$30,000 Matching Grant to Custom Ag Systems for a Sewer Extension on County Road R
3. **Discussion/Action:** to Approve the Recommendation from the Finance and Budget Committee to Place a three tenths (0.3%) Temporary (5 Year) Income Tax Levy on the November Ballot for Road Projects within the City.
4. **Discussion/Action:** Approval of the Specifications and to go out to Bid for a New 2017 or Newer GMC Sierra 2500 Pickup 4WD for the Electric Department.
5. **Discussion/Action:** Approval of the Specifications and to go out to Bid for a New Phone System for the City.
6. **Discussion/Action:** Approval of the Plans and Specifications for the Haley Avenue Sanitary Sewer Reconstruction Project (Issue II).
7. **Discussion/Action:** Acceptance of Donation to Napoleon Fire and Rescue from Mort and Dollie Smith.
8. **Discussion/Action:** Review Agreement with Wood County for City Inspection Services. (Refer to Committee).
9. **Discussion/Action:** Review Amendment to the JV2 Lease Agreement. (Refer to Committee and BOPA).
10. **Discussion/Action:** Update on JV5 Diesel Generator Units. (Refer to Committee and BOPA).
11. **Discussion/Action:** Update on Water Treatment Plant Project. (Refer to Committee and BOPA).
12. **Discussion/Action:** Update on Wastewater Treatment Plant. (Refer to Committee and BOPA).

## **M. Executive Session** (*as may be needed*)

## **N. Approve Payment of Bills and Approve Financial Reports** (*In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.*)

## **O. Adjournment**

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Gregory J. Heath  
Finance Director/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, July 3, 2017 @6:15 pm)*

- a. Costs for an Email Exchanger (Tabled)

### **2. Electric Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, June 12, 2017 @6:30 pm)*

- a. Review of Power Supply Cost Adjustment Factor for June, 2017
- b. Review Amendment to JV2 Lease Agreement.
- c. Update on JV5 Diesel Generator Units
- d. Electric Department Report

### **3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, June 12, 2017 @7:00 pm)*

- a. Update on Water Treatment Plant Project
- b. Update on Wastewater Treatment Plant

### **4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, June 12, 2017 @7:30 pm)*

- a. Discussion on Roundhouse Road (tabled)
- b. Discussion on Downtown Improvements (tabled)
- c. Discussion on Parking Spaces (Cake Walk Bakery-tabled)
- d. Updated Information from Staff on Economic Development (as needed)

### **5. Parks & Recreation Committee (3<sup>rd</sup> Monday)**

*(Next Meeting: Monday, June 19, 2017 @6:15 pm)*

### **6. Finance & Budget Committee (4<sup>th</sup> Monday)**

*(Next Regular Meeting: Monday, June 26, 2017 @6:30 pm)*

### **7. Safety & Human Resources Committee (4<sup>th</sup> Monday)**

*(Next Meeting: Monday, June 26, 2017 @7:30 pm)*

### **8. Personnel Committee (as needed)**

### **9. Ad Hoc Committee on Organizational Health and Strategic Vision (Next Mtg: Mon., June 19, 2017 at 6:00 pm)**

- a. Discussion on Mission and Strategic Vision.

### **10. Ad Hoc Committee on Council Rules (as needed)**

## **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, June 12, 2017 @6:30 pm)*

- a. Review of Power Supply Cost Adjustment Factor for June, 2017
- b. Review Amendment to JV2 Lease Agreement.
- c. Update on JV5 Diesel Generator Units.
- d. Update on Water Treatment Plant Project.
- e. Update on Wastewater Treatment Plant.
- f. Electric Department Report

### **2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, June 13, 2017 @4:30 pm)*

### **3. Planning Commission (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, June 13, 2017 @5:00 pm)*

### **4. Tree Commission (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, July 17, 2017 @6:00 pm)*

### **5. Civil Service Commission (4<sup>th</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, June 27, 2017 @4:30 pm)*

### **6. Parks & Recreation Board (Last Wednesday)**

*(Next Regular Meeting: Wed., June 28, 2017 @6:30 pm)*

### **7. Privacy Committee (2nd Tuesday in May & November)**

*(Next Regular Meeting: Tuesday, November 14, 2017 @10:30 am)*

### **8. Records Commission (2<sup>nd</sup> Tuesday in June & December)**

*(Next Regular Meeting: Tuesday, June 13, 2017 @4:00 pm)*

### **9. Housing Council (1<sup>st</sup> Monday of the month 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** (as needed)
- 15. Volunteer Peace Officers' Dependents Fund Board** (as needed)
- 16. Lodge Tax Advisory & Control Board** (as needed)
- 17. Board of Building Appeals** (as needed)
- 18. ADA Compliance Board** (as needed)
- 19. NCTV Advisory Board** (as needed)



# CITY COUNCIL

## MEETING MINUTES

MONDAY, MAY 15, 2017 AT 7:00 PM

<b>PRESENT</b>	
Council	Travis Sheaffer-Council President, Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Rita Small, Dan Baer, Jeff Mires
Mayor	Jason P. Maassel
Finance Director/Clerk	Gregory J. Heath
City Manager	Joel Mazur
Law Director	Billy D. Harmon
Recorder	Roxanne Dietrich
City Staff	Clayton O'Brien-Fire Chief Scott Hoover-WTP Superintendent Chad Lulfs-Public Works Director Bob Weitzel-Police Chief Dan Wachtman-MIS
Others	News Media, NCTV, Jerry Tonjes, Lori Siclair
<b>ABSENT</b>	
<b>Prayer</b>	Council President Sheaffer called the meeting to order at 7:00 pm with a moment of silence observing Peace Officers' Memorial Day followed by the Lord's Prayer and the Pledge of Allegiance.
<b>Approval of Minutes</b>	Hearing no corrections, the Minutes from the May 1, 2017 Special City Council meeting and Regular City Council meeting stand approved as presented.
<b>Citizen Communication</b>	None
<b>Council Committee Reports</b>	<p>The <b>Electric Committee</b> met on May 8, 2017 and approved the Board of Public Affairs' recommendation to approve the PSCAF for May 2017 as PSCAF corrected three (3) month averaged factor \$0.00673; JV2 \$0.031644 and JV5 \$0.031644.</p> <p>The <b>Water &amp; Sewer Committee</b> did not meet due to lack of agenda items.</p> <p>The <b>Municipal Properties, Building, Land Use and Economic Development Committee</b> did not meet due to lack of agenda items.</p> <p>Maassel reported the <b>Ad-hoc Committee on Organizational Health and Strategic Vision</b> met tonight and talked about road projects and the downtown. A waterline will be added to the downtown project and the timeline of that project is later than originally thought so it will not disrupt any downtown activities.</p> <p>Bialorucki reported the <b>Parks and Recreation Committee</b> and Parks and Rec Board just met in a combined meeting and heard a request from the county to designate Vorwerk Park as a primitive campsite location. At this time we are going check into it a little bit further about the existing business that has a campsite in Napoleon checking to see if they would be able to handle some of this camping that could be coming our way before we designate one of our parks.</p>

**Introduction of  
Resolution No. 031-17  
OMEA Representative  
Travis Sheaffer**

Council President Sheaffer read by title Resolution No. 031-17, a Resolution Authorizing Travis B. Sheaffer as Delegate to Represent the City of Napoleon, Ohio as a Member of the Board of Directors of the Ohio Municipal Electric Association (OMEA); and Declaring an Emergency.

**Motion to Approve  
First Read of 031-17**

Motion: Bialorucki                      Second: Small  
to approve First Read of Resolution No. 031-17.

**Discussion for 031-17**

Sheaffer said OMEA requires us to have this in resolution form for their minutes  
Resolution No. 031-17 also designates the Mayor as the OMEA alternate.

**Motion to Suspend  
the Rule for 031-17**

Motion: Bialorucki                      Second: Comadoll  
To suspend the rule requiring three readings for Resolution 031-17.

**Passed  
Yea-6  
Nay-0**

Roll call vote on the above motion:  
Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki  
Nay-

**Passed  
Yea-6  
Nay-0**

Roll call vote to pass Resolution No. 031-17 under suspension of the rule and emergency.  
Yea- Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki  
Nay-

**Introduction of  
Ordinance No. 032-17  
Amend Credit Card  
Policy**

Council President Sheaffer read by title Ordinance No. 032-17, an Ordinance Amending the Current Credit Card Policy in and for the City of Napoleon, Ohio as was Periodically Amended; and Declaring an Emergency.

**Motion to Approve  
First Read of 032-17**

Motion: Small                              Second: Mires  
To approve first read of Ordinance No. 032-17.

**Discussion for 032-17**

Heath said the Finance and Budget Committee has agreed to the proposed changes. There is a request for emergency and suspension as this is a hot button for the auditors this year and would like to get passed prior to when they leave in mid-June.

**Motion to Suspend  
Rule for 032-17**

Motion: Comadoll                      Second: Small  
To suspend the rule requiring three readings for Ordinance 032-17.

**Passed  
Yea-6  
Nay-0**

Roll call vote on the above motion:  
Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki  
Nay-

**Passed  
Yea-6  
Nay-0**

Roll call vote to pass Ordinance No. 032-17 under suspension of the rule and emergency.  
Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki,  
Nay-

**Second Read  
Ordinance No. 010-17  
Chapter 197 of  
Personnel Code  
Amended**

Council President Sheaffer read by title Ordinance No. 010-17, an Ordinance Amending a Certain Section of the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio.

**Motion to Approve  
Second Read of 010-  
17**

Motion: Comadoll                      Second: Bialorucki  
to approve Second Read of Ordinance No. 010-17

**Discussion for 010-17**

City Manager Mazur reported there is nothing new to add.

**Passed**  
**Yea-6**  
**Nay-0**

Roll call vote to approve second read of Ordinance No. 010-17  
Yea- Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki  
Nay-

**Third Read of  
Ordinance No. 014-17  
Housing Officer for  
the City**

Council President Sheaffer read by title, Ordinance No. 014-17, an Ordinance Amending Ordinance No. 120-00 passed October 16, 2000; Removing the Department of Engineering as the Housing Officer for the City of Napoleon, Ohio; and Establishing and Authorizing the Department of Management to Perform the Duties of Housing Officer for the City of Napoleon, Ohio; and Declaring an Emergency.

**Discussion**

Mazur said this will remove the Housing Officer duties from the City Engineer and hand those duties over to the City Manager to make the appointment of a Housing Officer.

**Motion To Approve  
Third Read 014-17  
Discussion**

Motion: Comadoll                      Second: Bialorucki  
To approve Third Read of Ordinance No. 014-17.

**Passed**  
**Yea-6**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki,  
Nay-

**PSCAF for May 2017**

Heath said this was passed by the Board of Public Affairs and the Electric Committee, this will be the final for the three month correction.

**Motion to Approve  
May 2017 PSCAF**

Motion: Baer                      Second: Bialorucki  
To approve the PSCAF for May 2017 as PSCAF corrected three (3) month averaged factor \$0.00673; JV2 \$0.031644 and JV5 \$0.031644.

**Passed**  
**Yea-6**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki  
Nay-

**2018 Tax Budget**

Heath said this is a routine item that is required every year. The tax budget lists the inside 10 mil allocation the City gets. The 2018 Tax Budget has to be placed on file and we will need to set a public hearing for June 5, 2017 at 6:55 pm. The City's current evaluation is \$140,501,870 and the 2.9 mills allocated against that generates an estimated revenue of \$407,455 for 2018.

**Set Public Hearing for  
2018 Tax Budget for  
June 5, 2017 at 6:55  
pm**

Council President Sheaffer set a Public Hearing for June 5, 2017 at 6:55 pm with the agenda item of: 2018 Tax Budget.

Mazur said this is a contract renewal to clean the Water Treatment Plant lime sludge lagoons.

Motion: Comadoll                      Second: Small  
To approve renewal of Burch Hydro contract for Cleaning the WTP Lime Sludge Lagoons.

Roll call vote on the above motion:  
Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki  
Nay-

Mazur reported the plans and specifications are substantially complete there are a few minor changes to be made. We did add the waterline replacement to this project for three reasons: (1) the waterline is undersized, (2) the waterline is aged infrastructure and is due to be replaced at some point and while we have the road dug up, we may as well replace the waterline, (3) when you dig into project with aging infrastructure underneath and you are running heavy equipment over the top of it there is the risk a water main break could occur that could be more damaging and costly. The project is about a month behind our original start date. The last downtown event is Spengler's 125<sup>th</sup> Anniversary celebration on August 19<sup>th</sup> we could potentially start the project on August 21<sup>st</sup>, but we do not want to get into a situation where there are a lot of restrictions that could make the contract costlier.

Maassel - if we are going to do it let's do it right we do not want this to be a secondary job like Scott Street was.

Baer said he is in agreement with adding the waterlines; however, we do not want to see the project delayed into winter and the downtown is torn up as we get into the snow and ice season.

Bialorucki asked what the estimated cost will be to add the waterlines to this project.

Mazur said the cost of the waterline is \$215,000, there is a balance in the water reserve fund and that we would like to use it will have to go through the quarterly budget adjustments.

Comadoll asked what size the waterline will be and if it will be done on both Perry and Washington.

Mazur said it is being upsized to 12" and we will be doing Perry Street and one section of Washington.

Maassel said would be nice to have updates presented to us at the June 5<sup>th</sup> meeting or to have something put in the packet.

Motion: Comadoll                      Second: Bialorucki  
to approve plans and specifications for the 2017 Downtown Improvements Project.

Roll call vote on the above motion:  
Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki  
Nay-

Mazur said the building was bid already but the bid came back twice the amount that was granted to us. We have revised the bid to add alternates and scale it down.

<b>Motion to Reject Bids Submitted</b>	Motion: Comadoll to reject bids submitted for the Napoleon Safety Services Training Facility on March 29, 2017.	Second: Bialorucki
<b>Passed</b>	Roll call vote on the above motion:	
<b>Yea-6</b>	Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki	
<b>Nay-0</b>	Nay-	
<b>Motion to Approve Rebidding Project</b>	Motion: Comadoll to Approve rebidding the Napoleon Safety Services Training Facility.	Second: Small
<b>Passed</b>	Motion: Comadoll	Second: Small
<b>Yea-6</b>	To approve rebidding the Napoleon Safety Services Training Facility (1310 Oakwood Avenue) project.	
<b>Nay-0</b>	Roll call vote on the above motion:	
	Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki	
	Nay-	
<b>Review of Income Tax Levy Issue</b>	Council President Sheaffer referred <i>Review of Income Tax Levy Issue</i> to the Finance and Budget Committee.	
<b>Review of Pay Changes to Certain Non-Bargaining Pay Positions</b>	Council President Sheaffer referred <i>Review of Pay Changes to Certain Non-Bargaining Pay Positions</i> to the Finance and Budget Committee.	
<b>Around the Table</b>		
<b>Mazur</b>	Nothing.	
<b>Harmon</b>	I would request an Executive Session on Pending Litigation.	
<b>Mires</b>	I want to welcome three of the City's newest residents, Joel, Amanda and Ace.	
<b>Baer</b>	I will available for the Memorial Day Parade.	
<b>Comadoll</b>	Rite Aid is terrible, the front of it, the grass needs mowed.	
<b>Mayor</b>	<p>I talked to Larry Adams about the Memorial Day Parade and gave him my RSVP.</p> <p>Larry Adams said the Legion would like to put flags up in the downtown and he is getting with someone from the City to use our boom trucks to get the flags put up there will be flags throughout the downtown on a permanent basis.</p> <p>Joel, can you provide us with an update on the Ohio Street Waterline Project.</p> <p>Mazur responded we are still planning to do the Ohio Street project this year, the funds are budgeted so as long as we can pay for the downtown waterlines from water reserve fund, we have can do the Ohio Street Waterline project this year too.</p> <p>This month is teacher appreciation month there a lot of educators out there that did a lot of stuff for us if you see one of your teachers out walking around make sure you say Thank You for all they did.</p>	

<b>Sheaffer</b>	Today is Peace Officer Memorial Day the whole week is observed, if you get an opportunity stop down and talk to guys, thank them for all they do.
<b>Bialorucki</b>	My list was the same as the Mayor's, I will pass.
<b>Small</b>	Nothing.
<b>Heath</b>	Nothing.
<b>Motion To Go Into Executive Session for Pending Litigation</b>	Motion: Small Second: Bialorucki to go into Executive Session for Pending Litigation.
<b>Passed Yea-6 Nay-0</b>	Roll call vote on the above motion: Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki Nay-
<b>Into Executive Session</b>	Council went into Executive Session at 7:39 pm
<b>Motion to Come Out of Executive Session for Pending Litigation</b>	Motion: Small Second: Bialorucki To come out of Executive Session for Pending Litigation.
<b>Passed Yea-6 Nay-0</b>	Roll call vote on the above motion: Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki Nay-
	Council President Sheaffer reported Executive Session was for pending litigation and no action was taken.
<b>Out of Executive Session</b>	Out of Executive Session at 7:49 pm.
<b>Approval of Bills</b>	The bills and reports stand approved as presented with no objections.
<b>Motion to Adjourn</b>	Motion: Small Second: Bialorucki to adjourn.
<b>Passed Yea-6 Nay-0</b>	Roll call vote on the above motion: Yea-Sheaffer, Comadoll, Baer, Mires, Small, Bialorucki Nay-
<b>Adjournment</b>	The City Council meeting was adjourned at 7:50 pm.

**Approved:**

June 5, 2017

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Travis Sheaffer, Council President

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Jason P. Maassel, Mayor

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Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

## ORDINANCE NO. 034-17

### AN ORDINANCE TO APPROVE CURRENT MARCH 2017 REPLACEMENT PAGES TO THE CITY OF NAPOLEON, OHIO 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 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 March 2017 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

301.04	Bicycle; Motorized Bicycle; Moped. (Amended)
301.19	Motorcycle. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Added)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
335.021	Ohio Driver's License Required for In State Residents. (Added)
335.111	Registration Within Thirty Days of Residency. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

#### General Offenses Code

None

#### Fire Prevention Code

1519.04	Fireworks Possession, Sale or Discharge Prohibited. (Amended)
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Section 3. That, the complete text of all current Codified changes are 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: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

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

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 034-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & 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.*

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

INSTRUCTIONS FOR INSERTING  
MARCH 2017 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES  
OF NAPOLEON

All new replacement pages bear the footnote "March 2017 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY

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

Complete to March 1, 2017

CERTIFICATION

We, Jason Maassel, Mayor and Gregory J. Heath, Council Clerk 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 March 1, 2017.

/s/ Jason Maassel  
Mayor

/s/ Gregory J. Heath  
Council Clerk

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

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<b>CRUELTY</b>			<b>DEPARTMENTS, ADMINISTRATIVE</b>	
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82-00	9-5-00	City alley between Lots 13 and 14, Fairgrounds Addition.
83-00	9-5-00	City alley between Lots 9 and 10, R.K. Scotts 1st Addition.
118-00	11-2-00	Amends Ord. 83-00, passed 9-5-00.
127-00	12-4-00	City alley between Lots 148-150, Adam Stouts 1st Addition.
10-01	2-19-01	Amends Ord. 127-00, passed 12-4-00.
18-02	3-18-02	City alley between Lots 32 and 33, J.A. Stout's 1st Addition.
19-02	3-18-02	City alley between Lot 44 and Lots 50 and 51, J.A. Stout's 1st Addition.
20-02	3-18-02	City alley along northside of Lots 20 - 24, Fair Ground Addition.
057-06	8-21-06	Repeals Ords. 37-86 and 31-89.
071-07	8-6-07	Amends Sec. 1 of Ord. 4-96.
017-08	3-17-08	Alley located in Block No. 1 of Phillips Addition.
054-08	7-21-08	Vacates alley located in Mary Dodd's Second Addition.
060-11	9-19-11	Vacates a certain alley located in E.T. Barnes First Addition to the Village (Now City) of Napoleon, Henry County Ohio.
061-11	9-19-11	Vacates a certain alley located in W.F. Daggett's Subdivision and of Outlot Number 7 to the Village (Now City) of Napoleon, Henry County Ohio.
068-12	11-19-12	The alley located along Lots 31, 32, 33 and 34 in the Original Plat of the Village (now City) of Napoleon, Henry County, Ohio.
012-14	4-21-14	A certain alley located between the residences of 512 and 514 West Clinton Street and 508 West Clinton Street Lots 22 and 23 in A.H. Tyler's Third Addition of the City.
013-14	4-21-14	A certain alley located behind 619 South Perry Street Lots 41 and 42 in E.T. Barnes First Addition of the City.
073-15	1-18-16	A portion of a certain alley and roadway located at 303 West Main Street in Henry Yeager's 2nd Addition; also portions of roadways within the southwest quarter of fractional Section 13, Town 5 North, Range 6 East, all being in the City of Napoleon.
004-16	3-14-16	Amends language in Ord. 073-15.
024-16	7-5-16	A portion of a certain street located south of the southerly right-of-way of Front Street and adjacent to the westerly line of Lot 137 of Phillips & Staffords Third Addition, and also being roadways within the southwest quarter of Fractional Section 13, Town 5 North, Range 6 East.





- (30) The Finance Director shall report the Department's activities to Council and to the City Manager on a regular basis and as otherwise requested by Council or by the City Manager. In addition, except where prohibited by law, the Finance Director shall provide Council, the City Manager, and the City Law Director with all information and documentation concerning City affairs and business that any of them may request from time to time. In addition, the Finance Director shall provide on a timely basis to Council, the City Manager, and the City Law Director all information and documentation within the possession or control of the Finance Director and assistants thereto, if any, that may reasonably be needed by them to make accurate and responsible decisions concerning the City's interest and welfare including, but not limited to, all reports that may be formally requested and all self-generated reports where the Finance Director has access to information or documentation that he/she knows or reasonably should know is relevant to a matter under consideration by Council, the City Manager, or the City Law Director; and,
- (31) To have such other powers and perform such other duties, not inconsistent with or contrary to this chapter, as Council may provide.  
(Ord. 38-01. Passed 5-7-01.)

#### **137.02 FINANCE DIRECTOR APPOINTED; RESIDENCY REQUIREMENTS.**

(a) At Will Employee. The Finance Director shall hold office at the pleasure of Council, serve at the pleasure of Council and may be suspended or removed by Council at any time, with or without cause, by a two-thirds (2/3) affirmative vote of the current members of Council. Any vote to remove the Finance Director may be by motion of Council, regardless if appointment was made by ordinance or resolution.

(b) Appointment Based on Qualifications. The Finance Director shall be appointed by Council based solely on qualifications required for the respective department after consideration of the Personnel Committee's recommendation.

(c) Residency Requirements. The Finance Director shall have or establish residence as provided for in Section 197.06. The Finance Director need not be an elector of the City until such time as residency is required.

(d) Full Time Position. The duties of Finance Director are full-time. Nothing in this provision prohibits or restricts Council in establishing any term or condition of employment of the Finance Director, including but not limited to, work schedule, pay schedule, and/or the granting or denying the request of the Finance Director to engage in outside employment.  
(Ord. 50-05. Passed 5-2-05.)

#### **137.03 ASSISTANTS TO FINANCE DIRECTOR.**

Council may authorize the appointment of assistants to the City Finance Director who shall perform such duties and functions as may be assigned to them by the Finance Director.  
(Ord. 38-01. Passed 5-7-01.)



**137.04 SEAL.**

A seal shall be provided for the Finance Director, in the center of which shall be the word "Napoleon" and around the margin of which shall be the words "Finance Director." The Finance Director shall cause an impression of this seal to be affixed to all deeds, transcripts, orders, certificates, negotiable instruments, and other documents requiring authentication. (1978 Code 32.62)

**137.05 CASH RESERVE.**

The Finance Director is authorized by this Council to keep at all times in the vaults of his/her office, as a cash reserve, an amount not to exceed two thousand five hundred dollars (\$2,500).

Such reserve, in part or in whole may be administratively distributed to cash drawers or locations under the direction of the Finance Director as deemed appropriate by the Finance Director. (Ord. 39-00. Passed 3-6-00.)

**137.06 INVESTMENT POLICY.**

(a) The City adopts as the City's official Investment Policy, Investment Policy No. IP 16-0003, currently on file in the office of the City Finance Director, having been recommended by the Finance Director and the Finance and Budget Committee of Council, and having been reviewed by this Council.

(b) Investment Policy No. IP 16-0003 may be amended from time to time by motion of Council. (Ord. 013-16. Passed 5-16-16.)

**137.07 FINANCE DIRECTOR'S BOND.**

The Finance Director shall give bond in a minimal penal sum of fifty thousand dollars (\$50,000) with a corporate surety authorized to do business in the State of Ohio. This bond shall be contracted by Council and the expense thereof paid by the City. (Ord. 71-96. Passed 7-1-96.)

**137.08 APPLICABILITY OF FINANCE DIRECTOR.**

(a) Every reference to the terms "auditor", "clerk", or "treasurer" in any ordinance, resolution or other act of Council shall hereafter be to the Finance Director of the City and the term "Finance Director" shall be substituted therefor, unless Council later specifically designates another as "clerk of council" at which time any ordinance, resolution or other act of Council passed after such designation that states "clerk" shall mean "Clerk of Council", unless the context in which the term is used clearly indicates otherwise.

(b) Every reference to the terms "auditor", "clerk", or treasurer", " of the City by any law, contract, rule, regulation, instrument, or other document shall hereafter mean the Finance Director and the term "Finance Director" shall be substituted therefor, unless Council later specifically designates another as "Clerk of Council" at which time any law, contract, rule, regulation, instrument, or other document after such designation that states "clerk" shall mean "Clerk of Council" unless the context in which the term is used clearly indicates otherwise. (Ord. 71-96. Passed 7-1-96.)



(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, 2017, 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 62% of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least 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.

(b) Effective January 1, 2018 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 50% of the net available tax receipts received annually may be used to defray operating expenses of the City.
  - (3) At least 50% 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. 050-16. Passed 11-21-16.)



**193.12 BOARD OF REVIEW.**

(a) A Board of Review, consisting of the three members of the Finance and Budget Committee of Council is created by this chapter. The members of the Board of Review shall serve without compensation.

(b) A majority of the Board of Review shall constitute a quorum. The Board of Review shall adopt its own procedural rules and shall keep a record of its meetings, business and transactions for its hearings and meetings.

(c) All hearings and meetings of the Board of Review shall be conducted privately and the provisions of Section 193.09 with reference to the confidential character of information and documentation required to be disclosed by this chapter shall apply to such matters. The hearing or meeting will be informal in nature and the rules of evidence and procedure shall not apply.

(d) Any taxpayer dissatisfied with any ruling or decision of the Finance Director which was made under the authority conferred by this chapter and who or which is otherwise in compliance with the filing of tax returns and the payment of any taxes, penalties or interest due thereon, who has filed the required returns or other documents pertaining to the contested issued, may appeal therefrom to the Board of Review. This appeal must be in writing, shall state with particularity why the decision should be deemed incorrect or unlawful, and shall be filed within thirty (30) days after the Finance Director has issued the decision. The Board must schedule a hearing within forty-five (45) calendar days of receiving the appeal unless the taxpayer expressly waives the hearing and chooses instead to permit the Board to render its decision on the writings submitted by the taxpayer and the Finance Director. If the taxpayer does not waive the hearing, the taxpayer is entitled to appear before the Board and bring representation of his or her choosing. The records of the hearing are not open to the public nor is the hearing subject to the local or state open meeting laws. The Board must issue a written decision within ninety (90) days after the final hearing and send a notice of its decision to the taxpayer within fifteen (15) days after issuing its decision. (ORC 718.11)

(e) Whenever the Finance Director issues a decision that is appealable to the Board of Review, he or she must inform the taxpayer of their right of appeal and the manner in which the appeal is to be filed. (ORC 718.11; Ord. 135-04. Passed 12-6-04.)

**193.13 APPLICABILITY.**

This chapter shall not apply to any person as to whom or to which it is beyond the power of the City Council to impose the tax herein provided for. (1978 Code 94.14)

**193.14 EXEMPTIONS.**

(a) The provisions of this chapter shall not be construed as levying the City tax upon any of the following:

- (1) Compensation or allowances received from local, state or federal governments because of active duty service in the armed forces of the United States by the person rendering such service or as a result of another person rendering such service;
- (2) Poor relief, pensions, social security, unemployment compensation, except for supplemental unemployment benefits or similar payments and disability benefits due to total and permanent disability received from private industry, or from local, state or federal governments, or from charitable, religious or educational organizations;



- (4) The entire portion of the distributive share of all net profits, not otherwise attributable to the City, earned by a resident, individual, resident owner of an unincorporated business entity, or resident partner for, or derived from, work done, rentals or services performed, and business or other activities conducted outside the City, and not otherwise lawfully levied against by another municipality;
- (5) The entire portion of the distributive share of all net profits, not otherwise attributable to the City, earned by a non-resident individual, non-resident owner of an unincorporated business activity, or non-resident partner for, or derived from, work done, rentals or services performed, and business or other activities conducted in the City and not levied against the unincorporated business entity itself;
- (6) All net profits attributable to the City earned by corporations for, or derived from, work done, rentals or services performed, and business or other activities conducted in the City;
- (7) All net profits earned by fiduciaries of resident individuals for, or derived from, business conducted;
- (8) All net profits attributable to the City earned by fiduciaries of non-resident individuals for, or derived from, business conducted in the City; and
- (9) The gross proceeds earned or derived from gaming, wagering, lotteries, including but not limited to the Ohio State Lottery, or lotteries where the State of Ohio is a part thereof, or games or schemes of chance, by residents of the City; and/or, the gross proceeds earned or derived from gaming, wagering, lotteries, or games or schemes of chance, when any part of the activity is engaged into or conducted in the City, by nonresidents, are all subject to the City tax to the same extent includable on the recipient's federal tax return, whether or not the recipient is required to file a federal tax return and whether or not the recipient pays federal income tax on the gross proceeds, except that it shall not be taxed as a business income unless the person subject to this tax has a federal gamblers' permit effective during the tax year in which income from gaming, wagering, lotteries or schemes or games of chance is received.

(B) The portion of the net profits attributable to the City of a taxpayer doing work, rendering services or conducting business both within and outside the City shall be determined in the same proportion as the average ratio of the following:

- (1) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business in the City during the taxable period to the average original cost of all real and tangible personal property owned or used by the taxpayer in the business during the same period, wherever situated. As used in this paragraph, real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight (8);
- (2) Salaries, wages and other compensation paid during the taxable period to persons employed in the business and salespeople for work done or services rendered in the City to compensation paid during the same period to persons employed in the business and salespeople, wherever their work is done or their services are rendered;
- (3) Gross receipts of the business during the taxable period from sales made and services rendered in the City to gross receipts of the business during the same period from sales and services, wherever made or rendered.



If the foregoing allocation formula does not produce an equitable result, another basis may, under uniform regulations, be substituted so as to produce such result.

- (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, 2017, 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 62% of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least 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.

(B) Effective January 1, 2018 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 50% of the net available tax receipts received annually may be used to defray operating expenses of the City.
  - (3) At least 50% 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. 050-16. Passed 11-21-16.)



- (a) No person shall use the deduction allowed to offset qualifying wages.
- (b) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty percent (50%) of the amount of the deduction.
- (c) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed.
- (d) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount. (Ord. 053-15. Passed 11-16-15.)

**194.042 DOMICILE.**

- (A) As used in this section:
  - (1) "Domicile" means the true, fixed and permanent home of the taxpayer to which whenever absent, the taxpayer intends to return.
  - (2) An individual is presumed to be domiciled in the Municipality for all or part of a taxable year if the individual was domiciled in the Municipality on the last day of the immediately preceding taxable year or if the tax administrator reasonably concludes that the individual is domiciled in the Municipality for all or part of the taxable year.
  - (3) An individual may rebut the presumption of domicile described in division (A)(1) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Municipality for all or part of the taxable year.
- (B) For the purpose of determining whether an individual is domiciled in the Municipality for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:
  - (1) The individual's domicile in other taxable years;
  - (2) The location at which the individual is registered to vote;
  - (3) The address on the individual's driver's license;
  - (4) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;
  - (5) The location and value of abodes owned or leased by the individual;
  - (6) Declarations, written or oral, made by the individual regarding the individual's residency;
  - (7) The primary location at which the individual is employed.
  - (8) The location of educational institutions attended by the individual's dependents as defined in section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation or state where the educational institution is located;
  - (9) The number of contact periods the individual has with the Municipality. For the purposes of this division, an individual has one "contact period" with the Municipality if the individual is away overnight from the individual's abode located outside of the Municipality and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Municipality. For purposes of this section, the State's contact period test or bright-line test and resulting determination have no bearing on municipal residency or domicile.



(C) All applicable factors are provided in Ohio Revised Code Section 718.012.  
(Ord. 053-15. Passed 11-16-15.)

**194.043 EXEMPTION FOR MEMBER OR EMPLOYEE OF GENERAL ASSEMBLY AND CERTAIN JUDGES.**

(A) Only the municipal corporation of residence shall be permitted to levy a tax on the income of any member or employee of the Ohio General Assembly, including the Lieutenant Governor, whose income is received as a result of services rendered as such member or employee and is paid from appropriated funds of this state.

(B) Only the municipal corporation of residence and the city of Columbus shall levy a tax on the income of the Chief Justice or a Justice of the Supreme Court received as a result of services rendered as the Chief Justice or Justice. Only the municipal corporation of residence shall levy a tax on the income of a judge sitting by assignment of the Chief Justice or on the income of a district court of appeals judge sitting in multiple locations within the district, received as a result of services rendered as a judge. (Ord. 053-15. Passed 11-16-15.)

**194.05 COLLECTION AT SOURCE.**

**194.051 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.**

- (A) (1) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold from each employee an amount equal to the qualifying wages of the employee earned by the employee in the Municipality multiplied by the applicable rate of the Municipality's income tax, except for qualifying wages for which withholding is not required under Section 194.052 of this Chapter or division (D) or (F) of this section. An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.
- (2) In addition to withholding the amounts required under division (A)(1) of this section, an employer, agent of an employer, or other payer may also deduct and withhold, on the request of an employee, taxes for the municipal corporation in which the employee is a resident.
- (3) All tax payments are first applied to the oldest year owing, and such payments are first applied to penalty and interest for that year, and then to tax owed. (Ord. 053-15. Passed 11-16-15.)
- (B) (1) An employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the Tax Administrator to accompany such payment, according to the following schedule:
- (a) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(b) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the last day of the month following the last day of each calendar quarter.



- (b) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the municipal corporation in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred dollars. Payments under division (B)(1)(b) of this section shall be made to the Tax Administrator not later than fifteen (15) days after the last day of each month.  
(Ord. 036-16. Passed 9-19-16.)

(C) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by the Municipality as the return required of an employee whose sole income subject to the tax under this chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer, unless the Municipality requires all resident individual taxpayers to file a tax return under Section 194.091 of this Chapter,

(D) An employer, agent of an employer, or other payer is not required to withhold municipal income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

- (E) (1) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.
- (2) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(F) Compensation deferred before June 26, 2003, is not subject to any municipal corporation income tax or municipal income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(G) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the Tax Administrator.

(H) On or before the last day of February of each year, an employer shall file a Withholding Reconciliation Return with the Tax Administrator listing the names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the Municipality during the preceding calendar year, the amount of tax withheld, if any, from each such employee's qualifying wage, the total amount of qualifying wages



paid to such employee during the preceding calendar year, the name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year, any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee, and other information as may be required by the Tax Administrator.

(I) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(J) An employer is required to deduct and withhold municipal income tax on tips and gratuities received by the employer's employees and constituting qualifying wages only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(K) A Tax Administrator shall consider any tax withheld by an employer at the request of an employee when such tax is not otherwise required to be withheld by this Chapter to be tax required to be withheld and remitted for the purposes of this section.  
(Ord. 053-15. Passed 11-16-15.)

#### **194.052 COLLECTION AT SOURCE; OCCASIONAL ENTRANT.**

(A) The following terms as used in this section:

- (1) "Employer" includes a person that is a related member to or of an employer.
- (2) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.
- (3) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.
- (4) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.
- (5) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.
- (6) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than twenty (20) days during the calendar year. "Worksite location" does not include the home of an employee.
- (7) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest



- (2) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the Municipality in accordance with this chapter, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.
  - (3) With respect to taxpayers to whom Section 194.092 of this Chapter applies, to the extent that any provision in this division conflicts with any provision in Section 194.092 of this Chapter, the provision in Section 194.092 of this Chapter prevails.
- (H)
  - (1) For taxable years beginning after 2015, the Municipality shall not require a taxpayer to remit tax with respect to net profits if the amount due is ten dollars or less.
  - (2) Any taxpayer not required to remit tax to the Municipality for a taxable year pursuant to division (H)(1) of this section shall file with the Municipality an annual net profit return under division (F)(3) and (4) of this section. (Ord. 053-15. Passed 11-15-15.)
- (I)
  - (1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that to the Tax Administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.
  - (2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment. For purposes of this section, "receiving that payment" refers to the transfer of funds from the account of the taxpayer. Such funds are no longer under control of the taxpayer once the timestamp has occurred. (Ord. 036-16. Passed 1-19-16.)
- (J) The amounts withheld for the Municipality by an employer, the agent of an employer, or other payer as described in Section 194.051 of this Chapter shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient unless the amounts withheld were not remitted to the Municipality and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.
- (K) Each return required by the Municipality to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the Tax Administrator to contact the preparer or other person concerning questions that arise during the examination or other review of the return and



authorizes the preparer or other person only to provide the Tax Administrator with information that is missing from the return, to contact the Tax Administrator for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the Tax Administrator and has shown to the preparer or other person. Authorization by the taxpayer of another person to communicate with the Tax Administrator about matters pertaining to the return does not preclude the Tax Administrator from contacting the taxpayer regarding such matters.

(L) The Tax Administrator of the Municipality shall accept for filing a generic form of any income tax return, report, or document required by the Municipality in accordance with this Chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinances, resolutions, or rules adopted by the Municipality or Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this Chapter and of the Municipality's ordinance or resolution governing the filing of returns, reports, or documents.

(M) When income tax returns, reports, or other documents require the signature of a tax return preparer, the Tax Administrator shall accept a facsimile of such a signature in lieu of a manual signature.

- (N) (1) As used in this division, "worksite location" has the same meaning as in Section 194.052 of this chapter.
- (2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:
- (a) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within the municipal corporation, and the person has filed all appropriate and required returns and remitted all applicable income tax and withholding payments as provided by this chapter. The tax administrator is not required to accept an affidavit from a taxpayer who has not complied with the provisions of this chapter.
- (b) The person no longer provides services in the municipal corporation, and does not expect to be subject to the municipal corporation's income tax for the taxable year. The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within the municipal corporation. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the municipal corporation, make any sales in the municipal corporation, or otherwise become subject to the tax levied by the municipal corporation during the taxable year. If the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation, if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." The person shall sign the affidavit under penalty of perjury.



## CODIFIED ORDINANCES OF NAPOLEON

### PART THREE - TRAFFIC CODE

#### TITLE ONE - Administration

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Chap. 303. Enforcement, Impounding and Penalty.

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#### CHAPTER 301

##### Definitions

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301.23	Person.	301.51	Vehicle.
301.24	Pole trailer.	301.52	Wheelchair, motorized.
301.25	Police officer.	301.53	U-turn; J-turn.
301.251	Predicate motor vehicle or traffic offense.		



**CROSS REFERENCES**

See sectional histories for similar State law  
Funeral procession defined - see TRAF. 331.24  
Street racing defined - see TRAF. 333.07  
Studded tire defined - see TRAF. 339.11  
Blind person defined - see TRAF. 371.02  
Snowmobile, off-highway motorcycle and all purpose vehicle  
defined - see TRAF. 375.01  
School zones defined - see TRAF. 333.03(b)

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**301.01 MEANING OF WORDS AND PHRASES.**

The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

**301.02 AGRICULTURAL TRACTOR.**

"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))

**301.03 ALLEY.**

"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by Council. (ORC 4511.01(XX))

**301.031 BEACON; HYBRID BEACON.**

(a) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

(b) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications. (ORC 4511.01(LL))

**301.04 BICYCLE; MOTORIZED BICYCLE; MOPED.**

(a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride and that has two or more wheels any of which is more than fourteen inches in diameter. (ORC 4511.01(G))

(b) "Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. (ORC 4511.01(H))



- (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))

### **301.181 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))

### **301.19 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, 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. (ORC 4511.01(X))



**301.23 PERSON.**

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

**301.24 POLE TRAILER.**

"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connection.  
(ORC 4511.01(O))

**301.25 POLICE OFFICER.**

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.  
(ORC 4511.01(Z))

**301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.**

"Predicate motor vehicle or traffic offense" means any of the following:

- (a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;
- (b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;
- (c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (d) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (c) of this section.  
(ORC 4511.01(III))

**301.26 PRIVATE ROAD OR DRIVEWAY.**

(a) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

(b) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. (ORC 4511.01(OOO))

**301.27 PUBLIC SAFETY VEHICLE.**

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;



- (2) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) 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 subsection (a)(2) of 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 subsection (a)(2) of this section is guilty of a misdemeanor of the third degree.  
(ORC 4511.17)

### **313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.**

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver exhibits no colored lights, colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right of way or the signals are otherwise malfunctioning, including the failure of a vehicle detector to detect the vehicle:

- (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
- (2) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
- (3) Exercise ordinary care while proceeding through the intersection.

(b) 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.  
(ORC 4511.132)

### **313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.**

(a) As used in this section, "traffic control device" means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under Ohio R.C. 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess or sell, a traffic control device, except when one of the following applies:

- (1) In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;
- (2) In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;



- (3) For the purpose of demonstrating the design and function of a traffic control device to State or local officials;
- (4) When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;
- (5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Ohio R.C. 2913.02 or a municipal ordinance relating to theft, or for receiving stolen property in violation of Ohio R.C. 2913.51 or a municipal ordinance relating to receiving stolen property.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(ORC 4511.18)

### **313.11 PORTABLE SIGNAL PREEMPTION DEVICES PROHIBITED.**

- (a)
  - (1) No person shall possess a portable signal preemption device.
  - (2) No person shall use a portable signal preemption device to affect the operation of a traffic control signal.

(b) Subsection (a)(1) of this section does not apply to any of the following persons and subsection (a)(2) of this section does not apply to any of the following persons when responding to an emergency call:

- (1) A peace officer, as defined in Ohio R.C. 109.71(A)(11), (12), (14) or (19);
- (2) A State highway patrol trooper;
- (3) A person while occupying a public safety vehicle as defined in Ohio R.C. 4511.01(E)(1), (3) or (4).

(c) Whoever violates subsection (a)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the first degree.

(d) As used in this section, "portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence.  
(ORC 4511.031)



**TITLE FIVE - Vehicles**

- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
- Chap. 337. Safety and Equipment.
- Chap. 339. Commercial and Heavy Vehicles.
- Chap. 341. Commercial Drivers.

**CHAPTER 331**  
**Operation Generally**

(EDITOR'S NOTE: Please see also Chapter 371 for certain additional duties of motor vehicle operators relative to pedestrian traffic.)

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| <ul style="list-style-type: none"> <li>331.01 Driving upon right side of roadway; exceptions.</li> <li>331.02 Passing to right when proceeding in opposite directions.</li> <li>331.03 Overtaking, passing to left; driver's duties.</li> <li>331.04 Overtaking and passing upon right.</li> <li>331.05 Overtaking, passing to left of center.</li> <li>331.06 Additional restrictions on driving upon left side of roadway.</li> <li>331.07 Hazardous or no passing zones.</li> <li>331.08 Driving in marked lanes or continuous lines of traffic.</li> <li>331.09 Following too closely.</li> <li>331.10 Turning at intersections.</li> <li>331.11 Turning into private driveway, alley or building.</li> <li>331.12 "U" turns restricted.</li> <li>331.13 Starting and backing vehicles.</li> <li>331.14 Signals before changing course, turning or stopping.</li> <li>331.15 Hand and arm signals.</li> <li>331.16 Right of way at intersections.</li> <li>331.17 Right of way when turning left.</li> <li>331.18 Operation of vehicle at yield signs.</li> <li>331.19 Operation of vehicle at stop signs.</li> <li>331.20 Emergency or public safety vehicles at stop signals or signs.</li> <li>331.21 Right of way of public safety or coroner's vehicle.</li> <li>331.211 Report of vehicle failing to yield right of way to public safety vehicle.</li> </ul> | <ul style="list-style-type: none"> <li>331.22 Driving onto roadway from place other than roadway; duty to yield.</li> <li>331.23 Driving onto roadway from place other than roadway; stopping at sidewalk.</li> <li>331.24 Right of way of funeral procession.</li> <li>331.25 Driver's view and control to be unobstructed by load or persons.</li> <li>331.26 Driving upon street posted as closed for repair.</li> <li>331.27 Following and parking near emergency or safety vehicles.</li> <li>331.28 Driving over fire hose.</li> <li>331.29 Driving through safety zone.</li> <li>331.30 One-way streets and rotary traffic islands.</li> <li>331.31 Driving upon divided roadways.</li> <li>331.32 Entering and exiting controlled-access highway.</li> <li>331.33 Obstructing intersection, crosswalk or grade crossing.</li> <li>331.34 Failure to control; weaving; full time and attention.</li> <li>331.35 Occupying a moving trailer or manufactured or mobile home.</li> <li>331.36 Squealing tires, "peeling", cracking exhaust noises.</li> <li>331.37 Driving upon sidewalks, street lawns or curbs.</li> </ul> |
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| 331.38 Stopping for school bus; discharging children.  | 331.44 Vehicle launching or retrieving boats.                            |
| 331.39 Driving across grade crossing.                  | 331.45 Center turning lane.  |
| 331.40 Stopping at grade crossing.                     | 331.46 Prohibition against unintended use of alleys by use of a vehicle. |
| 331.41 Shortcutting; avoiding traffic control devices. | 331.47 Damage to streets, highways, alleys and public right-of-ways.     |
| 331.42 Littering from motor vehicle.                   | 331.48 Vehicular operation on street closed due to rise in water level.  |
| 331.43 Wearing earplugs or earphones prohibited.       |  |

#### CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

Operation of bicycles and motorcycles - see TRAF. 373.01 et seq.

School bus operation - see OAC Ch. 4501-3

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#### 331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
- (4) When driving upon a roadway designated and posted with signs for one-way traffic;
- (5) When otherwise directed by a police officer or traffic control device.

- (b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
- A. When overtaking and passing another vehicle proceeding in the same direction;
  - B. When preparing for a left turn;
  - C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.



(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a) (2) hereof.

This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(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. (ORC 4511.25)

### **331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.**

(a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b) 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. (ORC 4511.26)

### **331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.**

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

- (1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When a motor vehicle overtakes and passes a bicycle, three feet or greater is considered a safe passing distance.
- (2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.
- (3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.



(b) 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. (ORC 4511.27)

#### **331.04 OVERTAKING AND PASSING UPON RIGHT.**

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.

(c) 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. (ORC 4511.28)

#### **331.05 OVERTAKING, PASSING TO LEFT OF CENTER.**

(a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within 200 feet of any approaching vehicle.

(b) 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. (ORC 4511.29)



(b) 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. (ORC 4511.42)

### **331.18 OPERATION OF VEHICLE AT YIELD SIGNS.**

(a) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way.

(b) 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. (ORC 4511.43(B))

### **331.19 OPERATION OF VEHICLE AT STOP SIGNS.**

(a) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(b) 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. (ORC 4511.43(A))



**331.20 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.**

(a) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(b) 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. (ORC 4511.03)

**331.21 RIGHT OF WAY OF PUBLIC SAFETY OR CORONER'S VEHICLE.**

(a) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and the driver is giving an audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive if practical to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street.

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this subsection or Section 331.211, whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

**331.211 REPORT OF VEHICLE FAILING TO YIELD RIGHT OF WAY TO PUBLIC SAFETY VEHICLE.**

(a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21(a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

(b) (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.



- (2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.
  - (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.
- (c)
- (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars (\$150.00).
  - (2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.
- (d) As used in this section:
- (1) "License plate" includes any temporary license placard issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.
  - (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

### **331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.**

(a) Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(b) 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. (ORC 4511.44)

### **331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: STOPPING AT SIDEWALK.**

(a) Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.



(b) 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. (ORC 4511.431)

### **331.24 RIGHT OF WAY OF FUNERAL PROCESSION.**

(a) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(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. (ORC 4511.451)

### **331.25 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.**

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c) 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. (ORC 4511.70(A),(B),(D))



**331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.**

(a) No person shall drive upon, along or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(b) 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. (ORC 4511.71)

**331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.**

(a) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(b) 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. (ORC 4511.72)

**331.28 DRIVING OVER FIRE HOSE.**

(a) No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b) 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. (ORC 4511.73)

**331.29 DRIVING THROUGH SAFETY ZONE.**

(a) No vehicle shall at any time be driven through or within a safety zone.

(b) 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. (ORC 4511.60)



**331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.**

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

(b) 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. (ORC 4511.32)

**331.31 DRIVING UPON DIVIDED ROADWAYS.**

(a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b) 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. (ORC 4511.35)

**331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.**

(a) No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

(b) Whoever violates 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.

**331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.**

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b) 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. (ORC 4511.712)



## CHAPTER 335 Licensing; Accidents

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| <p><b>335.01</b> Driver's license or commercial driver's license required.</p> <p><b>335.02</b> Permitting operation without valid license; one license permitted.</p> <p><b>335.021</b> Ohio driver's license required for in state residents.</p> <p><b>335.03</b> Driving with temporary instruction permit; curfew.</p> <p><b>335.031</b> Driving with probationary license; curfew.</p> <p><b>335.032</b> Use of electronic wireless communication device prohibited while driving.</p> <p><b>335.04</b> Certain acts prohibited.</p> <p><b>335.05</b> Wrongful entrustment of a motor vehicle.</p> <p><b>335.06</b> Display of license.</p> <p><b>335.07</b> Driving under suspension or license restriction.</p> <p><b>335.071</b> Driving under OVI suspension.</p> <p><b>335.072</b> Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.</p> | <p><b>335.073</b> Driving without complying with license reinstatement requirements.</p> <p><b>335.074</b> Driving under license forfeiture or child support suspension.</p> <p><b>335.08</b> Operation or sale without certificate of title.</p> <p><b>335.09</b> Display of license plates; expired or unlawful plates.</p> <p><b>335.10</b> License plates to be unobstructed. (Repealed)</p> <p><b>335.11</b> Use of illegal license plates; transfer of registration.</p> <p><b>335.111</b> Registration within thirty days of residency.</p> <p><b>335.12</b> Stopping after accident upon streets; collision with unattended vehicle.</p> <p><b>335.13</b> Stopping after accident upon property other than street.</p> <p><b>335.14</b> Vehicle accident resulting in damage to realty.</p> |
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### CROSS REFERENCES

See sectional histories for similar State law

Deposit of driver's license as bond - see Ohio R.C. 2937.221

Motor vehicle licensing law - see Ohio R.C. Ch. 4503

Driver's license law - see Ohio R.C. Ch. 4507

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. Ch. 4510

State point system suspension - see Ohio R.C. 4510.03.6

State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11

Motorized bicycle operator's license - see Ohio R.C. 4511.521

Glass removal from street after accident - see TRAF. 311.01



**335.01 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE REQUIRED.**

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.
- (2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a)(1) or (2) of this section may be admitted into evidence as prima-facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of subsection (a)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of subsection (a)(2) of this section. The person charged with a violation of subsection (a)(1) or (2) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

- (1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours.



The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

- (2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this subsection, the offense is a minor misdemeanor. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(d) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance.

(e) If the offender is sentenced under subsection (c)(2) hereof, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.12)

### **335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.**

(a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

(b) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until he surrenders to the Registrar all valid licenses issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have more than one valid license at any time. (ORC 4507.02)

- (c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000) and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect



criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

- (2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

### **335.021 OHIO DRIVER'S LICENSE REQUIRED FOR IN STATE RESIDENTS.**

(a) Any person who becomes a resident of this State, within thirty days of becoming a resident, shall surrender any driver's license issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a driver's license in this State. If the person fails to apply for a driver's license within thirty days of becoming a resident, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this 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.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
- (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4507.213)

### **335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.**

(a) No holder of a temporary instruction permit issued under Ohio R.C. 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:

- (1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:
- A. The permit and identification card are in the holder's immediate possession;
- B. The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
- C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
- (2) If the permit is issued to a person who is at least sixteen years of age:
- A. The permit and identification card are in the holder's immediate possession;



- B. The holder is accompanied by a licensed operator who is at least twenty-one years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
- C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(b) Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under Ohio R.C. 4507.05(A) on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian or custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Section 333.01(a).

(c) As used in this section:

(1) "Eligible adult" means any of the following:

- A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
- B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
  - 1. A parent, guardian or custodian of the permit holder;
  - 2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4507.05)

### **335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.**

- (a) (1) A. No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.
- B. No holder of a probationary driver's license who has held the license for twelve months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.



- (2) A. Subject to subsection (c)(1) of this section, subsection (a)(1)A. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
  - 1. Traveling to or from work between the hours of midnight and six a.m. provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
  - 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
  - 3. Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- B. Subsection (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
  - 1. Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
  - 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
  - 3. Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- (3) An employer, school official or official affiliated with a religious event is not liable in damages in a civil action for any injury, death or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in subsection (a)(2) of this section.

The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that subsection.
- (4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of subsection (a)(1)A. or B. of this section; or the holder was an emancipated minor.



- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
- (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both. (ORC 4505.18)

### **335.09 DISPLAY OF LICENSE PLATES; EXPIRED OR UNLAWFUL PLATES.**

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized bicycle, or moped, motor-driven cycle or motor scooter, autocycle, cab-enclosed motorcycle, manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker on the rear license plate. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued one license plate and one validation sticker, which license plate and validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility. (ORC 4503.21)



(b) No person who is the owner of a motor vehicle which is operated or driven upon the public streets or highways within this Municipality shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(c) No person shall operate or drive upon the public streets or highways within this Municipality a motor vehicle acquired from a former owner who has registered the same, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(d) No person who is the owner of a motor vehicle and a resident of Ohio shall operate or drive such motor vehicle upon the public streets or highways within this Municipality, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12)

(e) No person shall operate or drive any vehicle upon any public street or highway within this Municipality upon which is displayed an expired license plate or an expired validation sticker.

(f) No person shall operate or drive a motor vehicle upon the public streets or highways within the Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public streets and highways within this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public streets and highways during the thirty day period described in Ohio R.C. 4503.12(C).

A person who fails to comply with the transfer of registration provisions of Ohio R.C. 4503.12 and is charged with a violation of that section shall not be charged with a violation of this section. (ORC 4549.08; Ord. 16-00. Passed 3-6-00.)

(g) Whoever violates Section 335.09(a), (b) or (e) is guilty of a minor misdemeanor; whoever violates Section 335.09(c) or (d) is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense; whoever violates Section 335.09(f) is guilty of a misdemeanor of the fourth degree on the first offense and a misdemeanor of the third degree on each subsequent offense.

### **335.10 LICENSE PLATES TO BE UNOBSTRUCTED.**

(EDITOR'S NOTE: Former Section 335.10 was repealed by Ordinance 112-02, passed August 19, 2002.)

### **335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.**

(EDITOR'S NOTE: The provisions of former Section 335.11 are now codified in Section 335.09.)



**335.111 REGISTRATION WITHIN THIRTY DAYS OF RESIDENCY.**

(a) Within thirty days of becoming a resident of this State, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this State. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this 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.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
- (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4503.111)

**335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.**

- (a) (1) In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:
  - A. Any person injured in the accident or collision;
  - B. The operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision;
  - C. The police officer at the scene of the accident or collision.
- (2) In the event an injured person is unable to comprehend and record the information required to be given under subsection (a)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.
- (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.



- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.
- (2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (3) If the accident or collision results in the death of a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.02)

### **335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.**

- (a) (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.
  - (2) If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in subsection (a)(1) of this section, the operator shall give that information, within twenty-four hours after the accident or collision, to the Police Department.
  - (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under subsection (a)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.



- (2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
- (3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.021)

#### **335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.**

(a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within twenty-four hours after the accident, shall forward to the police authority in the municipality in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.03)





### CHAPTER 373 Bicycles and Motorcycles

<b>373.01</b>	<b>Code application to bicycles.</b>	<b>373.07</b>	<b>Riding bicycle on right side of roadway; obedience to traffic rules; passing.</b>
<b>373.02</b>	<b>Riding upon seats; handle bars; helmets and glasses.</b>	<b>373.08</b>	<b>Reckless operation; control, course and speed.</b>
<b>373.03</b>	<b>Attaching bicycle or sled to vehicle.</b>	<b>373.09</b>	<b>Parking of bicycle.</b>
<b>373.04</b>	<b>Riding bicycles and motorcycles abreast.</b>	<b>373.10</b>	<b>Motorized bicycle operation, equipment and license.</b>
<b>373.05</b>	<b>Signal device on bicycle.</b>	<b>373.11</b>	<b>Riding bicycles on sidewalks prohibited.</b>
<b>373.06</b>	<b>Lights and reflector on bicycle; brakes.</b>	<b>373.12</b>	<b>Skateboards; roller skates.</b>

#### CROSS REFERENCES

See sectional histories for similar State law  
 Motorcycle protective equipment - see OAC Ch. 4501-17  
 Motorized bicycle equipment - see OAC Ch. 4501-23  
 Bicycle defined - see TRAF. 301.04  
 Motorcycle defined - see TRAF. 301.19  
 Bicycles prohibited on freeways - see TRAF. 303.06  
 Hand and arm signals - see TRAF. 331.15  
 Motorcycle operator's license required - see TRAF. 335.01(a)  
 Motorcycle headlight - see TRAF. 337.03  
 Motorcycle brakes - see TRAF. 337.18(b)

#### **373.01 CODE APPLICATION TO BICYCLES.**

(a) The provisions of this Traffic Code that are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.



(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles except those which by their nature are not applicable.

### **373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.**

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(f) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(g) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(h) (1) Except as provided in subsection (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection (i)(3) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall



be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.

- (2) Subsection (h)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

- (i) (1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.
- (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:
- A. At any time when lighted lights are required by Section 337.02(a)(1);
  - B. While carrying a passenger;
  - C. On any limited access highway or heavily congested roadway.

(j) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(k) 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. (ORC 4511.53)

### **373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.**

(a) No person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or self to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(b) 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. (ORC 4511.54)

### **373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.**

(a) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.



(b) 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. (ORC 4511.55(B))

### **373.05 SIGNAL DEVICE ON BICYCLE.**

(a) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(b) 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. (ORC 4511.56)

### **373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.**

(a) Every bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:

- (1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
- (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(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. (ORC 4511.56)



**SCHEDULE II. PARKING TIME LIMITS.**

(a) Parking limitations (restrictions) are as listed in the following Parking Space/Parking List Summaries as contained in this subparagraph (a):

<b>Parking Space Summary</b>				
<b>Street</b>	<b>Between</b>	<b>Side</b>	<b>Restriction</b>	<b>Spaces</b>
Clinton St., E.	Perry St./Monroe St.	S	30 Min. (2A-5A) 2 Hour (5A - 6P) Handicapped Parking Only	1
Clinton St., E.	Perry St./Monroe St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-17
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking Only	1
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6 P)	2
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking Only	3
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6 P)	4-18
Clinton St., W.	Scott St./Perry St.	N	No parking, during church service; and at times of special events approved by Chief of Police.	1 (166 Feet)
Clinton St., W.	Webster St./Scott St.	S	None	1-6
Clinton St., W.	Scott St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-9
Main St. Parking Lot	Main St./Alley	W	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-8
Main St. Parking Lot	Main St./Alley	W. Center	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-11
Main St. Parking Lot	Main St./Alley	W		9-12



Street	Between	Side	Restriction	Spaces
Main St. Parking Lot	Main St./Alley	E. Center	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-10
Main St. Parking Lot	Main St./Alley	E	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-10
Main St. W.	Perry St./Scott St.	S	No parking all day	5-21
Main St. W.	Perry St./Scott St.	N	No parking all day	1-2
Main St. W.	Webster St./Scott St.	S	No Parking (7:30A - 8:30A) No Parking (2:30 P - 3:30P) on school days	17-27
Main St., W.	Scott St./Webster St.	N		1-8
Main St., W.	Scott St./Webster St.	S		1-2
Main St., W.	Webster St./Avon Pl.	N		1-15
Main St., W.	Webster St./Avon Pl.	S	4 Hour (7:30A - 3:30P) on school days	1-2
Main St., W.	Avon Pl./Webster St.	S		3-7
Main St., W.	Avon Pl./Webster St.	S	No Parking (7:30A - 8:30A) No Parking (2:30P - 3:30P) on school days	8-14
Main St., W.	Avon Pl./Webster St.	S	Handicapped Parking Only	15-16
Main St., W.	Webster St./Scott St.	S		28-29
Main St., W.	Perry St./Scott St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-4
Main St., W.	Perry St./Scott St.	N	Handicapped Parking only None	1 2-3
Meekison St.	Perry St/Appian Ave.	Both	No parking at all times	
Monroe St. Parking Lot	Shelby St./Clinton St., E.	E	County Government use only	1-6
Monroe St. Parking Lot	Shelby St./Clinton St., E.	E	30 Min (2A - 5P)	7-18

Street	Between	Side	Restriction	Spaces
Monroe St. Parking Lot	Shelby St./Clinton St., E.	W	30 Min (2A - 5A)	1-16
Monroe St.	Alley/to sign	E	No Parking 8A - 3:30P on school days	1 (50 Feet)
Monroe St.	Sign/Clinton St.	E	No Parking 8A - 9A and 3P - 3:30P school days only	1 (110 Feet)
Monroe St.	Shelby St./Clinton St., E.	W		1-11
Monroe St.	Shelby St./Clinton St.	W	Handicapped Parking only	12
Monroe St.	Washington St., E./Riverview Ave.	W	No parking	0
Monroe St.	Clinton St./Washington St.	W	30 Min. (2A - 5A) Handicapped Parking only	1
Monroe St.	Clinton St./Washington St.	W	30 Min. (2A - 5A)	2-16
Monroe St.	Washington St./Alley	E	30 Min. (2A - 5A)	1-5
Monroe St.	Clinton St./Shelby St.	E	30 Min. (2A - 5A)	1-14
Oakwood Ave.	Railroad St./Perry St.	W		1-25
Oakwood Ave.	Perry St./Monroe St.	E		1-11
Perry St.	Riverview Ave./Front St.	W	5 Min. - (loading zone)	1 (40 Feet)
Perry St.	Riverview Ave./Washington St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-8



Street	Between	Side	Restriction	Spaces
Perry St.	Riverview Ave./Washington St.	E	Handicapped Parking only	9
Perry St.	Riverview Ave./Washington St.	E	Police use only	10
Perry St.	Shelby St./Railroad St.	E	30 Min. (2A - 5P) All day	9-11
Perry St.	Shelby St./Railroad St.	W	2 Hour	1-6
Perry St.	Clinton St./Washington St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking only	1
Perry St.	Clinton St./Washington St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-11
Perry St.	Clinton St./Washington St.	W	2 Hour (5A - 6P) 30 Min. (2A - 5A) Handicapped Parking only	1
Perry St.	Clinton St./Washington St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-11
Perry St.	Clinton St./Shelby St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-4
Perry St.	Clinton St./Shelby St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking only	5
Perry St.	Shelby St./Railroad St.	E	30 Min. (2A - 5A) All Day	10-12
Perry St.	Shelby St./Clinton St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-5
Perry St.	Washington St./Main St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-9
Scott St.	Clinton St./Washington St.	W	2 Hour (5A - 6P) 30 Min. (2A - 5A)	1-6
Scott St.	Washington St./Main St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-10

Street	Between	Side	Restriction	Spaces
Scott St.	Main St./Washington St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-7
Scott St.	Washington St./Clinton St.	E	2 Hour (5A - 6P) 30 Min. (2A - 5A) Handicapped Parking only	1
Scott St.	Washington St./Clinton St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-5
Scott St.	Clinton St./Shelby St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P) Special Event parking within block only with Chief of Police approval	1 (80 Feet)
Shelby St. Parking Lot	Alley/Perry St.	N	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-13
Shelby St. Parking Lot	Alley/Perry St.	Center	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-13
Shelby St. Parking Lot	Alley/Perry St.	S	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-11
St. Paul Methodist Church Parking Lot	Washington St./Alley	E	30 Min. (2A - 5A)	1-14
St. Paul Methodist Church Parking Lot	Washington St./Alley	W	30 Min. (2A - 5A)	1-5
St. Paul Methodist Church Parking Lot	Washington St./Alley	W	30 Min. (2A - 5A) Handicap Parking Only	6-7
St. Paul Methodist Church Parking Lot	Washington St./Alley	W	30 Min. (2A - 5A)	8-13
Washington St., E.	Hobson St./Monroe St.	S	30 Min.	1-5
Washington St., E.	Hobson St./Monroe St.	S	5 Min. (loading zone only)	6



Street	Between	Side	Restriction	Spaces
Washington St., E.	Hobson St./Monroe St.	S		7-9
Washington St., E.	Hobson St./Monroe St.	N		1-11
Washington St., E.	Monroe St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-4
Washington St., E.	Monroe St./Perry St.	S	Sheriff use only	11-13
Washington St., W.	Webster St./Avon Pl.	S		1-5
Washington St., W.	Webster St./Avon Pl.	S	Handicap Parking Only	6
Washington St., W.	Webster St./Avon Pl.	S		7
Washington St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicap Parking Only	1-5
Washington St., E.	Monroe St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	6-10
Washington St., E.	Monroe St./Perry St.	S	30 Min.	5
Washington St., E.	Monroe St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	14-18
Washington St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-4 6-15
Washington St., E.	Monroe St./Perry St.	N	30 Min.	16
Washington St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P)	17-19
Washington St., W.	Scott St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-10
Washington St., W.	Scott St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking only	1-12
Washington St., W.	Scott St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	13-22

Street	Between	Side	Restriction	Spaces
Washington St., W.	Scott St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-6
Washington St., W.	Scott St./Perry St. needs restriction sign	N	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking only	7
Washington St., W.	Scott St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	8-21
Washington St., W.	Scott St./Webster St.	N	Handicapped Parking only 30 Min.	1
Washington St., W.	Scott St./Webster St.	N	30 Min.	2-4
Washington St., W.	Scott St./Webster St.	N		5-7
Washington St., W.	Scott St./Webster St.	S	Special event parking within block only with Chief of Police approval	1 (180 Feet)
Washington St., W.	Scott St./Webster St.	N	No Parking except during Church services and at times of special events approved by Chief of Police	8-10
Webster St.	Washington St./Clinton St.	E	Handicap Parking Only	1
Webster St.	Washington St./Clinton St.	E	4 Hour (7A - 5P) 30 Min. (2A - 5A)	2-5
Webster St.	Washington St./Clinton St.	E	Handicapped Parking only	6-7
Webster St.	Washington St./Clinton St.	E	4 Hour (7A - 5P) 30 Min. (2A - 5A)	8-9
Webster St.	Washington St./Main St.	W	4 Hour (7A - 5P) 30 Min. (2A - 5A)	1-8
Webster St.	Washington St./Main St.	W	Handicapped Parking only	9
Webster St.	Washington St./Main St.	W	18 Hour	10-18



Street	Between	Side	Restriction	Spaces
Webster St.	Main St./Washington St.	E	18 Hour	1-17
Webster St.	Washington St./Clinton St.	E	18 Hour	10-22
Webster St.	Clinton St./Washington St.	W	18 Hour	1-22
Briarheath Ave.	Clairmont Ave./Westmont Ave.	W		1-3
Briarheath Ave.	Westmont Ave./Westchester Ave.	W		1-3
Main St. Concrete Parking Lot	Main St./Alley	E (side)		1-5
Main St. Concrete Parking Lot	Main St./Alley	E (side center)		1-3
Main St. Concrete Parking Lot	Main St./Alley	W (side center)		1-3
Main St. Concrete Parking Lot	Main St./Alley	E (side west)		1-4
Main St. Concrete Parking Lot	Main St./Alley	W (side west)		1-4
Main St. Concrete Parking Lot	Main St./Alley	W (side west)	Motorcycle Only	5

(Ord. 037-16. Passed 11-7-16.)

(b) Additionally, Section 351.14 of the Traffic Code titled "All Night Parking" establishes thirty (30) minute restrictions between the hours of 2:00 a.m. and 5:00 a.m. unless posted (signed) otherwise.

(Ord. 032-11. Passed 6-20-11.)

## CHAPTER 931 Water and Sewer Service

<b>931.01</b>	<b>Adoption of rules; approval of rates, charges and fees.</b>	<b>931.09</b>	<b>Sanitary sewer rates for inside and outside corporation limits.</b>
<b>931.02</b>	<b>Rates, charges and fees.</b>	<b>931.10</b>	<b>Sanitary sewer tap fees.</b>
<b>931.03</b>	<b>Errors.</b>	<b>931.11</b>	<b>North Pointe Service Area recoupment fees.</b>
<b>931.04</b>	<b>Supplementary rules.</b>	<b>931.12</b>	<b>Overflow abatement charge.</b>
<b>931.05</b>	<b>Power of law.</b>	<b>931.13</b>	<b>Sewer lateral charge.</b>
<b>931.06</b>	<b>Deposits.</b>	<b>931.99</b>	<b>Penalty.</b>
<b>931.07</b>	<b>Water rates.</b>		
<b>931.08</b>	<b>Water tap and service line fees.</b>		

### CROSS REFERENCES

Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01

Management and control of water system - see Ohio R.C. 743.02 et seq.

Management and control of sewage system - see Ohio R.C. 729.50

### **931.01 ADOPTION OF RULES; APPROVAL OF RATES, CHARGES AND FEES.**

The City of Napoleon's Rules for Water and Sewer Service, attached to original Ordinance 82-97, and made a part of this chapter, are hereby adopted and enacted, in and for the City of Napoleon, Ohio.

(Ord. 82-97. Passed 10-20-97.)

### **931.02 RATES, CHARGES, AND FEES.**

All rates, charges, and fees contained in this chapter as well as those contained in said Rules for Water and Sewer Service, including those contained in Appendix "A" of said Rules are approved, adopted, and enacted and may be amended from time to time by separate legislation.

(Ord. 82-97. Passed 10-20-97.)

### **931.03 ERRORS.**

If a manifest error be discovered in the City's Rules for Water and Sewer Service consisting of misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached or the use of a word or words when another word or words were clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

(Ord. 82-97. Passed 10-20-97.)



**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 billing cycle in the year 2016, to be reflected in the first billing in February of the year 2016, 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 = \$5.20 each unit, then
      - Units: 11 up to 250 = \$4.95 each unit, then
      - Units: Over 250 = \$3.75 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 = \$7.80 each unit, then
      - Units: 11 up to 250 = \$7.43 each unit, then
      - Units: Over 250 = \$5.63 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	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
I. 10.00 AND UP	2,000.00	3,000.00

- (3) Effective with the first billing cycle in the year 2017, to be reflected in the first billing in February of the year 2017, 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 = \$5.86 each unit, then  
 Units: 11 up to 250 = \$5.58 each unit, then  
 Units: over 250 = \$4.22 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 = \$8.79 each unit, then  
 Units: 11 up to 250 = \$8.37 each unit, then  
 Units: over 250 = \$6.33 each unit.

Note: one unit of water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$8.43 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	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
I. 10.00 and up	2,000.00	3,000.00

- (5) Effective with the first billing cycle in the Year 2018, to be reflected in the first billing in February of the Year 2018, 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 = \$6.58 each unit, then
    - Units: 11 up to 250 = \$6.27 each unit, then
    - Units: over 250 = \$4.75 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 = \$9.87 each unit, then
    - Units: 11 up to 250 = \$9.41 each unit, then
    - Units: over 250 = \$7.13 each unit.
  - Note: one unit of water is defined as 100 cubic feet.
  - C. Direct sales at the plant: \$7.71 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	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
I. 10.00 and up	2,000.00	3,000.00

- (7) Effective with the first billing cycle in the Year 2019, to be reflected in the first billing in February of the Year 2019, 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 = \$7.38 each unit, then  
 Units: 11 up to 250 = \$7.02 each unit, then  
 Units: Over 250 = \$5.32 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 = \$11.07 each unit, then  
 Units: 11 up to 250 = \$10.53 each unit, then  
 Units: Over 250 = \$7.98 each unit.

Note: One unit of water is defined as 100 cubic feet.

C. Direct sales at the plant: \$7.71 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	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
I. 10.00 and up	2,000.00	3,000.00

- (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. 051-16. Passed 12-21-16.)

### 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:

<u>DIA</u>		<u>Tap and Service Line Charge</u>	
<u>Size Tap</u>	<u>Meter Size</u>	<u>Inside City</u>	<u>Outside City</u>
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

### **TITLE THREE - Zoning Administration**

- Chap. 1121. Amendments.
- Chap. 1125. Zoning Districts and Map.
- Chap. 1127. General Regulations.
- Chap. 1129. Nonconformance.
- Chap. 1131. Residential Districts.
- Chap. 1133. Commercial Districts.
- Chap. 1135. Industrial Districts.
- Chap. 1137. Flood Plain Districts.
- Chap. 1138. Preservation District.
- Chap. 1139. Off-street Parking and Loading.
- Chap. 1141. Zoning Permits; Special and Conditional Uses.
- Chap. 1143. Planned Developments.
- Chap. 1145. Table of Permissible Uses.
- Chap. 1147. Tables of Requirements for Zoning Districts.

### **CHAPTER 1121 Amendments**

- |   |  |
|---|--|
| <b>1121.01 Purpose.</b>                   | <b>1121.04 Findings of fact and</b>        |
| <b>1121.02 Application for amendment.</b> | <b>recommendation of the</b>               |
| <b>1121.03 Hearing on application for</b> | <b>Planning Commission.</b>                |
| <b>amendment.</b>                         | <b>1121.05 Action by the City Council.</b> |

#### **CROSS REFERENCES**

- Council may amend districting or zoning - see Ohio R.C. 713.10  
 Council to hold public hearing - see Ohio R.C. 713.12

#### **1121.01 PURPOSE.**

The purpose of this chapter is to provide an orderly method to amend regulations and districts. The regulations imposed and the districts created by this Planning and Zoning Code may be amended from time to time by ordinance, but no such amendments shall be made without a review by the Planning Commission.  
 (Ord. 074-10. Passed 12-20-10.)

#### **1121.02 APPLICATION FOR AMENDMENT.**

Applications for an amendment to this Planning and Zoning Code, including the Zone Map, may be initiated by any property owner or agent of any property owner, by the City administration, by the Planning Commission, or by the Council, by filing an application for amendment with the Zoning Administrator. The Zoning Administrator shall prepare a form and instructions as to what information is necessary for an application for amendment.  
 (Ord. 074-10. Passed 12-20-10.)



**1121.03 HEARING ON APPLICATION FOR AMENDMENT.**

Within 60 days of receipt of any application by the Zoning Administrator for an amendment, the Planning Commission shall hold a hearing on such application at such time and place as shall be established by the Planning Commission. Notice of said hearing shall be given in accordance with the provision of Section 159.03 of the Administrative Code; moreover, if the amendment proposed is to rezone or redistrict ten (10) or less parcels of land, written notice of the hearing shall be given to the owners of property within a two hundred foot (200') radius from such parcel as listed on the tax duplicate. In addition, if the amendment proposed is to rezone any property currently zoned as industrial, then written notice shall be provided to all owners of such properties currently zoned as industrial. Such notice shall be mailed by the Zoning Administrator by first class mail to the address of such owners appearing on the County Auditor's current tax list or the Finance Director's mailing list and to such other list that may be specified by the Planning Commission at least twenty (20) days before the date of the public hearing. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulation. The Zoning Administrator shall cause to be made a search of the records of the Henry County Recorder to determine the record owners. (Ord. 026-16. Passed 9-6-16.)

**1121.04 FINDINGS OF FACT AND RECOMMENDATION OF THE PLANNING COMMISSION.**

The Planning Commission shall cause to be made written findings of fact regarding a proposed amendment and shall submit same together with its recommendations to Council. The Planning Commission report to Council shall indicate the vote of each member present and voting on every recommendation. Any member of the Planning Commission that dissents from the majority regarding a recommendation may make his or her dissention known, in writing, to be submitted to the Council as part of the record. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make findings based on the evidence presented to it in each specific case with respect to the following matters:

- (a) The zoning classification of property within the general area of the property in question;
- (b) Existing uses of property within the general area of the property in question;
- (c) The suitability of the property in question to the uses permitted under the existing zoning classification;
- (d) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and
- (e) Changed or changing conditions in the applicable area, or in the City generally, that make the proposed zoning or amendment thereto reasonably necessary to the promotion of the public health, safety, or general welfare.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the petitioner or applicant, except that no finding is required that "the amendment is not solely for the interest of the petitioner or applicant" when an application is initiated by the City Administration, by the Planning Commission, or by the Council. When the petition for an amendment to the Zone Map is made by a property owner or agent of a property owner, the Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the petitioner. For the purpose of this paragraph, the "R-1" Suburban Residential District shall be considered the highest classification and the "I-2" Open Industrial District shall be considered the lowest classification. When the petitioner is other than the property owner or an agent of a property owner, then the Planning Commission may recommend any different zone classification, higher or lower, than that requested by the petitioner. (Ord. 074-10. Passed 12-20-10.)



(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.  
(ORC 3743.65)

#### **1519.05 APPLICATION.**

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
  - (1) No explosive aerial display is conducted in the exhibition;
  - (2) The exhibition is separated from spectators by not less than two hundred feet;



- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.  
(ORC 3743.80)

**1519.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))

**RESOLUTION NO. 035-17**

**A RESOLUTION ADOPTING THE 2018 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTIONS 5705.28 AND 5705.281 OF THE OHIO REVISED CODE (ORC) AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY**

**WHEREAS**, 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; and,

**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 (O.R.C.); and,

**WHEREAS**, a Public Hearing was held on June 5, 2017, concerning this 2018 Tax Budget.

**WHEREAS**, the 2018 Tax Budget must be adopted on or before July 15, 2017;  
**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 2018 Tax Budget, as required by O.R.C. 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 2018 Tax Budget.

Section 2. That, the Finance Director is hereby directed to file the 2018 Tax Budget with the County Auditor on or before July 20, 2017.

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, 2017 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.



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

\_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

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

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 035-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & 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.*

\_\_\_\_\_  
*Gregory J. Heath, Clerk/Finance Director*

**2018 TAX BUDGET**

Henry County, Ohio

Office of **NAPOLEON CORP.**, **May 15**, 20**17**

To the County Auditor:

The Council of ~~Said Village~~ <sup>City</sup> hereby submits its annual Budget for the year commencing January 1st, 20**18** for consideration of the county budget Commission pursuant to Section 5705.30 of the Revised Code.



Village Fiscal Officer

City

County Auditor

**Gregory J. Heath,**  
**Finance Director/Clerk of Council**  
**City of Napoleon, Ohio**

County Treasurer

County Prosecuting Attorney

## Schedule A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND  
 COUNTY AUDITOR'S ESTIMATED TAX RATES

City of Napoleon, Ohio		Amount approved by Budget commission Inside 10 M Limitation	Amount to be derived from Levies Outside 10 M Limitation	County Auditor's	
City Tax Valuation: \$140,501,870 FUND				Inside 10 M Limit	Outside 10 M Limit
	Mills				
1. General Fund	2.0	\$ 281,004			
4. Road and Bridge Fund					
5. Cemetery Fund					
9. Police District Fund	0.6	\$ 84,301			
10. Fire District Fund	0.3	\$ 42,150			
11. Road District Fund					
12. Park Levy Fund					
14. Miscellaneous Funds					
15. General Bond Retirement Fund					
20. Special Levy Funds					
21. Capital Equipment Fund					
28. Ambulance and Emergency Medical Services Fund					
TOTAL		\$ 407,455			



**SCHEDULE B****LEVIES OUTSIDE 10 MILL. LIMITATION, EXCLUSIVE OF DEBT LEVIES**

<b>FUND</b>	<b>Max. Rate Authorized to be Levied</b>	<b>County Auditor's Est. of Yield of Levy ( Carry to Schedule A, Collumn II)</b>	
<b>GENERAL FUND:</b>			
Current Expense Levy authorized by voters on 20			
not to exceed 5 years.			
<b>SPECIAL LEVY FUNDS:</b>			
Levy authorized by voters on 20			
not to exceed 5 years			
Levy authorized by voters on 20			
not to exceed 5 years			
Levy authorized by voters on 20____			
not to exceed years			
Levy authorized by voters on 20____			
not to exceed years			
Levy authorized by voters on 20____			
not to exceed years			
Levy authorized by voters on 20____			
not to exceed years			

## **ORDINANCE NO. 036-17**

### **AN ORDINANCE AMENDING SECTION 1101.01 OF THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES, SPECIFICALLY CREATING DEFINITIONS RELATED TO SECTION 1145.01, TABLE OF PERMISSIBLE USES, IN CHAPTER 11 OF THE PLANNING & ZONING SECTION OF SAID CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY**

**WHEREAS**, City Council recently reviewed the City's Planning and Zoning Code in an effort to keep up to date with the current trends of development; and,

**WHEREAS**, in Ordinance No. 030-17, passed by this City Council on May 15, 2017, Section 1145.01 Table of Permissible Uses in the "Agricultural" table, under the "Commercial" heading, the "C-4" column, the "Specialized Animal Raising" row was amended to the letter "C," indicating that the use may be permissible with a conditional use permit in the indicated zone as may be issued by the Zoning Administrator upon approval by the Council after Planning Commission review; and,

**WHEREAS**, the City of Napoleon's current Codified Ordinances do not include appropriate definitions of the terms "Specialized Animal Raising" or "Domestic Animal or Pet;" and,

**WHEREAS**, upon recommendation of the City of Napoleon, Ohio's Planning Commission, this Council deems prudent to amend the Planning and Zoning Code, to wit: Section 1101.01 (Definitions) related to Section 1145.01 (Table of Permissible Uses); **Now Therefore**,

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

Section 1. That, in accordance with Section 1145.01 Table of Permissible Uses in the "Agricultural" table under the "Commercial" heading, the "C-4" column; the "Specialized Animal Raising" row has recently been amended to the letter "C," per Ordinance No. 030-17, passed by this City Council on May 15, 2017, this change indicating that the use may be permissible with a conditional use permit in the indicated zone as may be issued by the Zoning Administrator upon approval by the Council after Planning Commission review.

Section 2. That, the City of Napoleon Planning Commission considered the following criteria in making its decision to amend as set forth above:

- a. The present zoning classification of the general property of the area in question is currently zoned C-4 Planned Commercial; and,
- b. The existing use of the property within the general area in question; and,
- c. The suitability of the property in question to the uses permitted under the existing zoning classification; and,
- d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and,



e. Changed or changing conditions in the applicable area, or in the City, generally that make the proposed zoning or amendment thereto reasonably necessary to the promotion of the public health, safety, or general welfare.

Section 3. That, the City of Napoleon's Codified Ordinances shall henceforth define the terms "Specialized Animal Raising" or "Domestic Animal or Pet," as follows:

a. "Specialized Animal Raising" shall be defined as "the use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic animals or birds of a similar nature."

b. "Domestic Animal or Pet" as referred to in above Section 3a, and as defined in Ohio Administrative Code Section 901:1-17-02(J), shall be defined as "livestock, or other animals that through long association with humans have been bred to a degree resulting in genetic changes affecting the temperament, color, confirmation, or other attributes of the species to an extent that makes them different from nondomestic animals of their kind," with the City of Napoleon, Ohio's current Codified Ordinances previously defining "Livestock" as "farm type animals or poultry kept or raised for use, pleasure or profit, such as chickens, turkeys, pigs, goats, sheep, horses, buffalo, cattle, and the like, kept or raised as one or many."

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, 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 allow for effective and timely promotion of economic development; 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.

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

\_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

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

Attest:

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Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 036-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & 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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*Gregory J. Heath, Clerk/Finance Director*



**ORDINANCE NO. 010-17**

**AN ORDINANCE AMENDING A CERTAIN SECTION OF THE  
PERSONNEL CODE CHAPTER 197 OF THE CODIFIED  
ORDINANCES OF THE CITY OF NAPOLEON, OHIO; AND  
DECLARING AN EMERGENCY**

**WHEREAS**, City Council acknowledges that from time to time it must review the various codes and policies of the City of Napoleon; and,

**WHEREAS**, City Council now desires to amend the Personnel Code of the City of Napoleon, Ohio; **Now Therefore**,

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

Section 1. That, the City of Napoleon, Ohio does hereby amend and enact Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio as follows:

**“197.18 VACATIONS**

**(a) Entitlement**

All full-time, regular employees earn annual vacation leave. Vacation leave may be utilized, except as otherwise specifically provided in a collective bargaining agreement under Ohio R.C. 4117, as it is accrued. Vacation entitlement will be calculated from hire date with the amount of vacation leave to which an employee is entitled to be based upon length of service and calculated and earned, except as otherwise provided in Section 197.19(h), on a biweekly basis as follows:

Full-time, regular employees:

<u>Years of Service</u>	<u>Annual Hours</u>	<u>Bi-Weekly Accrual Hours</u>	<u>Yearly Balance Limit</u>
Less than 6 years	80 hours	3.077 hours/each normal pay	80 hours per year
6 years but less than 12	120 hours	4.616 hours/each normal pay	120 hours per year
12 years or more	160 hours	6.154 hours/each normal pay	160 hours per year

**(b) Effect of Time Spent on Authorized Leave of Absence**

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

**(c) Scheduling of Vacations**

Vacations will be arranged to give consideration to the desire of the employee in

accordance with a procedure established by the employee's department head which will not interfere with City operations.

**(d) When Vacation May be Used**

Accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule.

An employee shall not allow his/her total vacation time to exceed his/her maximum yearly accrual entitlement for any employment year without prior approval from the appointing authority. For the purpose of this section, the twelve month span of time between employee's anniversary date is an employment year.

This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section 197.16(e)(12) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

**(e) Vacation Forfeiture**

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (1) year of continuous service.

**(f) Accrual**

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

**(g) Lump Sum Payment of Vacation**

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

**(h) Prior Service Credit.**



**A.** Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after June 1, 2017 by the City of Napoleon, the employee shall have all the amount of prior Ohio public service for any governmental body in the State of Ohio credited to that employee in determining accrual rate.

Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after July 5, 1987, but prior to June 1, 2017, by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted.

Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave. (Ord. 059-13. passed 11-18-13.)

**B.** If a newly hired employee has earned prior service credit from previous qualified employment, the employee may be credited for previously earned vacation time from said previous qualified employment, up to two (2) weeks of vacation time, (80 working hours), upon hire at an accrual rate equivalent to the applicable tier rate based on the number of years of prior service, subject to approval by the appointing authority. Additional credit for previously earned vacation time from previous qualified employment may be given upon affirmative vote of council.

**C.** Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.

**D.** Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)”

Section 2. That, it is found and determined that all formal action 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 3. That, unless otherwise stated, 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. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to effectuate the changes prior to personnel issues that may arise due to the conflict in past practices versus the actual Code; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

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

\_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

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

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 010-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & 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.*

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director



**CERTIFICATE OF RESULT OF ELECTION ON QUESTION OR ISSUE**

Revised Code, Section 3501.11

State of Ohio

County of

Henry

}

The Board of Elections of Henry County hereby

certifies that at the election held in the City of Napoleon

(Name of Subdivision)

on the 2nd day of May, 2017, the vote cast on the following issue was  
as follows:

Issue a three tenths percent (0.3%) levy on income for the design,

engineering, and construction for the capital maintenance of city streets and roads

(Tax levy, bond issue, miscellaneous question, etc.-describe fully)

Votes Two Hundred Five  
(For, yes, etc.-as on ballot)

205  
(Number)

Votes Two Hundred Sixty  
(No, against, etc.-as on ballot)

260  
(Number)

Total vote cast on issue:

465  
(Number)

IN WITNESS WHEREOF, we have hereunto subscribed our names officially at Napoleon

Ohio, this 18th day May, 2017.

*Kellie G. Burkhardt*  
Chair  
*Carol Carpenter*  
*Geraldine Osborn*

Attest:

*Wendy G. Gledhill*  
Director

BOARD OF ELECTIONS

2017 County, Ohio

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## SPECIFICATIONS

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### Minimum Specifications

The City reserves the right to accept substitutes that deviate from the specifications so long as the minimum specifications are met, unless a maximum is specified, and so long as it does not give a bidder an unfair advantage in the bidding process.

Item	Description	Check If Product Meets or Exceeds Specification
<b>EQUIPMENT ITEMS</b>		
	4WD-Ext. Short Bed Cab	<input type="checkbox"/>
	45-Day Temp Tags	<input type="checkbox"/>
	Electronic Service Manual	<input type="checkbox"/>
	Seat Belt Extender (one [1] unit)	<input type="checkbox"/>
	Cloth Seat Covering	<input type="checkbox"/>
	Tow Hitch/7-Pin Receptacle/Brake Controller	<input type="checkbox"/>
	7-Pin Trailer Receptacle Wiring	<input type="checkbox"/>
	Trailer Tow Mirrors	<input type="checkbox"/>
	Backup Alarm	<input type="checkbox"/>
	Step Rails/Running Boards	<input type="checkbox"/>
	Manufacturer Snow Plow Prep Package (includes HD Suspension, HD Alternator, HD Transmission Cooling, Skid Plates, etc.) Does Not include Snow Plow	<input type="checkbox"/>
<b>POWERTRAIN</b>		
	Engine Type 6.0L, V8	<input type="checkbox"/>
	Horsepower 360 net HP	<input type="checkbox"/>
	Transmission, Automatic	<input type="checkbox"/>
	Locking Differential	<input type="checkbox"/>
	Alternator (amps) Manufacturer Standard	<input type="checkbox"/>
	Battery (CCA) Manufacturer Standard	<input type="checkbox"/>
	Cooling System – Heaviest Duty Available	<input type="checkbox"/>
	Drivetrain – 4WD	<input type="checkbox"/>



Item	Description	Check If Product Meets or Exceeds Specification
<b>EXTERIOR</b>		
	Body Side Molding Manufacturer Standard	<input type="checkbox"/>
	Rear Door Locking Tailgate	<input type="checkbox"/>
	Bed Length – 6.5’	<input type="checkbox"/>
	Rear Step Bumper Manufacturer Standard	<input type="checkbox"/>
	Tires – All Season	<input type="checkbox"/>
	Spare Tires – Full	<input type="checkbox"/>
<b>SAFETY</b>		
	Restraint System (Driver and Passenger)	<input type="checkbox"/>
	Supplement Restraint System (Driver and Passenger)	<input type="checkbox"/>
	Power Anti-lock Brakes (Front and Rear)	<input type="checkbox"/>
<b>SEATING</b>		
	Seating Capacity – 3	<input type="checkbox"/>
	Front Seat Type – Split Bench	<input type="checkbox"/>
	Seat Covering – Vinyl	<input type="checkbox"/>
	Floor Covering – Vinyl	<input type="checkbox"/>
<b>DIMENSIONS</b>		
	Wheelbase – 142”	<input type="checkbox"/>
	Fuel Capacity – 32 Gallons	<input type="checkbox"/>
	Headroom – Front 40” /Rear 38”	<input type="checkbox"/>
	Legroom – Front 41” / Rear 31”	<input type="checkbox"/>
	Hiproom – Front 60” / Rear 61”	<input type="checkbox"/>
	Shoulder Room – Front 65” / Rear 65”	<input type="checkbox"/>
	Cargo Volume – 60 cu. ft.	<input type="checkbox"/>
	Payload – 3,100 lbs.	<input type="checkbox"/>
	Gross Vehicle Weight Rating – 8,500 GVWR lbs.	<input type="checkbox"/>
<b>ACCESSORIES</b>		
	Air Conditioning	<input type="checkbox"/>
	Tilt Wheel and Cruise Control	<input type="checkbox"/>
	Power Windows and Door Locks	<input type="checkbox"/>
<b>Item</b>	<b>Description</b>	<b>Check If Product Meets or Exceeds Specification</b>
	Keyed Door Locks	<input type="checkbox"/>

	2-Set of Keys with FOB Enabling Electronic Keyless Entry	<input type="checkbox"/>
	Intermittent Windshield Wipers	<input type="checkbox"/>
	Radio – AM/FM	<input type="checkbox"/>
	Exterior Rear View Mirror – Dual	<input type="checkbox"/>
	Cargo Dome Light – Automatic	<input type="checkbox"/>
<b>WARRANTY</b>		
	Rust Proofing – Minimum Factory Warranty	<input type="checkbox"/>
	Manufacturer Standard – Minimum 3 Years/36,000 Miles	<input type="checkbox"/>

**Delivery.** Delivery of the product, supplies, materials, machinery and/or equipment or services shall be to the City of Napoleon, Ohio, 1775 Industrial Drive, Napoleon, Ohio 43545 at no extra charge, One Hundred Twenty (120) days after receipt of order.



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## SPECIFICATIONS

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### SPECIFICATIONS

The design proposed for the replacement system would be a main control unit located at 255 West Riverview Avenue (Napoleon Municipal Building) and a control unit located at 310 Glenwood Avenue (Napoleon Police Department). This design would allow the implementation and operation of analog, digital, and VOIP equipment throughout the City of Napoleon.

It is the intention of the City of Napoleon at the completion of this project to have a complete and operational Unified Communications system, with training provided by the successful bidder in all aspects of operation and administration of the system. It is expected if anything may have been overlooked on design and specifications for a complete and operational system as intended, that bidders would bring this to the attention of the City of Napoleon.

The scope shall cover detailed site survey, design, supply, delivery, installation, configuration, testing and commissioning of a Unified Communication System. The system shall be installed at 255 West Riverview Ave. Napoleon, Ohio with a secondary control unit at 310 Glenwood Ave. Napoleon, Ohio.

The Internet Protocol (IP) PBX System shall be a complete telephone system that will provide telephone calls over IP data networks as well as the option to add digital and analog stations. All IP conversations shall be sent as data packets over the network. The technology shall include advanced communication features but will also provide significant scalability and robustness.

### PRIMARY SERVICES

- Centralized Call Processing
- The IP PBX system shall be able to support a minimum of 250 users with expansion capabilities for future growth without the need to add additional equipment or software.
- The IP PBX system shall be able to support twenty-four (24) trunk lines.
- The system shall be able to support full e-mail integration including voicemail as .wav file to email.
- The system shall have support for business critical applications and unified communication applications which shall include centralized contacts and unified messaging.
- The system shall have support for integrated services such as conferencing, one number follow me, personal call directory, recorded announcement, network-wide attendant and messaging.
- The system shall offer comprehensive threat protection, strict policy enforcement, robust access control, and privacy of confidential data.
- The system shall be able to interoperate with IP Phones, PSTN Gateways, SIP Trunks, IP Trunks, Analog Trunks and POTS. The system shall make it possible for the following features to be integrated:
  - Incoming calls with caller ID, List of incoming/outgoing and answered/unanswered calls.
  - The system shall have multi-party conference capability.
  - The system shall be flexible enough to allow customer to configure any preferred numbering plan, including capability to support all extension on Direct Inward Dialing (DID) numbering.

- The system shall have capability to be able to provide call management to the desktop.
- Have the Ability to ring cell phone and desk phone at the same time.
- Have the Ability to answer calls on cell phone and transfer to any internal user.
- Call recording can be controlled at system level and also at user level.
- Voicemail with no limit on users

#### PHONE SETS

- The system shall be able to support extensive user equipment including cordless, soft phones, IP, digital and analog phone set support to meet diverse end-user requirement. Specifically the system shall be able to support the following; Digital Sets, Analog Sets, IP phones (IP Key phones / Soft phones), SIP Phones (SIP desk phones / soft phones), DECT Phones and V-WLAN (WIFI Sets).
- The Digital/IP sets shall have large display and a minimum of twenty (20) programmable permanently-labeled preferably paperless, feature buttons: i.e. Speaker, Mute, Volume, Headset, Contacts, Home, History, Message, Phone.
- The Supplier shall supply IP Phone sets capable of being powered through Power over Ethernet (POE). The Supplier shall also indicate, as an option IP Phones powered through power transformers or bricks.
- The Supplier shall supply any specified headsets.
- The Supplier shall supply client software for the IP soft phones to be installed on desktop and laptop computers. The Supplier shall also supply all associated accessories for each IP soft phones headsets and microphones.
- IP Phones will be gigabit Ethernet.

#### OPERATIONS AND MANAGEMENT CONSOLE SOFTWARE

- The system shall have a secure Web based IP PBX management system for easy system administration. It shall also be password protected and accessible over the network.  
Call Account Management  
Call Detail Records  
Call Logs
  - Support for unlimited auto attendants which will be easily programmed by customer.
  - Customer will provide network maps and station locations as necessary.
  - Equipment quantities for phones, hands free headsets, and wireless phones will be provided by customer.



<u>Analog or Fax Lines</u>	<u>Wall Phones</u>	<u>Desk Phones</u>	<u>Location</u>	<u>Description</u>
6	3	28	City Building	3 of 28 are admin stations
1	6	9	Fire Department	
	1	3	Parks Garage	
3	2	4	Water Treatment Plant	External PA for ringer
2	1		Golf Course Clubhouse	Analog line for wireless phones
		1	Golf Course Maintenance	
		1	Pool	
		1	Glenwood Substation	
		1	Northside Substation	
		1	Industrial Substation	
		1	Southside Substation	
5	1	15	Service Building 1775 Industrial	1 of 15 is admin station, PA for announcement
5		15	Municipal Court	
2		5	Waste Water Treatment	
3	4	13	Police Department	2 of 13 are admin stations
		1	Cemetery	
<b>27</b>	<b>18</b>	<b>99</b>	<b>TOTALS</b>	

#### **CITY BUILDING CONTROL UNIT**

Rack Mount

Licensing for IP, Digital, and Analog Stations

Voicemail and licensing for minimum 8 simultaneous calls (8 Ports)

Licensing for IP connection to Napoleon Police Department Control Unit

Licensing for SIP Trunks

Softphone Licensing for 6 minimum connections

Equipped with Analog, Digital, and IP Connections to handle all locations but NPD Minimum 52

Digital Station Ports

Minimum 4 Analog Trunk Ports

Minimum 10 Analog Station Ports

Minimum 10 SIP Trunk Licenses

Minimum 80 IP Endpoint Licenses

Minimum 8 Voice Networking Channels

Minimum 20 Power User Licenses Digital

and IP Phones with 5 Spares each

Use of existing cabling is acceptable otherwise CAT 5 cabling with be furnished by City

Installation and Training for End Users and Administrators

## **NAPOLEON POLICE DEPARTMENT CONTROL UNIT**

Rack Mount

Licensing for IP, Digital, and Analog

Stations Licensing for SIP connections

Voicemail and licensing

All Stations at Napoleon Police Department will be Digital not IP

User interface on digital desksets will be identical to IP desksets

Connect to existing POTS lines for Napoleon Police Department

Connect to City of Napoleon Control Unit for use of SIP connections

Installation and Training for End Users and Administrators

**Delivery.** Delivery of the product, supplies, materials, machinery and/or equipment or services shall be to the City of Napoleon, Ohio at 255 West Riverview Avenue, Napoleon, Ohio 43545 at no extra charge, thirty (30) days after receipt of order.





# *City of Napoleon, Ohio*

## *Department of Public Works*

*255 West Riverview Avenue, P.O. Box 151*

*Napoleon, OH 43545*

*Chad E. Lulfs, P.E., P.S., Director of Public Works*

*Telephone: (419) 592-4010 Fax: (419) 599-8393*

*www.napoleonohio.com*

## *Memorandum*

**To:** *Joel L. Mazur, City Manager*  
**From:** *Chad E. Lulfs, P.E., P.S., Director of Public Works*  
**cc:** *Mayor & City Council*  
*Greg Heath, City Finance Director*  
**Date:** *June 2, 2017*  
**Subject:** *Haley Avenue Sanitary Sewer Improvements –  
Approval of Bid Documents and Specifications*

The City of Napoleon's Department of Public Works requests approval of the plans, bid documents, and specifications for the Haley Avenue Sanitary Sewer Improvements project.

Engineer's Estimate of Construction: \$550,000.00.

Budgeted amount for this project is \$630,000.00.

This project is our 2017 Issue II project. 50% of the project is funded through a grant from the Ohio Public Works Commission with a maximum grant amount of \$315,000.00.

*CEL*

5/12/12

This is in memory of Pauline Rosebrook

From Mort and Dollic Smith  
20407 Kentames Ct.  
Napoleon.

We appreciate all the times you helped  
Pauline

Donation to Napoleon  
Fire & Rescue



**AGREEMENT BETWEEN THE COUNTY COMMISSIONERS OF WOOD  
COUNTY, OHIO AND THE CITY OF NAPOLEON, OHIO**

**Wood County Resolution No.** \_\_\_\_\_ **Dated** \_\_\_\_\_

**THIS AGREEMENT** entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the County Commissioners of Wood County, Ohio, acting for and on behalf of Wood County, Ohio, hereinafter referred to as "County", and the City of Napoleon, Ohio, whose offices are located at 255 w. Riverview Rd. Napoleon Ohio, herein after referred to as "Napoleon".

**WITNESSETH:**

**WHEREAS**, the City of Napoleon, Ohio desires to enforce the Residential Code of Ohio for 1, 2, and 3 Family Dwellings for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings and has adopted said code within its jurisdiction in Ordinance No. \_\_\_\_\_; and

**WHEREAS**, the City of Napoleon, Ohio seeks certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code to enforce the Residential Code of Ohio with the condition that the Wood County Building Department exercise the enforcement authority, approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio; and

**WHEREAS**, the said Board of Building Standards has certified the Wood County Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective 5/27/2007, which is willing to administer and enforce the Residential Codes within the limits of said City of Napoleon; and

**WHEREAS**, the City of Napoleon, has heretofore passed its Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, authorizing the City through its Mayor and its Clerk, to enter into an agreement with Wood County Building Inspection Department for the enforcement of the Residential Code of Ohio within the limits of said City of Napoleon; and

**WHEREAS**, the Board of County Commissioners has on the \_\_\_\_\_ day of, \_\_\_\_\_ 20\_\_\_\_, adopted its Resolution authorizing the County of Wood, Ohio to enter into said agreement with the City of Napoleon for the purposes aforesaid;

**NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:**

1. The City of Napoleon hereby grants to the County of Wood, Ohio authority to do all things necessary to exercise enforcement authority, accept and approve plans and specifications and make inspections necessary within the City of Napoleon in accordance with the Residential Code of Ohio pursuant to Ohio Administrative Code 4101:8-1 through 4101: 8-44. The County of Wood, Ohio accepts the authority and responsibility to carry out the terms of this agreement.
2. The County of Wood, Ohio shall have full authority to do all things necessary to administer and enforce the Residential Code of Ohio and any amendments or additions thereto hereafter adopted within the limits of the City of Napoleon and in consideration therefore, the Wood County Building Inspection Department shall retain all permit and inspection fees authorized by the State of Ohio and Wood County Commissioners for such purposes.
3. **Term of the Agreement; Termination:** The Wood County Building Inspection Department shall perform enforcement duties under this Agreement beginning on \_\_\_\_\_ and shall thereafter continue in full force and effect until,
  - 1 Either party shall give thirty (30) days written notice to the other at the addresses given above and the Ohio Board of Building Standards of its intention to terminate the agreement, which may be for any reason.
  - 2 On the effective date of any repeal of conditional certification by the Ohio Board of Building Standards.

**Independent Contractor Status:** It is hereby agreed by and between the parties that the relationship between Wood County and its Building Inspection Department and *City of Napoleon* shall be that of an independent contractor and that no employer-employee, or agent-principal relationship is created by this contract. The *City of Napoleon* is interested in the results achieved and the conduct and control of the work will lie solely with the Contractor.

Wood County and its Building Inspection Department is not entitled to any of the benefits *City of Napoleon* provides its employees,

4. **Hold Harmless Clause:** *City of Napoleon* hereby agrees to hold the Wood County harmless from all claims or causes of action of every kind and nature arising from the acts of Wood County, the Wood County Building Inspection Department, its agents, or employees, or representatives in the administration and enforcement of the Ohio Residential Code within the limits of said *City of Napoleon*.
- 5 **Modification of the Agreement:** Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.



- 6 **Severability:** If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.
- 7 **Entire Agreement:** This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

IN WITNESS WHEREOF, we have hereunto set our hands to this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

CITY OF NAPOLEON OHIO

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Clerk/Fiscal Officer

WITNESSES:

WOOD COUNTY BOARD OF  
COMMISSIONERS

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
County Commissioner

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
*City of Napoleon* Legal Council

\_\_\_\_\_  
Prosecutor - Wood County

## **AGREEMENT**

**Wood County Resolution No. \_\_\_\_\_**

### **I. PURPOSE**

**WHEREAS**, The City of Napoleon, Ohio, has a building inspection department certified by the Board of Building Standards as provided by O.R.C. §3781.10(E); and

**WHEREAS**, Wood County, Ohio, also has a building inspection department certified by the Board of Building Standards; and

**WHEREAS**, O.R.C. §3871.10(E)(1)(c) and (E)(2)(c) permits a certified building inspection department to contract for inspection services from another certified building inspection department; and

**WHEREAS**, The City of Napoleon and Wood County from time to time need additional inspection services and are willing to provide the same to their respective department.

**THIS AGREEMENT**, as authorized by O.R.C. §3781.10(E)(1)(c) and (E)(2)(c) and by the respective legislative authority of the City of Napoleon and the Board of Commissioners of Wood County, is entered into by the City of Napoleon, (Hereinafter "NAPOLEON") and the Wood County Building Inspection Department, (hereinafter "WOOD COUNTY").

**NOW, THEREFORE**, the parties each in consideration of the mutual promises of the other herein, agree to the following:

### **II. SCOPE OF SERVICES**

A. Wood County shall provide supplemental plumbing, electrical, building inspection and plan examination services by their state certified Chief Building Official, Building Inspector and Plans Examiner on an "as needed" basis.

B. The Chief Building Official, Building Inspector, Plans Examiner, when performing services shall be deemed to be doing so within the scope of his/her regular employment and shall be compensated for such services by his/her employer in accordance with the then existing terms of employment.

### **III. COMPENSATION**

A. The City of Napoleon shall be obligated to pay for the services of the Chief Building Official and Plans Examiner as described herein at the rate of ~~\$75.00~~ per hour for actual services rendered and shall be obligated to pay for the services of the Building Inspectors at the rate of ~~\$50.00~~ per hour for actual services rendered.

B. Payment for services rendered under Section III (A) above shall be made thirty (30) days after receipt and approval of written statement showing actual services provided to the respective party.



#### **IV. TERMS AND CONDITIONS**

This agreement may be terminated by either party upon a thirty (30) day written notice.

#### **V. MUTUAL AGREEMENTS**

- A. This agreement is non-exclusive and either party may at their sole option enter into other agreements for the services described herein.
- B. Each party may, through their respective administrative procedures, designate the manner in which inspection services of the other may be requested.
- C. Each party and their personnel provided pursuant to this agreement shall be independent contractors and not an employee of the other. No employee/employer or agent/principal relationship is created by this agreement.
- D. The parties agree that if there is a challenge to a local building code provision, each party will provide for the legal representation to defend their building code.

#### **VI. MODIFICATIONS**

Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.

#### **VII. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.

#### **VII. ENTIRE AGREEMENT**

This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

**IN WITNESS WHEREOF**, The City of Napoleon and the Wood County Commissioners have executed this agreement as set forth below, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WITNESS:

BOARD OF WOOD COUNTY COMMISSIONERS

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Doris I Herringshaw, Commissioner

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Craig LaHote, Commissioner

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Dr. Theodore H Bowlus, Commissioner

WITNESS:

City of Napoleon, OHIO

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Clerk \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED AS TO FORM ONLY:

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Paul Dobson, Wood Co. Pros. Atty.

\_\_\_\_\_  
City of Napoleon Solicitor



## **AMENDMENT TO THE OMEGA JOINT VENTURE 2 LEASE AGREEMENT**

This Amendment to the Ohio Municipal Electric Generation Agency (“OMEGA”) Joint Venture 2 (“JV2”) Lease Agreement (Contract No. C-3-1999-2696) by and between the City of Napoleon, Ohio (“Municipality” or “Lessor”) and American Municipal Power, Inc., (“AMP” or “Lessee,” f/k/a “American Municipal Power-Ohio”) located at 1111 Schrock Road, Columbus, Ohio 43229. AMP and Municipality are defined herein as the Parties (“Parties”) to this Agreement.

### **I. RECITALS**

WHEREAS, Municipality, along with other AMP members, determined that a larger, more diversified and more efficient distributive generation project consisting of certain natural gas and diesel electric generation units and related facilities owned and operated jointly by or on behalf of the Participants and connected to the electric systems of certain of them, or others is desirable in order to provide additional sources of reliable, reasonably priced electric power and energy when prices are high or during times of generation shortages or transmission constraints and to improve the reliability and economics of the Participants’ respective municipal electric utility systems;

WHEREAS, Municipality, along with certain members of AMP formed OMEGA JV2 and, pursuant to a Joint Venture Agreement, agreed jointly to plan, acquire, construct, operate and maintain the Project;

WHEREAS, in furtherance of the purposes of the OMEGA JV2 project, several Participants, including Municipality, and AMP entered into the Lease Agreement October 27, 1999, whereby Municipality leases property to AMP for the purpose of locating a JV2 combustion turbine or diesel generating unit as part of the OMEGA JV2 project;

WHEREAS, the Lease Agreement is scheduled to expire on December 31, 2020;

WHEREAS, as the JV2 project generating units located in Municipality remain in good commercial operating condition and have additional useful life, the Parties desire to extend the Lease Agreement;

NOW, THEREFORE, in consideration of the following mutual promises, AMP and Municipality agree to amend the Lease Agreement as set forth below:

### **I. TERM**

Section 2.01 (Term), of the Lease Agreement shall be deleted in its entirety and replaced with the following:

The term of this Lease Agreement shall remain in effect until December 31, 2023 and shall be renewed for additional one-year terms thereafter for so long as the JV2 Generation unit is commercially operable, unless either Party provides the

other written notification of its intent not to renew this Agreement not less than one hundred and fifty (150) days prior to the scheduled termination.

All other terms and conditions of the Lease Agreement shall remain unchanged.

**IN WITNESS HEREOF**, the Parties execute this Amendment to the OMEGA JV2 Lease Agreement. The Representatives executing this Amendment to the Lease Agreement represent and warrant that he/she has the authority to bind their respective party through the execution of this Amendment.

**AMERICAN MUNICIPAL POWER, INC.**

**CITY OF NAPOLEON, OHIO**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: Marc S. Gerken, P.E., President/CEO

Name: \_\_\_\_\_

APPROVED AS TO FORM:


APPROVED AS TO FORM:

By: \_\_\_\_\_  
Lisa G. McAlister

By: \_\_\_\_\_  
Name: \_\_\_\_\_



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**May 26, 2017**

Legislators packed in another full legislative week at the statehouse in advance of the upcoming Memorial Day weekend and the shortened schedule next week. Next week, the Senate Finance Committee will reconvene with budget hearings as the subcommittees conclude their review of specific subsets of the House budget language. Members have asked for an updated sample resolution to reflect the administration's latest proposal to centrally collect municipal net profits. A copy of the sample language can be found [HERE](#). We continue to encourage members concerned about schemes by the state to create a "permissive but mandatory" centralized collection system for municipal net profits to remind their senators that local control must be preserved and that the Ohio Business Gateway (OBG) rebuild is the prudent path to take.

### **LEAGUE OFFERS TESTIMONY ON BUDGET**

This past Tuesday, the Senate Finance Subcommittee on General Government and Agency Review heard testimony from OML Executive Director Kent Scarrett and Grove City Finance Director Richard Donnelly on municipalities' opposition to the Tax Commissioner's alternative centralized collection proposal, as well as the elimination of the "throwback" provision.

Dir. Scarrett made a plea for the General Assembly to cease the continual erosion of Home Rule before outlining the ways in which the Tax Commissioner's proposal is not the alleged "win-win" for both businesses and municipalities, including the increased financial and administrative burden the proposal would place on local communities. He then spoke on the revenue losses facing many municipalities were the "throwback" provision eliminated. Being limited to five minutes to present testimony, the majority of the testimony centered on the municipal tax issues included in the substitute budget bill but the director closed his presentation of the remaining issues that the League opposes including the redirecting of \$24 million from municipal LGF distributions to townships and very small villages; the local lead abatement program preemption; language prescribing how Columbus provides water services and "predatory annexation" language; the inclusion of municipalities in the "unitization" of mineral rights and the lowering of the signature requirements to dissolve a village.

Finance director Donnelly followed the League with an overview of the intended and unintended consequences to the repeal of the "throwback" rule. "Poorly drafted tax law is no one's friend," said Mr. Donnelly as he detailed the ways in which the proposed loss of municipal revenue is not only bad for the local communities affected, but also negatively impacts the same businesses housed by those local communities.

Copies of both testimonies can be found [HERE](#) and [HERE](#). Please continue to contact your legislators to educate them on these issues and to express our unified opposition to both these important proposals.

## **CALL TO TESTIFY PUBLIC HEARINGS SCHEDULED FOR BUDGET BILL**

Today, the Senate Finance Committee released the committee hearing schedule for the next month, as the committee resumes full hearings on the House passed two year state operating budget language . A copy of the schedule can be found [HERE](#).

Although municipal officials who have concerns with budgets items or support current proposals are strongly encouraged to participate in the legislative process by providing testimony , we would like to target Tuesday, June 6th, as a day when we can have a concerted effort to have testimony on municipal issues. OML Executive Director Scarrett will be providing testimony along with municipal officials who have expressed an interest to help impress upon senators the need to change some items and to preserve others. Our members are the best positioned to not only educate the Senators on these issues, but to explain why their passage would harm our local communities and, by proxy, the state.

Through our bulletins, we have presented the list of issues that the league supports and the areas we seek changes including concerns that persist with the language related to the Ohio Business Gateway (OBG) and the continued role of the Department of Taxation in distributing municipal net profit revenues and the revenue loss municipalities across the state will experience if the "throwback" provision. is repealed

Additionally, the Senate Finance Committee has heard an alternative proposal for centralized collection from the Department of Taxation, which we have detailed in previous bulletins. A one page list of bullet points produced by the Department of taxation can be accessed [HERE](#). The League has not been provided actual legislative language to judge what the real proposal includes. If our request to see the proposed language is granted, we will be sure to share it with our members. As we understand it from the limited information available, the proposal would wrest control away from municipalities and create a serious financial and administrative burden for local taxing authorities.

If you are interested in testifying, please contact our Legislative Advocate Ashley Brewster at [abrewster@omloho.org](mailto:abrewster@omloho.org). Written testimony and witness slips must be sent to the Chairman's office 24 hours in advance of the committee. We will be happy to coordinate your submissions with Chairman Oleslegar's office.

There are a number of amendments that were added by the Ohio House that has our attention but one particular amendment has garnered extra scrutiny by our members and staff. Representative Derrek Merrin (R-Waterville) has proposed an amendment to the budget that would give the Ohio Department of Health "sole and exclusive authority to compel, prohibit, license, or regulate lead abatement activities within the state, including the licensing of lead abatement professionals and excepting only those activities for which oversight has been delegated by the Revised Code to boards of health." This language has been included in the state operating budget bill specifically to overrule multiple local ordinances that direct local authorities to inspect and order remediation of unsafe living conditions particiipially related to lead-based paint issues. We appreciate the efforts of our members to communicate to members of the General Assembly their



positions on important issues such as this, either through resolutions or other communication tools.

As a resource to our members who have expressed an interest in language addressing this particular preemption of local authorities, we are happy to share a resolution the City of Cincinnati recently adopted expressing opposition to the proposal in HB49 that would remove the authority of Ohio local governments to abate lead hazards. A copy of the resolution can be found [HERE](#).

We urge our members to constantly be vigilant and voice their concerns to the legislature and we greatly appreciate the efforts of our members to lead in this regard.

### **COMMITTEE HEARS TESTIMONY ON BUILDING INSPECTORS BILL**

On Tuesday, the Ohio House Economic Development, Commerce, and Labor Committee heard opponent testimony on House Bill 128, which was introduced by Representative Kristina Roegner (R-Hudson), which would permit a general contractor or owner of specified buildings to enter into a contract with a third-party private inspector or a certified building department for building inspection and to make other changes relating to building inspections.

First, we would like to thank the many OML members that helped arrange for opponent testimony. Also, we would like to thank the Ohio Building Officials Association (OBOA), which helped get nearly two dozen officials, inspectors, and other experts to the Committee to testify. The Committee also heard testimony from the Ohio Fire Chiefs Association, which provided excellent testimony from their President, Chief Jonathan Westendorf. Also, the Committee heard great testimony from the International Association of Electrical Inspectors. We would also like to thank the Committee members, most of whom stayed for the nearly four hours of testimony we collectively provided.

The League started off the day by providing an overview of the arguments against the bill. Our testimony can be viewed [HERE](#). We stressed that these officials are law enforcement officers whose duty is to protect the safety of the public. We also argued that the bill would infringe on the home rule authority of municipalities, the need to keep local inspections local, and the very comprehensive accountability measures that are already in place. The League suggested an expedited process to help deal with problems related to the speed of accountability measures. That was accepted into the bill, but in addition to the offending parts, rather than in lieu of them. Testimony was then given by the OBOA, which went into more detail about the current system and their recommendations. Testimony was then offered by nearly two dozen individuals, both oral and written, that went into details and anecdotes that reinforced our message.

If there are League members who have stories of opposition they would like to share concerning this bill, we can still submit them to the Committee for review. Please send any thoughts or concerns to OML Director of Communications, Josh Brown at [jbrown@omloho.org](mailto:jbrown@omloho.org).

### **SPONSOR TESTIMONY GIVEN AGAINST TRAFFIC TECHNOLOGY**

Sponsor testimony was heard by the Ohio House State and Local Government Committee on four bills that are interrelated: House Bills 207, 208, 209, and 210. Each

was introduced by Rep. Tom Patton (R-Strongsville). Each bill will do the following respectively:

HB 207: To prohibit a municipal corporation or township that does not operate either a fire department or an emergency medical services organization from utilizing traffic law photo-monitoring devices.

HB 208: To prohibit a local authority with a population of 200 or fewer from utilizing traffic law photo monitoring devices.

HB 209: To prohibit a local authority, in any year, from issuing a total number of traffic tickets based on the use of traffic law photo-monitoring devices that exceeds two times the population of the local authority.

HB 210: To prohibit a local authority from deriving more than 30 per cent of the total annual revenue of the local authority from the issuance of tickets for traffic law violations based on evidence recorded by traffic law photo-monitoring devices.

Representative Patton essentially presented all four bills at once. Representative Patton focused much of his testimony on one municipality, the Village of Linndale, which is located just outside of Cleveland and near where Patton himself lives. He stressed that the Village issues a large number of tickets, relative to its population and geographic area. However, he also mentioned that Linndale has a major thoroughfare running through it and has a large population of traffic moving through it.

Patton also complained that 80% of Linndale's revenue allegedly comes from traffic cameras but failed to address the added challenges and costs to a small village associated with having a heavily-trafficked thoroughfare running through it, which are extensive.

Members should note that abuse of traffic cameras was addressed in the 2014 with Senate Bill 342, a bill essentially written by members who wanted to ban traffic cameras altogether. The bill amended ORC 4511.092 to incorporate exhaustive accountability provisions, including:

- Requires a law enforcement officer to be present at the location of a traffic law photo-monitoring device at all times during the operation of the device
- Signage requirements, warning drivers of the camera usage
- Extensive requirements regarding appeals of tickets
- Requires a local authority to take all of the following actions prior to deploying a traffic law photo-monitoring device :

- ○ Conduct a safety study of each location that is being considered for a traffic law photo-monitoring device;
- ○ Conduct a public information campaign;
- ○ Publish notice of the intent to utilize a traffic law photo-monitoring device, the locations at which the devices will be utilized, and the date on which the devices will become operational;
- ○ Refrain from imposing fines for violations detected by a traffic law photo monitoring device for at least 30 days after deployment of the device and send warning notices instead.
- ○

**COMMITTEE HEARS SPONSOR TESTIMONY  
ON FIRST-RESPONDER PTSD BILL**



On Wednesday, the House Insurance Committee heard sponsor testimony from Rep. Tom Patton (R-Stongsville) on House Bill 161. The legislation as proposed would:

- make peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury, eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year
- prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.

A companion bill in the Senate has also been introduced, Senate Bill 118, introduced by Senators Frank LaRose (R-Hudson) and Edna Brown (D-Toledo).

The League has opposed previous iterations of this bill and plans on opposing this one as well. We made extensive recommendations to the sponsor concerning this subject in the last General Assembly and unfortunately they were not included in the bill this time around. In short, the League opposes the bill for multiple reasons. First, the bill would begin the process of allowing "mental-mental" claims in the workers' compensation system with no accompanying physical injury. This would change the fundamental nature of workers compensation. Secondly, the bill includes virtually no safeguards to deal with issues of fraud, abuse, or ensuring workplace causation. We anticipate the legislative process will play out and as we make these concerns known, we are optimistic that we may be able to improve the bill.

### **2017 INCOME TAX CONFERENCE AGENDA SET**

The Ohio Municipal League is pleased to announce that registration is open for our 2017 Municipal Income Tax Conference. Click [HERE](#) to visit our brand-new website for registration, and check out our schedule and speaker line-up online as well. This year we will be addressing topics pressing for local tax authorities, discussing the changes the passage of the 2017-2019 Budget will bring, and we will also be hearing from a panel of legislators on the future of municipal income tax.

We encourage everyone who is interested to register right away!

### **MUNICIPAL POLICY GROUP BREAKFAST SUCCESS**

On Wednesday, the OML Municipal Policy Group met at the Sheraton Hotel for a policy discussion with Senate President Larry Obhof. We had a great discussion that helped us understand what the Leader's thoughts were relative to the budget. Leader Obhof informed us that state revenues are down and that this is due to many factors. He sees this upcoming budget as a difficult challenge for the General Assembly, but he is confident they will be able to make necessary adjustments. We would very much like to thank Senate President Obhof and the members that joined us for breakfast and the discussion about the future of the state and Ohio's municipalities.

## **MAYORS ASSOCIATION OF OHIO CONFERENCE WELCOMES CHIEF JUSTICE**

On Wednesday June 14<sup>th</sup> to Friday June 16<sup>th</sup>, the Mayors Association of Ohio will hold its annual conference.

The group is honored to welcome Supreme Court of Ohio's Chief Justice Maureen O'Connor as key-note speaker on the first day of the conference. The Chief will share her insights about the court and discuss issues related to the municipal court system in Ohio.

Chief Justice O'Connor's biography can be viewed here:  
<https://www.supremecourt.ohio.gov/SCO/justices/oconnor>

For a full agenda for the Mayor's Conference, click [\*\*HERE\*\*](#).

## **DRONE ADVISORY GROUP ADDRESSES WEAPON ATTACHMENTS**

Work continues on the Ohio Attorney General's Advisory Group on Unmanned Aircraft Systems (UAS) which is tasked with creating a model policy for drone use. This week the Group considered whether lethal weapons should be allowed or disallowed on drones. The National Conference of State Legislatures (NCSL) issued a report about this subject, concluding that states are allowed to prohibit weapons on drones. The Federal Aviation Administration has also stated the same. Three states currently prohibit weapons: Maine, North Dakota, and Virginia. The group is expected to finalize its model policy next month. If you would like to contribute to this group's discussions, contact: Dan Tierney: 614-466-3840 or Jill Del Greco: 614-466-3840.

## **COMMITTEE SCHEDULE FOR THE WEEK OF MAY 29, 2017**

### **Tuesday, May 30, 2017**

#### **JOINT COMMITTEE ON AGENCY RULE REVIEW**

Tue., May. 30, 2017, 1:30 PM, Hearing Room 121  
Larry Wolpert: 614-466-4086

#### **SENATE FINANCE**

Tue., May. 30, 2017, 2:30 PM, Senate Finance Hearing Room  
Sen. Oelslager: 614-466-0626

Committee will hear subcommittee reports.

**HB49\*\*** OPERATING BUDGET (SMITH R) Creates FY 2018-2019 main operating budget.

#### **Sixth Hearing, Invited Testimony**

**Report(s):** My Tracked Bills, OML Legislative Report


#### **SENATE INSURANCE AND FINANCIAL INSTITUTIONS**

Tue., May. 30, 2017, 4:30 PM, Senate Finance Hearing Room  
Sen. Hottinger: 614-466-5838

**HB27\*\*** WORKERS' COMPENSATION BUDGET (BRINKMAN T) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the



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**June 2, 2017**

We hope everyone had a good, long Memorial Day weekend. Because of the day of recognition for those that have sacrificed and gone before us, this week was more abbreviated than others with a generally light legislative schedule for the members of the General Assembly. The Senate Finance committee resumed their public hearing schedule with testimony on Tuesday, Wednesday and Thursday from various statewide associations and other groups who have a stake in the state operating budget.

As we discussed in our bulletin last week, public testimony on the proposed state budget, sub. HB49, will continue next week and the League is targeting Tuesday, June 6th, 11 am (Senate Finance Hearing Room) as a day when municipal officials can have a focused, concerted effort to provide committee members with information pertinent to municipal concerns. The League has been helping to coordinate the testimony of numerous municipal officials who will be delivering their remarks to the committee members and staff would be happy to assist other League members with questions or assistance in preparing remarks. If you are interested in testifying, please contact our Legislative Advocate Ashley Brewster at [abrewster@omloho.org](mailto:abrewster@omloho.org). Written testimony and witness slips must be sent to the Chairman's office 24 hours in advance of the committee. We will be happy to coordinate your submissions with Chairman Oleslegar's office.

The OML continued visiting with members of the Senate this week in our ongoing efforts to educate legislators on budget issues impactful to Ohio municipalities and to make certain requests for changes in language. League staff had particularly productive meetings with Senate President Larry Obhof and Senate Minority Leader Kenny Yuko (separately) and we greatly appreciate these two leaders time and consideration of the concerns and requests of our members. All of the members of the Ohio Senate we have been fortunate to meet with and to engage in sometimes lengthy conversations about very important matters included in the current budget language have been extremely gracious with us and patient to understand the complexities our issues sometimes entail.

We would like to thank the members of the Senate who have committed to offering alternative language through amendments on the League's behalf, which would change current proposals challenging to Ohio cities and villages and to strike other sections that need further review, which the budget process does not provide.

President Obhof has stated that a substitute bill will be due around June 12 with the Senate setting June 21 as the target date for the floor vote. It is expected that the House will not concur with the changes made by the Senate and the bill will be sent to a budget

conference committee where differences will be resolved and the bill presented to the Governor for his signature June 30th.

## **ODT'S REVISED MUNICIPAL INCOME TAX ON BUSINESS ENTITIES PROPOSAL**

Yesterday, League staff was provided a copy of the legislative language drafted by the Ohio Department of Taxation which the administration favors over the current language included in sub. HB49 to deal with the challenges and desires of some municipal net profit filers who have filing obligations in multiple municipal jurisdictions. The revised language and bullet points can be found [HERE](#) (Bullet points) & [HERE](#) (Language).

Upon review, League staff and interested municipal tax administrators have found various items included in the language. Not only does the amendment, among other things, create the opt-in proposal for business filers to use the gateway for five years and charges municipalities a 1% service fee to administer less than 15% of a municipality's complete income tax structure, but it also moves up the repeal date of the "throwback" provision to January 1, 2018 and makes other changes to the municipal income tax system as a result of HB5, the municipal tax reform bill passed and enacted in 2014.

We very much appreciate the Tax Commissioner providing us with the language and revised bullet points. It is unfortunate that there was not an interest shown to communicate with our members about the changes being proposed so that differences could be identified and solutions could be explored. We are hopeful that the Ohio Senate does not entertain this sweeping and completely unvetted language and that the proposal is not included in the state operating budget. Efforts are being made by the administration and interested parties to force these major policies changes into the budget and onto Ohio municipalities without the opportunity to understand the effects of these tax policy changes. Bad tax policy is a benefit to no one and the legislature should exercise caution before embracing such proposals.

## **LEAGUE MAKES BUDGET REQUESTS**

The Ohio Senate continued hearing testimony from multiple agencies and their budget requests. Senate members were expected to have their budget amendment proposals in this week as well. We anticipate that the Senate leadership will prepare and release the Senate version of the budget within a couple of weeks. During this time, League members are urged to reach out to their members of the General Assembly to express the needs of your city or village.

The League has submitted our requests for the budget to the members of the Ohio Senate. The League's top priority requests include:

### **1. Centralized collection of municipal net profits tax**

- The League **supports** provisions made by the Ohio House that returns the muni net profit tax to chapter 718; invests nearly \$33 million over the biennium to upgrade technological capabilities to the Ohio Business Gateway (OBG); keeps the portal permissive for business filers who choose to use the state system while retaining auditing and review authorities of local tax administrators.
- The League **opposes** language that retains the authority of the Ohio Department of Taxation to collect and redistribute municipal revenues that flow through the



OBG. This is the current role of the Department of Administrative Services (DAS) and should remain with that state agency.

2. The "Throwback Rule"

- The League **opposes** the House language that creates a "nexus to nowhere" preventing the application of the tax and **supports** language that would remove the throwback provision, section 718.02, entirely from the budget bill and go back to current law so that it may be studied further to see what intended and unintended consequences there would be for our members and businesses.

3. Changes to the Local Government Fund:

- The League **supports** most of the changes made by the House, especially the removal of the capacity based formula submitted by the executive branch.
- The League is working with members to have section 5747.503 **removed** from the bill. This section takes \$24 million from the municipal share of the LGF distribution and redistributes it to the more than 1,300 Ohio townships and villages with a population less than 1,000.

4. Municipal Water and Sewer Changes

- The League **opposes** changes that would penalize municipal corporations that do not timely publish an area wide waste treatment management plan and that does not charge the same sewer and water rates its residents and nonresidents; the language reduces Local Government Fund (LGF) payments by 20% until such time as the municipality charges the same sewer and water rates to all of its customers. This language is targeted specifically at the city of Columbus but the language is written in a manner that impacts could also be experienced by other municipalities.

5. Lead Abatement

- The League **opposes** this provision that would preempt municipal lead abatement programs currently in place, replacing local efforts with a yet to be developed Ohio Department of Health statewide abatement program. The language as currently drafted would give the state sole and exclusive authority to compel, prohibit, license, or regulate lead abatement activities in Ohio, including the licensing of lead abatement professionals.

These requests can be viewed in more detail and League's other budget requests can be viewed in detail [HERE](#).

## **WORKERS COMPENSATION BUDGET RECEIVES HEARING**

The Senate Insurance and Financial Institutions Committee held its first hearing on House Bill 27, the workers' compensation budget, introduced by Representative Tom Brinkman (R-Mt. Lookout). Testimony was taken from Representative Brinkman and BWC Administrator/CEO Sarah Morrison.

The significant changes that were discussed included a provision that would prohibit illegal aliens from receiving workers' compensation, required standards for maintaining a sufficient number of certified health care providers, a reduction in the statute of

limitations for injury claims from two years to one year, shortening the statute of repose for firefighter cancer claims from 20 years to 15 years, and prohibiting state agencies from taking "quasi-legislative or quasi-judicial" actions with a retrospective impact unless authorized by the General Assembly.

The statute of limitations reduction is insignificant because 98% of claims are filed within a year of the trigger point for the statute to run. The shortening of the statute of repose for firefighter cancer claims was not a request from the League, but is essentially insignificant because the latency period for any type of cancer is far less than 15 years. About a year ago, in a different bill, we did suggest a shorter statute of repose of five years. The League is also supporting an amendment to the existing firefighter cancer law that was the product of an agreement between the League and the Ohio Association of Professional Firefighters. This agreement would clarify the employer's burden in showing a causal relationship between the carcinogenic exposure and the type of cancer the claimant alleges.

In testimony, Representative Brinkman noted the changes that were made and received no questions. Administrator Morrison, on the other hand, received a multitude of questions. Most were intended to urge her to opine on the merits of the policy changes in the bill. Morrison refused to do so, noting that policy is a legislative decision and that the BWC can administratively handle the changes. The League will be submitting supporting testimony next week on this workers' compensation budget.

### **TESTIMONY HEARD ON TRANSPORTATION FUNDING ISSUES**

On Wednesday, the Senate Ways and Means Committee heard testimony from Sean Slone, Director of Transportation and Infrastructure Policy and the Council of State Governments (CSG). Slone's testimony was intended to educate members about the available options regarding transportation funding. Slone noted the multitude of gas tax increases across the country, while Ohio's has remained steady at \$.28 per gallon.

Slone testified that many states have recently raised their gas taxes. He quoted experts who said that this is the simplest way to deal with transportation shortages. He went into specifics from multiple states, including Indiana, Michigan, and Utah.

Slone's testimony was based on a power point, which can be viewed [HERE](#).

### **HOUSE HOLDS HEARING ON PROPOSAL TO FURTHER RESTRICT TRAFFIC CAMERAS**

Last week, we reported on sponsor testimony concerning four bills that are interrelated: House Bills 207, 208, 209, and 210. Each was introduced by Representative Tom Patton (R-Strongsville). Each bills does the following respectively:

HB 207: To prohibit a municipal corporation or township that does not operate either a fire department or an emergency medical services organization from utilizing traffic law photo-monitoring devices.

HB 208: To prohibit a local authority with a population of 200 or fewer from utilizing traffic law photomonitoring devices.

HB 209: To prohibit a local authority, in any year, from issuing a total number of traffic tickets based on the use of traffic law photo-monitoring devices that exceeds two times



the population of the local authority.

HB 210: To prohibit a local authority from deriving more than 30 per cent of the total annual revenue of the local authority from the issuance of tickets for traffic law violations based on evidence recorded by traffic law photo-monitoring devices.

The pieces of legislation represent an ongoing conversation related to a specific community and could not be considered "general law." The League has deep concerns for the direction of these proposals as they challenge the authorities of the Home Rule provisions of the Ohio constitution, are punitive in nature, take away more resources to already challenged law enforcement agencies and seems to be a solution in search of a problem.

This week the Ohio House State and Local Government Committee allowed proponent testimony on the bill. No proponents testified. We are in the process of preparing for opponent testimony. If you would like to testify, please contact Josh Brown at: [jbrown@omloho.org](mailto:jbrown@omloho.org).

### **MAYORS CONFERENCE WELCOMES CHIEF JUSTICE**

On Wednesday June 14<sup>th</sup> to Friday June 16<sup>th</sup>, the Mayors Association of Ohio will hold its annual conference. In addition to the group welcoming The Supreme Court of Ohio's Chief Justice Maureen O'Connor as its key-note speaker on the first day of the conference the three-day meeting will include many important sessions on local control, economic development strategies administrative and best practices being used in municipalities across the state for mayors to consider when working with issues in their communities.

Last year's event was a huge success and we look forward to a great conference this year.

For a full agenda for the Mayor's Conference, click [HERE](#).

### **OML INCOME TAX CONFERENCE REGISTRATION OPEN**

The League would like to remind our members that registration is open and rooms are filling up for our 2017 Municipal Income Tax Conference. Click [HERE](#) to visit our new website for registration, and check out our schedule and speaker line-up online as well.

This year we will be addressing topics pressing for local tax authorities, discussing the changes the passage of the state operating budget will bring to local tax efforts, and we will also be hearing from a panel of legislators on the future of municipal income tax.

### **COMMITTEE SCHEDULE**

Below is the list of announced committee meetings for next week, with bills of municipal interest included on the calendar. Often schedules are released after our bulletin is complete so please check our website Monday for any revisions to the committee hearing line-up.

**Tuesday, June 6, 2017**

**HOUSE WAYS AND MEANS**

Tue., Jun. 6, 2017, 9:00 AM, Hearing Room 121  
Rep. Schaffer: 614-466-8100

**SB131**

EMPLOYEE COMPENSATION-TAX CREDITS (DOLAN M) To provide that compensation paid to certain home-based employees may be counted for purposes of an employer qualifying for and complying with the terms of a Job Creation Tax Credit.

**First Hearing, Sponsor Testimony, PENDING REFERRAL**

**HB185**

POLITICAL CONTRIBUTIONS TAX CREDIT (HAMBLEY S) To expand the scope of political contributions that qualify for the income tax credit for contributions to political campaigns to candidates for any state, county, municipal, or district office.

**First Hearing, Sponsor Testimony**

**SENATE INSURANCE AND FINANCIAL INSTITUTIONS**

Tue., Jun. 6, 2017, 9:30 AM, Senate Finance Hearing Room  
Sen. Hottinger: 614-466-5838

**HB27\*\***

WORKERS' COMPENSATION BUDGET (BRINKMAN T) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

**Second Hearing, Proponent Testimony**

**SENATE FINANCE**

Tue., Jun. 6, 2017, 11:00 AM, Senate Finance Hearing Room  
Sen. Oelslager: 614-466-0626

**HB49\*\***

OPERATING BUDGET (SMITH R) Creates FY 2018-2019 main operating budget.

**Ninth Hearing, All Testimony**

**HOUSE ENERGY AND NATURAL RESOURCES**

Tue., Jun. 6, 2017, 3:00 PM, Hearing Room 018  
Rep. Landis: 614-466-8035

**HB225**

ABANDONED WELL REGULATION (THOMPSON A) To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well.

**First Hearing, Sponsor/Proponent Testimony**

**Wednesday, June 7, 2017**

**SENATE WAYS AND MEANS**

Wed., Jun. 7, 2017, 9:00 AM, South Hearing Room  
Sen. Eklund: 614-644-7718

**SB113\*\***

VEHICLE REGISTRATION TAX (COLEY W) To levy an additional registration tax on passenger cars, noncommercial motor vehicles, and commercial cars and trucks beginning on January 1, 2020; to authorize a per-gallon motor fuel retail price reduction for consumers that is equal to the state per-gallon motor fuel



tax of \$.28; and to exempt each gallon of motor fuel that is sold at the reduced retail price from the state motor fuel tax.

**First Hearing, Sponsor Testimony**

**SENATE TRANSPORTATION, COMMERCE AND WORKFORCE**

Wed., Jun. 7, 2017, 10:15 AM, South Hearing Room

Sen. LaRose: 614-466-4823

**HB28**

INDUSTRIAL COMMISSION BUDGET (BRINKMAN T) To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.

**Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE**

**SENATE FINANCE**

Wed., Jun. 7, 2017, 11:00 AM, Senate Finance Hearing Room

Sen. Oelslager: 614-466-0626

**HB49\*\***

OPERATING BUDGET (SMITH R) Creates FY 2018-2019 main operating budget.

**Tenth Hearing, All Testimony**

**OHIO HOUSE**

Wed., Jun. 7, 2017, 1:30 PM, House Chambers

**OHIO SENATE**

Wed., Jun. 7, 2017, 1:30 PM, Senate Chambers

**Thursday, June 8, 2017**

**SENATE PUBLIC UTILITIES**

Thu., Jun. 8, 2017, 9:00 AM, Senate Finance Hearing Room

Sen. Beagle: 614-466-6247

**SB128\*\***

ZERO-EMISSION NUCLEAR PROGRAM (EKLUND J, LAROSE F) Regarding the zero-emissions nuclear resource program.

**Fourth Hearing, All Testimony**

**SB155**

ELECTRIC DISTRIBUTION COST RECOVERY (TERHAR L, PETERSON B) To allow electric distribution utilities to recover costs for a national security generation resource.

**Second Hearing, All Testimony**

**OHIO RETIREMENT STUDY COUNCIL**

Thu., Jun. 8, 2017, 10:00 AM, Hearing Room 121

Bethany Rhodes

On the agenda:

- ORSC budget
- SB151 recommendation
- HB242 recommendation
- Recommendation on draft HPRS omnibus
- Rules

**PLEASE CHECK OUR WEBSITE MONDAY FOR ANY UPDATES TO THE  
COMMITTEE SCHEDULE**

**Meeting/ Training**

<b>Mayors Association of Ohio Annual Conference</b>	<b>June 14 - 16</b>	<b><u>Registration Information</u></b>
<b>Municipal Income Tax Seminar</b>	<b>July 12 - 14</b>	<b><u>Registration Information</u></b>
<b>OMCA Annual Conference</b>	<b>July 16 - 20</b>	<b><u>Registration Form</u></b>

Ohio Municipal League

Legislative Inquires:

Kent Scarrett, Executive Director

Edward Albright, Deputy Director

Josh Brown, Director of Communications





# Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

May 26, 2017

## PJM announces results of 2020-2021 Installed Capacity Auction

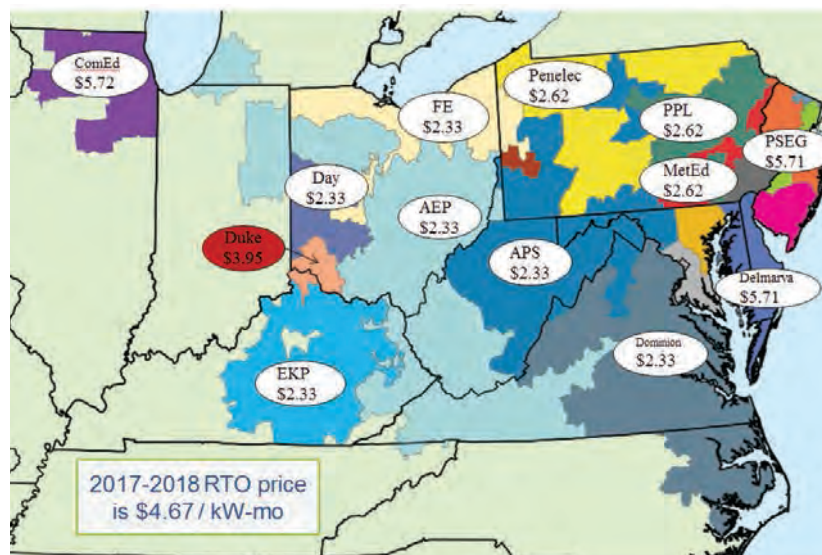
By Mike Migliore – vice president of power supply planning & marketing

Each May, PJM runs an auction to contract with generators and curtailable loads to be on call to perform when PJM's load is in danger of exceeding the amount of generation production. PJM recently ran its annual auction to acquire Installed Capacity for the June 2020 through May 2021 planning year. The auction for most of PJM cleared at its lowest price since 2013 despite this year being the first auction to require all generators and demand response customers to be obligated to the annual capacity performance requirements. PJM attributed the drop in prices to a reduction in its load forecast and a 3,000 MW increase in new generation.

The clearing prices for loads and generators in AEP, APS, FirstEnergy and Dayton Power & Light was \$2.33/kW-mo. Loads in MetEd, Penelec and PP&L will pay a slightly higher rate of \$2.62/kW-mo. The zone that surprised many was the Duke Energy zone. The clearing prices for loads and generators in Duke ended at \$3.95/kW-mo. This was likely due to planned and expected generation retirements within the zone. The Delmarva zone along with the rest of eastern PJM saw the highest capacity prices of \$5.71/kW-mo

Each \$1.00/kW-mo demand charge equates to approximately \$2.50/MWh.

### 2020-2021 Installed Capacity Prices (\$/kW-mo)



Mike Dabolt (right), AMP's Smithland O&M manager, oversees the last bulkhead being removed at the Smithland project.

## Smithland hydro Unit 1 synchronizes to grid

By Pete Crusse – vice president of hydroelectric construction

The Smithland Hydroelectric Plant achieved a major milestone this week as Unit 1 was successfully synchronized to the electrical grid for the first time. Unit commissioning and testing is continuing to assure that the equipment has been installed and adjusted properly and that it will function safely, properly and reliably under continuous operation.

The plant is completely watered up with the last bulkhead being removed last week. Commissioning activities are underway on Unit 2 and Unit 3 with both anticipated to achieve electrical synchronization in June.

Many thanks to all those who have been a part of the start-up process.

## APPA sends salary survey

By Michelle Palmer, PE – vice president of technical services

Over the past several months, many members have expressed an interest in salary comparison information for lineworkers. In an effort to supply that information, AMP strongly encourages its members to participate in the recently released

*continued on Page 3*

## Ohio Telecom signs pole attachment agreement

By Jolene Thompson – executive vice president of member services & external affairs/OMEA executive director

With the approval of the AMP Board of Trustees and the OMEA Board of Directors, AMP and OMEA recently signed an agreement with the Ohio Telecom Association to establish a model policy and rate structure for pole attachments of the wireline (traditional telephone) industry. The agreement is virtually identical in terms, conditions and rates to the agreement signed by AMP, OMEA and the Ohio Cable Telecommunications Association in 2014. The agreement is only applicable to AMP and OMEA member municipal electric systems in Ohio.

Please note that this agreement is separate from the model policy and rate structure that AMP and OMEA are negotiating with *wireless* companies for small cell wireless antenna attachments following the adoption of Senate Bill 331 in late 2016.

Adoption of this agreement will help alleviate a potentially protracted legislative battle with the telephone companies over wireline attachments. As with the OCTA wireline pole attachment agreement, municipal electric systems retain local control of utility operations and rates, including pole attachment rates.

The agreement calls for AMP/OMEA to recommend – not require – members use this model rate and template agreement when updating local rates and contract terms. It does not replace contracts/agreements that are already in place and, while the agreement stipulates that OMEA and AMP will not provide legal assistance to municipalities that seek to utilize a rate and/or contractual terms other than those that are recommended, it does not preclude a member municipality from doing so. Additionally, OTA agrees it will not pursue new legislation to subject municipalities to state regulation on pole attachment rates and policies.

A copy of the final agreement is available on the [AMP member extranet](#). If you have questions or need additional information about the agreement, please contact Michael Beirne at 614.540.0835 or [mbeirne@amppartners.org](mailto:mbeirne@amppartners.org), or Kristin Rothery at 614.540.0852 or [krothey@amppartners.org](mailto:krothey@amppartners.org).

## AMP prepares for peak shaving

By Ryan Thompson – power supply planning engineer II

Summer is fast approaching and AMP is preparing to once again assist members with lowering their transmission and capacity costs for next year by reducing their meter at the time of the coincident peak hours.

On May 25, a test email was sent to members that are on our peak shaving notification list. If you did not receive the email and would like to be notified on the days that AMP is forecasting a transmission or capacity peak hour, please contact me at [rtompson@amppartners.org](mailto:rtompson@amppartners.org) or 614.540.0966.

### On Peak (16 hour) prices into AEP/Dayton Hub

#### Week ending May 26

MON	TUE	WED	THU	FRI
\$30.58	\$31.91	\$29.10	\$30.99	\$31.87

#### Week ending May 19

MON	TUE	WED	THU	FRI
\$40.44	\$41.63	\$53.93	\$64.70	\$40.48

AEP/Dayton 2018 5x16 price as of May 25 — \$36.55

AEP/Dayton 2018 5x16 price as of May 18 — \$36.70

## AFEC weekly update

By Jerry Willman – assistant vice president of energy marketing

Fremont remained online for the week in 2x1 configuration. PJM loads and prices were much lower for the week compared to last week, which was apparent in the duct fire operation. Duct firing operated for five hours this week. The plant generated at a 64 percent capacity factor (based on 675 MW rating).

## Energy markets update

By Jerry Willman

The June 2017 natural gas contract decreased \$0.025/MMBtu to settle at \$3.184/MMBtu. The EIA reported an injection of 75 Bcf for the week ending May 19. Analyst expectations were calling for an injection of 69 Bcf. The five-year average is an injection of 87 Bcf. On-peak power prices for 2018 at AD Hub closed yesterday at \$36.55/MWh, which was \$0.15/MWh lower for the week.

## Busy week on Capitol Hill

By Jolene Thompson

Testifying on Thursday before the U.S. Senate Finance Committee, U.S. Treasury Secretary Steven Mnuchin told the committee that Trump Administration's strong preference is to retain the tax exclusion for municipal bond interest. Secretary Mnuchin was speaking in response to a question from Sen. Sherrod Brown (D-OH) about whether the Trump Administration would retain a variety of tax credits, deductions, and exclusions – including the tax exclusion for municipal bonds – in comprehensive tax reform.

"Again, I have said our preference is strongly to keep the interest deductibility of state and local bonds," Secretary Mnuchin said.

Secretary Mnuchin also clarified that he was not prepared to say that other than the charitable tax deduction and home mortgage interest deduction that specific tax provisions were absolutely off the table, but his comments were a positive sign for the future of tax-exempt financing. The grassroots on this issue has been very effective and we encourage all AMP and OMEA members to keep this on their list of key talking points with members of Congress.

*continued on Page 4*





## APPA sends salary survey

*continued from Page 1*

American Public Power Association (APPA) annual salary survey. The survey will help gather results that can help members with their local efforts to provide competitive salaries.

APPA has provided two links. [Survey "A"](#) is for utilities with over \$15 million in revenue and [Survey "B"](#) is for utilities below that threshold. Please complete the survey that fits your utility model.

APPA will accept survey responses through the end of June. Survey participants receive a free copy of the full salary report, published shortly after the survey is closed. Non-participants will only receive an executive summary and would otherwise have to pay APPA for the full report. The report contains a breakdown by utility size and revenue as well as by region.

In light of requests from our members for lineworker salary comparison data, AMP will work with APPA to obtain more granular data than the standard issue reports. These reports will be useful to compare your utility's salaries with those of other utilities in the public power community which will help attract and retain a qualified workforce. All information that is provided will be held confidential. As a supplement to the survey, AMP is working to secure comparison data for rural co-ops and IOUs in our member footprint.

Thank you in advance for your participation. For questions or additional information regarding the APPA surveys, please contact Paul Zummo at APPA at 202.467.2969 or [pzummo@publicpower.org](mailto:pzummo@publicpower.org).

## Be safe when using insect repellent on FR clothing

*By Gary Keffer – director of corporate health & safety*

The spring and summer season is upon us and with it comes an increase in mosquitos and ticks. Utility employees working outdoors are often plagued by these insects. The most widely used defense against these pests is insect repellent. It is important to understand the dangers of insect repellent if you wear FR clothing.

Most insect repellents use DEET (N,N-diethyl-metoluamide) as the active ingredient. AMP does not recommend applying insect repellent with DEET to flame resistant (FR) clothing under any circumstances. In lab testing, insect repellent with DEET was applied to an FR shirt per the repellent label and directions. The result of the test indicated that a shirt treated with DEET or insect repellent with DEET propagates the flame after an arc and can contribute to body burn in the event of an electric arc. Insect repellent products with DEET as an active ingredient should not be used on flame resistant products as DEET masks the FR properties of the fabric. Additionally, flash fires have also been known to result from the use of DEET on flame resistant clothing.

*continued on Page 4*

## 2016 annual reports have been distributed; available online

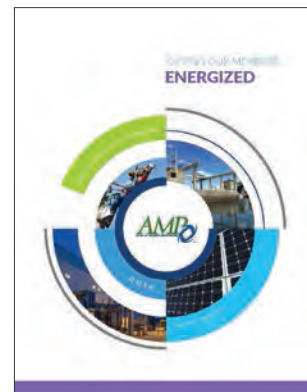
*By Krista Barber – director of media relations & communications*

The 2016 AMP Annual Report and joint venture reports (JV2, 5 and 6) were mailed this week and are also available [online](#). 2016 was a challenging, but rewarding year at AMP with many noteworthy accomplishments across the organization.

The annual report is a highly collaborative effort, with contributors from every department. Thank you to all those who assisted in the development, review and distribution of the 2016 reports.

Please contact me with questions or for annual report hardcopies at [kbarber@amppartners.org](mailto:kbarber@amppartners.org) or 614.540.6407.

The Prairie State Generating Company team also recently released its 2016 Year In Review, which is available [here](#).



## Front Royal celebrates solar site with ribbon cutting

*By Pam Sullivan – executive vice president of power supply & generation*

Front Royal, Virginia, held an official ribbon cutting ceremony for its solar installation on May 22. The 2.5-MW, 15-acre solar field went into commercial operation earlier this month. The site is composed of more than 10,500 solar modules.

The Front Royal solar facility is part of the larger AMP Solar Phase II project. In the spring of 2016, AMP executed a solar power purchase agreement with DG AMP Solar, a wholly owned subsidiary of NextEra Energy Resources, for the development, construction and operation of up to 80 MW or more of new solar electric generation facilities. Additional Solar Phase II sites are under development in Ohio, Michigan and Delaware.

## Insect repellent on FR clothing

*continued from Page 3*

Insect repellents that are non-flammable are recommended. One such product is permethrin. Permethrin is a specially designed formula that bonds with fabric to provide protection for six weeks or longer and is non-flammable.

Permethrin prevents the spread of Lyme disease, Rocky Mountain Spotted Fever, West Nile Virus, and other infectious diseases caused by insects. This product must *only* be sprayed on clothing and *not* the skin as irritation can occur. Permethrin is tested safe per ASTM F1506, Electrical Arc and Flammability Test, and ASTM 1958F-1958M-05, Electrical Arc Exposure method using mannequins F, Federal Test Method H191 method 5903, flame resistance of clothing and vertical burn.

Rainbow Technology Corporation makes an insect repellent for FR clothing especially for the utility and industrial markets. More can be found on the website: [www.rainbowtech.net](http://www.rainbowtech.net).

## Lineworkers from four states participate in Basic 1 course

*By Bob Rumbaugh – manager of technical training*

AMP hosted a Lineworker Training Basic 1 course this week and 16 participants from 11 members in Ohio, Michigan, Pennsylvania and West Virginia were in attendance. Created for first-year apprentices, Basic 1 is a weeklong class that provides an introduction and practice to climbing skills, as well as basic electrical theory, applied mathematics, first aid, safety, transformer basics and other introductory skills.

Attendees were: Justin Blasovski, Joe Marez, Tyler Cammel and Dave Powell of Cuyahoga Falls; Glenn Raymond, Coldwater; Jesse Austin, Philippi; Nicholas Carlson, Pioneer; Jarred Hintz, Plymouth; Kevin Turner and Aaron Madzia, Beach City; Brandon Edgell, Grafton; Anthony Stewart, Oak Harbor; Cole Carpenter, St. Clairsville; Levi Marburger, Ellwood City; Mike S. Brenner and Michael JA Brenner of Wadsworth.

Class participants and instructors are pictured below.



## Busy week on Capitol Hill

*continued from Page 2*

Unfortunately, the news wasn't so positive on the issue of sequestration of Build America Bonds (BABs), which has been a key frustration of AMP and OMEA. The budget proposed by President Trump would extend the sequester until 2027, resulting in more reduced payments to our members on projects financed with BABs. We continue to work to raise this issue with the White House in the context of the infrastructure debate and will be issuing another grassroots call to action shortly.

Hearings also took place on Thursday before the Senate Energy and Natural Resources Committee on the White House's two FERC Commissioner nominees – Neil Chatterjee, who currently serves as energy advisor to Senate Majority Leader Mitch McConnell (R-KY), and Robert Powelson, a Pennsylvania Public Utility Commission member and president of the National Association of Regulatory Utility Commissioners. They would fill two of the three Republican vacancies that currently exist on the Commission. A third Republican is underdoing background checks and is expected to be nominated soon. A Democratic opening is also in play as current Commissioner Collette Honorable has announced she will not seek re-nomination. FERC has been operating without a quorum since earlier this year. As a result, Senate GOP members are anxious to move the nominations forward and get Chatterjee and Powelson seated so that FERC can get back to normal business. Some Democrats have signaled that they would prefer to see the Democratic nominee paired with the Republican nominees. Senate Committee Chair Lisa Murkowski (R-Alaska) indicated that if confirmation timelines hold true to form, FERC should have a quorum again this summer.

Both FERC nominees expressed support for markets and competition. Chatterjee talked about his proven ability to listen to all sides of an issue. In responses to questions, he mentioned the importance of hydro, as well as the need for balanced streamlining of regulatory processes. Chatterjee also stressed the importance of a robust and reliable transmission grid, and talked about the importance of ensuring sufficient return on equity to support transmission investments. Powelson expressed his support for states' rights and talked about upholding FERC's mission to ensure just and reasonable rates. AMP and OMEA have worked with Chatterjee in the past in his capacity with Senator McConnell, as well as in a position he held with former Ohio Congresswoman Debbie Pryce. We look forward to working with both new commissioners on the many issues of importance to our members that reside with FERC.



## News or Ads?

Call Krista Barber at 614.540.6407 or email to [kbarber@amppartners.org](mailto:kbarber@amppartners.org) if you would like to pass along news or ads.



## Members receive DEED funds

By Michelle Palmer, PE

The Demonstration of Energy Efficiency & Developments (DEED) Board of Directors met for its spring meeting earlier this month and awarded a total funding of \$452,205 to support 10 grants, nine educational scholarships, two student research grants and eight internships.

Two AMP members received honors: Rebecca McCabe (Quakertown Municipal Electric Department) received a \$2,000 educational scholarship, and Bryan Municipal Utilities (BMU) received \$5,000 for a student internship from Northwest State Community College.

The educational scholarship is awarded to high school seniors, trade/technical school and undergraduate students pursuing a certification/degree that could lead to an electric utility career. Quakertown will sponsor/mentor the student by providing information on career opportunities in public power and may also offer a facility tour.

BMU will use its student internship to help with the following:

- Enhance GPS course work by providing hands on experience
- Enhance GIS course work by providing hands on experience entering and manipulating GIS data
- Enhance AutoCAD abilities/skills in the civil engineering field by learning to create final asbuilts
- Enhance sketching abilities by performing field utility sketches

The fall funding cycle of the American Public Power Association's (APPA) DEED program runs through Aug. 15. Grants, up to \$125,000, are designed to fund innovative utility projects that increase efficiency, reduce costs, investigate new technologies, offer new services or improve processes and practices to better serve customers.

AMP pays for its members to be DEED participants and will assist utilities with the grant application process. For assistance completing a DEED application, please contact me at [mpalmer@amppartners.org](mailto:mpalmer@amppartners.org) or 614.540.0924. Applicants will be notified of the DEED Board's funding decision by the end of October 2017. Additional DEED program details are available on [APPA's website](http://APPA's website) or by emailing [DEED@PublicPower.org](mailto:DEED@PublicPower.org).

## Volunteers needed for AMP Rodeo build day

AMP will host a rodeo build day on June 6 to prepare for the fourth annual AMP Lineworkers Rodeo at AMP headquarters. Volunteers are needed, particularly digger derricks.

Please contact Bob Rumbaugh at 614.204.8500 or [rbumbaugh@amppartners.org](mailto:rbumbaugh@amppartners.org) if you have interest and are available to assist in preparing the rodeo field. Additional build dates are planned for July 6 and Aug. 3. The 2017 AMP Lineworkers Rodeo will take place Aug. 25-26.

## Efficiency Smart's Cawley provides parting remarks to AMP Board of Trustees

Prior to his retirement, David Cawley, senior manager and executive leader for Vermont Energy Investment Corp. (VEIC), provided parting remarks to the AMP Board of Trustees, which are provided below. Cawley has been with VEIC for more than 25 years. He was instrumental in the development of the nation's first energy efficiency utility, Efficiency Vermont, and assisted with operations for the District of Columbia Sustainable Energy Utility. Cawley has worked with AMP and its members for seven years to develop and manage Efficiency Smart.

Privilege to work as an AMP partner for eight years building the Efficiency Smart program.

This partnership has built a unique service for AMP's members and now receives growing recognition as a leading EE program for public power.

I've had to learn a lot along the way and have received support and mentorship from you and everyone in the AMP community including:

- Mayors, city administrators, and Utility Directors
- A special note of thanks, however, goes to Steve Dupee and Kevin Maynard who helped create, advise, and support the program every step of the way
- I also would like to especially thank Brian O'Connell for his advice and guidance for helping to create new program offerings
- Certainly the program wouldn't be here today without the early commitment and leadership shown by Marc Gerken and John Bentine
- For her countless hours and precision guidance, I would also like to offer my most heartfelt thanks to Jolene Thompson. Jolene has taught me the true meaning of delivering value for AMP's members and the meaning of the word flexibility
- And thanks to all of the existing and former AMP staff have been supportive and gone the extra mile to help make Efficiency Smart a success
  - Bob Dewitt, Nick Homrighausen, Kent Carson, Karen Ritchey, Harry Phillips, Jay Myers
  - And of course, many thanks and appreciation for the creativity, direction, and endless hours on the road and presentations before municipal governing bodies with Randy Corbin, whom I consider a great colleague and a true friend
- I'm pleased to report that the Efficiency Smart team has fully transitioned from my leadership and is under the guidance of the new Executive Director, Everett Woodel. Over the past six months, I've strived to pass on the institutional knowledge that Everett and his staff will need going forward.
- I believe the team is ready and I'm pleased to say that they are one of the most motivated divisions of VEIC.
- So in a week, I'll be retiring simultaneously with my wife, who'll join me as we fire up our RV and head to the many destinations that we've dreamed of.
- I leave you in good hands. VEIC is at the ready to support AMP and AMP members in the next chapter of public power service. Thanks for this great opportunity.

## Classifieds

### Opportunities available at AMP

American Municipal Power, Inc. (AMP) is seeking applicants for the following positions. For additional information or complete job descriptions, please visit the "careers" section of the AMP [website](#).

**(Sr.) System Administrator – SCCM and Infrastructure** – Responsible for providing systems implementation, and support for the AMP endpoint environment and technology infrastructure. AMP's endpoint environment includes a Microsoft System Center Deployment managing Windows Servers, Desktops, Laptops, and other mobile devices. Infrastructure includes voice and data networks, telecommunications, hardware and VMWare hypervisor. This person is responsible for providing 24x7 operations support for the systems listed above and being part of an on-call rotation. The role requires occasional travel. A minimum of a two-year degree in computer science, information systems or related discipline, or four years of directly related experience is preferred. Hands-on experience in network and system support of a high-available 24/7/365 operating environment. Experience using network monitoring tools and problem ticketing systems.

**Systems Analyst – Field and Hydro Support** – Responsible for providing administration, implementation and support for AMP's SCADA, revenue metering and generation facility systems. These systems include Continuous Emissions Monitoring System (CEMS), lockout/tagout, PI, voice/data networks, workstations, phones, network-monitoring system (PRTG) and other plant specific IT systems. This person is responsible for providing 24x7 operations support for the systems listed above. The role requires up to 75 percent travel. A minimum of a two-year degree in computer science, information systems, or related discipline, or four years of directly related experience is preferred. Experience in windows server and network troubleshooting a plus.

**Hydro Plant Operations and Maintenance Supervisor** – Responsible for the operations, maintenance, and supervision of hydro plant operations and maintenance staff. Must have a minimum of a two-year degree in engineering/technology field and two years of supervisory experience in plant operations/maintenance, or at least six years' experience in power plant operations/maintenance including supervisory experience. Candidates should demonstrate thorough knowledge of power plant equipment and principles of operation, and have the ability to read instruction manuals, blueprints, and schematics.

**Director Transmission Planning** – This position represents AMP's members' interests by participating in regional transmission organization (RTO) and transmission owner (TO) transmission stakeholder and planning processes, primarily within PJM and MISO. Qualifications include a four-year accredited degree in electrical engineering. Professional engineer certification preferred.

Must have knowledge of RTO transmission planning models, processes, system operations, load forecasting, system reliability requirements. It is preferred for candidates to have a minimum of three years of experience in the RTO regional and local transmission planning processes; and a minimum of five years of experience in power system studies including power flow, short circuit, dynamic and transient analysis, stability, reliability and economic dispatch.

**Communications/Public Relations Specialist** – Assists with content creation for publications, public relations and communications efforts. This includes writing copy and layout design. A four-year degree in journalism, communications, public relations or a related field is required. Experience with Adobe Creative Suite and knowledge of Associated Press style are preferred.

### Columbus has opening for engineer in training

The City of Columbus Department of Public Utilities is seeking qualified candidates for the position of Engineer-In-Training I in the Division of Power. This position is responsible for learning to prepare and review designs for power distribution circuits and substation equipment. Duties will include preparing and reviewing reports, recommending engineering solutions, estimating quantities and costs for project construction, and performing power system analyses such as arc flash and fault currents.

To qualify you must possess a bachelor of science in engineering degree and a valid driver's license. Possession of a valid Engineer Intern certificate by the end of the 365 day probationary period is required. This classification exists for individuals to gain the practical engineering experience required by the State of Ohio to be registered as a Professional Engineer (P.E.). Individuals appointed to this classification serve for a limited period of time not to exceed four years. Salary \$45,926-\$68,848.

Apply at [www.csc.columbus.gov](http://www.csc.columbus.gov) by June 9, 2017.

### Bowling Green seeks secretary

The City of Bowling Green Income Tax Division is seeking a secretary position (Pay Band 1: \$13.64 to \$17.04 per hour). Hourly, full-time position responsible for providing overall administrative assistance and support in the Income Tax Office. Hours of work are 8 a.m. to 4:30 p.m. and may require some overtime during busy seasons. Qualified persons must complete an application that is available in the Personnel Department of the City of Bowling Green, 304 N. Church St., Bowling Green, OH 43402-2399. Resumes alone will not be considered. Telephone: 419.354.6200 Web: [www.bgohio.org](http://www.bgohio.org) Email: [BGPersonnel@bgohio.org](mailto:BGPersonnel@bgohio.org). Copies of the complete job description will be provided to applicants. The deadline for making application is 4:30 p.m. June 2, 2017. AA/EEO





# UPdate

*A weekly newsletter presented by AMP President/CEO Marc Gerken*

June 2, 2017

## RP3 application assistance available

*By Michelle Palmer, PE – vice president of technical services*

The 2017 application for the American Public Power Association (APPA) Reliable Public Power Provider (RP3) designation is now open. The deadline to submit is Sept. 30.



There are still spots available for AMP's RP3 Assistance Program, which allows AMP staff to work directly with those members on a question by question basis. AMP is available to assist all members with their RP3 application; staff will help complete and review applications, and make recommendations for overall score improvement. Please contact Jennifer Flockerzie for more information at [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) or 614.540.0853.

The RP3 program recognizes utilities that demonstrate high proficiency in reliability, safety, workforce development and system improvement. Criteria within each of the four RP3 areas are based upon sound business practices and recognized industry leading practices.

APPA recently recognized 16 AMP members with the RP3 designation at the Engineering & Operations Technical Conference. They joined the 13 AMP members who received the recognition in 2015 and 2016.

Visit the RP3 page of the [APPA website](http://www.appa.org) for additional program information.

## AFEC weekly update

*By Jerry Willman – assistant vice president of energy marketing*

The Fremont plant was offline over the holiday weekend and Monday due to lower loads and prices. Fremont was available for 2x1 operation for the weekdays, but was cycled offline overnight during the off-peak hours each day this week. There was no duct firing operation. The plant generated at a 28 percent capacity factor (based on 675 MW rating).

## Energy markets update

*By Jerry Willman*

The prompt month July 2017 NYMEX natural gas contract decreased \$0.063/MMBtu to close at \$3.008 yesterday. The EIA reported an injection of 81 Bcf for the week ending May 26. Analyst expectations were calling for an injection of 77 Bcf. The weather report for the next six to 10 days is showing normal to below normal temperatures for much of the U.S. However, yesterday's midday report showed a slight shift towards warmer temperatures in the 11 to 15-day forecast.

On-peak power prices for 2018 at AD Hub closed yesterday at \$36.38/MWh, which was \$0.17/MWh lower for the week.

## AMP to offer additional Basic 1 lineworker course

*By Jennifer Flockerzie – technical services program coordinator*

Due to member interest, AMP will offer a second Basic 1 lineworker training course. The class will take place Aug. 7-11 at AMP headquarters.

Created for first-year apprentices, Basic 1 is a weeklong class that provides an introduction and practice to climbing skills, as well as basic electrical theory, applied mathematics, first aid, safety, transformer basics and other introductory skills.

For more information or to register, please contact me at [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) or 614.540.0853.

## Pennsylvania considers possible PJM tax

*By Michael Beirne – vice president of external affairs*

Pennsylvania lawmakers are currently facing a significant budgetary shortfall that is expected to carry over into the next fiscal year. As part of the effort to increase revenues to offset that shortfall, we have recently learned of a proposal to impose a tax on PJM sales.

There is no formal proposal and details – include structure, rates or revenue figures – are lacking. We understand this to be a “high-level” concept at this point. However, it is our understanding that the proposal was brought forward by Senate leadership, led by Majority Leader Jake Corman (R-Centre).

The Pennsylvania budget must be approved by the start of the fiscal year on July 1. We are following the issue closely and will keep you posted on further developments. Please contact me at [mbeirne@amppartners.org](mailto:mbeirne@amppartners.org) or 614.540.0835 if you have any questions or need additional information.

## Ohio Statehouse update

By Charles Willoughby – director of government affairs

Ohio lawmakers are in the final month of legislative activity before the summer recess and the state budget remains the top priority. There are a number of issues pending in the General Assembly that could impact municipal electric communities. The state budget bill (HB 49) passed the House in early May and contains several provisions of concern.

### State Budget

Ohio lawmakers are in the final weeks of budget deliberations, with the Ohio Senate currently debating the bill before a joint House-Senate conference committee is set up later this month to iron out the final package. Our primary focus is on protection of the kWh tax for municipal electric communities, especially considering the state is facing an \$800 million budget deficit. We are pleased to report that, to date, no proposal has been offered to make any changes to the local share of the kWh tax.

There are several budget provisions we are currently following and working on:

Of particular interest in an amendment, that creates a new definition of “predatory municipal corporation.” The provisions was added to the budget the day before the full House voted on the bill and creates a dangerous precedent with respect to utility service outside municipal corporate limits. As currently written, the amendment only applies to municipal water and sewer service by a city with a population of more than 700,000. The concern of AMP/OMEA is the dangerous precedent that term creates and the additional restrictions it places on cities ability to provide service outside of municipal limits. We have met with numerous lawmakers since the amendment was adopted and are working with several senators to remove the provision. A legislative alert was sent to AMP/OMEA members and your outreach efforts to Senators has provided much needed awareness of this proposals irreversible harm.

Another House budget amendment would exempt a chlor-alkali manufacturer from the kWh tax, “except if they receive electric service from a municipal corporation or cooperative.” The proposal is designed to benefit a single manufacturer in Ohio, and while we appreciate the legislature’s effort to exempt municipal electric communities, we are concerned about the possible negative impact this might have on future economic development opportunities. OMEA staff are working with lawmakers and the proponents on a revision that provide municipal electric communities discretion to apply this exemption at the local level.

The Auditor of State and several House members are working to modify the process for village dissolution, and language has been included in the House-passed version of the budget. We continue working with these parties to modify the proposal to ensure electric utility service continues for residents, and that financial obligations are handled appropriately.

*continued on Page 3*

### On Peak (16 hour) prices into AEP/Dayton Hub

#### Week ending June 2

MON	TUE	WED	THU	FRI
\$26.62	\$27.62	\$28.27	\$28.09	\$31.19

#### Week ending May 26

MON	TUE	WED	THU	FRI
\$30.58	\$31.91	\$29.10	\$30.99	\$31.87

AEP/Dayton 2018 5x16 price as of June 1 — \$36.38

AEP/Dayton 2018 5x16 price as of May 25 — \$36.55

## Efficiency Smart® 2016 Annual Report now available online

By Steven Nyeste – communications project manager, Efficiency Smart

The 2016 Efficiency Smart Annual Report is now available. It reflects on how Efficiency Smart can help communities on their unique path to energy savings, and also provides information on emerging technologies and new service offerings that are now available. The report includes overall Efficiency Smart achievements in 2016, and select highlights.

Efficiency Smart’s 2016 annual report is available in digital format, and can be viewed [here](#).

For more information regarding Efficiency Smart’s services, visit [www.efficiencysmart.org](http://www.efficiencysmart.org) or call 877.889.3777.



## ‘Amplifier’ offered via email

The latest edition of Amplifier will be distributed next week and will also be offered in digital format for those who prefer to receive the publication via email. We will continue to send hardcopy versions to those on the mailing list.

If you would like to be added to the Amplifier email list and only receive the magazine in PDF format going forward, please contact Bethany Kiser at [bkiser@amppartners.org](mailto:bkiser@amppartners.org). The current and past editions of Amplifier are also available on the Member Extranet section of the [AMP website](#).

## Calendar

**June 12-16—Lineworker Intermediate**  
AMP Headquarters, Columbus

**July 11-13—Hotline Training**  
AMP Headquarters, Columbus

**Aug. 7-11—Lineworker Basic 1**  
AMP Headquarters, Columbus

**Aug. 25-26—AMP Lineworkers Rodeo**  
AMP Headquarters, Columbus



## Ohio Statehouse update

*continued from Page 2*

Finally, we were successful in including language to provide credit for the three small hydro facilities owned by municipal electric communities in the state. Our amendment qualifies these facilities as renewable energy resources and permits them to generate renewable energy credits.

### Submetering

Two submetering bills, HB 249 and SB 157, were recently introduced that mirror legislation in previous general assembly's. SB 157 creates a legal framework for submetering companies to operate under in areas served by investor owned utilities; municipal electric communities and rural cooperatives are exempt under the bill. HB 249 empowers the PUCO to issue rules that would be applicable to all submetering companies statewide, including in areas served by municipal electric communities and rural cooperatives. While HB 249 specifically states that municipalities retain the right to regulate submetered service, we are concerned about the precedent the bill sets with respect to state interference between a municipal electric utility and a customer.

AMP/OMEA will continue to monitor these bills and oppose any legislative effort to interject state regulation on any portion of municipal electric service.

### Energy Policy

House Bill 239 and Senate Bill 115 propose giving guaranteed cost recovery to owners of the Ohio Valley Electric Corporation (OVEC) plants for the money they spend operating these plants for the remaining years of their operation. The bills defines OVEC as a "national security generation resource" and above-market costs allowed under the bills are collected only from IOU customers. All four IOUs and the rural electric cooperatives own portions of OVEC and are supporting these two proposals.

House Bill 178 and Senate Bill 128 would establish a "zero-emission nuclear resource" (ZENR) program in Ohio that allows FirstEnergy to recover above-market costs from FE retail customers in support of the Perry and Davis Besse nuclear plants. These bills received three hearings in both House and Senate Public Utilities committees before both chambers announced they were suspending further hearings indefinitely.

A coalition of consumer advocates and competitive retail electric service (CRES) providers recently got legislation introduced (House Bill 247) that seeks to eliminate electric security plans (ESPs) for IOUs. Additionally, HB 247 would clarify the IOUs and their affiliated organizations cannot own generation and therefore cannot layer on additional charges onto consumer's energy bills. The bill would also create a system requiring refunds be distributed to consumers when a utilities charges are found to be improper by the Ohio Supreme Court. This legislation will certainly stir up new discussions among legislators who are facing multiple utility backed proposals that move Ohio closer to reregulation.

AMP/OMEA will monitor these contentious bills closely to ensure any new charges are not applied statewide and that customers who decide to switch to a municipal electric provider are not forced to carryover those liabilities.

Please feel free to contact Michael Beirne at 614.540.0835 or [mbeirne@amppartners.org](mailto:mbeirne@amppartners.org); or myself at 614.540.1036 or [cwilloughby@amppartners.org](mailto:cwilloughby@amppartners.org) if you have any questions about these or other legislative issues or would like more information. Your participation is extremely important to our ongoing advocacy efforts and greatly appreciated.

## Classifieds

### Shelby has jeep for sale

The City of Shelby Fire Department is selling a 1963 Willy's Fire jeep. The vehicle has 9,666 original miles. The sale will be by sealed bids with a minimum of \$5,000. Vehicle and bidding information can be found at [shelbycity.oh.gov](http://shelbycity.oh.gov) and <https://goo.gl/jeje0p>. The city will accept bids until noon June 23. Additional information is available on the AMP Member Extranet under "Member Classifieds."



### Opportunities available at AMP

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**Help Desk** – AMP is seeking candidates for one help desk opening. The position will be filled as either a Help Desk Technician or a Help Desk Specialist.

Technician qualifications are a two-year degree in computer science, information systems or related discipline (or four years of directly related experience).

Specialist qualifications are a two-year degree in computer science, information systems or related discipline (or four years of directly related experience); more than two years hands-on experience in network and system support of a high-available 24/7/365 operating environment; more than two years experience using network monitoring tools and problem ticketing systems; and more than two years of experience with Microsoft Active Directory, Exchange, SCCM, WSUS, Active Directory, DNS, Network troubleshooting, etc.

*CLASSIFIEDS continued on Page 4*

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Apply at [www.csc.columbus.gov](http://www.csc.columbus.gov) by June 9, 2017.

## Register now for Webinars

An internet connection and a computer are all you need to educate your entire staff for just \$99. Register today at [www.PublicPower.org/Academy](http://www.PublicPower.org/Academy) and click on webinars. Non-members enter coupon code **AMP** to receive the member rate.

- Overview and Practical Applications of the 2017 Safety Manual **June 6**
- Accounting and Finance Webinar Series  
Accounting Standards and Reporting Update **June 13**
- Accounting and Finance Webinar Series  
Industry Rate Trends and Future Rate Structures **June 27**
- Public Utility Governance Webinar Series  
Board-Driven Performance Evaluation:  
Governance and Management **July 5**



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## FEATURES

### Census Update Workshop



Local governments—counties, cities, villages, and townships – are encouraged to attend a June 29 workshop at TMACOG to prepare for the 2020 Census. The workshop is the opportunity for local governments to review and comment on the U.S. Census Bureau's residential address list prior to the next Census. Complete and accurate information is important. TMACOG Vice President of Water Quality Kurt Erichsen said, "Many state and federal programs are based on local population counts. This workshop is every municipality's opportunity to ensure that its residents are correctly and completely represented."

Participants in the workshop will also learn about GIS tools and other assets that may be available to local governments through the Census Bureau.

The Local Update of Census Address (LUCA) Workshop is Thursday, June 29, 8:30 a.m. at the Grand Lobby of the Dr. Martin Luther King, Jr. Plaza. The workshop is free but please contact [Jennifer Allen](#) to register: 419.241.9155 ext. 107. More information about the LUCA program is [here](#).

## Upcoming Events

### *Local Update of Census Address (LUCA) Workshop*

*Thursday, June 29,  
2017 8:30 a.m.*

*Grand Lobby of the Dr.  
Martin Luther King Jr.  
Plaza*

*Contact [Jennifer Allen](#),  
419.241.9155 ext. 107*

### *Summer Caucuses and Forum with State Lawmakers*

*Wednesday, August 2,  
2017*

*8 a.m. - 12:30 p.m.  
Penta Career Center,  
Perrysburg*

*Contact: [Jennifer Allen](#),  
419.241.9155 ext. 123*

## Gohio Commute - New Smart Commuting Choices



### A Smarter Way

People who bike or carpool to work have a new resource – and one that rewards them for choosing to travel smarter. Seven Metropolitan Planning Organizations that coordinate transportation planning in their parts of Ohio joined forces and are customizing a new service for people who carpool, walk, bicycle, use transit –even telecommute (work at home) – or otherwise actively reduce their carbon footprint. It's called Gohio and the service is up and running...[read more](#)

## TRANSPORTATION



In northwest Ohio, Ozone Action Season is May through September. During these months, the chances for ozone (or smog) rising to dangerous levels are the highest. While our warmest days are in July and August, ozone tends to be highest in June when the days are longest. The City of Toledo monitors the air quality sensors and makes regular forecasts of ozone levels during Ozone Action Season...[read more](#)

## Highway Maps



TMACOG staff have recently updated and posted new construction maps. The new information shows current and future highway projects in Lucas and Wood counties in Ohio and the three southern townships of Monroe County, Michigan. See the individual projects on the map [here](#). Numbered projects in red are 2017 projects. The blue projects are planned for 2018 and later. Refer to the



[descriptions](#) to see the timing and cost of the project as well as details about the type of work to be done.

## **Bike Month was on a Roll**



Bikes at schools, bikes at the farmer's market, lots and lots of bikes on the Ride of Silence. Bike Month was lucky with the weather and lots of people got out to explore on bicycles...[read more](#)

## **WATER QUALITY**

### **Farmers Adapt Technology to Protect Water Quality**



Farmers and scientists throughout the Great Lakes region have been working in partnership to grow vegetables and row crops with the right fertilizer, at the right time, at the right rate, and in the right places...[read more](#)

## **Clean Ohio Funds New Metropark**



The Metroparks of the Toledo Area is the sole beneficiary of the most recent round of Clean Ohio grants to preserve open space in Lucas County. The Natural Resources Assistance Council (NRAC), which evaluates Clean Ohio applications, recommended that the Metroparks be granted \$1,898,471 for "East Riverfront Restoration – Phase 1." The entire restoration is envisioned as three phases. The Metroparks is providing a local match of \$740,442...[read more](#)

## 208 Plan-2017 Update



TMACOG and its partners have completed an update to the region's Areawide Water Quality Management Plan, called the 208 Plan from that section of the Clean Water Act. A summary of the changes is posted on [tmacog.org](http://tmacog.org) [here](#). The plan was approved by the Water Quality Council at its May 17 meeting. It will be voted on by the TMACOG Board of Trustees at its regular meeting June 21. If it is approved by TMACOG, the plan will be submitted to the Michigan Department of Environmental Quality and the Ohio EPA for certification. Then the regional plan would become part of the states' Water Quality Management Plans.

The 208 Plan is a major TMACOG policy document created by members working in close cooperation. The plan outlines our region's consensus for managing wastewater and wastewater infrastructure as well as best management practices for urban stormwater, agricultural runoff, and septic system management. There are 48 Facility Planning Areas in the 208 Plan region which is Lucas, Ottawa, Sandusky, and Wood counties in Ohio, and Bedford, Erie, and Whiteford townships in Monroe County, Michigan. These Facility Planning Areas cooperate to maintain the 208 Plan, demonstrating how local governments play a key role in achieving clean water. Through the everyday business of sewage treatment and wastewater management, regional governments have sustained an efficient and cost-effective system that creates clean water and protects public health.

## MEMBER NEWS



## Fremont Water Reclamation Plant



Faced with a deteriorating water treatment plant and a system of combined sewers—both looming problems for the City of Fremont—the city planners had some big money decisions to make...[read more](#).

## Welcome Two New TMACOG Members



### **Sandusky County**

*Sandusky County Commissioners Charles Schwochow, Kay Reiter, and Scott Miller received their TMACOG membership plaque at a meeting of the Water Quality Council held in Fremont.*



### **Ohio Turnpike & Infrastructure Commission**

*Randy Cole, Executive Director of the Ohio Turnpike & Infrastructure Commission, accepted a plaque recognizing the commission's new TMACOG membership at the May 17*